Short Term Absence Guidance

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Principles

The wellbeing and absence procedure is based on a set of five guiding principles, as follows:

1. Person Centred
2. Prioritising Wellbeing
3. Proactive
4. Flexible and Creative
5. ***Consistent***

These principles have been introduced to recognise the unique challenges you may face when supporting the health and wellbeing of an employee. It is important to recognise each employee may require different support to maintain high levels of wellbeing and sustainable attendance.

In the procedure, consistency means applying the other four guiding principles equally to all employees. This could mean the same actions do not need to be applied to all cases.

You are encouraged to use your own initiative to support an employee with their absence. Where you have any queries on how to apply the above principles consistently, please contact HR/HR Provider for further advice and guidance.

Introduction

The purpose of this guidance is so you, as the manager/headteacher, can understand and adopt the formal process to manage short term absences in a way that supports employees to make health and wellbeing improvements, so they can maintain sustainable attendance thereafter.

A short-term absence lasts for less than 28 calendar days. It is essential for you to monitor and manage an employee’s short-term absence, as multiple occasions may become a cause for concern and may be linked to an underlying medical reason and/or due to a disability.

This guidance covers the key principles to support you to make decisions about absence cases. It is not possible to provide definitive answers about specific cases. If you have doubts about how to apply this guidance to a specific case, please contact HR/HR provider for further support.

As the manager/headteacher, what initial support can I offer an employee who reports absent from work?

When an employee makes contact to report they will be absent from work, here are some options you may want to discuss. Please note, some of these options may not be relevant to an employee's absence and therefore would not need to be discussed:

* Ask the employee for an update on their current situation.
* Ask the employee if there is any support we can offer at this stage.
* Check on the employee’s wellbeing and suggest a referral to Occupational Health. You must have consent from the employee for this referral as Occupational Health will not consider a consultation without this. For a mental health/stress related illness/condition, work related injury or musculoskeletal injury, the manager should make an immediate referral.
* Reassure and advise the employee you are happy they go for a walk or have a coffee with a friend etc. as it may be appropriate in helping to improve their health and wellbeing.
* Expected return to work date and if there are any adjustments, we can make to help get them back into the workplace sooner.

**All contact with the employee from the initial reporting of an absence should be recorded on** [**AP1 Wellbeing Absence Contact Shee**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853161742.docx)**t**

If you are unable to make direct contact with an employee, please use [**AP2 Wellbeing Contact Letter**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853161922.docx)

When an employee is due to return to work after a Short-Term Absence, please refer to the **Return to Work Guidance** for next steps.

How can I identify if an employee’s absences are concerning?

An employee’s absence may cause concern when they are frequently absent and/or where there are emerging patterns. As a baseline this generally consists of 3 occasions and/or a total of 8 days in a 12-month period, or a pattern of absence on the same day of the week. Absences beneath this level wouldn’t be a cause for concern and shouldn’t warrant any actions.

If the employee requires support or adjustments to sustain and improve their attendance, you should arrange a Wellbeing Support Meeting.

Wellbeing Support Meeting – Short Term Absence

When an employee’s absence causes concern, you should arrange a Wellbeing Support Meeting at the earliest opportunity. If you haven't already, give consideration for a referral to Occupational Health. The purpose of this meeting is to discuss the employee’s absence, the reason(s) for the absence, any underlying health or wellbeing issues, and any appropriate measures to support sustainable attendance thereafter. The employee must be made aware these meetings form part of the short-term absence process used to manage their absence and support their health and wellbeing.

Ideally this meeting would be carried out within the workplace, however there may be circumstances where you mutually agree an alternative location with the employee. If this is the employee’s home, you should be accompanied.

The employee will be given 5 working days written notice of the meeting, advised of the right to be accompanied by a trade union representative or work colleague, notified of the nature of the concerns and possible outcome, and provided with any relevant documentation. The meeting will be chaired by the employee’s line manager and a member of the HR team/HR Provider may also attend to provide support and advice if required. Please use [**AP3 Invitation to Wellbeing Support Meeting (Short Term Absence) – cause for concern**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853162048.docx)

A letter confirming the outcome must be sent to the employee within 5 working days of the meeting. Please use[**AP3b Outcome of Wellbeing Support Meeting (Short Term Absence)**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853162329.docx)

The following options would be considered and discussed during the meeting; however, please note some of these options may not be relevant to an employee's absence and therefore would not need to be discussed:

* 1. **Occupational Health and/or specialist advice** - The Occupational Health Service is available to advise managers at any time about how best to support an employee who is off sick. This should be used routinely throughout an absence to obtain any available medical advice and measures that may support improvements to the employee’s health and wellbeing. If an employee is receiving external support from a specialist, this should form part of the meeting discussion.
  2. **Reasonable adjustments** - This may include considering the adjusting of working hours, duties, location, the use of equipment and/or improving access to facilities. Such adjustments should be considered on a phased, temporary, or permanent basis. Advice may already have been given by Occupational Health to support the above, if not, you should obtain this. You should consider whether an employee’s health condition is likely to amount to a disability under the Equality Act (2010), and also consider asking the Occupational Health Service’s view in this respect. If an employee is likely to be disabled, there may be a legal obligation to make reasonable adjustments. Moreover, this procedure requires you to consider making adjustments wherever there is evidence this will support improvements to employees’ health and wellbeing, (and therefore maintain sustainable attendance levels). To determine whether a proposed adjustment is reasonable will depend on each case, however some factors you should consider are:
     + The extent to which the adjustment will ameliorate the disadvantage.
     + The extent to which the adjustment is practicable.
     + The financial and other costs of making the adjustment, and the extent to which the step will or is likely to disrupt the operation of the service.
     + The financial and other resources available.
     + The availability of external financial or other assistance.
     + The nature of the service and the employee’s role.
  3. **Phased return** – Where an employee is returning to work to their own post (with or without reasonable adjustments) or is being redeployed into another post, the Occupational Health Service may advise that they should return on a phased return to work, where their hours are increased week by week until they reach the level of their usual contractual hours. Advice from HR/HR Provider should be obtained to ensure fair and consistent treatment of all employees.

The phased return to work arrangements can normally be agreed to be in place for anytime between 2-6 weeks. Where adjustments are temporary /a phased return to work, hours and duties may be increased week by week until they reach the level of their normal contract. Phased hours should be reviewed weekly to ensure the employee is supported and to agree if the phased return should be extended. During a phased return the employee will suffer no financial detriment by returning to work on this basis, providing they adhere to the agreed arrangements.

If the employee had pre booked annual leave during a phased return to work programme, the phased return arrangement will be reviewed on the employees return from annual leave and may be extended by a period of time equal to the period of annual leave.

If sickness absence occurs during a phased return to work programme sick pay entitlements will commence. On the employee’s return to work the phased return arrangement will be reviewed and either continued, extended, or ended as appropriate.

* 1. **Temporary variation(s) of contract** – It may be possible to temporarily vary the terms of an employee’s contractual terms to enable them to return to work. The temporary variation is a short-term measure which will be reviewed with the aim of a return to the full contract. This is not to be confused with a phased return which is a period of easing an employee back into their full role and does not involve a contractual change. Guidance should be sought from your HR team/HR Provider before making such an adjustment.
  2. **Review absence record** – Discuss the reason for the absence(s) and/or any patterns you may have identified, as this will establish whether they are linked to an underlying medical reason and/or due to a disability.
  3. **Attendance expectations** - Establish any associated actions and set appropriate attendance expectations. As a baseline this generally consists of 3 occasions and/or a total of 8 days in a 12-month period. In the first instance you should consider adjustments which support employees to stay well and maintain the same attendance levels as others (see section b). However, you may also need to consider adjustments to attendance expectations depending on individual circumstances. Where employees’ conditions are covered under the Equality Act 2010, these allowances may be required as reasonable adjustments. Advice may already have been given by Occupational Health to support the above, if not, you should obtain this. Any agreed attendance expectations, support and/or actions required should be documented in the [**AP5 Wellbeing Absence Action Plan**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853163130.docx). A copy of this should be shared with the employee following the meeting. If required, contact HR/HR Provider for further clarification and guidance.
  4. **Redeployment (AEP) -** If it is not possible for the employee to maintain an acceptable attendance level due to their condition, with or without adjustments, the manager/head teacher should consider placing them on the Alternative Employment Programme. For Cumberland Council employees this would relate to existing posts within the Council which become vacant but would not require the Council to create a post specifically for the purposes of redeployment. The employee may however be offered training to enable them to fulfil an alternative role.

When considering the Alternative Employment Programme, advice from the Occupational Health Service must be obtained in relation to the tasks the employee is capable of undertaking and on the type of posts the employee would be fit to be redeployed into. It is also important to consult with the employee on such matters.

You would then set a timescale (usually up to 12 weeks) during which the employee would seek alternative employment. During the redeployment search the employee would have priority status and be considered before other applicants for a post (other than other candidates on the AEP for either health or redundancy reasons). For more information, please see the Alternative Employment Programme guidance.

* 1. **Next steps** - It is important to set appropriate review dates with the employee to confirm if the actions and/or adjustments implemented in the Wellbeing Absence Action Plan are supporting them to maintain their attendance. The employee should be made aware of the next steps in the process if actions and/or expectations are not met.

For further support, please refer to the [**Managing Wellbeing Guidance**](https://legacy.cumberland.gov.uk/elibrary/Content/Internet/536/5901/6049/45229134210.docx), [**Managing Absence Consistently Guidance**](https://legacy.cumberland.gov.uk/elibrary/Content/Internet/536/5901/6049/45229132531.docx) and **Return to Work Guidance**.

The listed options are not exhaustive, but there as guidance. You are encouraged to use your own initiative to support an employee with their absence. Where you have any suggestions which are not listed above, contact HR/HR Provider for further clarification and guidance.

If an employee’s absence level continues to cause a concern, what should I do next?

If the absence level continues to cause concern and actions and/or expectations are not being met, further meetings should be arranged to consider alternative support options. You will need to hold as many meetings as reasonably required to fully consider all underlying health and wellbeing issues and appropriate support required. Please use **[AP3a Invitation to Wellbeing Support Meeting (Short Term Absence) – continuing cause for concern](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853162210.docx)**

You should use updates from the Occupational Health Service and/or specialist in conjunction with other information about the employee’s circumstances to determine how frequently Wellbeing Support Meetings are required; please note this will vary depending on the case.

What do I do if I have an employee under review for short-term absence concerns and is absent from work long-term?

A single long-term absence may not be relevant to current concerns you have with an employee under the short-term procedure. For example, an employee with a recovery of 6-8 weeks due to a broken leg. The absence shouldn’t be considered when reviewing any attendance expectations or supportive measures agreed under the short-term procedure.

However, in some cases there may be a link between short and long-term absence. You are encouraged to look at the absences holistically and apply the guiding principles of the absence procedure to ensure the employee can maintain a sustainable attendance thereafter. For example, an employee has 3 instances of back pain short-term, but is then absent long-term due to the same condition.

Purpose of Wellbeing Absence Action Plan

Whether short and long-term absences are linked, they should be recorded on **one** Wellbeing Absence Action Plan per employee. This is to ensure a full chronology of their absence is recorded, including actions taken to support and improve their attendance. This will need to be reviewed each time an employee returns to work to identify any adjustments and/or change to required expectations.

[**AP5 Wellbeing Absence Action Plan**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853163130.docx)

**Maintaining contact with employee**

You are encouraged to maintain regular contact with the employee throughout their absence, ensuring employees feel supported and you can be notified of any changes to circumstances. Please note the form and frequency of the contact should be appropriate and agreed with the employee. A record of all contact should be recorded on the [**AP1 Wellbeing Absence Contact Sheet**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853161742.docx) and made available to employees if requested.

If you are unable to make direct contact with an employee, please use [**AP2 Wellbeing Contact Letter**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853161922.docx)

Case Conference – Short Term Absence

Only once all reasonable avenues for support have been exhausted and absence levels remain unacceptable, the council/school may need to consider dismissal. The manager/head teacher will convene a ‘Case Conference’ meeting to be chaired by a senior manager/panel of governors.

The employee will be given 10 working days written notice of the meeting, advised of the right to be accompanied by a trade union representative or work colleague, notified of the nature of the concerns and possible outcome, and provided with all relevant documentation in relation to their sickness absence and any documentation requested that the individual deems relevant to their sickness absence. Please use [**AP6 Invitation to Case Conference**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853163253.docx)

The meeting will be chaired by a senior manager/panel of governors and a member of the HR team/HR Provider will attend to provide support and advice. The manager/head teacher who oversaw the earlier stages of the formal process will also attend to present the case.

A letter confirming this decision must be sent to the employee within 5 working days of the meeting. If the outcome is dismissal, the letter will set out the employee’s contractual entitlement to notice pay, plus payment for any outstanding annual leave and bank holidays, and details of the right of appeal against dismissal. Please use **AP6a Outcome of Case Conference**