NORTH AYRSHIRE COUNCIL

13 March 2025

Audit & Scrutiny Committee

Title:	**Sickness Absence Management**
Purpose:	To provide the Audit & Scrutiny Committee with an overview of the Council's Sickness Absence policies and how these are managed, monitored and reported.
Recommendation:	It is recommended that the Committee note the content of the report.

1. Executive Summary

1.1 This report provides an overview of the Sickness Absence Management policies, strategies and activities adopted to proactively and robustly monitor, report and manage sickness absence across the Council.

1.2 The report provides details on the absence position as at the end of Q2 2024/2025, this being the current reported absence position. The report also highlights progress against absence targets at a Council and Service level, benchmarked against the Local Government Benchmarking Framework on a national, family group and local position.

1.3 Supporting Council services and encouraging the wellbeing of our employees continues to be a priority and this report outlines the supports and activities available.

1.4 The Council's new Occupational Health Provider, PAM OH, was introduced in August 2024. Their service, which is outlined in this report, fully support the wellbeing of our workforce.

2. Background

Policies

2.1 North Ayrshire Council has two policies that specifically focus on absence management - the Wellbeing@Work (Supporting Attendance Policy) (Appendix A) for Local Government employees and the Maximising Attendance Policy for Teachers (Appendix B). The two policies are as a result of the different terms and conditions negotiated for these two groups of staff.

Whilst there are the two policies in operation, the key principles are consistent which are to support and maintain high levels of attendance, thereby minimising the detrimental effects of sickness absence on service provision, service users and

colleagues. The Local Government policy was reviewed alongside trade unions and a revised policy introduced on 1st April 2021. The teachers Maximising Attendance policy was agreed at the Local Negotiating Committee for Teachers and was implemented on 1st April 2010.

Both policies focus on management prompts (Local Government employees) (Appendix C) and triggers (Teachers) (Appendix D) to identify the point at which the line manager must discuss an employee's absence record, consisting of a process of informal and formal meeting stages. On return from each absence, and regardless of the length of the absence, employees have a return to work meeting with their manager. This meeting is to discuss the employee's health and wellbeing, support requirements and to set expectations for future attendance.

Targets

2.2 Absence targets are set annually by the ELT and are monitored robustly throughout the year. Managers and Chief Officers are provided with a monthly report on performance against targets and target performance is reported to the ELT and the 1st Tier Joint Consultative Committee at the year-end and the year-to-date position as at the end of Quarter 2.

Absence targets are set for each section by the ELT by considering the profile of the workforce, the minimum days lost per FTE (5 days) and maximum days lost per FTE (15 days) as set by the Chief Executive as well as considering the previous year's target and final position in that year, the projected year end position for the current year and the long term sickness absence position and impact.

2.3 Appendix E (Table 1), provides the year-to-date absence performance as at the end of Q2 2024/25, this notes the position as 5.88 days lost per FTE against the target of 5.24 days lost per FTE. Table 2 provides the summary of the year-end absence target performance for the full Council over 3 years up to 2023/2024. The year-end position for 2024/25 will be reported to ELT and the 1st Tier JCC in May 2025.

2.4 Appendix F (Table 3) provides the year-to-date position as at the end of Q2 2024/2025 by Directorate and Service, this reports that the Education Directorate achieved their year-to-date target. All other Directorates did not achieve this.

2.5 Table 4 provides a summary by Directorate and Service of absence and notes that discretion has been approved on 82 occasions providing a supportive measure in complex sickness absence cases.

2.6 Appendix G (Table 5) reflects the Benchmarking against the Local Government Benchmarking Framework (LGBF) on a national, family group and local position across the 5-year period. This table shows that in the majority of Councils, absence levels increased in 2023/2024, compared to 2022/2023. LGBF splits the absence measure into two categories Teaching and Non-Teaching. North Ayrshire Council, had the joint 4th lowest level of absence for both Teaching and Non-Teaching categories within the family group for 2023/2024. The Council's figure in the Non-Teaching category was lower than the Scotland overall figure for absence levels.

2.7 At a National level, the average days lost per FTE has increased in 2023/2024 – noted as 7.60 days sickness absence per FTE for Teachers and 13.90 days sickness absence

for Non-Teachers, compared to 2022/2023 – noted as 6.81 days sickness absence per FTE for Teachers and 13.21 days sickness absence for Non-Teachers.

2.8 Councils will take different approaches when managing absence, the demographics of the workforce and external factors such as deprivation will also influence absence levels, therefore no direct comparison can be drawn. We do however consider the data and continually benchmark our policies against other Local Authorities.

Monitoring / Supporting the management of Absence

2.9 Proactive monitoring and managing of absence is supported via a variety of methods:

- Automated absence reports are issued weekly to Managers and Chief Officers and monthly to Head Teachers. These automated reports provide oversight of the current absence information recorded on our HR system, allows this information to be checked for accuracy and that the correct documentation is held and importantly ensures supportive conversations and methods are being adopted.

- A weekly absence update at Council level is provided to ELT to ensure visibility and oversight and reinforce the importance of timely reporting, accurate recording of data ensuring appropriate wellbeing support is in place for employees.

- Absence data is regularly published and is available to review via the Wellbeing@Work Sharepoint page. The reports and information available provide a wealth of information at Directorate/Service level.

- HR continue to support managers and services in relation to various stages in the sickness absence management process and are available to provide assistance and guidance as required. Managers are being strongly encouraged to seek support for any aspects they are unfamiliar with as well as support with complex case management.

- Temporary Resource secured within HR and Waste services to provide targeted support to reduce absence. The primary focus of these posts being to explore ways to improve sickness absence management in line with the Council's absence management policies ensuring services understand and apply the policy correctly and to review, in conjunction with the relevant managers, current and ongoing absences across the Waste service ensuring that action is taken in accordance with Council policy.

2.10 A number of activities have taken place to strengthen managers' skills, knowledge and confidence in managing sickness absence within their teams, namely:

- Delivery of Connected Leadership sessions aimed at Senior Managers and Head Teachers to ensure roles and responsibilities in managing absence are clear and key aspects of Council's policies are understood.

- A How To: Absence Management 4-part series has been developed to take managing absence back to basics and help line managers to support and manage employees' absences effectively.

- Corporate courses on Wellbeing@Work/Maximising Attendance are delivered throughout the year to ensure Managers understand the policy and how to manage absence and support employees.

- Awareness sessions have taken place with staff involved in absence management within Waste Services and Education ensuring a targeted and tailored package of support for these areas.

- Based on feedback and analysis, the absence categories will be amended, effective from Q1 2025/26. This change will provide more accurate recording of absence reasons resulting in the provision of more robust reporting.

Wellbeing

2.11 Promoting and supporting employee wellbeing continues to be a priority with an extensive range of interventions, policies and guidance available. These include:

- A range of policies and guidance on a variety of health and wellbeing matters such as Menopause in the Workplace, Supporting Employees with Cancer, Endometriosis Guide, Mental Health in the Workplace, Gambling Related Harms in the Workplace; Worklife Balance Policy, Flexible Working Arrangements.

- A survey was carried out in December 2024 on the agile workstyle. The survey focussed on the health and wellbeing of the staff working in an agile way. Analysis of the results will inform the development of an action plan.

- Our Occupational Health (OH) support changed to PAM OH Solutions in August 2024. This OH service provides access to progress management referrals, employee self-referrals and physio referrals. Training for managers will also be provided as well as online tools and a manager's helpline.

- A new Employee Assistance Programme was launched in October 2024. This provides employees a confidential telephone line and app which offer a range of supports for both personal and work matters.

- Wellbeing Warriors is a support role which was initially introduced in 2020. The purpose of the role is to complement employee support provisions and involves volunteers across the Directorates who support, listen and sign-post colleagues to resources already in place and who have undertaken Mental Health First Aid training.

- The Livewell Programme promotes wellbeing initiatives and guidance on promoting healthier habits. The programme is split into five key themes – Playwell, BeWell, WorkWell, EatWell and Savewell and has included a range of wellbeing webinars, outdoor activities such as golf and watersports. Free health checks and gym members are offered through KA Leisure along with badminton classes and exercise taster sessions.

- Each Directorate is driving their own wellbeing initiatives which are targeted specifically to the workforce within their area. Activities include staff wellbeing

hubs, leisure and recreation activities, and a support team for mental health and wellbeing.

3. Proposals

3.1 Audit & Scrutiny Committee is asked to note the content of the report outlining the Council's Managing Sickness Absence activities, and the efforts being undertaken to reduce absence whilst supporting our workforce.

4. Implications/Socio-economic Duty

Financial

4.1 No direct implications as a result of this report, however, absence management is a key tool that helps improve attendance in the workplace thereby helping to reduce both direct and indirect costs as a result of sickness absence.

Human Resources

4.2 Absence management is a key tool that will impact on the health and wellbeing of our workforce.

Legal

4.3 No direct implications as a result of this report.

Equality/Socio-economic

4.4 No direct implications as a result of this report.

Climate Change and Carbon

4.5 No direct implications as a result of this report.

Key Priorities

4.6 Council priorities:

A Sustainable Council - Effective workforce planning (which includes the management of absence) ensuring that we have the right skills/resources to deliver priorities.

Community Wealth Building

4.7 None

5. Consultation

5.1 Consultation has been undertaken with the Chief Executive.

Fiona Walker
Head of People & ICT

For further information please contact **Jackie Smillie, Senior Manager People Services,** on **01294 324671**.

Background Papers

Appendix A Wellbeing@Work Supporting Attendance Policy
Appendix B Maximising Attendance Policy (Teachers)
Appendix C Wellbeing@Work Supporting Attendance Policy Management Prompts
Appendix D Maximising Attendance Policy (Teachers) Triggers
Appendix E Absence Targets
Appendix F Directorate Summary – Absence at 2024/25
Appendix G Local Government Benchmarking Framework

Appendix A

Wellbeing@Work
(Supporting Attendance Policy)

Version: 1.1

Focus. Passion. Inspiration.

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Contents

Related HR links

Managers – How to report absence and return to work

Informal Stage (Absence Review Meeting)

Stage 1 Meeting (Formal)

Stage 2 Meeting (Formal)

Stage 3 Meeting (Formal)

Support available

Discretion Request Form

Version Control

Version Number	Effective Date	Details of Last Revision
1.0	1/4/21	Full Policy Review (replacing Maximising Attendance)
1.1	3/3/22	Updating links to new Connects

Equality Impact Assessment: 24th March 2021

Prepared by: HR Team

1. Introduction

1.1 North Ayrshire Council recognises the importance of high standards of attendance at work in maintaining high levels of service delivery to the community it serves. The Council also recognises that from time to time employees will be unable to work because of ill health.

2. Policy Purpose and Scope

2.1 The Wellbeing@Work (Supporting Attendance Policy) aims to ensure our employees are supported to maintain high levels of attendance, thereby minimising the detrimental effects of sickness absence on service provision, our service users and colleagues. The policy will ensure a fair, consistent and compassionate approach to supporting employee attendance, taking into account individual circumstances, whilst ensuring compliance with all associated legislation.

3. Why Manage Absence?

3.1 Addressing sickness absence effectively benefits employees by:

- Providing an opportunity for support and assistance from the Council through the absence
- Helping to identify work related and non-work-related issues
- Identifying clearly the attendance standards expected

3.2 Sickness absence is one of the Council's Statutory and Key Performance Indicators and is used for performance review and benchmarking. High levels of sickness absence are costly and disruptive and can lead to:

- Additional pressures being placed on work colleagues leading to higher levels of stress and low morale
- Loss of continuity for service users
- Additional salary costs necessary to cover absences
- A poor reputation for the Council

4. Roles and Responsibilities

Employees

- Take responsibility for looking after their own health, safety and wellbeing
- Ensure familiarity with the Wellbeing@Work (Supporting Attendance Policy) and Sickness Absence Notification Procedures
- Report instances of sickness absence and updates promptly to their line manager
- Maintain reasonable contact with their line manager advising of progress and expected return to work dates
- Attend all Council arranged OH appointments, return to work, informal absence review meetings and Formal Stage meetings arranged under the policy, where their health permits

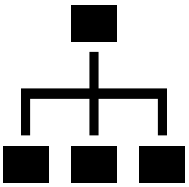
Line Managers

- Conduct regular and timely reviews of their employees' absence to identify problem areas and develop constructive solutions to these problems
- Be supportive, treat every absence as genuine and be clear that this is not a disciplinary process (unless there is evidence that it is not genuine, when consideration should be given to the use of the Disciplinary Policy and Procedure)
- Conduct return to work discussions promptly with employees after every period of absence, regardless of duration
- Organise Formal Stage Meetings promptly
- Seek medical advice from the Council's OH service, where appropriate

Occupational Health

- Provide advice and support as required to employees, line managers and HR
- Obtain medical reports from GPs or specialists where appropriate
- Arrange appointments for employees with the OH Physician and other service providers and follow up any subsequent actions
- Advise line management if an employee fails to attend for any medical appointments

HR Team



- Provide advice and support to line managers or employees on implementation of the policy and procedure as required
- Provide advice prior to a Stage 3 meeting at a case review
- Provide appropriate training in the management of sickness absence
- Monitor and evaluate the effectiveness of this policy and associated guidance

5. Return to Work Discussion

5.1 After each spell of sickness absence, line managers must engage in a Return to Work discussion with the employee. Ideally, this discussion should take place in person, prior to the employee undertaking duties on their day of return or as soon as is reasonably practicable. This discussion will focus on the reasons for absence, fitness to return to work and any support required.

5.2 The Return to Work discussion must be undertaken to ensure that the employee:

- Is aware of the support available
- Is provided with a brief on workplace issues which have occurred during their absence
- Is aware that there are concerns regarding their absence
- Is aware of the consequences of any continued periods of absence and therefore given the opportunity to improve, where appropriate.

5.3 Please refer to the HR Guide: Wellbeing@Work (Supporting Attendance Policy) for further guidance.

6. Representation

6.1 An employee may represent themselves, or choose to be represented, at any of the Formal Stages of the Procedure. Please refer to the HR Guide: Representation for further information.

7. Corporate Management Prompts

7.1 Corporate Management Prompts are used to identify points at which the line manager will discuss an employee's absence record. They also identify when an employee's absence has reached a level of concern. When an employee's absence reaches the Corporate Management Prompts, a process of Informal and Formal Meeting Stages will take place, as identified below.

7.2 The table below details the Corporate Management Prompts. A more detailed Flow Chart is provided at Appendix 1 which provides more guidance to assist in understanding how an employee would move through the Stages – taking into account occasions where the absence may be characterised by short term, long term or intermittent periods of long-term/short-term absence.

Stage	Meeting	Corporate Management Prompts	Meeting Chaired by	Appeal heard by
Informal	Absence Review Meeting	3 instances or 9 working days OR 2 continuous weeks within a rolling 12-month period	Supervisor / line manager / Member of School SMT	n/a
Stage 1	First Formal Meeting	Further 3 instances or 9 working days during the 12-month fixed monitoring period OR 6 weeks continuous or cumulative absence in the last 12 months	Supervisor / line manager / Member of School SMT	Manager Senior to Stage 1 Meeting Officer
Stage 1 Review	Review Meeting (optional)	At 6-12 weeks continuous absence	Supervisor / line manager / Member of School SMT	n/a
Stage 2	Second Formal Meeting	Further 3 instances or 9 working days during the 12-month fixed monitoring period OR 12 weeks continuous or cumulative absence in the last 12 months	Appropriate supervisor / line manager	Manager Senior to Stage 2 Officer
Stage 2 Review	Review Meeting (optional)	At 18-24 weeks continuous absence	Appropriate supervisor / line manager	n/a
Stage 3	Third Formal Meeting (and possibility of termination of employment on grounds of capability due to ill health)	Further 2 instances or 6 working days during the 12-month fixed monitoring period OR 24-36 weeks continuous or cumulative absence in the last 12 months	Nominated Senior Manager (Grade 14 or higher) or Head of Service / Executive Director	Appeals Committee of North Ayrshire Council (in the event of dismissal) (Head of Service / Executive Director if employee not dismissed)

7.3 Moving within the procedure from the First to the Second and the Second to the Third Stages has a 12-month time limit between each Stage during which the Stage remains “live”. Within that period of 12 months a Meeting can be linked to the next Stage. Where an employee improves their attendance in the 12-month period, they will normally no longer be in the procedure.

7.4 However, there may be occasions where an employee’s absence is satisfactory, only to lapse very soon after the 12-month period. In this event, where the manager continues to be concerned about the levels of absence, the manager may decide to reinstate the previous Stage or to move to the next Stage of the procedure.

8. Reasonable Contact during Absence

8.1 It is important that contact is maintained with an employee throughout an absence to gain an understanding of when the employee expects to be back at work and to assist in providing any support the Council can provide to assist their recovery. A sensitive and consistent approach should be taken when contacting employees absent due to illness. Consideration may be given to the possibility of working from home, in some instances, to maintain contact with the workplace.

8.2 The responsibility to maintain contact rests equally with the line manager and the employee. Employees must remain contactable during periods of absence and respond to letter, email or phone messages. The amount of contact will depend on the reason for absence and a balance of reasonable contact is expected from both the employee and manager.

8.3 Keeping in contact is particularly vital where employees are experiencing problems with mental health as it helps to prevent individuals feeling isolated and can be a starting point for recovery and return to work. In certain cases, home visits may be more appropriate to keep in touch and a record should be kept of the contact made with an employee. In cases of serious mental health problems, managers may need to adopt a slightly different approach to maintaining contact, such as electing to maintain contact through a representative. In all cases, the manager should take account of what the absent employee wishes the manager to convey about their sickness absence to colleagues.

8.4 Where it becomes apparent that there is a problem or potential problem regarding alcohol, drugs/solvent abuse or gambling addiction, an employee may be referred or self-refer to Occupational Health for specialist advice. Please refer to the Alcohol, Drug/Solvent Misuse & Gambling Addiction Policy & Procedure for further information.

9. Occupational Health (OH) Referrals

9.1 An employee can be referred to OH at any point during the Wellbeing@Work (Supporting Attendance Policy) process. However, employees should only be referred where the OH report will assist with any decision making, for example where the employee states that they have an underlying medical condition as the reason for absence. Unrelated absences would not necessarily require a referral.

9.2 A referral must be made in all cases where an employee has been or is likely to be absent for 6 calendar weeks or more and there is no date identified for a return to work. Muscular-skeletal and stress cases should be referred immediately. A stress management meeting should also be arranged to be undertaken.

9.3 It is a term and condition of employment that an employee may be required to attend an appointment with the Council's OH Advisor. Please refer to the Occupational Health Information SharePoint and Optima online portal for further information on making referrals.

10. Supporting Employees Back to Work

10.1 The Council will consider advice given by an employee's GP on the Statement of Fitness to Work (GP Fit Note). Where a GP advises that an employee may be fit for work, the line manager should discuss any changes that may be possible to help support the employee back to work. Please refer to the HR Guide: Wellbeing@Work (Supporting Attendance Policy) for more guidance.

10.2 Under the Equality Act 2010, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Impairment means condition. It may be physical, mental or both. Whether a condition is a disability will, in most cases, depend on all the facts and circumstances of the individual case. Long-term means lasting at least a year, or likely to be for the rest of the person's life or recurring.

10.3 Disability discrimination legislation places a duty on employers to make reasonable adjustments to remove or minimise disadvantages experienced by disabled people. The duty to make reasonable adjustments only arises where the employer knows, or reasonably ought to know, that an individual is disabled. The aim of an adjustment is to take away or minimise the disadvantage because of the person's disability so they can do their job or apply for one.

10.4 An employer must make adjustments for a disabled worker or job applicant if they are deemed "reasonable". What is "reasonable" will depend on all the circumstances. Where an OH report indicates that the employee is likely to meet the criteria that defines a disability under the Equality Act 2010, the Council is required under the Act to make reasonable adjustments and take

positive steps to ensure that the disabled employee can access and progress in employment.

10.5 Under the Wellbeing@Work (Supporting Attendance Policy), the use of "Discretion" (see section 13) may be regarded as a form of reasonable adjustment. In addition, planned Disability Leave, as a form of Special Leave may also be considered as a reasonable adjustment, where a disabled person needs to be absent for "rehabilitation, assessment or treatment" for a fixed period of time known in advance. Where possible, planned disability leave appointments should be made outside of working hours, however, it is recognised that scheduling such appointments is sometimes out of the employee's control, in these cases, paid time off will normally be granted. Some examples of reasons for planned disability leave include (but are not limited to):

- hospital, doctors, or complementary medicine practitioners' appointments
- hospital treatment as an outpatient
- delivery, training and/or time to adjust in relation to adaptive equipment
- assessment for such conditions as dyslexia
- hearing aid tests
- training with guide or hearing dog
- counselling/therapeutic treatment
- appointment time and recovery periods relating to blood transfusion or dialysis treatment
- physiotherapy (sessional or residential)

10.6 A longer block of disability leave might be also appropriate. This could be so that a newly disabled employee can make changes inside and outside of work, while physical or environmental adjustments are being made. Please refer to the HR Guide to Disability in the Workplace for further information.

11. Wellbeing@Work Meetings

11.1 Wellbeing@Work meetings will be arranged with employees whose absence record reaches the Corporate Management Prompts. Meetings must be arranged promptly following the absence to which they relate to ensure that decisions taken are current and relevant.

11.2 The aim of the meeting is to discuss the employee's absence record, identify possible contributing factors, explore ways in which the absence can be improved by the employee, identify any support the Council can provide and make the employee aware of the impact of any absences and the potential consequences of any further absence.

11.3 The Informal Stage (Absence Review Meeting) is considered an appropriate approach to provide early intervention, support and coaching of an employee

and precedes the Formal Procedure. This process is a positive step in preventing absence issues 'going formal', through advising, offering support and restating expected standards of attendance. The meeting will be followed up in writing so that employees are clear about expectations going forward.

11.4 To emphasise the less formal nature of the Informal Stage Absence Review meeting, accompaniment of the employee by a TU representative or colleague is not normally required. However, in circumstances where the employee requests accompaniment to allay concerns, this will not be unreasonably refused.

11.5 Formal Stage meetings may give rise to feelings of concern or anxiety for some employees; therefore it is important to reassure employees that the meetings are to ensure that everything possible is being done to support an employee back to work and that regular and meaningful communication is maintained about absence and its implications for their employment.

11.6 All situations will vary depending on the circumstances, the prognosis of any health conditions, the nature of the employee's job role and whether the application of discretion may be appropriate. The meetings may also consider the employee's future employment prospects and other options such as lighter duties, change in hours, change to work environment or location, working from home, reasonable adjustments, phased returns to work, redeployment and ill health retirement. Managers should ensure that they have a full and up to date understanding of the employee's current health status, if necessary, with the support of OH.

11.7 The employee must be advised at each Formal Stage Meeting that they are in a fixed monitoring period for the next 12 months from the date of the last day of absence and will be invited to a next Formal Stage meeting if they have further absence that meets the relevant Corporate Management Prompts. The employee must be advised that their attendance will be closely monitored over the 12-month period and informal review meetings may also be arranged, where appropriate.

11.8 The manager should complete the Stage Meeting Form or ensure there are notes taken for the meeting and ideally obtain a signature from those in attendance. A Stage Outcome Letter must be issued to the employee as soon as possible following all Formal Stage meetings, highlighting the nature of the discussion, any support provided, the Stage the employee is at, the Corporate Management Prompts that will apply going forward and their right of appeal.

12. Stage 3 Meeting

12.1 The Stage 3 meeting is normally the final stage of the procedure. While there will always be a preference to retain employees, there may be circumstances where this may not be feasible. Depending on the circumstances, where it is felt that all reasonable options including support mechanisms, changes to the job or environment, reasonable adjustments, retraining, redeployment and ill

health retirement have been exhausted, the employee's contract of employment may be terminated due to continuing incapability to undertake their duties effectively because of ill health or persistent intermittent absence. HR advice should always be sought prior to moving to Stage 3 meeting and a Stage 3 case review must be undertaken in advance in consultation with an HR Advisor. Please refer to the HR Guide to Wellbeing@Work (Supporting Attendance Policy) for further guidance.

12.2 Where changes cannot be made to the employee's current job or an individual is incapable of undertaking a suitable alternative job, or no suitable job is available, or the employee refuses to accept a suitable alternative job or does not qualify for ill health retirement or is not a member of the LGPS, or they are unable to maintain the required standards of attendance then consideration will be given to termination of employment.

12.3 The purpose of the Stage 3 meeting will be to consider whether there are any further actions that can be taken to assist the employee in continuing their employment. The Nominated Senior Manager or Head of Service will consider any relevant information, including the following:

- The impact of the employee's absence on other employees and service delivery
- The employee's absence record and the OH advice received
- Representation made by the employee and/or their representative
- What actions have already been considered and taken to enable the employee to continue in employment.

12.4 Where an employee is dismissed on the grounds of incapability, this will be confirmed in writing along with their right to appeal.

13. Application for Discretion

13.1 In exceptional circumstances, a manager may consider that a particular case warrants discretion to vary from the standard procedure. In these cases, a manager must consider what is reasonable and justifiable in relation to the particular circumstances of the case and formally request discretion from the Head of Service or Nominee using the Discretion Request Form.

13.2 Discretion Criteria

13.2.1 Examples of circumstances which may lead to the application of discretion are as follows:

- Life threatening or terminal illness
- Absence due to a chronic illness and requires treatment which has an expected timescale of recovery
- Planned medical procedure which has an expected timescale of recovery

- Planned disability leave
- Bereavement of a close family member
- Where the employee is likely to be covered by the disability provisions of the Equality Act 2010 as advised in an OH report and where an extension to the timeframes within the procedure would be deemed a reasonable adjustment in the circumstances or varying the attendance targets where there is an underlying medical condition affecting their attendance intermittently.

13.2.2 This list is not exhaustive, however, there may be circumstances above where progression through the stages in the policy would be considered appropriate.

13.3 Process to Apply for Discretion

13.3.1 It is the line manager's responsibility and decision whether to request discretion from the Head of Service/Nominee. The line manager may request discretion prior to or at any Formal Stage in the procedure. The line manager should not wait for or seek a request from an employee or their TU representative at a Formal Stage meeting in order to make a formal request. If a line manager does not apply for discretion, then the employee can appeal on this basis following the Stage 1/2/3 meeting. The HR Team monitor discretion applications across all services to ensure consistency and compliance with the procedure.

13.3.2 There is no limit on the number of times that discretion can be applied. However, in considering the application of discretion, consideration may be given to the employee's attendance record over the last three years and this record will include any previously granted discretion.

13.3.3 Managers should consider all the circumstances of the case within the context of the policy, including the employee's absence record, the reasons for absence, the expected length of the absence and request discretion when they feel it is most appropriate. Occupational sick pay is calculated in the normal way should discretion be applied.

13.3.4 In specific cases, discretion may be requested before a Formal Stage 1 meeting, for example, where an employee requires a set period of time to undergo an operation with an expected recovery period, or where providing an extension to the Corporate Management Prompts will allow for a relapse or particular treatments or be deemed to be a reasonable adjustment under the Equality Act 2010 in the event of an employee having an underlying health issue.

13.3.5 In other cases, the Formal Stage meeting should take place and discretion requested at a later date if appropriate, for example: where the reason for absence is unclear or varied and further information is required. If, following the Formal Stage meeting, further information becomes available about the reasons for absence, discretion can then be requested.

13.3.6 Requesting and approving discretion in a timely and considered manner can result in reduced stress and anxiety for employees already concerned about their ill health and will reduce management time spent convening and conducting an avoidable Formal Meeting. Managers must notify employees of the outcome of any request for discretion in writing as early as possible.

13.3.7 Where discretion has been approved, an informal review meeting, or Formal Stage meeting, as appropriate, should be arranged immediately following the expiry of the discretion. During the period of discretion, it would be considered best practice for line managers to meet the employee for informal reviews, in line with the timeframes of the Corporate Management Prompts to ensure appropriate support and contact is maintained. The meeting should seek to understand whether the employee's situation has changed and depending on the circumstances, a further period of discretion may be requested, or the employee should be progressed to the next Formal Stage.

13.3.8 Where the employee returns to work within a time period allowed for discretion then no formal action should be taken at this time. This period of absence may not contribute towards future Formal Stage meetings, depending on the discretion requested. Where the employee does not return to work within the time period allowed for discretion, then the formal procedure should be reinstated, unless further discretion is granted.

13.3.9 Pregnancy related absences will automatically qualify for discretion under the procedure. All absences that have had discretion granted must still be recorded as sickness absence. The decision whether to approve discretion rests with the Head of Service or nominee and their decision is final.

14. Appeals

14.1 An employee will have a right to appeal against any decision taken at any Formal Stage in the procedure. The appeal can be against either the facts (which led to their being seen under the procedure) or the outcome of their Formal Stage meeting. The appeal must be made in writing stating fully the grounds for appeal. A Notification of Appeal Form is available on Connects. For appeals at Stage 1 and Stage 2, the appeal must be sent to the manager who conducted the meeting and at Stage 3, to the Head of Service (People & ICT). The appeal must be made no more than 14 days commencing from the day after the date on the letter notifying the employee of the result of the meeting. The employee will be given notice in writing of the time and venue of the appeal hearing.

14.2 At the Appeal Hearing, the Senior Manager/Head of Service, Service Director or Appeals Committee has the authority to revoke, confirm or vary the decision previously issued. The result of the Appeal Hearing will be notified in writing to the employee as soon as possible after the appeal. There is no further right of appeal.

15. Redeployment

15.1 Where job or environment changes or reasonable adjustments cannot be made to the employee's working environment, advice will be sought from OH regarding the employee's ability to carry out an alternative role. Managers should explore all opportunities for retraining and suitable alternative employment within their own service as well as placing the employee on the Council's Redeployment register to seek suitable alternative employment out with their service. Managers are required to support employees as appropriate, to enable them to apply for potentially suitable roles. Please refer to the Redeployment Policy and Procedure on Connects for further information.

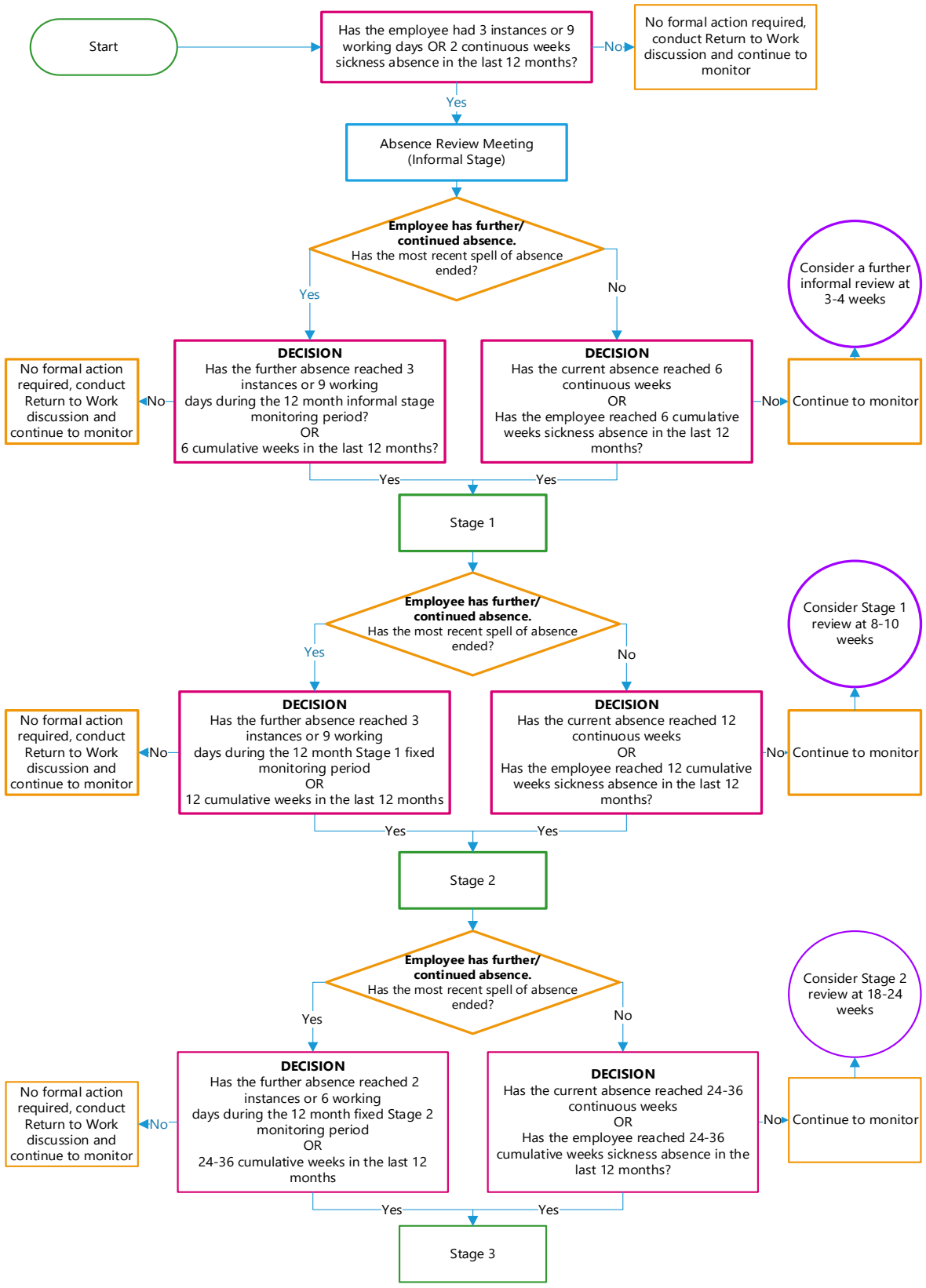
16. Ill-Health Retirement

16.1 Where an employee is deemed unfit for their current role, they may be considered for ill health retirement (provided they are a member of the Local Government Pension Scheme). The manager must refer the employee to OH and ask for the employee's eligibility for ill health retirement to be assessed. Where an employee is under consideration for ill health retirement by OH, action under the Wellbeing@Work (Supporting Attendance Policy) should be suspended until a decision had been made, however review meetings may take place in line with the corporate prompts.

17. Terminal Illness

17.1 Employees diagnosed with a terminal illness will be managed in a dignified and compassionate manner. Employees will not be subject to any Formal Stage action under the policy. Any medical referrals will be to assist with the employee's wellbeing. HR advice should be sought with regard to dealing with employees with diagnosed terminal illness and the options to be considered.

Appendix 1 - Wellbeing@Work Corporate Management Prompts



Appendix B

Maximising Attendance Policy & Procedure (Teachers) Version: 1.1

Focus. Passion. Inspiration.

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Version Number	Effective Date	Details of Last Revision
1.1	22.07.14	Updated onto new policy template and new numbering.
1.2	21.08.15	Updated to replace reference to Navigate with 'Connects'

Equality Impact Assessment	30 June 2013

Section 1: Introduction

1.1 Why is Managing Sickness Absence Important?

1.1.1 North Ayrshire Council recognises that employees will, from time to time, be unable to come to work because of sickness. However, the Council regards high levels of attendance at work vital for the maintenance of an effective and efficient service to the community it serves and one of its principal aims is to maximise employees' attendance at work.

1.1.2 High levels of sickness absence are costly and disruptive and can lead to:

- Additional pressure being placed on work colleagues leading to higher levels of stress and low morale
- Loss of continuity for Service users
- Additional salary costs necessary to cover absences
- A poor reputation for North Ayrshire Council

1.1.3 Addressing sickness absence properly can also benefit employees by:

- Providing an opportunity for support and assistance from the Council through the absence
- Helping to identify work-related and non-work related issues
- Identifying clearly the attendance standards expected

1.2 Management Responsibility

1.2.1 Managers and Supervisors must manage and control their employees' attendance and absence and are accountable for the sickness absence levels of their staff.

1.2.2 In maintaining acceptable levels they must:

- Be supportive, treat every sickness absence as genuine (unless there is evidence that it is not, when the disciplinary policy and procedure should be invoked) and be clear this is not a disciplinary process
- Conduct a return to work interview after every sickness absence, try to establish the underlying reasons for frequent sickness absence and record the outcome of that interview
- Set targets for attendance improvement
- Seek medical advice from the Council's Occupational Health Service, where appropriate
- Warn the employee of the consequences of continuing unsatisfactory attendance including the possibility that it may lead to dismissal
- Conduct a timely monthly review of sickness absence to identify problem areas and develop constructive solutions to these problems.

1.3 Monitoring Sickness Absence

1.3.1 Services should monitor sickness absence by the creation of a monthly report which can be presented to their Senior Management Team (SMT). The report should detail the names of employees who have reached absence triggers, which stage of the formal procedure the employee has reached. The report should also include reasons for any non-progression through the stages of the procedure. Services should use CHRIS to produce these monthly reports wherever possible, however a spread sheet may be used. It is therefore, vital that the information on the CHRIS is kept up-to-date.

1.3.2 Services are expected to provide year-on-year improvements to their sickness absence statistics and agreed annual targets should be included in the Service plan.

1.3.3 Senior Managers will be accountable for managing sickness absence. The Corporate Management Team (CMT) will be updated through monthly reports for each Service; The Scrutiny committee will also be updated regularly.

1.4 Sickness Absence Reporting Procedures

1.4.1 Employees must fulfil the Notification and Certification Requirements set out in the Terms and Conditions of Employment. Where an employee does not fulfil their responsibilities under these procedures managers should follow the procedures set out in the HR Guide: Breach of Notification and Certification Procedures.

1.4.2 When an employee calls in to report their absence, this call should be taken by their line manager or designated person within the service.

1.4.3 The line manager/designated person should complete a Sickness Absence Reporting Form for the employee. This form has been designed to ensure that the reason behind the employee's absence is examined as early as possible and assistance from North Ayrshire Council offered from the outset.

1.4.4 Template letters are available to send which offer condolences on illness or hospitalisation and to wish the employee well.

1.5 Moving between Short and Long Term Absence

1.5.1 Absence can normally be categorised into two distinct types; short term or long term sickness absence.

1.5.2 The management action for managing short and long term absence differs slightly due to the pattern of the sickness absence. Therefore the Maximising Attendance Procedure has been split into two sections; Dealing with Short Term Absence and Dealing with Long Term Absence.

1.6 Representation

1.6.1 An employee may represent him/herself or chose to be represented at any of the stages of the Procedure where an employee is required or invited to attend a Stage 1/2/3 interview.

1.6.2 If a representative is chosen, the representative can only be one of the following in accordance with the Employment Relations Act, 1999:-

- a fellow employee; who is another North Ayrshire Council employee; or
- a full time trade union officer or a lay trade union representative (but not necessarily of a union recognised by the Council) with experience of or has received training in acting as a worker's companion.

1.6.3 The employee shall provide to the manager concerned, verbal or written confirmation beforehand of the intention to be represented. The employee shall, wherever possible, also provide the name of that representative. Where that representative is a fellow employee, the employee being interviewed should consider any possible conflicts of interest that may arise through their choice of representative. The manager, however, can object to the chosen representative if a conflict of interest arises.

1.6.4 Reasonable time off should be given to allow the employee, fellow employee or lay representative to prepare before the interview and for the actual interview.

1.6.5 An employee can offer an alternative interview date where the representative cannot attend on the date proposed by management. However, the interview shall normally be re-arranged within five working days beginning with the working day after the day proposed by the manager.

1.6.6 The employee or representative shall take as full a part in the interview as possible and the employee and/or the representative has the right to address the interviewers and to ask questions. The representative does not have the right to answer on behalf of the employee who should respond to questions asked directly of him/her.

1.6.7 **An employee will have a right to appeal at the First Stage, Second Stage and Third Stage of both the short and long term procedure**. The appeal can be against either the facts (which led to their being seen under this procedure) or the outcome of their interview under this procedure. An employee shall also have an appeal against their dismissal, such an outcome only being possible at the Third Stage of the procedure. There shall only be one level of appeal within North Ayrshire Council. Please see Section 4 for further details on appeals.

1.7 Guidance on Moving through Maximising Attendance Procedure

1.7.1 Moving within the procedure from the Stage 1A to the Stage 1B has a time limit of six months. Moving from a Stage 1B to at Stage 2 has a time limit of 9 months. Moving from a Stage 2 to a Stage 3 has a time limit of 12 months. Therefore, within that period of 12 months, an interview can be linked to the next stage. Where an employee improves their attendance in the appropriate monitoring period, they will normally no longer be in the procedure and their record cleared.

1.7.2 However, there may be occasions where an employee's absence is satisfactory, only to lapse very soon after the 12 month period as noted above. Where a pattern emerges and there is evidence of abuse of the system, the employee's record under the maximising attendance procedures should be borne in mind in deciding whether to move to the next stage of the procedure, or to repeat for another 12 months. After one repeat stage, normally further evidence of abuse will result in moving to the next stage.

Section 2: Short Term Sickness Absence

2.1.1 The purpose of the procedure is to address and resolve issues of sickness absence in a structured setting with the overall objective of improving attendance to an acceptable level. In pursuit of this objective, the employee shall be supported wherever possible. The process begins with the Return to Work Interview which the line manager must arrange after every sickness absence. Thereafter, Management will be expected to review the employee's short-term sickness absence and take appropriate action based on the triggers set out below.

2.1.2 *Managers will have discretion in certain circumstances to vary from this procedure; however any decision to vary from the procedure must be justifiable to the Head of Service/Director. Discretion should be requested using the Discretion Request Form and submitted to the Head of Service/Corporate Director. Where discretion is applied the manager must ensure that this is recorded on the Return to Work/Stage Interview Form and recorded on CHRIS. Discretion should be applied where the employee:*

- *Is absent due to a chronic illness/disease; or*
- *has to undergo a surgical procedure or /requires hospitalisation which has a specified/expected date of recovery; or*
- *has an underlying medical condition which may affect their attendance intermittently over a set period of time.*

Consideration may also be given to the employee's previous attendance record.

Should the employee's absence extend beyond the original expected date of return, discretion should be removed and the employee met under the formal procedures.

Further to this, where a teacher has the occasion to attend for medical treatment, consideration will be given to the pre and post medical interventions required. Head

teachers are reminded that the Council's Special Leave Scheme should be utilised where appropriate to approve medical appointments and pre-post interventions.

2.1 Overview of Short-Term Absence Procedure

9 cumulative working days of sickness absence*, taken over more than one occasion*, in a rolling 12 month period

Or

3 instances of sickness absence in a rolling 12 month period, *irrespective of length of absence*

↓

Stage 1A Interview

↓

Stage 1A Review (if required)

↓

2 instances, or 6 cumulative working days sickness absence in a 6 month fixed monitoring period

↓

Stage 1B Interview

↓

Stage 1B Review (if required)

↓

2 instances, or 6 cumulative working days sickness absence in a 9 month fixed monitoring period

↓

Stage 2 Interview

↓

Stage 2 Review (if required)

↓

2 instances, or 5 cumulative working days sickness absence in a 12 month fixed monitoring period

↓

Stage 3 Interview

2.2 Return to Work Interview — After **every** absence

2.2.1 The disruption caused by frequent short term absence can often be worse than that caused by long-term absence as the ability to plan work is much harder.

2.2.2 After each absence the manager will conduct a Return to Work Interview with the employee. The Return to Work interview allows the manager to discuss the reason for the employee's absence and make any referrals to the Counselling Service/Occupational Health or other relevant support as soon as possible.

2.2.3 It is essential that the Return to Work interview is completed correctly before any formal attendance management action is taken to ensure that the employee:

- Is aware that there are concerns regarding their level of attendance
- Has been given the opportunity for improvement
- Is aware of the possible consequences of continued poor attendance

2.2.4 Managers should read and use the HR Guide: Conducting Effective Return to Work Interviews when meeting with employees on their return to work. The Return to Work meeting **must** be recorded on CHRIS.

2.3 Occupational Health Referrals for Short Term Absence	Any stage in procedure

2.3.1 An employee can be referred to Occupational Health at any point during the Sickness Absence process. However, employees should only be referred where the Occupational Health Report will assist with the attendance management decision, for example where the employee cites an underlying medical condition as the reason for absence. Unrelated absences would not necessarily require a referral. Possible outcomes for short term absence referrals are:

- Confirmation that the employee has an underlying medical condition, which may continue to result in absences from work
- Confirmation that the employee has a medical condition, but which should not require further periods of absence
- Confirmation that there is no underlying medical condition that would necessitate absence from work
- Advice on reasonable adjustments to the workplace
- Confirmation that the employee has had a medical condition which has required frequent absence, but this has been resolved and should no longer require absence from work.

2.3.2 Please refer to the HR Guide: Occupational Health Referrals and Reports for advice on the Occupational Health referrals.

2.4 Stage 1A Interview	Trigger: 9 cumulative working days of sickness absence, *taken over more than one occasion*, in a 12 rolling 12 month period OR 3 instances of sickness absence in a rolling 12 month period, *irrespective of length of absence*

2.4.1 Should an employee meet any of the absence triggers set out in the Managing Absence procedure above, they should be advised that they will be met under Stage 1A of the formal maximising attendance procedures.

2.4.2 A common sense approach should be taken to ascertain when it would be unreasonable to meet an employee under the procedure, despite hitting the

absence triggers, for example, where an employee's absence is directly attributable to a specific illness or recovery from a recent operation. In this instance the Stage 1A interview should be postponed for a reasonable time to allow the employee to make a full recovery.

2.4.3 The Stage 1A interview is designed to ensure the employee is aware of the seriousness of their poor attendance and to discuss in a formal setting, ways that this can be improved.

2.4.4 It is essential that the employee fully understands in what respect their attendance is unsatisfactory and that they are given an opportunity to explain any contributing difficulties to this situation. The employee will also be advised that if performance does not improve or there is a recurring pattern of sickness absence, they will be referred to the Stage 1B of the procedure.

2.4.5 **Stage 1A Attendance Target:**

The employee should be advised that they are in a fixed monitoring period for the next 6 months and will be called to a Stage 1B Interview if they have 2 occasions or 6 cumulative days of absence in 6 months, from the date of the Stage 1A Interview. The employee's attendance should be closely monitored over the 6 month period, a review meeting arranged if appropriate. The employee can appeal the Stage 1A interview outcome.

2.5 Stage 1B Interview	Trigger: 2 occasions, or 6 cumulative working days in the 6 month monitoring period

2.5.1 If the sickness absence exceeds the target set out in the outcome of the Stage 1A meeting, the employee will be called to a Stage 1B interview. Again, it may be unreasonable to conduct the Stage 1B interview at this point, despite not meeting the attendance targets set at the Stage 1A interview. If the employee cites an underlying health problem as the cause of absence then an Occupational health report should be available prior to the Stage 1B interview.

2.5.2 The discussion and considerations at the Stage 1Binterview should mirror the Stage 1A interview.

2.5.3 **Stage 1B Attendance Target:**

The employee should be advised that they are in a fixed monitoring period for the next 9 months and will be called to a Stage 2 interview if they have 2 occasions or 6 cumulative working days of absence in 9 months, from the date of the Stage 1B Interview. Review interviews should be arranged if appropriate. The employee can appeal the Stage 1B outcome.

2.6 Stage 2 Interview	Trigger: 2 occasions, or 6 cumulative working days in the 9 month monitoring period

2.6.1 If the sickness absence exceeds the target set out in the outcome of the Stage 1B meeting, the employee will be called to a Stage 2 interview. Again, it may be unreasonable to conduct the Stage 2 interview at this point, despite not meeting the attendance targets set at the Stage 1B interview. If the employee cites an underlying health problem as the cause of absence then an Occupational health report should be available prior to the Stage 2 interview.

2.6.2 The discussion and considerations at the Stage 2 interview should mirror the Stage 1B interview.

2.6.3 **Stage 2 Attendance Target:**

The employee should be advised that they are in a fixed monitoring period for the next 12 months and will be called to a Stage 3 interview if they have 2 occasions or 5 cumulative working days of absence in 12 months, from the date of the Stage 2 Interview. Review interviews should be arranged if appropriate. The employee can appeal the Stage 2 outcome.

2.7 Stage 3 Interview	Trigger: 2 occasions, or 5 cumulative working days in the 12 month monitoring period

2.7.1 The third stage interview is normally the final stage and may result in the employee being dismissed or transferred. To assist in determining whether or not an employee should move to the third and final stage of the procedure, it is recommended that a Maximising Attendance Case Review be conducted and consultation with a HR Team Leader is undertaken prior to the interview being held.

2.7.2 The Corporate Director/Head of Service will consider all aspects of the case. Where the unsatisfactory attendance record has continued and the improvement plan has not been achieved or sustained, the Corporate Director/Head of Service shall have the authority to terminate the employee's employment on the grounds of incapability due to poor attendance record.

2.7.3 Where the employee is dismissed on the grounds of incapability, he/she shall be advised of their right to appeal against the decision of dismissal. A copy of the letter should be sent to the representative present at the interview, the employee and to the Head of HR and Organisational Development. The Employee can appeal the Stage 3 outcome.

Section 3: Long Term Sickness Absence

3.1.1 Research indicates the best support for employees with long term absence is through early and continuing absence discussions. This procedure has been designed to ensure that managers keep in contact with absent employees throughout the duration of their absence, continue to offer and discuss support mechanisms and advise the employee of the possible consequences of their continued absence.

3.1.2 Long term absence cases will be considered on their individual circumstances within the parameters set out in the procedure below.

3.1.3 *Managers will have discretion in certain circumstances to vary from this procedure; however any decision to vary from the procedure must be justifiable to the Head of Service/Director. Discretions should be requested using the 'Discretion Request From' and submitted to Head of Service/Corporate Director. Where discretion is applied the manager must ensure that this is recorded on the Return to Work/Stage 1/2/3 pro forma and recorded on Chris.*

3.1.4 *Discretion should be applied where the employee;*

- *Is absent due to a chronic illness/disease; or*
- *has to undergo a surgical procedure or requires hospitalisation which has a specified/expected date of recovery*
- *has an underlying medical condition which may affect their attendance intermittently over a set period of time.*

3.1.5 Consideration may also be given to the employee's previous absence record.

3.1.6 Should the employee's absence extend beyond the original expected date of return, discretion should be removed and the employee met under the formal procedures.

3.1 Overview of Long Term Absence Procedure

Reasonable Contact with employee during first 4 weeks of Continuous Absence (and beyond)
↓
Initial Long Term Absence Review Meeting (at 4 weeks) (if appropriate)
↓
Stage 1A Interview (between 8-12 weeks)
↓
Stage 1A – Review (if appropriate)
↓
Stage 1B Interview (between 13-19 weeks)
↓
Stage 1B Review (if appropriate)
↓
Stage 2 Interview (between 20 – 28 weeks)
↓
Stage 2 – Review (if appropriate)
↓
Stage 3 Interview(Between 28 - 36 weeks)

3.2 Contact During Long Term Absence	From 1st day of absence

3.2.1 When an employee is absent from work due to sickness it is important that contact is maintained. The responsibility to maintain contact rests equally with the line manager and employee.

3.2.2 To ensure that regular contact is maintained, employees must remain contactable during periods of absence and respond to letter and phone messages.

3.2.3 Managers should keep in contact to gain an understanding of when the employee expects to be back at work and any support the Council can provide to assist their recovery, as well as any work related matters and the possibility of working from home etc. The amount of contact will depend on the reason for absence.

3.2.4 Employees should also be advised that should their absence reach 4 continuous weeks then a Long Term Absence Initial Review Meeting will be arranged, and if there is no return before 8 weeks a formal meeting will be arranged under the Maximising Attendance Procedure.

3.3 Initial Long Term Absence Review	4 weeks continuous sickness absence

3.3.1 The initial review meeting should take place as soon as possible once the employee's absence reaches 4 continuous weeks. In the case of hospitalisation the initial review meeting should take place as soon as is reasonable.

3.3.2 The initial review meeting can take place at a Council building, at the employee's own home, an alternative mutually acceptable venue or over the telephone, depending on the employee's illness.

3.3.3 The review is designed to allow managers an opportunity to gain a better understanding of the reason for the employee's absence, when the employee is expected to return to work and any support that the Council can offer to aid the employee's recovery. The meeting will consider;

- When the employee expects to return to work
- Any reasonable adjustments that can be made e.g. working from home, redeployment
- Referrals to Occupational Health (see below)
- Discuss with the employee the consequences of their continuing absence

3.3.4 Managers should use the 'Initial Long Term Absence Review Meeting' pro forma to assist with this discussion.

3.4 Occupational Health Referral for Long Term Absence	Any point in the procedure and repeat if required

3.4.1 The manager must give serious and immediate consideration to the employee being referred to the Council's Occupational Health service as early as possible, or where appropriate to seek other medical opinion. A **referral must be made in all cases where an employee has been, or is likely to be, absent for six calendar weeks or more and there is no date identified for a return to work.** Muscular-skeletal and stress cases should be referred immediately.

3.4.2 The purpose of the medical referral will be to determine the following: -

- Whether or not there is an underlying health problem
- The employee's fitness for his/her full range of duties or any alternative duties that the employee could carry out
- The earliest date of return to work, where recovery is expected
- Whether the employee has a disability as defined by the Equality Act 2010

3.4.3 North Ayrshire Council is required under the Equality Act 2010 to make reasonable adjustments to the physical conditions of their premises, furniture and/or equipment to assist disabled employees. Please see the 'Retention of Disabled Employees' policy for further information on your management responsibilities for disabled employees.

3.4.4 Please refer to the HR Guide to Occupational Health Referrals and Reports for advice on the Occupational Health referrals.

3.5 Stage 1A Interview	At 8 - 12 weeks continuous absence

3.1.1 Long term absence is operationally difficult and it is appropriate to review the case and ensure an up-to-date Occupational Health report is available. Once the report is available, the employee will be invited to attend a Stage 1A Interview. This should be arranged from 8 weeks continuous sickness absence and no later than 12 weeks. All situations will vary depending upon the nature of the medical problems and the prognosis of the employee's condition.

3.1.2 The meeting will consider:

- Previous discussions with the employee
- The employee's future employment prospects, other options such as reasonable adjustments, change in hours, redeployment and working from home.
- the latest OH report and the employee's current and future capability;
- Amended duties, Redeployment, Ill Health Retirement, support available

3.1.3 If the Occupational Health report indicates that the employee will be fit to return in 12 weeks or less, then a Stage 1A Review should be organised to discuss the employee's progress prior to the expected return date and ascertain if the date will be fulfilled. If the expected date of return is unknown or much longer than 12 weeks the employee is advised that if they are likely to be absent for up to 19 weeks a Stage 1B Interview will be arranged before the end of this period. The employee can appeal the Stage 1A outcome.

3.6 Stage 1B Interview	13 – 19 weeks continuous absence

3.1.1 The stage 1B interview will follow on from the Stage 1A interview. The Stage 1B should be arranged from 13 weeks continuous absence no later than 19weeks. All situations will vary depending upon the nature of the medical problems and the prognosis of the employee's condition.

3.1.2 The meeting will consider:

- Previous discussions with the employee
- The employee's future employment prospects, other options such as reasonable adjustments, change in hours, redeployment and working from home.
- the latest OH report and the employee's current and future capability;
- Amended duties, Redeployment, Ill Health Retirement, support available

3.1.3 If the Occupational Health report indicates that the employee will be fit to return before 20 weeks of absence, then a Stage 1B Review should be organised to discuss the employee's progress prior to the expected return date and ascertain if the date will be fulfilled. If the expected date of return is unknown or much longer than 20 weeks the employee is advised that if they are likely to be absent for up to 20 weeks a Stage 2 Interview will be arranged before the end of this period. The employee can appeal the Stage 1B outcome.

3.7 Stage 2 Interview	Between 20 and 28 weeks continuous absence

3.7.1 Managers should ensure that an up-to-date Occupational health report is available before holding a Stage 2 Interview.

3.7.2 The employee will have the right to be represented by a trade union representative or to be accompanied by a work colleague.

3.7.3 The following options should be discussed:

- Ensure that reasonable adjustments are explored
- Consider any feasible redeployment
- Ill health retirement

- The employee should be informed that cases of significant long term absence cannot be sustained indefinitely and if there is no prospect of a return to work in the foreseeable future or ill health retirement, a Stage 3 Formal Interview will be arranged to consider dismissal

3.7.4 A Stage 2 review may be arranged to consider if the return to work plan is realistic as the time as the return to work date draws nearer. If the return to work is not planned and the employee is absent beyond 28 weeks the employee will be referred to a Stage 3 Interview to consider whether the Council can sustain their employment. The employee can appeal the Stage 2 outcome.

3.8 Stage 3 Interview	Between 29 – 36 weeks continuous sickness absence

3.8.1 Following the completion of the Stage 1A, Stage 1B and Stage 2 interviews, cases of continuing long term absence will be referred to a Stage 3 Formal Capability Hearing. The purpose of the Stage 3 interview will be to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment or, whether employment should be terminated due to the employee's continuing incapability to undertake their duties effectively because of their ill health.

A Stage 3 case review must be conducted prior to arranging a Stage 3 interview and a HR Team Leader conducted. The case review should consider;

- Up-to-date OH report
- Details of previous interviews held
- Details of other arrangements made by the Manager to support the employee
- Details of discussions on adjustments, phased return or redeployment
- Ill Health Retirement
- Any issues raised or comments expressed by the employee or their representative

When reaching a decision about whether or not to dismiss, the Head of Service/Corporate Director will consider any relevant information including the following;

- The impact of the employee's absence on other employees and service delivery
- The employee's absence record and the Occupational health advice received
- Representation made by the employee and/or their representative
- The expected date of return
- The employee's conditions of service, and in particular Part 2 Section 6 of the SNCT Handbook
- What actions have been taken/considered to enable the employee to continue in employment

Section 4: Appeals and Levels of Authority

4.1.1 **An employee will have a right to appeal at the Stage 1A, Stage 1B, Second Stage and Third Stage of both the short and long term procedure**. The appeal can be against either the facts (which led to their being seen under this procedure) or the outcome of their interview under this procedure. An employee shall also have an appeal against their dismissal, such an outcome only being possible at the Third Stage of the procedure. There shall only be one level of appeal within North Ayrshire Council.

4.1.2 If the employee chooses to exercise their right of appeal, an appeal stating fully the grounds on which it is based, should be made in writing, using 'Notification of Appeal' form, either by the employee or by their representative on his/her behalf. The Appeal has to be made not more than 14 days from the day following the date on the letter notifying the member of staff of the result of the interview.

4.1.3 The appeal request should be sent to the management official named in the notification of the outcome of the interview at the First Stage and Second Stage and to the Head of HR and Organisational Development at the Third Stage.

4.1.4 The employee shall be given notice in writing of the time and venue of the Appeal Hearing.

4.1.5 At the Appeal Hearing, the senior Management Official shall have the power to revoke, confirm or vary the decision previously issued.

4.1.6 The result of the Appeal Hearing shall be notified in writing to the employee and his/her representative as soon as possible after the Appeal.

4.1.7 Levels of authority for interview and appeals

Interview	Interviewing Officer	Appeal heard by
Stage 1A	Headteacher	Manager senior to Interviewing Officer
Stage 1B	Headteacher	Manager senior to interviewing Officer
Second Stage	Appropriate Supervisor/Line Manager (e.g. Head of Service)	Manager senior to Interviewing Officer
Third Stage	Corporate Director/Head of Service or nominated officer	Appeals Committee of North Ayrshire Council

Appendix 1 – Maximising Attendance Triggers (Teachers)

Short Term Absence

Return to Work Discussion;
After each absence
↓
Employee met at **Stage 1A** if absence reaches;
9 cumulative working days of sickness absence, taken over more than one occasion, in a 12 month rolling period
OR
3 instances of sickness absence in a rolling 12 month period, irrespective of length of absence
↓
Employee met at **Stage 1B** if absence reaches (from date of Stage 1A interview);
2 instances, or 6 cumulative working days in a 6 month fixed monitoring period
↓
Employee met at **Stage 2** if absence reaches (from date of Stage 1B interview);
2 instances, or 6 cumulative working days in a 9 month fixed monitoring period
↓
Employee met at **Stage 3** if absence reaches (from date of Stage 2 interview);
2 instances, or 5 cumulative workings days in a 12 month fixed monitoring period

Long Term Absence

Initial Long Term Absence Review;
Conducted at 4 weeks continuous long term absence
↓
Employee met at **Stage 1A** if absence reaches;
8 – 12 weeks continuous sickness absence
↓
Employee met at **Stage 1B** if absence reaches;
13 – 19 weeks continuous sickness absence
↓
Employee met at **Stage 2** if absence reaches;
20 – 28 weeks continuous sickness absence
↓
Employee met at **Stage 3** if absence reaches;
29 – 36 weeks continuous sickness absence

Discretion

Discretion to vary from these procedures must be approved by Head of Service/Corporate Director. Discretion should only be applied where the employee;

- *Is absent due to a chronic illness/disease; or*
- *has to undergo a surgical procedure or /requires hospitalisation which has a specified/expected date of recovery; or*
- *has an underlying medical condition which may affect their attendance intermittently over a set period of time.*

Consideration may also be given to the employee's previous attendance record. Should the employee's absence extend beyond the original expected date of return, discretion should be removed and the employee met under the formal procedures.

Further to this, where a teacher has the occasion to attend for medical treatment, consideration will be given to the pre and post medical interventions required. Head teachers are reminded that the Council's Special Leave Scheme should be utilised where appropriate to approve medical appointments and pre-post interventions.

Appendix C

Wellbeing@Work (Supporting Attendance Policy)

Overview of Management Prompts

Stage	Meeting	Corporate Management Prompts	Meeting Chaired by	Appeal heard by
Informal	Absence Review Meeting	3 instances or 9 working days OR 2 continuous weeks within a rolling 12-month period	Supervisor / line manager / Member of School SMT	n/a
Stage 1	First Formal Meeting	Further 3 instances or 9 working days during the 12-month fixed monitoring period OR 6 weeks continuous or cumulative absence in the last 12 months	Supervisor / line manager / Member of School SMT	Manager Senior to Stage 1 Meeting Officer
Stage 1 Review	Review Meeting (optional)	At 6-12 weeks continuous absence	Supervisor / line manager / Member of School SMT	n/a
Stage 2	Second Formal Meeting	Further 3 instances or 9 working days during the 12-month fixed monitoring period OR 12 weeks continuous or cumulative absence in the last 12 months	Appropriate supervisor / line manager	Manager Senior to Stage 2 Officer
Stage 2 Review	Review Meeting (optional)	At 18-24 weeks continuous absence	Appropriate supervisor / line manager	n/a
Stage 3	Third Formal Meeting (and possibility of termination of employment on grounds of capability due to ill health)	Further 2 instances or 6 working days during the 12-month fixed monitoring period OR 24-36 weeks continuous or cumulative absence in the last 12 months	Nominated Senior Manager (Grade 14 or higher) or Head of Service / Executive Director	Appeals Committee of North Ayrshire Council (in the event of dismissal) (Head of Service / Executive Director if employee not dismissed)

Appendix D

Maximising Attendance Policy & Procedure (Teachers)

Overview of Short and Long-Term Absence Procedures

Short-Term Absence

9 cumulative working days of sickness absence, *taken over more than one occasion*, in a rolling 12 month period

Or

3 instances of sickness absence in a rolling 12 month period, *irrespective of length of absence*

↓

Stage 1A Interview

↓

Stage 1A Review (if required)

↓

2 instances, or 6 cumulative working days sickness absence in a 6 month fixed monitoring period

↓

Stage 1B Interview

↓

Stage 1B Review (if required)

↓

2 instances, or 6 cumulative working days sickness absence in a 9 month fixed monitoring period

↓

Stage 2 Interview

↓

Stage 2 Review (if required)

↓

2 instances, or 5 cumulative working days sickness absence in a 12 month fixed monitoring period

↓

Stage 3 Interview

Long-Term Absence

Reasonable Contact with employee during first 4 weeks of Continuous Absence (and beyond)

↓

Initial Long Term Absence Review Meeting (at 4 weeks) (if appropriate)

↓

Stage 1A Interview (between 8-12 weeks)

↓

Stage 1A – Review (if appropriate)

↓

Stage 1B Interview (between 13-19 weeks)

↓

Stage 1B Review (if appropriate)

↓

Stage 2 Interview (between 20 – 28 weeks)

↓

Stage 2 – Review (if appropriate)

↓

Stage 3 Interview(Between 28 - 36 weeks)

Appendix E: Absence Targets

Table 1: Whole Council 3 Year Summary Days Lost per FTE, Year to Date as at end of Q2.

The values shown in Table 1 below are calculated based on the current year to date position as at end of Q2 (2024/25).

Year	Whole Council as at Q2				
	FTE	Actual	Target	Variance	Change from Previous Year
2022/2023	7,602	5.74	4.32	-1.42	-1.45
2023/2024	6,965	5.84	5.10	-0.74	-0.10
2024/2025	6,493	5.88	5.24	-0.64	-0.04

Table 2 – Whole Council 3 Year Summary Days Lost per FTE

Year	Whole Council as at Q4 2023/24				
	FTE	Actual	Target	Variance	Change from Previous Year
2021/2022	6,225	9.87	8.70	1.17	3.08
2022/2023	6,249	12.76	8.68	4.08	2.89
2023/2024	6,443	12.82	10.21	2.61	0.06

Appendix F: Directorate Summary – Absence at Q2 2024/2025

Tables 3 & 4 - Summary by Directorate/Service

Tables 3 and 4 below provide a year-to-date summary of key measures as at the end of Q2 2024/25. The purpose of the tables is to provide context in relation to both the volume and duration of absences. The total number of discretion applications approved, and employees granted differs as some employees have been granted discretion on more than one occasion.

Table 3 – Summary by Directorate

Directorate	Headcount	FTE	YTD Absence Level	YTD Target	Variance
Communities & Housing	743	691.77	5.59	4.8	-0.8
Corporate Services	430	403.13	3.07	2.84	-0.24
Education	4,098	2,921.49	4.79	4.96	0.17
HSCP	2,194	1,796.63	7.55	6.65	-0.91
Place	700	679.48	8.12	4.86	-3.26

Table 4 – Summary by Directorate and Service level

Directorate/ Service	Headcount	FTE	Absence Level	Target	Variance	No of Absent Employees	No of Absence Spells	No of Discretion Applications Approved	No of Employees Granted Discretion	Average Calendar Days Lost	Maximum Calendar Days Lost	Total Calendar Days Lost
Communities & Housing	743	691.77	5.59	4.8	-0.8	255	428	5	5	18.12	183	5,454
Connected Communities	220	181.75	4.92	3.87	-1.06	63	102	5	5	19.03	183	1,389
Housing & Public Protect	523	510.02	5.83	5.14	-0.69	192	326	0	0	17.83	183	4,065
Corporate Services	430	403.13	3.07	2.84	-0.24	125	195	4	3	10.73	131	1,717
Chief Officer LT	19	19	1.58	2.5	0.92	2	3	0	0	20.5	36	41
Democratic Services	70	67.37	2.58	2.5	-0.08	11	17	1	1	18.08	70	235
Financial Services	84	79.03	2.02	2.5	0.48	24	29	0	0	9.35	91	243
People & ICT	257	237.73	3.68	3.09	-0.6	88	146	3	2	10.07	131	1,198
Education	4,098	2,921.49	4.79	4.96	0.17	1,388	2,454	38	33	19.68	183	33,434
Direct Support-Education	2	2	1	2.5	1.5	1	1	0	0	1	1	1
Education	4,096	2,919.49	4.79	4.96	0.17	1,387	2,453	38	33	19.69	183	33,433
HSCP	2,194	1,796.63	7.55	6.65	-0.91	1,030	2,097	34	32	20.53	183	29,238
Chief SW Officer	17	17	11.51	4	-7.51	7	15	1	1	33.5	183	268
Child, Families & Justice	409	379.38	8.52	7.14	-1.39	162	310	11	11	25.53	183	4,825
Financial Inclusion	52	49.29	8.18	2.5	-5.68	14	33	2	2	45.6	129	684
Health & Community Care	1,323	998.12	7.52	7.42	-0.1	715	1,485	16	14	18.87	183	19,771
HSCP	230	196.77	6.18	4	-2.18	77	152	2	2	22.67	183	2,244
HSCP Finance & Transform	55	51.36	3.77	2.5	-1.27	14	24	0	0	17.71	103	301
Mental Health	108	104.71	7.96	7.5	-0.46	41	78	2	2	23.85	130	1,145
Place	700	679.48	8.12	4.86	-3.26	253	524	1	1	24.54	183	8,074
Direct Support	5	5	10	3	-7	1	3	0	0	71	71	71
Economic Dev & Regen	83	76.77	3.68	3.05	-0.63	17	30	0	0	22.58	142	429
Neighbourhood Services	457	450.73	9.58	5.73	-3.86	198	408	0	0	23.3	183	6,151
Sus, TPT & Corp Property	155	146.98	5.75	3.42	-2.34	37	83	1	1	31.62	183	1,423
Whole Council	8,165	6,492.50	5.88	5.24	-0.65	3,051	5,698	82	74	19.91	183	77,917

Appendix G: Local Government Benchmarking Framework

LGBF splits the absence measure into two categories Teaching (CORPa) and Non-Teaching (CORPb). At a national level the average days lost per FTE has increased in 2023/24, compared to 2022/23.

Our Council had the joint 4th lowest level of absence for the Teaching and non-Teaching category within the family group for 2023/24. The non-Teaching category is lower than the overall Scotland figure.

It should also be noted that absence levels are consistently higher across all Council's within the family group for non-teaching than the absence levels within the Teaching category.

Table 5 – LGBF Teaching 4 Year Summary Days Lost per FTE

	CORP6a					
	Sickness absence days per employee (teacher)					
Local Authority	Corp 6a 2019-20	Corp 6a 2020-21	Corp 6a 2021-22	Corp 6a 2022-23	Corp 6a 2023-24	Ranking
East Ayrshire	4.97	2.91	5.13	6.83	9.30	4*
East Lothian	4.92	2.77	4.53	5.77	6.70	2
Fife	6.35	5.15	6.98	8.24	9.30	4*
Moray	6.76	4.54	6.00	7.89	9.60	5
North Ayrshire	5.53	4.78	7.20	7.65	9.30	4*
Perth & Kinross	7.22	4.21	6.97	8.90	9.10	3
South Ayrshire	5.11	3.18	5.46	4.93	5.00	1
Stirling	6.32	3.74	6.54	8.72	10.00	6
Scotland	**6.35**	**4.16**	**5.84**	**6.81**	**7.60**	

Table 6 – LGBF Non-Teaching 4 Year Summary Days Lost per FTE

	CORP6b					
	Sickness absence days per employee (non-teacher)					
Local Authority	Corp 6b 2019-20	Corp 6b 2020-21	Corp 6b 2021-22	Corp 6b 2022-23	Corp 6b 2023-24	Ranking
East Ayrshire	9.77	7.07	13.35	15.46	15.80	6
East Lothian	9.43	7.17	9.46	10.92	13.70	3
Fife	13.86	11.83	15.29	15.85	16.70	7
Moray	12.69	8.67	11.08	12.83	14.00	5
North Ayrshire	8.94	9.24	12.86	14.32	13.83	4
Perth & Kinross	10.73	8.32	10.88	13.00	13.10	2
South Ayrshire	10.15	8.82	10.98	10.92	10.30	1
Stirling	11.95	9.49	13.37	17.14	18.80	8
Scotland	**11.90**	**9.71**	**12.43**	**13.21**	**13.90**	