

**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to ask the Board to approve significant amendments to the undernoted procedure.

**Managing Attendance Procedure**

**2 MAIN REPORT**

- 3.1 This procedure has been reviewed to assist line managers to monitor, control and improve attendance levels and to reduce the adverse impact of sickness absence on staff and service delivery. The significant changes to the procedure are long term absences will now be managed in line with the trigger levels and staged process which are adopted for short term absences. The trigger levels and the staged warnings have also been revised to ensure a tighter control over absence management

**3 CONSULTATION**

Unison have been consulted and have agreed the procedure as a local collective agreement.

**4 FINANCIAL IMPLICATIONS**

- 4.1 There is no financial impact.

**5 ENVIRONMENTAL IMPACT**

- 5.1 There are no adverse environmental impacts arising from this report.

**6 RECOMMENDATIONS**

- 6.1 Lothian Valuation Joint Board is recommended to approve the :-
- a) Managing Attendance Procedure

**Appendix**

Draft Managing Attendance Procedure

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MANAGING  
ATTENDANCE  
PROCEDURE

**MANAGING ATTENDANCE PROCEDURE**

Approved By	Lothian Valuation Joint Board
Date of Approval	
Owner	Bill Kerr
Issue & Date	1
Identity	Managing Attendance Procedure
Location of electronic copy	
Location of paper copy	Human Resources
Change Authority	
Review Frequency	Yearly
Next Review Date	15 November 2016

Issue	Author	Date	Details of Change

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## MANAGING ATTENDANCE PROCEDURE

(Covering all employees)

### 1 INTRODUCTION

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1.1 Lothian Valuation Joint Board (LVJB) and Unions recognise that a high level of attendance, achieved in accordance with the aims of the Joint Board's Policy on Absence Management, is a vital factor in providing effective and efficient operation of Joint Board Services. High levels of attendance will contribute positively to the provision of direct quality service provision in the context of a best value regime. The aim of this procedure is to provide such a basis for dealing with sickness absence.

This procedure is designed to help line managers monitor, control and improve attendance levels and to reduce the adverse impact of sickness absence on staff and service delivery. All sickness absence will be dealt with using this procedure.

1.2 LVJB recognises that high attendance levels are a vital factor in providing cost-effective and efficient services. All parties to this agreement recognise that high sickness absence levels adversely impact on staff and service delivery and are therefore unsustainable.

1.3 The Senior Management Team will oversee the operation of the procedure.

1.4 Key to the operation of the procedure will be the consistent application of its provisions. Management discretion used appropriately will, when used in conjunction with other supportive policies and procedures, provide employees with appropriate support to improve their attendance levels where possible/practicable.

1.5 The effective management of sickness absence must be a high priority for all line managers.

1.6 LVJB sickness absence trigger points have been set and will be reviewed regularly.

1.7 To promote continuous improvement in the area of sickness absence, it is mandatory for line managers to continuously monitor their staff's attendance.

1.8 A key tool in the effective management of absence is the **Return to Work** interview. It is mandatory to undertake a return to work interview each time an employee returns to work from a period of sickness absence, even where the absence duration is only one day.

1.9 The procedure provides a process for Managing Attendance which may result in action being taken up to, and including dismissal on capability grounds.

1.10 Line managers will ensure that employees are made aware of the Procedure and that their attendance will be monitored against the trigger levels set by LVJB. In addition, they will also be responsible for operating the procedural arrangements for their employees.

1.11 Medical information relating to cases will be kept strictly confidential.

1.12 Where sickness absence relates to an employee with a disability, line managers require to comply with the Equality Act and the duty to make reasonable adjustments. Advice must be sought from the Human Resource Manager

- 1.13 This procedure has been developed in compliance with the legislative framework and guidance on the public sector equality duty.
- 1.14 An employee has the right to be represented by a Trade Union representative or a work colleague at any formal stage meeting convened under this procedure.

## 2 NOTIFICATION OF ABSENCE

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- 2.1 An employee must telephone their line manager or alternative designated contact on the first day of absence in accordance with the reporting arrangements for LVJB and provide the following information:
- the reason for absence
  - an anticipated return to work date
  - any work commitments that may need to be rearranged or re-allocated

If an employee cannot make personal contact, they must ensure that notification is always made on their behalf, in line with the appropriate contact arrangements.

- 2.2 E-mails or text messages **are not accepted** as an appropriate method of notification other than when they are agreed for use as a reasonable adjustment in the case of an employee with a disability.
- 2.3 Failure to notify the designated contact without good reason will lead to the absence being deemed unauthorised and will result in the withholding of sickness absence payments and possibly disciplinary action. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.
- 2.4 If a manager has not heard from an employee on the first day of absence, within the timescales indicated in reporting arrangements, they should try to establish contact later on the first day and also on successive days, in an attempt to determine the reason for the absence.
- 2.5 Contact made with employees in accordance with this provision is considered reasonable. This is neither harassment nor an invasion of privacy as it is the responsibility of the manager to establish the whereabouts of the employee and why they are not at work.
- 2.6 The employee must update their line manager on their absence on the fourth and seventh day of absence and weekly thereafter. Failure to do so will result in the withholding of sickness absence payments. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated. In the case of a long term absence appropriate contact periods will be agreed with the employee.

## 3 CERTIFICATION OF ABSENCE

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- 3.1 For an absence of **seven calendar days or less**, the employee must submit a self-certificate form to their line manager on the day they return to work unless a Medical Practitioner has issued a Fit Note for the entire period of the absence.
- 3.2 For an absence continuing for **more than seven calendar days**, in addition to completing a self-certificate form, the employee must consult a Medical Practitioner and obtain a Fit Note. The Fit Note must be forwarded immediately to the HR manager. If the absence is likely to continue beyond the date shown on the medical certificate the employee should consult their Medical Practitioner again and submit additional Fit Notes to cover the period of their absence.
- 3.3 If the employee's health improves, they will be expected to return to work at the end of the period and under any specific workplace/ working time adjustments/restrictions specified in the most current Fit Note if operationally feasible. In the case of an employee with a disability, any adjustments which are deemed reasonable and able to be accommodated will be made.

## 4 UNAUTHORISED ABSENCE

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- 4.1 When an employee's absence is not supported by appropriate documentation or where the correct notification procedure has not been followed, this will be regarded as unauthorised absence and sickness absence payments will be withheld. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.
- 4.2 However, if, after investigation and consideration of the circumstances and any explanation given, the absence remains unauthorised, pay will not be re-instated and the matter will be dealt with under LVJB's disciplinary procedure. Any such action will not prevent the absence itself being dealt with under the provisions of this procedure.

## 5 SUSPENSION OF SICKNESS PAYMENTS

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- 5.1 Sickness payments will be suspended where an employee abuses the provisions of this procedure. Examples of abuse will be:-
  - Sickness due or attributable to deliberate conduct prejudicial to recovery e.g. a failure to take the necessary steps to assist recovery or to deliberately act in a way which sets back the employee's recovery.
  - The employee's own misconduct or neglect.
  - Active participation in professional sport i.e. under a contract.
  - Injury while working in the employee's own time on their own account for private gain or for another employer.
  - Fraudulent claims for sickness payments which are likely to constitute gross misconduct and could lead to dismissal.

- 5.2 Where such an abuse constitutes misconduct it will be dealt with under the provisions of LVJB's disciplinary arrangements. This will not prevent the absence itself being dealt with under the provisions of this procedure.

## 6 PROCEDURAL RECORDING AND MONITORING

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- 6.1 The Senior Management Team will oversee the operation of the procedure, and work with line managers to continuously improve attendance levels.
- 6.2 Managers must **notify Human Resources of all sickness absences on the first day of absence or as soon as possible thereafter.**

This information is used to:-

- Ensure timely notification of changes in sick pay level (ie a reduction to half pay or to zero pay).
  - Produce absence reports.
  - Produce reports of formal action taken.
  - Monitor the effectiveness of LVJB's Managing Attendance arrangements.
- 6.3 Each line manager is required to monitor attendance levels within their team and apply the formal stages of this procedure in line with sections 11 and 12 below.
- 6.4 An early decision must be made by the line manager on whether the issue is one of short-term or long-term absence or if a recognisable pattern of absence has emerged. In reaching a decision, the nature of the absence and the employee's current medical circumstances should be taken into account when determining a way forward e.g. their disability, a planned recuperation/ rehabilitation following hospitalisation.
- 6.5 Line managers must maintain records of actions taken and when they were taken. All formal documentation must be passed to Human Resources for retention in personnel files.
- 6.6 The Human Resource Manager must be consulted prior to the exercising of any managerial discretion which results in the formal stages of the procedure not being used.

## 7 WELL-BEING AND PREVENTATIVE ACTION

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- 7.1 LVJB encourages employees to adopt and pursue healthy lifestyle options which can contribute to a positive work-life balance and lead to lower employee sickness absence levels.
- 7.2 LVJB offers supportive measures such as a confidential employee counselling service and physiotherapy.



- 7.3 Effective monitoring of sickness absence can identify issues which, if tackled early, can impact positively on an employee's well-being/ absence level, for example sickness absence related to stress or musculoskeletal problems.

## 8 TERMINAL ILLNESS

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- 8.1 Where an illness or medical condition is diagnosed as one from which the individual will not recover ie their illness/condition is terminal, the formal stages of this procedure **will not** operate and any medical referral will only be to assist in the employee's wellbeing.

## 9 TRIGGER POINTS

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- 9.1 Sickness absence will be considered as problematic and having an adverse impact on individual and /or team performance and service delivery where any of the following trigger points are reached:

### Short-term

- a) Three instances of sickness absence within a 6 month rolling period; or
- b) Eight days of sickness absence within a 6 month rolling period.

### Long-term

- c) Eight weeks of continuous sickness absence.

### Review Periods

- d) Review periods for employees placed on a stage warning for sickness absence will normally be as undernoted:-

<b>Stage 1</b>	<b>6 months</b>
<b>Stage 2</b>	<b>9 months</b>
<b>Stage 3</b>	<b>12 months</b>

### Pattern

- d) Other recurring or recognisable patterns such as sickness absence which occur. Examples include:-
  - On a Friday and/or a Monday.
  - Before or after public holidays or periods of annual leave.
  - Before, during or after school holidays.
  - Regular patterns of sickness absence in a year or in successive year's ie specific recurring dates when sickness absence occurs.

## 9.2 Disabled Employees

In the case of employee with a disability, it may be appropriate to increase the trigger levels as a reasonable adjustment where it is evident that the disability is adversely impacting on the employee's efforts to attend work.

## 10 OCCUPATIONAL HEALTH ADVICE

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10.1 It is recognised that an early referral can have a positive effect on absences related to stress, mental illness and musculo skeletal conditions. In stress cases a referral should be made immediately to ensure the earliest possible intervention. Absences due to musculo - skeletal or mental health should be the subject of a referral prior to a trigger being reached.

10.2 Where an employee has reached a trigger point, the line manager will seek appropriate medical advice from LVJB's Occupational Health provider and taking account of the advice received, decide on a course of action in accordance with the procedure. This referral will be made in conjunction with the HR Manager.

10.3 An employee will be required to participate in a medical referral by LVJB's Occupational Health provider. In these circumstances the employee will be advised of the reason(s) for seeking medical advice, his/her rights under Access to Medical Reports legislation and given a copy of the referral form prior to the occupational health appointment.

10.4 In any Occupational Health referral, advice should be sought to determine if the employee could be covered by the disability provisions in the Equality Act and, if so, whether the circumstances of the case therefore require consideration of any reasonable adjustments, as provided for in the Equality Act and what they might be.

### 10.5 Case Conferences

In particularly complex cases, for example where a disability is a feature, a case conference may be used to identify a way forward. This would normally be attended by the employee and their representative, line manager and the Human Resource Manager. Recent occupational health reports or advice should be available to inform the meeting.

## 11 MANAGEMENT ACTION

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### Counselling

Whenever sickness absence causes concern and it is considered appropriate, the employee may be counselled by an appropriate line manager of the Joint Board, which will normally be the employee's **immediate** line manager. During counselling the line manager will, taking account of all the circumstances, discuss sensitively with the employee the acceptable level of attendance at work, the employee's level of sickness absence and the reasons for the absences.

The line manager should indicate clearly to the employee the improvement in attendance required and should consider taking any other action which may assist the employee to achieve this improvement.

## 11.1 Line Management Review of Individual Circumstances

(a) Progression into any of the formal stages of the procedure will not be automatic when a trigger is reached but will be subject to consideration of the circumstances. This will take place where the trigger level is reached or the absence relates to a **“one off”** situation (which could involve one or more periods of absence) e.g.

- a surgical intervention or
- a management enforced absence relating to a contagious or other infection or notifiable disease that is required by law to be reported to government authorities

Or

- Where up to that point the employee has had very low or no sickness absence over an extended period of a year or more.

In such circumstances line managers must consult with the Human Resource Manager when wishing to apply discretion and not apply the normal stages of the procedure. Line managers must keep records of actions taken, when they were taken and record these decisions and forward copies to the Human Resource Manager.

## 12 STAGED APPROACH

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12.1 Where a review determines that action in line with this procedure is required, there are 4 formal stages to managing absence cases:

**Stage 1:** if no improvement or sustained return to work, move to

**Stage 2:** if no improvement or sustained return to work, move to

**Stage 3:** if no improvement or sustained return to work, move to

**Stage 4.** Final assessment and potential dismissal on the grounds of capability due to ill-health

12.2 Other than where the provisions of paragraph 11.1 above apply or where an illness is terminal, a line manager must use the formal stages of this procedure when an employee's absence level or pattern reaches a trigger point (see also section 9). It may be that a combination of long and short-term absence occurs.

12.3 Where action has led to the issuing of a staged warning, **any** subsequent sickness absence which does not meet improvement targets will result in a progression to the next procedural stage. This means that additional long or short-term absence or a continuation of recognisable

sickness absence patterns will mean progression to the next stage if improvement targets are not met.

- 12.4 Stage 1, 2 and 3 have specific monitoring periods as per 9.1 (d) which line managers require to assess if progression to the next stage is required at an earlier point in the monitoring period due to a significant adverse impact on Service delivery ie **there is no requirement for the monitoring period to end if action is required earlier prior to that point.**

### STAGE 1

- 12.5 In cases where an employee reaches a trigger point, the line manager will review the absence record and **may seek appropriate medical advice**, both to comply with this procedure and to identify what additional support / measures can be provided to improve the employee's attendance and wellbeing. **This does not necessarily require a referral to the Occupational Health Provider for LVJB.**
- 12.6 The line manager will arrange a Stage 1 meeting giving seven calendar days' notice. Along with the invitation to the meeting, written details of the sickness absence record and any other relevant information, e.g. any current occupational health report, should be provided and the employee informed of the right to be represented by a trade union representative or work colleague.
- 12.7 The meeting should normally take place in the workplace, however if this is not suitable, the meeting may be held at the employee's home or at another location if mutually agreed.
- 12.8 The purpose of a stage 1 meeting between the line manager and the employee is to:-
- a) Explore reasons for absence and consider any mitigating factors;
  - b) Discuss the absence record and any adverse operational impact;
  - c) Consider any Occupational Health advice and identify what could reasonably be done to facilitate an improvement in attendance or an early return to work;
- 12.9 During the meeting line managers should:-
- assess the overall situation to determine if there are any mitigating factors (including any medical condition; disability; absence as a result of stress in the workplace),
  - If the employee is disabled, consider reasonable adjustments
  - Consider the availability of funding for adjustments or adaptations that could allow the employee to maintain regular attendance and limit the impact of the absence on service delivery.

At the conclusion of the meeting the following will apply:-

- a) Where there are no mitigating factors which would prevent it, a Stage 1 warning for unsatisfactory attendance will be issued and a formal monitoring period put in place, this will normally be for a period of 6 months;

- b) An improvement target is defined;
  - c) Any reasonable adjustments such as changes to workload, work practices are identified and implemented if required (including any requirements supporting a phased return).
- 12.10 A record of the meeting will be made and the outcome of the meeting will be confirmed in writing to the employee and any representative attending the meeting within 7 calendar days. A copy must be sent to Human Resources to be placed in the employee's personal file.
- 12.11 Where the employee achieves the improvement target set at stage 1, the line manager will confirm that in writing and normal monitoring arrangements will apply thereafter.
- 12.12 Where an acceptable level of attendance or a return to work is not achieved or maintained during the stage 1 warning period, the line manager will activate stage 2 of the process.
- 12.13 For long-term absence cases, stage 1 will normally be activated if a return to work is not achieved within 8 weeks of the first day of absence **or earlier** if the absence is having a significant adverse impact on service delivery.

### STAGE 2

- 12.14 The line manager will arrange a stage 2 meeting, giving 7 calendar days' notice, where:
- The required level of improvement in attendance has not been achieved or maintained during the monitoring of the stage 1 warning period ie additional periods of short-term or a new period of long-term-term absence occurs during the monitoring period, or
  - There has not been a return to work.
- 12.15 At this meeting, the line manager will confirm the issues discussed at previous meetings and:-
- a) Explore reasons for absence and consider any mitigating factors.
  - b) Discuss the absence record and any adverse operational impact.
  - c) Discuss any updated Occupational Health report obtained prior to the meeting.
  - d) In cases of continuous long-term absence, consider whether the employee may be eligible for ill-health retirement.
  - e) Identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments.
  - f) Where circumstances permit, discuss whether redeployment on medical grounds might allow the employee to reach an acceptable level of attendance or a return to work.
  - g) Refer to a previous warning issued at Stage 1 that is still "live".

- h) Where there are no mitigating factors which would prevent it, issue a Stage 2 warning for continued unsatisfactory attendance and set a further formal monitoring period, which will normally be a further period of 9 months.

For long-term absence cases, stage 2 will normally be activated if a return to work is not achieved within 6 months of the first day of absence or earlier if the absence is having a significant adverse impact on service delivery.

- i) Advise that attendance/absence will continue to be closely monitored.
- j) Set a target for improvement.
- k) Highlight the action that may be taken if the required improvement or a return to work is not achieved (including the possibility of dismissal).

12.16 A record of the meeting will be made and the outcome of the meeting will be confirmed in writing to the employee and their representative within 7 calendar days and a copy will be sent to Human Resources to be placed in the employee's personal file.

12.17 Where the employee achieves the improvement target set at stage 2, the line manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

### STAGE 3

The line manager will arrange a stage 3 meeting, giving 7 calendar days' notice, where:

- the required level of improvement in attendance has not been achieved or maintained during the monitoring of the stage 2 warning period ie additional periods of short-term or a new period of long-term-term absence occurs during the monitoring period, or
- There has not been a return to work.

12.18 At this meeting, the senior manager will confirm the issues discussed at previous meetings and:-

- a) Explore reasons for absence and consider any mitigating factors.
- b) Discuss the absence record and any adverse operational impact.
- c) Discuss **the** updated Occupational Health report obtained prior to the meeting.
- d) In cases of continuous long-term absence, consider whether the employee may be eligible for ill-health retirement.
- e) Identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments.
- f) Discuss whether redeployment on medical grounds might allow the employee to reach an acceptable level of attendance or a return to work.

- g) Refer to a previous warning issued at Stage 2 that is still “live”.
- h) Where there are no mitigating factors which would prevent it, issue a Stage 3 warning for continued unsatisfactory attendance and set a further formal monitoring period, which will normally be a further period of 12 months.

For long-term absence cases, Stage 3 will normally be activated if a return to work is not achieved within 9 months of the first day of absence **or earlier** if the absence is having a significant adverse impact on service delivery.

- i) Advise that attendance/absence will continue to be closely monitored.
- j) Set a target for improvement.
- k) Highlight the action that may be taken if the required improvement or a return to work is not achieved (including the possibility of dismissal).

12.19 A record of the meeting will be made and the outcome of the meeting will be confirmed in writing to the employee and her/his representative within 7 calendar days and a copy will be sent to HR to be placed in the employee’s personal file.

12.20 Where the employee achieves the improvement target set at stage 3, the line manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

12.21 Where steps taken at stages 1, 2 and 3 have not been successful in improving attendance levels, the Senior Manager should consider:

- If the monitoring period should be extended by a relatively short period to allow an employee who has just fallen short of meeting their defined targets to succeed.
- If an aspect of their job has an adverse effect on an employee and if redeployment is a possibility that might enable them to make a return to work or reach an acceptable attendance level.
- Referring the case to Executive for a Stage 4 meeting.

### STAGE 4

12.22 Progression to Stage 4 need not be delayed until the end of the 12 -month monitoring period, or any extension to it, where the absence is creating severe adverse operational difficulties.

12.23 For long-term absence cases, Stage 4 will normally be activated if a return to work is not achieved or likely to be achieved within 12 months of the commencement of the absence or earlier if the absence is having an unsustainable impact on service delivery.

12.24 As a Stage 4 meeting can result in dismissal, an up-to-date Occupational Health report must be available before a Stage 4 meeting is convened. The report should include advice on reasonable adjustments where appropriate or if redeployment could be considered. In appropriate cases, the referral should request information as to whether early retirement on the basis of permanent incapacity is a possibility.

- 12.25 When that report is received, a Stage 4 meeting will be arranged to consider, in the light of the occupational health advice, whether there are any further actions that LVJB can take to assist the employee to continue in employment or whether employment should be terminated due to ill - health.
- 12.26 The Assessor or Depute Assessor will chair the meeting and the HR Manager will attend in an advisory capacity.
- 12.27 The employee will be given at least 7 days' written notice of the intention to hold a Stage 4 meeting which will outline the grounds for convening the meeting and that one possible outcome may be dismissal by reason of lack of capability due to ill-health.
- 12.28 If for any reason the employee cannot attend the meeting, one further date will be set and the employee informed that non-attendance will result in a decision being taken in their absence on the basis of the information available and that it could result in dismissal.
- Alternatively, the employee can be advised that a Trade Union representative or work colleague can attend the meeting on their behalf or provide a written submission.
- 12.29 At the meeting the manager or designate who chaired the stage 3 will present a report on the employee's attendance record and on the content of the previous meetings held, including any measures taken to assist the employee to improve their attendance record or return to work, such as reasonable adjustments to help overcome a disability or consideration of a redeployment opportunity.
- 12.30 The employee and/or the representative will be given an opportunity to provide a full response and to put forward any suggestions as an alternative to dismissal. Any options identified as an alternative to dismissal will be discussed and may require further consideration.
- 12.31 When reaching a decision about whether or not to terminate employment, the Assessor or Depute Assessor will consider issues such as:-
- The employee's absence record and its impact on other employees and service delivery.
  - The likelihood of a sustained return to work in the foreseeable future.
  - Financial implications of continuing sickness absence.
  - Submissions made by the employee and/or their representative.
  - Where appropriate what actions have been taken or adjustments made to attempt to enable the employee to continue in employment.
  - Any mitigating factors.
  - The medical advice received including consideration of termination of employment due to ill-health.



This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, balancing the needs of LVJB and the employee.

### MEETING OUTCOMES

#### 12.32 **Action Short of Dismissal**

Where the use of discretion or the existence of mitigating factors means that further action short of dismissal is appropriate (such as extending Stage 3 monitoring on an exceptional basis), this will be set out in a letter and the employee's situation will continue to be monitored. The letter confirming the decision will normally be issued within 7 calendar days of the meeting.

A further stage 4 meeting may be necessary should the expected improvement not happen or sickness absence re-occurs.

#### 12.33 **Ill-Health Retiral (Termination of employment on grounds of capability due to permanent ill-health)**

Where LVJB's Occupational Health provider considers that the employee is permanently unfit to carry out the duties of her/his post or a comparable post, the Assessor or Depute Assessor will meet with the employee to inform her/him of this decision. Where no suitable alternative employment can be found within Lothian Valuation Joint Board, in conjunction with any training or retraining which would facilitate alternative employment, the employee will be informed that:

- (a) for staff covered by the provisions of the Local Government Pension Scheme, her/his services will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits; or
- (b) Staff who are not members of the pension Schemes and therefore cannot access the Schemes' provisions will be dismissed on the grounds of capability due to ill health

12.34 Where an employee provides written evidence that her/his GP or specialist disagrees with the Occupational Health decision, the Senior Management Team will review the case and, if necessary, a further, independent, medical opinion will be obtained which will be used to reach a final decision.

### DISMISSAL

12.35 At a stage 4 meeting where it is decided that no other options, including redeployment, can be pursued which will improve attendance or facilitate a sustained return to work, the employee will be informed that they are to be dismissed on grounds of capability due to ill-health. This letter will normally be issued within 7 calendar days of the meeting. The letter will indicate that there is a right of appeal against the decision

- 13.1 The appropriate manager will review the employee's general attendance record and will normally hold a further staged meeting returning to the last stage previously reached in the procedure. Thereafter, subsequent stages of the procedure may be followed if necessary.
- 13.2 It is recognised that cases may arise where, following a period of satisfactory attendance, the employee's absence level returns to a level which gives cause for concern. In such cases it may be appropriate to seek further Occupational Health advice.

### **14 ABATEMENT OF ANNUAL LEAVE**

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- 14.1 Certain National Schemes of Salaries/Pay and Conditions of Service allow Authorities the discretion to make a proportionate reduction in the Annual Leave entitlement of an employee who has been absent through sickness or industrial injury for a period exceeding 3 months during the leave year (ie January to December).
- 14.2 Where such discretion exists and an employee is absent for a period exceeding 3 months during the leave year, the Joint Board will normally abate Annual Leave. In exceptional circumstances the Assessor may, agree to grant the full period of annual leave.
- 14.3 This means, for the appropriate employees, that the Joint Board will limit their Annual Leave to a period in compliance with the Working Time Regulations 1998

### **15 REVIEW OF PROCEDURE**

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- 15.1 The Procedure will be reviewed as required, in the light of experience or changes to legislation, in consultation with the recognised Trade Unions.

### **16 LOCAL AGREEMENT**

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- 16.1 This document is a local collective agreement between LVJB and Unison. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of a failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months' notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

PROCEDURAL STEP	TIMESCALE	ACTION POINT
<b>Trigger reached</b>	During a rolling 6 months	Review – “one off” arrangements considered for discretion/mitigation. Otherwise move to Stage 1.
<b>Stage 1 Meeting</b>	7 calendar days’ notice	Stage 1 outcome letter within 7 calendar days.
<b>Stage 1 monitoring</b>	6 months*	Breach of triggers leads to stage 2.
<b>Stage 2 Meeting</b>	7 calendar days’ notice	Stage 2 outcome letter within 7 calendar days.
<b>Stage 2 monitoring</b>	9 months*	Breach of triggers leads to stage 3.
<b>Stage 3 Meeting</b>	7 calendar days’ notice	Stage 3 outcome within 7 calendar days.
<b>Stage 3 monitoring</b>	12 months*	Breach of triggers leads to stage 4.
<b>Stage 4</b>	7 calendar days’ notice	<ul style="list-style-type: none"> <li>• Breach of Triggers.</li> <li>• Can extend stage 3 monitoring.</li> <li>• Dismiss.</li> <li>• Approve ill -health retiral.</li> </ul>
<b>Stage 4 outcome</b>	Letter of outcome within 7 calendar days	Right of appeal if dismissal.

\* Appropriate action can be taken within monitoring period where the absence has a significant adverse impact on service delivery.