

# **Maximising Attendance Policy**

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# 1. Introduction

## Purpose

We are committed to helping you to maintain good health, supporting you fairly and sympathetically when you experience ill-health and assisting with any rehabilitation and return to work. We encourage you to maximise your attendance at work when fit to do so and recognise that from time to time you are unable to come to work. By implementing this policy, we strike a reasonable balance between the pursuit of meeting our operational needs and your health needs.

## Scope

This policy applies to all permanent and temporary employees. This policy does not apply to social service employers or social work students.

## Legislation, codes of practice and guidance

This policy has also considered the following:

- Employment Relations Act 1999
- Employment Rights Act 1996
- Equality Act 2010
- Health and Safety at Work etc Act 1974
- Working Time Regulations 1998

## Data protection

We will process any personal data collected in relation to this policy keeping to our [Data Protection Policy](#) and will record only the personal information required and keep the information only for as long as necessary.

## Monitor and review

Human Resources and the Partnership Forum are responsible for monitoring this policy to make sure that we are fairly and consistently applying it and that we meet the stated principles and values. We will review this policy every three years (or earlier if legislation changes) and make appropriate amendments in consultation with the Partnership Forum. We will outline minor amendments in the change log and update the version control. Where there are major changes, we will consult more widely and follow the consultation cycle.

# 2. Principles

## Guiding Principles

You are entitled to work in an environment that is safe and supportive of your health. In operating this policy we apply the following principles.

- We take a person centred approach to support and assist you
- We adopt a supportive approach through providing regular communication with you
- We treat you in a sensitive, fair and consistent manner

- We create an environment where you can and do share personal or sensitive information with us
- We assess risks and seek to mitigate these as far as possible and make the best decision we can with the information we have
- We maintain confidentiality to the maximum extent possible and will limit disclosure of personal or sensitive information to those with a need to know
- We take a trauma informed approach and actively consider whether past or current trauma is a factor in your wellbeing
- We actively consider reasonable adjustments with you including any that you propose.

### 3. Values

In everything we do, we believe the people of Scotland have the right to be safe when accessing social care services. We do this by listening, learning and doing the right thing.

#### **Work together**

We treat each other with kindness and respect and value the contribution every member of staff makes.

- We make sure you have access to advice, support and guidance to help you
- We seek specialist advice to assist you and to inform our decision making
- We provide you with access to information and support from our Employee Assistance Programme
- We consider and explore with you reasonable adjustments that may support you to remain healthy or that will help you to return to work
- We recognise the value of positive and constructive involvement and participation from our recognised trade union. Our commitment to partnership working is integral to the development and maintenance of harmonious employee relations.

#### **Accept responsibility and accountability**

We recognise the trust placed in us to ensure the safety and wellbeing of people who use social services and that is our guiding mission.

- We respect confidentiality about your health and only share sensitive information with those who have good reason to know.
- We accept responsibility for your welfare at work and provide assistance for you outside of work.
- We make difficult decisions in a timely manner and involve you in the decision-making
- We take proactive steps to create and maintain a safe environment for you.

#### **Recognition and respect for others**

We value the social service workforce and the life changing work they do. Our work increases recognition of, and further develops, their role. All our stakeholders contribute to our success and we recognise and respect their views.

- We understand and recognise that discussing your health can be difficult for you and give you space and time to express yourself
- We treat you with dignity and respect at all times and explain our decisions to you
- We make sure that you understand your entitlements under this policy and that you feel able to exercise your rights.

## 4. Roles and responsibilities

### 4.1 Executive Management Team

The EMT is responsible for:

- approving this policy
- overall responsibility for the implementation of the policy and creating a culture in which employees can flourish through interesting and rewarding work
- delegating responsibilities related to the policy to Operational Management Team (OMT) and line managers
- making sure that managers and employees receive appropriate development, support and training to implement the policy appropriately
- making sure that the application of this policy and procedure does not breach any statutory requirement placed upon the SSSC
- setting a positive example to employees by following this policy
- treating complaints seriously and dealing with them promptly.

### 4.2 Operational Management Team

The heads of service are responsible for:

- making sure their managers and employees are aware of the required behaviours and the details of this policy
- signposting employees to relevant information
- dealing with issues kindly, sensitively and showing compassion
- respecting confidentiality and only sharing information, as appropriate, with relevant postholders
- setting a positive example to employees by following this policy.

### 4.3 Employees

Employees are responsible for:

- complying with our [Code of Conduct for Employees](#). We expect the highest standards of integrity and conduct from all employees
- following the guidance in this policy
- acting appropriately and always keeping to our values treating one another with dignity and respect
- completing and following any mandatory training
- following the reporting requirements in a timely and accurate manner
- discussing any health concerns with your manager
- being open with your manager about any health concerns, the reasons for any absence, to give your manager the opportunity to provide support where possible
- to attend referrals to our Occupational Health provider and any relevant appointments.
- are encouraged to give consent for the Occupational Health consultation to take place and to consent to the release of the outcome report to your manager and HR. Without consent we make decisions based on the information available to us
- being contactable and available for meetings during your normal times and days of work.

- fully participating in meetings to help us to understand the reasons for your ill-health, the impact this has and what we can do to support you
- complying with safe working practices and procedures
- cooperating with the implementation of any adjustments, particularly those suggested by a medical professional.

## 4.4 Human resources (HR)

Human resources are responsible for:

- updating this policy and procedure in line with the agreed schedule or as changes occur to comply with employment and other pertinent legislation, best practice and the SSSC People Strategy
- developing this policy and procedure collaboratively to meet legal and business requirements
- developing template letters, forms and guidance if required
- offering advice on how to apply the policy and procedure
- making sure employees follow the process in line with the policy
- reminding employees and managers of their responsibilities under the policy, if required
- monitoring use of the policy and processes and reporting any non-compliance to heads of department / directors.

## 5. Policy

We are committed to maintaining the health, safety and wellbeing of our workforce and seek to adopt policies and practices which establish a positive attendance culture and promote employee wellbeing.

We encourage you to work in a safe manner, to take good care of your health and to maximise your attendance at work. We recognise that you will from time to time be unable to come to work because of ill health and we have arrangements in place to support you.

To help us achieve this we are active in the following areas:

- promoting health and wellbeing to prevent illness arising in the first place
- early, regular and sensitive contact with employees during sickness absence
- helping you with health conditions to stay at work (where appropriate)
- focussing on what you can do rather than what you cannot
- helping employees who have been absent to return to work.

## 6. Procedure

### 6.1 Proactive health measures

We create a safe working environment for you and have a range of policies that help us to do so. Our [Health and Wellbeing Policy](#) and [Health and Safety Policy](#) detail these arrangements. We all have an obligation to implement and follow these.

We recognise that a consequence of agile working is that we do not 'see' you as frequently and it is more difficult to see changes in your health. Equally, you may start to work longer hours without realising it. We have a joint responsibility to be alert to the consequences of agile working as well as to the benefits and to take action to mitigate the consequence and embrace the benefits.

We make available to you a range of resources and tools that can help you and your manager to maintain good health. Details of these resources and possible adjustments are in the appendix.

### 6.2 Notification of absence

It is important that you notify your line manager as soon as possible on your first day of absence. You must contact them by telephone or Teams call in the first instance wherever possible. Where this is not possible a text or email is acceptable but you must still call in and speak to your manager as soon as possible.

You must inform your manager of the following:

- That you will be absent
- The nature of your illness
- The likely duration of absence
- Any upcoming medical appointments.



- Whether the cause of your absence was work related
- Whether we can share your reason for absence with other colleagues who may be concerned for you (whether you give consent or not will not change our normal absence reporting practices to others who have a need to know eg HR).

Where your manager is not available you must leave a message and attempt to contact them later or contact the next most appropriate person within the team or department. Where you leave a message you must leave a contact number for the manager to return your call. Your manager will record your absence using MyView and specify the reason for absence and the first date of absence. We will assume each absence is open ended until notified otherwise. Where the notification occurs after the payroll cut-off date then your record will be updated where practicable. Where this is not possible HR will notify you where your pay may be impacted.

During the first week of absence unless agreed otherwise with your manager you must maintain daily contact. In exceptional circumstances if you are unable to make contact (for example hospitalisation) then another person can contact the SSSC on your behalf until you are able to do so yourself.

## 6.3 Certification of absence

When you return to work you must complete a self-certification form in respect of your sickness absence. This form is available on MyView.

Where your absence continues beyond seven calendar days (**including weekends and non-working days**) you must provide a Statement of Fitness for Work from an authorised healthcare professional (ie general practitioner, nurse, occupational therapist, pharmacist, physiotherapist). All statements must be sent without delay to your manager who will inform Human Resources by reporting your absence on MyView.

Your Statement of Fitness for Work may state that you:

- are “not fit for work” in which case you must remain off work unless otherwise agreed with your line manager
- “may be fit for work,” if the doctor’s recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

While there is no legal obligation on us to follow the recommendations made by a healthcare professional we will seriously consider their recommendation. We will always consult you when doing so and consider whether advice from HR or Occupational Health is required. We can seek a second opinion on your fitness to work by making a referral to Occupational Health. We can choose to prefer the advice of our Occupational Health provider or another clinician over that of your GP.

Where you come to work and need to leave due to ill health you must notify your manager or another appropriate person before leaving. This will be recorded as an absence on that day. Where you have worked part of that day this time will be added to your flexitime to be taken at another time.

## 6.4 Payment of sick pay

Your eligibility for sick pay is detailed in your contract of employment and is dependent on your length of service and appropriate certification. We can only pay sick pay where we are satisfied that you are too ill to work. To make sure you are paid accurately it is important that you notify us of your absence, provide the relevant certification in a timely manner (making sure that there are no gaps) and follow this policy. Where your sick line does not cover your period of absence you will not be paid for that time until appropriate certification is provided.

It is your responsibility to monitor your sick pay – we do not have the functionality to notify you ahead of time. Where you are paid half pay or no pay we continue to pay our full pension contributions to you.

## 6.5 Return to work discussion (RTW)

Following each absence from work due to ill-health (short and long term) you must meet with your line manager for a return to work discussion. A return to work discussion is informal, straightforward and in most cases brief. Your manager will explore with you why you were absent, whether you are fit to return and discuss any ongoing adjustments. The length and timing of the discussion will be proportionate to the nature of the absence and its expected impact.

When you return to work your line manager will notify HR through MyView that you have returned, arrange to reintroduce you back into the workplace and make sure that arrangements are made to support you on your return. These arrangements include any agreed adjustments and where necessary a relevant risk assessment which will be reviewed by Health and Safety.

Return to work discussions usually take place on the day of the return to work or as soon as reasonably practical. On your first day back you will update your absence record on MyView to make sure the correct details have been captured and are processed.

Where your absence was longer or otherwise more complicated the following will be discussed with you in advance of your return:

- To offer any support or assistance that you may need.
- To update you on any work developments that have occurred during the period of absence.
- To discuss any adjustments that need to be put in place.
- To discuss arrangements for a phased return to work, if appropriate. A planned phased return should be agreed prior to the return to work.
- To inform you of a pattern of absence that is cause for concern.
- To inform you of any further action that may be taken because of this absence (for example if you have hit a trigger point).

## 6.6 Short term frequent absences

Where you reach one or more of the following trigger levels we will conduct an absence support meeting to discuss any underlying issues.

- Three or more spells of absence within a rolling 26 week period.
- Five or more spells of absence within a rolling 52 week period.

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- A pattern or trend of absence that is causing your manager concern for example Mondays & Fridays, absence before or following annual leave, during school holidays.

Where your frequency of absence reaches a trigger we will meet with you to discuss the absence, the causes of the absence and what support we can put in place to help you reach satisfactory levels of attendance. At these meetings your manager may request support from a member of HR and you may request support from a Companion (detailed below).

We consider any period of absence lasting four weeks or more as a long term absence and is covered below.

Where you reach a trigger level your manager will invite you to attend an absence support meeting. Where your manager identifies mitigating circumstances they will discuss this with Human Resources before applying any discretion not to hold a meeting. This makes sure we are consistent in apply discretion.

**First absence support meeting**

The purpose of the meeting is to:

- Discuss if there is an underlying health condition that is causing you to be frequently absent from work.
- Discuss advice your clinicians have given you.
- Discuss the steps you are taking to support your own health.
- Discuss whether there is a non-health related circumstance causing you to be frequently absent and which other policies may also be relevant.
- Discuss and put in place appropriate supports that will help you improve your attendance. A list of reasonable adjustments that will be considered is in the appendix.
- Discuss which aspects of your role you can do.
- Consider whether a referral to Occupational Health is appropriate.
- Agree to closely monitor your attendance for an agreed period, usually four months and agree objectives for improvement.

A representative from HR will not normally attend this meeting. You may be accompanied by a Companion.

A written summary note of the agreed actions, expectations and any supports the SSSC will provide will be provided to you by your manager usually within 10 working days of the meeting.

At the end of the review period, if your attendance improves and the objectives are met your line manager will review the circumstances and decide whether further action is required or not. Where they conclude no further action is required they will notify you of this in writing. If you have improved the additional level of monitoring will cease.

If your attendance has not improved to a satisfactory level you will be invited to attend a second absence support meeting.

**Second absence support meeting**

The purpose of the meeting is to:

- Review progress since the first absence support meeting
- Find out if anything has changed regarding your health and circumstances
- Discuss any updated advice your clinicians have given you.

- Discuss the steps you have taken to support your own health and the impact these have had.
- Discuss the effectiveness of any support that we have put in place.
- Discuss and put in place appropriate supports that will help you improve your attendance. A list of reasonable adjustments that will be considered is in the appendix.
- Discuss which aspects of your role you can do.
- Consider whether a referral to Occupational Health is appropriate.
- Place you on close monitoring for a further four months.
- Consider the list of reasonable adjustments in the appendix.
- Advise you that if the required improvement in attendance is not achieved and sustained during the period up to the next review date then consideration will be given at that time about whether employment can be continued. One outcome of that process may be dismissal on the grounds of capability.

A representative from HR will normally attend this meeting. You may be accompanied by a Companion.

A written summary note of the agreed actions, expectations and any supports the SSSC will provide will be provided to you by your manager usually within 10 working days of the meeting.

At the end of the review period, if your attendance improves and the objectives are met your line manager will review the circumstances and decide whether further action is required or not. Where they conclude no further action is required they will notify you of this in writing. If you have improved the additional level of monitoring will cease.

If there is no or insufficient improvement in attendance or no likely improvement soon a meeting will be held with the relevant Director to consider whether we can sustain your employment. Details on this process are found in section 6.8.

## 6.7 Long term absence

Long term absence is a continuous absence for health reasons which lasts or is likely to last more than four weeks. It is important that you and your manager maintain regular meaningful contact when you are off to:

- Monitor your progress in terms of your return to health
- Support you and actively maintain your engagement with us
- Share information so that you both can make informed decisions
- Encourage you to return to work
- Make sure you remain informed about events in the workplace.

It is a joint responsibility for both you and your manager to make and maintain meaningful contact. Once you are on long term absence you and your manager must agree the method and frequency of contact. Contact must be meaningful and occur on at least a monthly basis but will often be more frequent (eg weekly contact). You are required to be contactable and to attend meetings during your normal working hours and days.

For certain illnesses it is appropriate or necessary to manage the absence as soon as we receive the first medical certificate for example, stress, mental health or a musculoskeletal condition. Details regarding specific circumstances are noted in section 6.11. You are required to co-operate in these discussions.

Where you are on off sick on a long basis your manager will ask you to attend an absence support meeting to discuss the reason(s) for absence, explore ways in which we can support a return to work and identify any barriers preventing a return to work. The meeting will also provide your manager with an opportunity to update on any ongoing developments at work during the period of absence.

### **First absence support meeting**

Your manager will invite you to an absence review meeting where you are absent for more than four weeks. The purpose of the meeting is to:

- Determine your state of health and likely duration of absence.
- Discuss your expectations about your future fitness to return to work.
- Discuss advice your clinicians have given you.
- Discuss the steps you are taking to support your own health.
- Discuss whether there is a non-health related circumstance causing you to be frequently absent and which other policies may also be relevant.
- Discuss and put in place appropriate supports that will help you improve your attendance. A list of reasonable adjustments that will be considered is in the appendix.
- Discuss which aspects of your role you can do.
- Consider whether a referral to Occupational Health is appropriate. We normally refer you to Occupational Health once you reach 4 weeks of absence in order that we can obtain advice on the impact of your health is on your ability / fitness for work, likely length of absence and any arrangements which need to be put in place to support a return to work.
- Discuss regular contact arrangements to keep in touch regarding changes in your health and work matters (eg employee news).

A representative from HR will not normally attend this meeting. You may be accompanied by a Companion.

A written summary note of the agreed actions, expectations and any supports the SSSC will provide will be provided to you by your manager usually within 10 working days of the meeting.

### **Second absence support meeting (after four months absent)**

Where you are still absent after four months then a second absence support meeting will take place.

The purpose of the meeting is to:

- Review progress since the first absence support meeting
- Find out if anything has changed regarding your health and circumstances
- Discuss any updated advice your clinicians have given you.
- Discuss the steps you have taken to support your own health and the impact these have had.
- Discuss the effectiveness of any support that we have put in place.
- Discuss and put in place appropriate supports that will help you improve your attendance. A list of reasonable adjustments that will be considered is in the appendix.
- Discuss which aspects of your role you can do.
- Consider whether a referral to Occupational Health is appropriate.
- Consider the list of reasonable adjustments in the appendix.
- Discuss your health prognosis and the degree that we can continue to support your level of attendance.
- Discuss whether an ill-health application is appropriate to your circumstances.

- Discuss regular contact arrangements to keep in touch regarding changes in your health and work matters (eg news of other employees).

A representative from HR will normally attend this meeting. You may be accompanied by a Companion.

A written summary note of the agreed actions, expectations and any supports the SSSC will provide will be provided to you usually within 10 working days of the meeting.

A review meeting will take place every two months until you return to work. These meetings will follow the format of the **Second absence support** meeting.

Where you have not satisfactorily returned to work after 10 months a final support meeting will take place. At this meeting the manager will notify you that they will recommend an Absence Hearing take place.

We reserve the right to move to a final support meeting or an Absence Hearing before 10 months absence has been reached where we consider it appropriate to do so (such as where there is no expectation of return ). Details of an Absence Hearing are covered in section 6.8.

## 6.8 Absence Hearing

We will arrange an Absence Hearing once we consider we have made all reasonable and practical attempts to support a return to work including any reasonable adjustments. An Absence Hearing will be held once you have had 10 months absence or where one of the following applies:

- A report from Occupational Health makes it clear that there is no prospect of a return to work within a reasonable timescale and there is no recommendation for ill health retirement.
- Where you are permanently unfit to return to your substantive post and a suitable alternative position cannot be identified.
- Your level of attendance can no longer be supported.

The purpose of an Absence Hearing is to review your attendance and to determine whether your employment can continue and if so on what terms. To make sure you are well prepared the Chair will set out the following in writing to you:

- Date, time and location of the meeting
- A summary of your employment history with us
- A copy of your attendance record
- A copy of your training record (where relevant to your absence)
- Copies of Occupational Health reports (or a statement that none were conducted)
- Copies of written summary notes of meetings
- A narrative statement of your role and its key duties
- Description of the impact of the absence(s)
- List of vacancies
- Details of reasonable adjustments that have been considered
- Details of reasonable adjustments that were implemented and their efficacy
- A clear statement that we are considering ending your employment
- That you have the right to be accompanied by a Companion.

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You will be given written notice of the date and time of the Absence Hearing at least 14 calendar days in advance unless otherwise mutually agreed.

The meeting will be chaired by a Director with support from HR and will discuss the following (at a minimum):

- Identity and role of those present
- Purpose and structure of the meeting
- Remind you of the role of the companion
- Check that you have received the documentation provided
- The nature and causes of the absence(s) and your prognosis
- The impact this has had on the business
- The adjustments that have been considered and the impact of these
- Redeployment opportunities that are available
- Your view of the impact your health has
- The Occupational Health advice that has been provided
- The view of your Companion
- When a decision will be made and details of any appeals process.

At the Absence Hearing a range of decisions are open to the Director to consider. These include but are not limited to:

- No action
- Adjustment of role, hours, times or place of work
- Redeployment to another role
- Ending employment (with notice)
- Any other action that is reasonable in the circumstances.

A representative from HR will attend this Absence Hearing. You may be accompanied by a Companion.

A record of the hearing and any decision will be communicated to you usually within 10 working days of the hearing.

Where we issue notice you will be paid at your normal 'at work' rate of pay throughout your notice. You will be required to take any accrued annual leave during this period. Where you are paid in lieu of notice you will receive a payment in lieu of notice and a separate payment in lieu of accrued but untaken annual leave.

**Appeal**

If you wish to appeal a decision made at an Absence Hearing you must submit your written grounds of appeal and your desired outcome to the Head of Human Resources within 14 calendar days of receipt of the written record of the decision. A member of the Executive Team would write to the Chief Executive. Grounds of appeal could include but are not limited to those listed below:

- New evidence has come to light since the hearing which may have an impact on the decision.
- An issue with the process and procedure followed.
- The decision was too severe or inappropriate in the circumstances.
- The employee's situation in relation to the underlying reason for their absence has materially changed since the hearing and this may have an impact on the decision.



Your appeal cannot take place without clear relevant grounds of appeal being set out or a clear desired outcome. The Head of Human Resources will clarify these with you where they are insufficient for an Appeal Chair to consider.

Where an appeal is lodged this will not delay the implementation of any action although these may be amended or revoked as a result of the appeal process.

A manager who has not been previously involved in the case will hear the appeal. This will normally be a senior manager. The Chair for the original decision will attend the appeal hearing to present the reasons for their decision. Where your appeal is against a decision to dismiss the appeal will be conducted by an Employment Appeals Panel comprising of three Council Members.

You will be given written notice of the date and time of the appeal hearing at least 14 calendar days in advance unless otherwise mutually agreed. The appeals procedure is detailed in the appendix.

Where you do not confirm that you will attend the appeal we will make reasonable attempts to contact you by telephone and email. Having made these attempts and where we do not receive a satisfactory reason for your lack of confirmation the Appeal Chair will dismiss the appeal. Where satisfactory reasons are provided the appeal will continue.

An Appeal Hearing may be adjourned if we need to gather further information or consider matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened (this may include during the hearing where the new information or its impact is slight).

The potential outcomes of the Appeal Hearing are:

- the appeal is fully or partially upheld and the previous decision is overturned
- the appeal is fully or partially upheld and a new Absence Hearing is instructed to be arranged
- the appeal is fully or partially upheld and a different outcome is substituted
- the appeal is not upheld and the original decision remains
- in the case of an Employment Appeals Panel, any action the panel considers appropriate.

A representative from HR will attend this hearing. You may be accompanied by a Companion.

A record of the hearing and any decision will be communicated to you usually within 10 working days of the hearing.

**In all events, the decision of the Appeal Chair is final.**

## 6.9 Meetings

The sooner you let us know if you think you may need additional time or support, the more likely it is that we can make any necessary arrangements or adjustments. During any meeting (or hearing) you may request a break or another adjustment and we will happily consider these as and when they occur.

We work in an agile manner and many of the meetings and discussions that we have will be conducted using Teams or similar video technology. It is essential for meaningful discussion to take place that when meeting on Teams that all parties have their cameras



and audio turned on throughout the discussion. Where this is not possible then meetings must take place in person.

## 6.10 Companions

At each meeting (or hearing) under this policy we permit and encourage you to be accompanied by a SSSC or Shared Service co-worker or trade union representative. It is important to us that you receive support both from your manager and have the opportunity of support from an independent person.

Their role is to support you and they may contribute to the meeting by asking questions, conferring with you, putting forward your case, summing up that case or responding to any view expressed at the meeting. They cannot answer questions on your behalf and cannot prevent anyone else from contributing to the meeting.

## 6.11 Special circumstances

### **Disability related absences**

We want to support you as fully as possible and will consider reasonable adjustments for you. Where you have a disability under the Equality Act we have a legal obligation to make reasonable adjustments. Examples of reasonable adjustments are described in the appendix. Where you know of a reasonable adjustment that would help please suggest this at the earliest opportunity to your manager.

### **Elective surgery or cosmetic**

Details of authorised time off that you can take are detailed in our [Special Leave Policy](#). Where you take an unplanned absence for elective surgery or cosmetic purposes we treat these in the same manner as other ill-health absences.

### **Past trauma**

We are trauma informed and recognise that you may have experienced trauma and adversity in your life. We understand that such experience can manifest itself in different ways and will take this into account when trying to support you. We adopt a collaborative approach and treat everyone with dignity and respect.

### **Pregnancy related absence**

Sickness during pregnancy is discounted for the purpose of absence triggers but you (the employee) must still follow the absence reporting procedure and attend return to work discussions. You must make it clear at notification stage or as soon as possible afterwards that your absence was related to your pregnancy. Depending on timescales your sickness absence may result in your maternity leave starting earlier than planned. See the [Family Friendly Policy](#). Pregnancy related absences are not considered regarding any decisions to end employment.

### **Sickness during annual leave**

If you are on annual leave and you become unwell you must notify your manager as soon as possible where you want to claim the time back. As you are unwell, we will treat you as if you have been absent irrespective of whether you take the time as annual leave. The [Annual Leave Policy](#) describes how we handle annual leave and sick leave in sections 6.4 and 6.8.

### **Sickness of others**

Sick pay can only be claimed when it is you that is unfit for work. If you need to look after a dependent or attend to a domestic emergency then discuss this with your manager. We have extensive provision for other types of leave under our [Special Leave Policy](#).

### **Terminal illness**

Where you have a terminal illness we will endeavour as far as possible to accommodate your wishes and to provide the most financially advantageous arrangements including the discussion of the possibility of ill health retirement in line with the Local Government Pension Scheme. Details of this are available in our [Retirement and Severance Policy](#).

### **Multiple procedures**

Where different procedures could be involved eg overlapping grievance, dignity at work, disciplinary, performance, retirement, flexible working request and absence; Human Resources will identify whether to address these concurrently, consecutively (and if so, the sequence) or to combine some or all of these into a single process.

## **6.12 Occupational Health**

Occupational Health (OH) referrals play a critical role in maximising attendance. A referral is a supportive tool that is beneficial for both the manager and to you.

The purpose of OH is to:

- Provide impartial advice to help both the employee and the manager to address any issues affecting your health.
- Advise on the prognosis of the condition and the likely timescale for recovery / anticipated return to work date.
- Provide recommendations on how to improve the employee's attendance and any reasonable adjustments.
- Discuss with you your views on what support and assistance may facilitate a return to work and continue to support you in your employment with the SSSC.
- To advise on rehabilitation and adjustments to your working environment to help you continue at work or have an assisted return to work.
- Request reports / opinions or make referrals to other expert / specialist medical where relevant.

Where a referral to our Occupational Health service is considered appropriate your line manager will discuss this with HR to provide full details for a thorough assessment. Once a report is received your manager will provide a copy to you and will discuss with you its findings.

OH require your consent to proceed with a consultation and to release the outcome report to your manager and Human Resources. Our OH provider have an electronic process to obtain signed consent forms from you when further medical evidence is required from your GP or specialists. This is a faster and more secure method of seeking and obtaining your consent. You can request to receive the forms by post where that is your preferred choice. If you do not provide consent we will make any decisions relating to your absence and employment on the information available.

## **6.13 Confidentiality**

We recognise that your health is sensitive data and we treat such information carefully and with respect. Your manager, their manager and HR colleagues can have access to your

health data for the purposes of performing their duties. We may share information with others such as an EMT member where it is necessary for them to have that information.

We record your absence data within the HR team and share this information with our Occupational Health provider and may share it our legal advisers. Where appropriate, we may share limited health information with a specialist provider (such as Posture Rite) with a view to their providing advice – we will only do so with your consent.

We routinely share limited health data with our Health and Safety colleagues where it is necessary for them to be notified (eg accident at work, work-related stress absence).

We routinely provide summary absence data to more senior employees on an anonymous basis. This data is also reported externally but no individual will be identifiable from this data.

We also know that your colleagues and others will be concerned about you when you are absent. We will discuss and agree with you what if anything regarding your absence can be shared with them. This helps to strike the balance of respecting your privacy and keeping the team appropriately informed.

Where you have a specific reason to restrict access to your health data we will consider this on a case by case basis. We have legal reporting obligations for certain conditions that can restrict what we can do but we aim to achieve a balance between your need for privacy and meeting our legal obligations.

## 7. Further information

### 7.1 Learning and development

To support the fair and consistent application of this policy, we will identify the opportunities and implications for managers. We will do this by incorporating training on this policy within line management development programmes. We will consider the implications for employees and make sure that they receive suitable training. We will also provide refresher training.

### 7.2 Sources of support

Further sources of support include:

- day to day support from line managers
- the employee assistance programme
- help advice and support from recognised trade union representatives
- ACAS
- Health and safety
- Human resources.

### 7.3 Related documents

This policy has strong links to other people management policies and guidance. We have listed these below.

- [Code of Conduct](#)

- [Disciplinary Policy](#)
- [Equality, Diversity and Inclusion Policy](#)
- [Family Friendly Policy](#)
- [Health and Safety Policy](#)
- [Health and Wellbeing Policy](#)
- [Redeployment Policy](#)
- [Retirement and Severance Policy](#)
- [Secondment Policy and Procedure](#).
- [Special Leave Policy](#).



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If you would like this document in a different format, for example, in larger print or audio-format, or in another language please contact the SSSC on 0345 60 30 891.

We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

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## Appendix 1 - Reasonable Adjustments

### Policy changes

We operate this policy to achieve a consistent approach in how we support you and others. We can adjust certain aspects of this policy where it is appropriate and necessary to do so to support you (for example different trigger levels where a disability is known to cause a higher level of absence). We will only do this following careful consideration of the impact on you and our business activities.

### Stress

We know that you will experience different levels of stress in work and we recognise the positive consequences that stress can have. We also recognise that excess levels of stress can become negative and harmful.

Where you identify as experiencing stress as having an adverse impact on your health we will discuss with you the causes of stress, what you and what we can do to reduce stressor and agree key actions. Where 'work' is causing the stress we will have this discussion during your absence as we cannot remove or address the stressor without doing so.

We have details of how to develop your personal resilience and how your manager can support you when stressed in our [Health and Wellbeing Policy](#).

### Wellness Action Plans

A [Wellness Action Plan](#) is a plan that details what you need to do to keep yourself well at work and what your manager can do to support you. It is a plan that you develop with your manager on the specific steps, early warning signs, and other actions to take as a positive preventative measure. Here are details of how to prepare an action plan [for line managers](#).

### Phased return

You will continue to receive your normal pay while on a reduced working arrangement during a phased return. A phased return must not last longer than 4 weeks. Where a longer phased return is required you will either be paid for the hours worked or you can use annual leave to cover the unworked hours. Ideally the plan for a phased return will be based on advice given by a GP / medical professional.

### Short-term reduction in hours

Where you are unable to work your full hours due to a health issue but can work in part we will consider whether we are able to support you. We offer flexitime arrangements for all employees which allow you to vary your times of work and the number of hours that you work in each week. Where you require more flexibility than this, your manager can support a reduction in hours without a reduction in pay where this lasts for less than 4 weeks (per financial year).

### Long-term reduction in hours

We will consider a reduction in hours, whether temporary or permanent, to support you. This can help you to achieve the best work/life balance for you. This may become a permanent arrangement in some circumstances. If you decide to formally reduce your contracted hours of work then your salary will be adjusted accordingly.

### Change in times or days of work

Where working at different times or on different days will benefit and support you we will consider the extent of the benefit to you and the impact on business activities. We operate in a very flexible manner and will seek to find a mutually agreeable solution wherever possible.

**Change or restriction of duties**

Where there are specific duties that are difficult or impossible for you to perform we will discuss whether these can be achieved in a different manner with support. We can remove certain duties from you on a temporary or permanent basis as an adjustment but will discuss doing so with you before we implement this change. Where this significantly changes the nature of your role this may become a redeployment circumstance and your terms and conditions will need to change.

**Additional training**

We provide all employees with training on how to do their job. Where you would benefit from refresher training, whether formal or informal, to make sure you have the necessary skills and / or confidence to perform your role we will make this available to you where possible. This training may not be immediately available or within our budgetary constraints. Where this occurs, we will seek an equivalent alternative.

**Temporary reassignment**

Where you are unfit to perform your substantive role then we will consider temporarily reassigning you to another role. The possibility of a temporary role will depend on the availability of work elsewhere in the SSSC. Your existing rate of pay will be protected during a temporary reassignment unless you reduce your hours in which case you will be paid the hours worked in line with your current salary point. Temporary placements to help you will normally last no longer than 6 months. We do consider reassignment on a supernumerary basis but due to financial constraints these are necessarily very limited in scope and can only be agreed with the approval of the relevant budget holder.

**Redeployment**

We will consider redeployment where it appears that you will be able to return to your substantive role. Any offer of redeployment will be subject to there being a suitable vacancy, that your skills and experience are suitable for the alternative role and that we are confident you will be able to perform in the alternative role. If you accept an offer of redeployment on medical grounds then you will receive the salary and terms and conditions associated with that role.

**Place of work, meeting venue**

Where your place of work or a meeting venue is not suitable for you please raise this with us. We are committed to finding a workable solution wherever possible. This can include changing your place of work, changing the venue or the workstation 'setup.' The bigger the change the more time we might need so early discussion is encouraged.

**Equipment and software**

We provide all employees with suitable equipment and software for their role. Where you require specialist equipment or software we will consider whether we are able to provide this to you. We will work with you and appropriate specialists (eg Occupational Health, Posture Rite) to identify the best option available. Where the cost of this is prohibitive we will explore any funding opportunities that are available with you (eg Access to Work).

**Breaks**

When meeting under this policy or when working we recognise that you may benefit from additional breaks or more time. We are flexible in our approach and will happily consider this where they will help you. Please let us know where this will be beneficial for you. Please note that we do not pay for breaks.

**Peer support**

Where you would benefit from additional peer support or from support from someone outwith of the team we will consider this on a temporary basis. This support may take the form of a 'buddy,' mentor or technical specialist.

### **Additional supervision**

We know that having protected time to discuss concerns with your manager is a good source of support. Where you would benefit from additional time with them as supervision we will consider this taking into account the benefit received and the availability of your manager to provide this support.

### **Companions**

We permit trade union representatives and co-workers to support you. Where you would benefit from another person attending (eg as a signing interpreter) in addition due to a disability that you have we will consider this as a reasonable adjustment.

### **Secondment**

We offer secondment opportunities to all employees. Where you wish to explore the option of a secondment please discuss this with your manager and check the details of our [Secondment Policy and Procedure](#).

### **Sources of extra support and information**

[NHS inform](#)

#### **Cancer**

[Macmillan Cancer Support](#)

[Cancer Research UK](#)

[Marie Curie](#) 0800 090 2309

[Maggie's centres](#)

#### **Cardiovascular conditions**

[British Heart Foundation](#)

[Stroke Association](#)

[Different Strokes](#)

[NHS: Your COVID Recovery](#)

#### **ME/CFS (Chronic fatigue)**

[The ME Association](#)

#### **Mental health conditions**

[Mind](#)

[Samaritans](#)

[Mental Health at Work](#)

[Good Thinking](#)

[Every Mind Matters](#)

[HSE guidance for work stress](#)

[Rethink](#)

[Employee Assistance Programme](#) 0800 032 9849

#### **Musculoskeletal conditions (muscle and joint pain)**

[Arthritis and Musculoskeletal Alliance](#)

[Versus Arthritis](#)

[BackCare](#)

#### **Neurological conditions**

[The Neurological Alliance](#)



[FND Hope UK](#)  
[MS Society](#)  
[MS Trust](#)

**Respiratory conditions**

[Asthma UK](#)  
[British Lung Foundation](#)

## Appendix 2 – Appeals Procedure

### The chair will:

- carry out introductions – confirm members of the panel and explain their roles
- advise on logistics – toilets, fire alarm, breaks, and adjournments
- confirm representation with the employee. If the employee does not have a companion then confirm with them that they are happy to continue without one
- confirm if any witnesses are being called from either side
- confirm why the meeting has been convened – formal appeal hearing against dismissal
- confirm the grounds of appeal as contained in the employee's letter of appeal.

### Process

- The employee will present their case first.
- The panel can then ask any questions of the employee.
- The panel will then ask questions of the management representative and any witnesses.
- Witnesses may be recalled by either party or by the panel if clarification is required on any point of the case.

### Presentation of appeals

- The appellant will present their case first followed by the management representative.
- The management representative, the appellant and his/her representative will then withdraw. The panel will then deliberate in private in the presence of officer/s appointed to assist them.
- If the panel can reach a decision on the day, both parties will be called back in and advised of the outcome.
- If the panel is unable to make a decision on the day, they should advise the hearing that the outcome will be delivered in writing within 14 calendar days of the date of the hearing.

Under the Code of Corporate Governance, the panel is authorised to hear and decide on the merits of appeal which includes but is not limited to:

- uphold the appeal in full and reinstate the employee from the date of their dismissal
- uphold the appeal in part reinstating the employee but specifying certain conditions to their decision
- uphold the previous decision of dismissal.

### Note

Where an appeal against dismissal is substantiated and the panel vary the dismissal issued at the Absence Hearing, the employee is deemed to have been reinstated to the SSSC with effect from the date of the dismissal.