

MONDAY, 17 FEBRUARY 2020

**TO: THE EXECUTIVE BOARD MEMBER FOR THE DEPUTY
LEADER**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE
**EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR THE
DEPUTY LEADER** WHICH WILL BE HELD IN **REGENERATION
MEETING ROOM, COUNTY HALL, CARMARTHEN, SA31 1JP.**,
AT **2.00 PM, ON THURSDAY, 27TH FEBRUARY, 2020** FOR THE
TRANSACTION OF THE BUSINESS OUTLINED ON THE
ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Emma Bryer
Telephone (direct line):	01267 224029
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Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

A G E N D A

- | | |
|---|---------------|
| 1. DECLARATIONS OF INTEREST | |
| 2. TO SIGN AS A CORRECT RECORD THE DECISION RECORD
OF THE MEETING HELD ON THE 5TH JULY, 2019 | 3 - 4 |
| 3. SICKNESS ABSENCE POLICY | 5 - 30 |

Note:- The press and public are not entitled to attend the meeting. The decision record will be published normally within 3 working days.

Agenda Item 2

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR THE DEPUTY LEADER

FRIDAY, 5 July 2019

PRESENT: Councillor: L.M. Stephens (Executive Board Member).

The following officers were in attendance:

P.R. Thomas, Assistant Chief Executive (People Management & Performance)

A. Wood, People Services Manager

E. Bryer, Democratic Services Officer

Democratic Services Committee Room, County Hall, Carmarthen, SA31 1JP - 11.00 - 11.15 am

1. DECLARATIONS OF INTEREST.

There were no declarations of personal interest.

2. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING HELD ON THE 30TH OCTOBER, 2017.

RESOLVED that the decision record of the meeting held on the 30th October, 2017 be signed as a correct record.

3. UPDATED PURCHASE OF ANNUAL LEAVE POLICY.

The Executive Board Member considered the report detailing the updated Purchase of Additional Leave Policy. It was explained that the Policy had been updated to reflect the current position in relation to pension buy back. Recent changes to the LGPS requires employees to elect to buy back pension for a period of additional (unpaid) leave. It is up to the employee to decide whether to buy back and it is their responsibility to make these arrangements directly with the Dyfed Pension Fund.

The Executive Board Member referred to the updated policy and suggested the following amendments to be made:

- Paragraph 27 – sentence to be added referring employees to the additional employee guidance.
- Paragraph 19 – to be moved under paragraph 15.
- Paragraph 24 – details of timescales to be included.

RESOLVED that, subject to the inclusion of the amendments noted above, the updated Purchase of Additional Leave Policy be approved.

EXECUTIVE BOARD MEMBER

DATE

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EXECUTIVE BOARD MEMBER DECISION MEETING
FOR DEPUTY LEADER
27.02.2020

Executive Board Member:	Portfolio:
Cllr. Mair Stephens	People Management

Sickness Absence Policy

Purpose:

To consider revised sickness absence policy

Recommendations / key decisions required:

To adopt the recommended amendments to the current sickness absence policy

Reasons:

The policy has been reviewed following representations made by recognised trades unions via Corporate Employee Relations Forum and subsequent consultation with P&R scrutiny committee and our people managers.

Directorate		
Name of Head of Service:	Designation	Tel No/E Mail Address:
Paul Thomas	Assistant Chief Executive (People Management)	01267 246123 PRThomas@carmarthenshire.gov.uk
Report Author:	Lead Business Partner (HR)	01267 246167 ALClarke@carmarthenshire.gov.uk
Ann Clarke		

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed: _____ DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE BOARD MEMBER DECISION MEETING
FOR DEPUTY LEADER
27.02.2020

SICKNESS ABSENCE POLICY

Introduction

The Sickness Absence Policy was revised substantially and re-launched in January 2014. In September 2018 our recognised trades unions submitted a joint statement seeking several proposed amendments to this policy and procedure. These proposed changes have been considered alongside feedback from P&R scrutiny Members, the committee responsible for scrutinising sickness absence performance, our people managers responsible for managing attendance and ACAS good practice guidance.

Recommended amendments to current policy and procedure

These are a summary of proposed changes:

- Updated Authority core values are reflected within the policy and greater emphasis on the support provided by our organisation;
- Recommendation for the review period following the 1st/2nd Attendance Management Meeting (AMM) to be at least 2 months and no longer than 3 months, with the flexibility to set a review period of up to 3 months for the 3rd and final AMM, depending on the facts of the individual case (This is currently a fixed period of either 2 or 3 months for all review periods);
- Recommendation to reduce the subsequent monitoring period from 6 months to 4 months, with the exception of cases where an employee develops a pattern of dropping out of the formal process only for level of sickness absence to become a concern again (This is currently a fixed 6-month period and can mean that an employee finds it difficult to remove themselves from the formal processes even though the level of sickness absence has declined and attendance has improved);
- Inclusion of paragraph on how pregnancy related absence is managed, i.e. continuing with informal Return to Work and Employee Support Meetings but excluding pregnancy related absence from formal processes and signposting to pregnancy risk assessment. (counting pregnancy related absence towards formal triggers within the process is automatically discriminatory of the grounds of pregnancy);
- Inclusion of paragraph on work related accidents and incident;
- Inclusion of paragraph on mental health in the workplace;
- Live hyperlinks to all associated policies and guides;
- Strengthening the emphasis on wellbeing support available to improve regular attendance;
- Updated paragraph on ill-health retirement;

- Clarity on the interaction between short term and long-term sickness absence and the need to seek up to date Occupational Health advice where the absence type changes because of a disability. The employee will be maintained at the same stage of the procedure until such time as OH advice has been received on reasonable adjustments and these are implemented, where it is practicable to do so.

The trades unions have requested that the following categories of sickness absence should not be counted towards the formal triggers within the procedure:

- Disability related absence, including mental health problems;
- Work related injury or illness;
- Menopause related absence.

These proposals cannot be supported for the following reasons:

- The Authority does not have any legal obligation to exclude periods of sickness absence from its procedures. It currently has the following support available to employees:
 - Disability related absence – reference to the Disability Information and Reasonable Adjustment Guidance;
 - Menopause related absence – reference to the Menopause Guide for Managers and Guide for Employees;
 - Absence related to work related injury or illness which is reported and investigated in line with our Health & Safety procedures is recorded separately and, in this instance, the employee commences a separate entitlement to occupational sick pay;
 - An employee may substantially or wholly be absent for the above reasons and the Authority would not be in a position to manage the employee through the health capability process and ultimately dismiss due to level of attendance.

In addition, they have requested the following amends:

- Ending the rolling year for recording sickness absence and introducing a set year, e.g. linked to the employee's birthday;
- Increasing the number of incidences before hitting a formal trigger from 4 to 5;
- Increasing the number of formal stages in the sickness absence procedure from 3 to 4;
- To remove the review periods set after an absence management meeting;
- Increasing the length of the paid phased return currently up to 4 weeks;

These proposals cannot be supported for the following reasons:

- The rolling year for recording sickness absence is standard professional best practice and links to the rolling period of calculating statutory/occupational sick pay in line with national conditions of service and statutory sick pay regulations;
- Moving to a set year will mean that previous absence in the preceding year is discounted and effectively the employee starts from scratch at the start of the new year;
- The triggers within the current policy were adopted by Executive Board following the recommendations made by P&R Scrutiny Task & Finish Group established to examine ways to support a reduction in the level of sickness absence within the Authority;

- The review period is linked to the 'warning' issued that where there isn't an improvement in attendance levels that an employee will progress to the next stage of the formal procedure;
- The Authority's phased return of up to 4 weeks is in line with the Department of Work and Pensions Fitness to work Guidance which states this may be as little as one week and not usually more than four weeks. The OH Advisor/Physician can under the current procedures make a recommendation for a reasonable adjustment to extend the phased return on a case by case basis, e.g. condition of long-term fatigue issues.

The trades unions have requested that whilst these proposed amendments are not supported by officers that they are considered by CMT and EBM for inclusion

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Paul Thomas, Assistant Chief Executive (People Management)**

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	People Management	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The Sickness Absence Policy supports the Community Strategy, Corporate Strategy and Improvement Plan themes Feeling Fine...Health & Well-being

2. Legal

The Authority is required to have a policy and procedures in place for managing sickness absence in a fair and transparent manner. To ensure it meets its obligations of the Equality Act 2010 it is necessary to make reasonable adjustments for staff who are disabled to reduce any potential detrimental impact and reduce any risk of claims of disability discrimination arising from the policy's application.

3. Finance

Statutory and Occupational Sick Pay is paid in accordance with statutory sick pay regulations and national joint conditions of service. This will be within departmental delegated budgets.

7. People Management

People Management provide advice to employees and people managers on the application of the Sickness Absence Policy, support services via Human Resources, the Wellbeing Centre and training and development.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Paul Thomas, Assistant Chief Executive (People Management)

1. Scrutiny Committee

Policy & Resources Scrutiny Committee was consulted on 2nd December 2019

No recommendations and comments noted in respect of the revised policy.

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

The recognised trades unions have been consulted via Corporate Employee Relations as detailed within the report

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection
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Sickness Absence Policy

People Management

[date]



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1.0 Introduction

Our values underpin and guide the way we work, the way we improve and the way we make decisions to support the community that we serve. We (Carmarthenshire County Council) and you (our employees) are all required to consider how we support and apply these values, so they actively underpin the principles of the Sickness Absence Policy.



There is much research to demonstrate that attendance at work contributes to positive health and wellbeing. We aim to support you by providing a safe and healthy workplace and promoting a culture where regular attendance can be expected of you and your colleagues. Absence from work is unlikely to be a positive experience so we will actively manage and support you if you experience ill health during your employment.

We understand that you may have a health condition or injury that means you are not fit for work and that you will need time to rest and recover. By implementing this policy, we aim to strike a reasonable balance between your need to take time off to rest and recuperate, our operational needs to ensure service continuity and the impact of your absence on your colleagues.

This policy is formulated on the assumption that all sickness absence is genuine and will be managed on this basis. If procedures are not followed or we suspect there to be misconduct we may cease to pay statutory or occupational sick pay and/or take disciplinary action, as appropriate if there is evidence that:

- absence is not genuine or not for the reason provided;

- you are undertaking inappropriate activities while off sick, such as undertaking paid or unpaid work or participating in activities that would exacerbate your ill-health; or
- correct sickness absence notification, certification and procedure has not been followed.

2.0 Scope

This policy applies to all our employees with the exception of staff on the complement of locally managed schools, for whom the policy adopted by their respective schools will apply.

In relation to Chief Officers, this will be managed in line with Part 4 – Disciplinary, Capability and Redundancy – JNC Conditions of Service for Chief Officers.

In relation to the Chief Executive, this will be managed in line with Part 13 - Procedure for Discipline, Capability, Redundancy and Other Dismissals – JNC Conditions of Service for Chief Executives.

If you are a probationary employee, the overall principles outlined in this policy will apply to you e.g. how to notify sickness absence. However, for the formal management of absence, the [Probationary Policy](#) will override the Sickness Absence Policy during the probationary period. Absence from work may be a reason for extending your probationary period and it may on its own be a reason for dismissal under the Probationary policy.

3.0 Definition and General Principles

Sickness is defined as ‘incapacity to carry out the duties and responsibilities which you are contractually obliged to do because of your illness or accident’. This policy sets out principles for you and your manager to ensure fairness and transparency when managing sickness absence through:

- Proactively working to promote a healthier workforce;
- Ensuring you understand and comply with the appropriate reporting procedures and certification requirements;
- Seeking medical advice, if appropriate, to determine whether there is any underlying medical cause for your absence;
- Being particularly sensitive when absences are caused by personal or family reasons;

- showing a reasonable degree of tolerance and empathy towards your sickness absence, while at the same time doing what is possible to support you to improve;
- checking whether or not your absence is work or non-work related, for example as a result of personal or workplace stressors or due to a mental health condition (Please refer to [Mental Health in the Workplace Policy](#) for support and advice);
- Holding return to work discussions with you;
- Monitoring absence levels and undertaking a meeting when your absence hits sickness absence trigger points;
- Considering 'reasonable adjustments' for you if you have a long-term health condition which has an impact on your ability to undertake day to day activities;
- Using this policy when necessary to end your employment if you are unable to attend work on a regular basis because of ill health capability.

All permanent and temporary, full-time and part-time employees (subject to minimum service requirements) are eligible to receive Occupational Sick Pay (OSP) under the NJC terms and conditions of employment, subject to the conditions outlined in this policy.

3.1 Supporting our employees as a result of a disability, gender or other protected characteristic

We are committed to supporting you during periods of sickness absence. If your sickness absence falls within the definition of the Equality Act 2010, in respect of a disability or other protected characteristics, reasonable adjustments will be considered utilising the [Disability Information and Reasonable Adjustments Guide](#), the [Menopause Guide](#) or other related guidance, as appropriate. We will work with you to identify what reasonable adjustments may help you to attend work regularly.

3.2 Supporting our employees requiring flexibility and time off

You should be aware that reporting as sick when the reason is due to the illness or accident of others is not appropriate. If you need time off work or a period of flexible working to work around your commitment to others, e.g. a dependent's care needs, you can ask for support and make a request via your line manager through other policies such as [Flexible Working](#) or [Time off](#).

If your absence is as a result of a recent bereavement this can be supported with [compassionate leave](#).

3.3 Supporting our employees who are pregnant

Sickness absence during pregnancy regardless of the reason will be recorded in line with sickness absence reporting procedures. If you are sick during your pregnancy your line manager will continue to conduct a 'return to work' meeting and the 'employee support meeting' as appropriate. These meetings provide an opportunity to discuss any appropriate adjustments that may be required to support you during your pregnancy and also to review your [pregnancy risk assessment](#).

However, pregnancy related absence will be discounted for the purpose of managing absence through all formal stages of this procedure.

Pregnancy related sickness absence that occurs in the four weeks before the baby's expected due date automatically triggers the start of [maternity leave](#).

3.4 Supporting our employees as a result of an industrial disease, assault or accident at work

Sickness absence as a result of an industrial disease, assault or accident at work will be managed in line with the procedures outlined within this policy and procedure. If you have an accident or injury when undertaking your duties you are required to report this as soon as reasonably practicable to your line manager (or an alternative premises manager if working in a different location) in line with [accident reporting procedures](#). Your manager may refer you to the Occupational Health Centre following a work-related injury after seeking the advice of a Health & Safety Advisor.

Absence in respect of normal sickness is entirely separate from absence as a result of contracting an industrial disease, or as a result of an assault or accident at work. Periods of absence in respect of one shall not be set off against the other for the purposes of calculating entitlement under the sick pay scheme.

3.5 Personal data relating to your health

All data relating to your health is, by its very nature, confidential information and will only be shared with your line manager, Human Resources and Occupational Health personnel. Information will not be disclosed to a third party without prior consent.

3.6 Holiday and long-term sickness

If you are absent on long term sick leave you will continue to accrue your holiday entitlement and can request to take this at a later date (contractual holiday entitlement accrues for a period of continuous sickness absence of up to 4 weeks after which time statutory holiday entitlement accrues only). If you are on long term sick leave

and wish to take annual leave you should apply to take your holiday entitlement while on sick leave in the same way as if you were still at work.

If you become sick or are injured whilst on holiday you may request to transfer to sick leave subject to meeting qualifying conditions.

Please refer to the [Annual Leave and Holiday Pay Policy](#).

4.0 Responsibilities

As a new employee you should be made aware of your responsibilities under this Policy at the commencement of employment by your line manager through the local [induction process](#) and when you are appointed to a post with management responsibilities for the first time.

Regular communication is essential between you and your line manager to ensure all the relevant information is available to support your regular attendance and return to work. The following provides the minimum requirements expected of you if you are absent due to illness:

- Reporting absence directly to your line manager or a nominated deputy by the appropriate time (by telephone);
- Providing self / medical certification for all medical absences as appropriate;
- Attending a Medical Review at our Occupational Health Centre when required;
- Attending the relevant Attendance Management Meetings (AMMs) with your manager to discuss sickness absence as required by this policy.

Your line manager has a key role to play by accurately recording sickness absence at the appropriate time and ensuring that your periods of sickness absence are managed in a consistent and fair manner.

Wider responsibility for the policy rests with Members, Directors, Heads of Service and all Senior Managers as set out in the sickness absence governance arrangements. They are responsible for:

- Scrutinising sickness absence data and considering any trends in sickness absence;
- Ensuring a culture of attendance is in place and promoting a 'safe and healthy' workplace;
- Effectively communicating this Policy and accompanying guidance within the respective service areas and ensuring that sickness absence is managed sensitively and consistently;

- Commissioning additional support for you and your team as appropriate and practicable, and ensuring that you have adequate training and supervision to carry out your duties.

People Management will have responsibility for monitoring the effectiveness of this policy. The People Management Division will ensure that the proactive approach to management is encouraged through timely advice from the People Services (HR), Occupational Health, Safety & Wellbeing (OH, S&W) and Organisational Development (OD) teams, as appropriate.

5.0 Reporting Procedures

Regular face to face and telephone communication during absence is key to assisting you with your return to work. You must telephone your line manager at the earliest opportunity when you are unable to attend work due to sickness absence. This should be prior to your normal start time, but no later than the first hour of the normal working day. Messages by text and other forms of communication should only be used in emergencies and must be followed up by a telephone call as soon as possible. The method and regularity of communication should be agreed between you and your manager during the initial and subsequent telephone conversations.

Sickness absence reporting guidance is available for [Managers](#) and [Employees](#).

If you are unable to work because of illness or accident, then you need to rest and recuperate. As such, you should not ask to take [annual leave](#), [flexi](#) or [unpaid leave](#) instead of sickness absence. Your line manager is unable to authorise such requests. (Please see para. 3.6 for requests for annual leave during a period of long-term sickness absence)

For absences lasting longer than one day you must telephone your line manager at least one working day prior to your return to work, so that your line manager can make any necessary arrangements for your return.

All absences must be covered by certification.

- Self-certification can be used for the first 7 calendar days only and you should record via Resourcelink self-service, where you have access or by completing a hard copy form if the online service is not available;
- Medical certification (eg from your GP) for absences of 8 calendar days or more.

If you are absent from work without a valid reason, this constitutes unauthorised absence and may be considered a breach of contract for which the appropriate action may be taken. It is very important therefore that you make sure you report and keep in touch with your manager throughout your absence.

In all cases, a return to work meeting should take place at the earliest opportunity and should be on a 'face to face' basis. However, in recognition of the peripatetic

nature of some of our workforce, the alternative option of 'telephone return to work' meeting can also be utilised. The return to work meeting will be recorded on Resourcelink self-service by your manager.

6.0 Absences of ½ day or less

For recording purposes, sickness absence can only be logged for half day or whole day periods. However, if you are incapacitated for less than that period you should ensure that your line manager is notified and that you self-certify for the period of sickness. This will ensure that you are paid for normal hours. However, it should be noted that this absence will count towards your sickness absence trigger.

7.0 Employees with two or more posts

If you are employed in more than one post with us, you must ensure that you follow the sickness absence reporting procedures for each post and submit the necessary certification (or copies of your fit notes) as outlined in points 4 & 5 to each of your line managers.

Each line manager is responsible for undertaking absence management meetings in line with sickness absence procedures for each post that you hold. However, with mutual agreement between you and your respective line managers, one manager can lead on the formal absence management process, that will usually be the manager for your main post.

If you are employed in more than one job and a decision is made to end your employment under this Policy in one of your posts then consideration will be given about the impact on other posts, you are employed in within the Council or in a school. Dismissal from one post does not automatically mean that your other posts are at risk. This will depend upon your attendance, medical advice applicable to all your posts and the type of work you are undertaking.

In circumstances where you are employed locally by a school and by the Council, at the 3rd and final Absence Management Meeting where a decision is taken to end your employment on ill-health grounds, a recommendation will be made to the School's Staff Disciplinary & Dismissals Committee to consider, in line with the School's governance arrangements.

Please note, any referral for Occupational Health opinion on your fitness to work should reference the fact that you hold more than one post and the nature of each post as this may impact on your fitness to work in one or more of your posts depending on your reason for absence. Where appropriate, your consent will be sought to release appropriate medical information and advice to each of your managers as appropriate to all posts that you hold.

8.0 Interaction between short and long-term absence

You should note that the procedure will be the same for either short-term, intermittent absences (usually an absence of less than a four weeks), or a long-term absence (usually a continuous absence of a four weeks or over). However, if during the formal procedure your pattern of sickness absence changes from short term to long-term, particularly where the reason for absence may be disability related, it may be appropriate to seek further medical information from the Occupational Health Service.

Whilst this information is being sought you will remain at the same stage of the formal absence management procedure so the nature of your illness or condition can be considered and following the advice of Occupational Health decide whether reasonable adjustments are required prior to moving to the next stage of the procedure. The decision to remain at the same stage will be made on a 'case by case' basis depending on the facts and your line manager should seek advice from the appropriate HR Advisor.

9.0 Sickness Absence Review Procedure and Trigger Points

It is recognised that periods of sickness absence, be they short-term or long-term, are disruptive to the service and can place added pressures on other staff. It is important that your manager follows this procedure so you can access early support to assist your return to work where appropriate. This is for your benefit, the service and your work colleagues who maintain the service and cover your work when you are absent. In circumstances where attendance remains unsatisfactory, we may have no alternative but to dismiss you because of ill health capability.

9.1 Employee Support Meeting (ESM)

If you have 3 occasions of absence or 10 working days absence (pro rata) in a rolling 12-month period, your line manager should convene an 'Employee Support Meeting'. Your line manager should also hold the ESM if they consider you are moving towards another formal trigger or to provide interim informal support during the formal stages of this procedure. This should mean that additional support will be offered to you at an early stage to help you back to work and maintain more regular attendance. It is important that this meeting takes place even if you are absent from work so that early support can be put in place to assist you back to work.

The meeting is for you and your line manager to explore any concerns, the type of support that can be offered or to explore what you believe may help you to achieve better attendance at work in the future. This meeting can be an extension of the 'return to work' meeting or a separate meeting if you have not yet returned to work.

The ESM is normally conducted on a 121 basis with your manager irrespective of your prognosis as this is an early opportunity to explore and offer you

appropriate and timely support. However, telephone meetings may be appropriate if you are still unwell and unable to come in to the workplace or you have returned to work, but you work in a different location to your line manager.

9.2 Trigger Point - Formal

If you hit a formal trigger your line manager will start the formal stage of the sickness absence procedure. The formal triggers are:

- 4 occasions in a 12-month rolling period (The trigger point starts from the first day of a 4th occasion of absence);
- The equivalent of 3 normal working weeks absence or 15 working days (pro rata part time) continuous or otherwise, in a 12-month rolling period;
- Or any other unacceptable pattern of absence e.g. frequent occasions of absence abutting annual leave or bank holidays.

In all cases, seven calendar days' written notice will be given of a formal meeting under the Sickness Absence Policy.

9.3 1st Stage Attendance Management Meeting (AMM)

Your line manager will meet with you when you have hit a formal trigger and you may choose to be accompanied by a companion, i.e. A recognised trade union representative or official or an appropriate work colleague. (*Please see guidance on the [role of the companion](#)*). Seven calendar days' notice in writing will be given of a formal meeting under the Sickness Absence Policy

This meeting may formalise some of the strategies that were discussed in the ESM. In order to facilitate a return to work, or achieve satisfactory attendance, a number of actions may be considered, including reasonable adjustments), redeployment into a different role suited to your health capabilities and / or changes to working patterns (please see [Disability Information and Reasonable Adjustments guide](#), [Redeployment Policy](#) and [Flexible Working Policy](#)). Although the outcome of this meeting will be to emphasise the support available to you and to consider all strategies that would assist you in returning or remaining in work, you will be reminded that if there is little or no significant improvement in attendance then ultimately this may result in the termination of your employment on ill health capability.

A formal review period will be set starting from the date of 1st AMM. The length of the review date will be dependent on the facts of the case but should be no less than 2 months and no more than 3 months. This meeting should therefore be held without undue delay.

If satisfactory attendance is not achieved and you hit a formal trigger during the review period, you will move to the 2nd formal absence management stage of this procedure.

If satisfactory attendance is achieved during this review period, i.e. your attendance improves and you have not hit a further formal trigger, you will be removed from the formal absence management stage and this will be confirmed in writing by your manager. This is with the proviso that if your level of sickness absence hits a further formal trigger within the following 4-month monitoring period you will re-enter the formal sickness absence management procedure at stage 1.

Where a pattern of sickness absence develops following removal from the formal AMM process the manager has the discretion to increase the monitoring period to 6 months at the end of the next 3-month review period with HR Advice.

The outcome of this meeting will be confirmed in writing.

9.4 2nd Stage Attendance Management Meeting (AMM)

If after the 'review period' your sickness absence does not improve, and you hit a formal trigger, your line manager will invite you to a 2nd stage AMM. Your line manager may be accompanied by another manager or HR Advisor and you may be accompanied by a companion. (Please see guidance on the [role of the companion](#)). Seven calendar days' notice in writing will be given of a formal meeting under the Sickness Absence Policy.

In order to facilitate a return to work or achieve more regular attendance a number of supportive actions may be considered by your manager in discussion with you including reasonable adjustments, redeployment into a different role suited to your health capabilities and / or changes to working patterns. It is likely that one of the outcomes of this meeting will be for your line manager to request a medical report from the Occupational Health Service if one has not already been requested, to seek an opinion on your ability to maintain regular attendance in the foreseeable future and advice on any additional supportive health and wellbeing interventions that may assist you in doing so.

You will be formally advised at this meeting that if satisfactory attendance is not achieved and you do hit a further formal trigger during the review period, you will progress to the 3rd formal absence management stage of this procedure, at which a decision may be taken to dismiss on the grounds of ill-health capability.

A further review period will be set to follow on from the initial review period set at the 1st AMM. The length of the review date will be dependent on the facts of

the case but should be no less than 2 months and no more than 3 months. This meeting should therefore be held without undue delay.

If satisfactory attendance is not achieved and you hit a further formal trigger during the review period, you will move to the 3rd formal AMM stage of this procedure.

If satisfactory attendance is achieved during this review period, i.e. your attendance improves and you have not hit a further formal trigger, you will be removed from the formal absence management stage and this will be confirmed in writing by your manager. This is with the provision that if your level of sickness absence hits a further formal trigger within the following 4 month monitoring period you will re-enter the formal sickness absence management procedure at stage 2.

Where a pattern of sickness absence develops following removal from the formal AMM process the manager has the discretion to increase the monitoring period to 6 months at the end of the next review period with HR Advice.

You have the right to request that the decision of the 2nd Stage AMM be reviewed by your Director or nominated representative with advice from the Assistant Chief Executive (People Management) or nominated representative.

The request to review the decision must be made by writing to the Assistant Chief Executive (People Management) within 7 calendar days of the date of receipt of the outcome letter and you must set out the reasons for the request to review. Your Director or nominated representative will review the decision with advice from the Assistant Chief Executive (People Management) or nominated representative and confirm the outcome to you in writing without undue delay.

9.5 3rd Stage Attendance Management Meeting (AMM)

If following the review period, the level of sickness does not improve, a 3rd stage AMM will take place. Your line manager may be accompanied by another manager or HR Advisor. You will be informed in advance that one of the outcomes of this meeting may be dismissal on the grounds of ill health capability and you will be offered the right to be accompanied by a companion. *(Please see guidance on the [role of a companion](#)).* Seven calendar days' notice in writing will be given of a formal meeting under the Sickness Absence Policy.

Your line manager will consider all relevant information in your current review period including an up to date medical report and any submission by you and your companion. In addition, the previous three years attendance record will be taken into consideration (if you have less than three years' service your overall attendance record will be considered).

In all cases when dismissal on ill health capability is being considered your Director or nominated representative will be informed and advice sought from a HR Advisor in advance of the 3rd stage AMM. If at the third stage meeting the decision is not to dismiss then the same principle will be in place as at other stages i.e. that a further review will be put in place and this will be confirmed in writing. The length of this final review will be dependent on the facts of the case but will be no longer than 3 months.

To exercise your right to appeal following a health capability dismissal you should write to the Assistant Chief Executive (People Management) within 14 calendar days of the date of receipt of the outcome letter stating your grounds for appeal.

Your appeal will be considered by an appeal panel. The panel will consist of a Director or nominated representative¹ and the Assistant Chief Executive (People Management) or nominated representative and their decision is final.

10.0 Retirement on the grounds of ill-health.

At any stage of this procedure if medical advice from the occupational health service indicates that you will not be fit to return to work for the foreseeable future a final AMM may be convened and a decision may be taken to terminate your employment on the grounds of health capability. If you are dismissed on the grounds of ill-health capability and you are a current or deferred member of the Local Government Pension Scheme you can be referred to the Independent Registered Medical Practitioner (IRMP) to consider whether your pension benefits can be granted immediately.

Centrally employed teachers who are dismissed on ill health grounds are responsible for making an application for ill health retirement to Teachers' Pensions.

(Please see information on [ill-health retirement](#))

11.0 Occupational Health

Occupational Health forms part of the Employee Wellbeing Team which provides Health, Safety and Wellbeing advice, guidance and training.

Occupational Health has an important role in advising you and your manager on your fitness to work, reasonable adjustments which will help maintain work, support your rehabilitation after sickness or injury, in order to aid a return to work as soon as possible.

¹ Delegated officer at the discretion of the Director

You do not have to be absent from work, you can be referred by your line manager to Occupational Health at any time, be that prior to a likely absence, during or following a period / periods of absence. Your line manager is encouraged to [refer](#) early in the process so that the appropriate medical opinion can be sought, and any reasonable adjustments can be identified. Early intervention can provide a timely solution if a concern is raised or [support](#) is needed at any point.

Early intervention can also lead to consideration of redeployment or other options that can facilitate a return to work. (Please see [Redeployment Policy](#))

If a return to work on a 'phased basis' is recommended by Occupational Health, this will be granted with normal pay for up to a maximum of 4 weeks.

Your manager may refer you to Occupational Health following a work-related injury after seeking advice from a Health & Safety Advisor.

Occupational Health reports will be provided only to your line manager or the manager(s) noted on the referral form with a copy sent to the HR Attendance Team.

It should be noted that HR/your manager may share relevant information, with your consent, with appropriate senior managers when the final stages of the procedure are likely to be invoked or at the point where you may invoke your right to appeal or review.

You will be required to provide consent to release your medical report. If you respond noting that you do not give your consent, your line manager, in liaison with HR will make a decision on your fitness to work without up to date medical advice.

A case conference may be convened at any time by your line manager after an Occupational Health consultation if deemed to be beneficial and appropriate. Your line manager will invite you, HR and a relevant medical professional from Occupational Health who will give relevant medical advice. HR will discuss and review all available options with you and your line manager.

Although case conferences are not part of the formal procedure, you may bring a companion to accompany you if available.

The Employee Wellbeing Team undertake proactive health initiatives in order to promote and encourage healthy lifestyles. Suitable interventions may be recommended to help managers which support your health and wellbeing.

12.0 Suspending Occupational Sick Pay

There are other situations which may result in Occupational Sick Pay being withheld even when in some of these circumstances the payment of Statutory Sick Pay will continue:

- Occupational Sick payments may not be made when your injuries are caused by paid sporting activities, recklessly participating in dangerous activities or extreme sport, elective cosmetic surgery or for injuries incurred whilst working for another employer;
- The payment of Occupational Sick Pay may be stopped when you undertake activities during a period of sickness which may be detrimental to / or delay your return to work, and / or if you knowingly partake in activities that have previously caused occasions of absence;
- Occupational Sick Pay will not be paid if you fail to attend Occupational Health meetings and / or meetings with managers without due reason or advanced notification. Future Occupational Sickness payments could be affected if you fail to attend without good reason any Occupational Health meeting and / or any therapy sessions or other initiatives agreed by the Authority to assist the employee's wellbeing without good reason;
- Occupational Sick Pay will not be made if the Occupational Health medical professionals advise a return to work within a specific timeframe and you do not return to work without good reason;
- Occupational and Statutory Sick Pay will not be made if you fail to follow the appropriate notification procedure, and delay providing a 'fitness for work' certificate by more than 7 calendar days without good reason;
- You will not be paid Occupational Sick Pay if it is known that during a period of sickness absence you are working for another employer or carrying out any other work, whether paid or unpaid, without seeking prior permission;
- Occupational Sick Pay will be paid in the event of sickness absence which results in a claim against a third party for loss of earnings, however, arrangements will be in place to reclaim Occupational Sick Pay once the claim is settled against the third party.

You have the right to request that the decision to withhold Occupational / Statutory Sick Pay be reviewed by your Director or nominated representative with advice from the Assistant Chief Executive (People Management) or nominated representative.

Your request to review a decision must be made by writing to the Assistant Chief Executive (People Management) within 7 calendar days of the date of the receipt of the decision in respect of the withdrawal of Occupational / Statutory Sick Pay and must set out the reasons for the request for a review.

The Director or nominated representative will review the decision, with advice from the Assistant Chief Executive (People Management) or nominated representative and confirm the outcome to you without undue delay.

13.0 Ensuring Equality of Treatment

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on Ext 6184 or email PMBusinessSupportUnit@carmarthenshire.gov.uk

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