



Managing Staff Sickness & Attendance Policy

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Responsible Governors: Full Governing Body

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Contents

1. Aim

WSSC is committed to a fair and sympathetic approach to employees who are absent from work because of ill health and aims to support employees to attend and remain at work. We are committed to supporting the good health and wellbeing of our employees and will take an understanding approach, considering individual circumstances to help employees return to, or sustain attendance, when applying this policy.

The aim of this policy is to strike a reasonable balance between maintaining operational resilience and supporting the needs of employees to take time off work because of ill health.

2. Scope

This policy applies to all employees including those employed in schools.

Where this policy refers to a manager, this is the officer responsible for the day-to-day management of the employee or the officer nominated as manager for the purposes of managing sickness or attendance. This includes Headteachers, school Business Professionals, Watch Managers, and Station Managers.

Casual workers, agency workers, and self-employed workers are not in scope for this policy. Sickness absence matters during probationary periods will be managed in accordance with the Probation Policy.

3. Policy Statement

We recognise that employees may experience ill health that may lead to short term and longer-term absence. However, when an employee is regularly absent or absent over a longer period, this can impact colleagues and service delivery. We aim to be kind and caring and to strike a reasonable balance between the needs of our services and the needs of employees to take time off work because of ill health.

We will do all that we reasonably can as an employer to support employees to return to work or stay in work. We will ensure that management of attendance is fair, reasonable and proportionate and that the approach taken is empathetic and supportive.

The aim of the policy is to provide a framework for good practice in the management of illness. We will therefore apply a flexible, pragmatic approach to attendance management, considering individual circumstances and the needs of the service, balancing informal and formal processes reasonably and flexibly. We will explore all reasonable options before considering dismissal due to attendance or health concerns.

4. Prevention of Sickness Absence

We will adopt a best practice approach to prevent employee absence, to support staff to remain in work and to sustain good attendance. It may be that there are particular issues that have a potential to impact on an employee's health and it is important for managers to encourage early discussion with employees to enable them to raise any issues or concerns and so that a manager can provide support to resolve any work-related issues, where possible, to prevent sickness absence occurring.

The overarching approach for managers will include consideration of:

- Ensuring one-to-one meetings or supervision meetings are regularly carried out and wellbeing is regularly considered.
- Providing wellbeing support and signposting to sources of support.
- Having pro-active conversations with team members about self-care.
- Providing a confidential and safe space for employees to raise concerns.
- Considering workloads and taking action to ensure reasonableness and considering mitigations during busy times.
- Considering flexible working requests in a supportive and timely manner.
- Considering stress risk assessments and MIND Wellness Action Plans. Further details and templates are available for corporate staff on the Wellbeing Hub and for school staff on the Wellbeing and Stress Management section of West Sussex Services for Education (WSSfE).
- Considering reasonable adjustments in a timely and supportive way.
- Communicating in a clear and supportive way during and after periods of absence.

5. Employees Diagnosed with a Terminal Illness

We will support those who are terminally ill in accordance with the Dying to Work Charter. Our aim will be to avoid additional stress or worry for individuals who have been given a terminal diagnosis by providing individuals with appropriate, and sensitive, support and security.

To support an employee in these circumstances we will:

- Engage with the employee, when they are ready, to understand their condition, how it might impact their work and how we can support them to continue working if this is what they wish to do.
- Explore what support is needed and signpost to the Employee Assistance Programme and other support.
- Respect the employee's wishes about informing colleagues and support with this as needed.
- Explain the employee's workplace rights, for example sick pay and pension entitlements and explain potential options available to help them make a decision that is right for them, including consideration of Ill Health Retirement and Death in Service benefits.

6. Responsibilities

Senior Managers/Headteachers:

- To review sickness absence data, monitor absences and ensure management in a supportive, timely way.
- To promote and role model good practice in the management of sickness absence.
- To ensure that managers in their service/school are equipped with the right skills, knowledge, and behaviours to support staff, to enable attendance and promote wellbeing.

Line Managers:

- To support employees to achieve positive levels of attendance at work.
- To manage absence in accordance with this policy and procedures.
- To fulfil the duty of care to team members regarding their health and wellbeing.
- To act sensitively and with due regard to confidentiality.
- To accurately record all absences on the relevant systems.
- To agree and maintain appropriate contact with employees who are absent from work.
- To carry out thorough and proportionate return to work conversations after absences.
- To consider individual needs in returning to work after absences.
- Seek medical advice from Occupational Health where needed to understand fitness for work and support requirements.
- Monitor and manage team absences in a timely way in accordance with this policy and procedures.

Employees:

- To have due regard for personal health, safety and wellbeing and to take reasonable measures to build resilience and to personally ensure fitness for work.
- To participate in meetings related to absences including return to work meetings and meetings held in accordance with this policy.
- To discuss any work issues that may contribute to absence and any support that may be required.
- To report any absence from work in accordance with this policy.
- To keep in touch with their manager during periods of absence.
- To provide Fit Notes in accordance with this policy.
- To engage with Occupational Health as and when required.
- To keep personal and emergency contact details up to date.

7. Occupational Health and Medical Advice

From time to time, it may be helpful to seek advice from a medical professional in relation to attendance at work or absence. Advice provided by a doctor (GP, hospital doctor, consultant, private doctor) or by another medical professional will often be sufficient to guide actions such as timing and support for returning to work.

Sometimes advice from Occupational Health via a referral will be necessary, for example where specialist work related advice is needed. Occupational Health may be able to provide advice regarding prognosis for a return to work, support or adjustments required during or after a period of absence, and where redeployment or ill health retirement may be a consideration.

The Occupational Health provider may seek an employee's consent to gain additional information from a GP or other medical specialist to inform their advice.

Employees are expected to participate with reasonable requests for Occupational Health advice. Should an employee not consent to a referral, this may mean that decisions about an employee's health and attendance at work may need to be made without the benefit of medical information.

8. Sickness Absence Reporting Procedure

Employees must contact their manager as soon as possible on their first day of absence and before they are due to start work. Contact should be by telephone, and employees should confirm that they are unwell, the reason for absence and provide an expected approximate length of absence and/or expected return date.

Employees should speak to their manager wherever possible rather than leaving a message with a colleague or another manager. Certain services (e.g. schools) may have local reporting procedures that are more appropriate to their specific operating environment.

Employees must ensure they familiarise themselves with such arrangements. Employees must maintain regular contact with their manager regarding any continued absence, support required or to confirm a return to work.

If an employee does not attend work and does not notify their manager, the manager will try to contact the employee to check on their welfare. Should the manager not be able to reach the employee, they will contact the employee's emergency contact.

Failure to notify absence in line with this procedure or failure to attend work without a valid reason, will result in the employee's absence being recorded as unauthorised. This will result in loss of pay for the period of unauthorised absence and may be misconduct, to be managed in accordance with the WSCC Disciplinary Policy.

Leave for Other Reasons

Where an absence from work is not related to ill health (for example, compassionate reasons or care for a dependent) this should not be reported as sickness absence. The employee and manager should consider the appropriate absence reason in accordance with the Leave Policy or Staff Special Circumstances Policy for corporate staff available on the HR Zone and on the Leave Policies and Guidance page on WSSfE for school staff.

9. Sickness Absence Recording

Part Day Absences

Sickness absence that begins part way through the day should be recorded as one full day's sickness absence if the employee leaves work before completing 50% of the working day. Where sickness absence begins after completion of 50% of the working day, this will be recorded as half a day's absence.

Managers are responsible for recording all periods of absence in a timely way using the agreed recording system. It is important that all absence is recorded correctly to ensure that an employee's pay is correct and to avoid risk of overpayment.

Absences due to Infection Control

Employees are responsible for managing their own health and deciding whether they are fit enough to be at work or not. However, there are times when a manager may need to ask an employee to remain at home following a period of sickness absence, in line with infection prevention to minimise the risk to customers, colleagues, or the public.

In these situations, the original period of absence due to ill health should be recorded as sickness absence and any following absence recorded as infection control. Absence due to infection control should be disregarded for the purposes of sickness absence monitoring.

Further details on infection control are available on the Health, Safety and Wellbeing Zone on the Point for corporate staff and on the Health Protection pages of WSSfE for school staff.

Absence Linked to an Industrial Injury

Absence incurred by an employee through industrial disease, accident or assault arising out of, or in the course of, employment with WSCC should be recorded separately to normal sickness absence. The relevant Industrial Injury Policy or Procedure must be referred to in such circumstances. There are separate documents for WS Fire & Rescue Services, schools staff, and all other WSCC employees.

Pregnancy related absence

Pregnant employees who are absent from work due to pregnancy-related ill health must follow the usual sickness absence reporting procedure. Any sickness absence of a pregnant employee for a pregnancy related reason should be excluded when reviewing an employee's sickness absence record for the purposes of sickness absence monitoring.

The manager should ensure appropriate discussions take place regarding any support required, and any additional measures required by reviewing the pregnancy risk assessment.

If an employee falls sick for a pregnancy related reason (wholly or partly) during the final four weeks before the Expected Week of Childbirth this will trigger the start of maternity leave. Refer to the relevant Maternity Policy for further details.

Employees with disabilities and longer-term health conditions

A disability is defined as a 'physical or mental impairment that has a substantial or long-term negative effect on an individual's ability to do normal daily activities' (Equality Act 2010).

Where an employee with a disability has a period of sickness absence which is directly related to their disability, this should be recorded as Disability Related Absence and will not be counted towards sickness absence triggers for sickness absence monitoring purposes.

If disability related absence is having a significant impact on service delivery, consideration may be given to actions in accordance with the Underlying Health Condition Procedure or Long Term Sickness Absence Procedure as outlined in this document. Advice should be sought from the HR Business Partner Team and the views of the employee and their trade union representative must be considered.

Further information on reasonable adjustments is available in the Disability and Reasonable Adjustments Policy and Guidance on the HR Zone on the Point for WSCC corporate staff and Reasonable Adjustments Guidance on the Equalities, Diversity and Reasonable Adjustments page on WSSfE.

10. Monitoring Sickness Absence and Triggers

It is a manager's responsibility to regularly monitor their teams' attendance at work and to monitor wellbeing and attendance levels for all employees. Managers should consider how best to support their staff at the earliest opportunity, whether they are at work or away from work.

Monitoring is for the purpose of considering individual health and attendance matters and for identifying any wider team or service-related concerns. Managers must therefore consider any work-related matters that may impact the health and wellbeing of individuals, the team, or the service. Consideration should be given to undertaking risk assessments

when particular problems or risks are identified. The HR Business Partner Team and Health & Safety can provide advice on managing risks to health and wellbeing.

Managers should regularly review absence data to monitor employees' levels of attendance at work in line with the following sickness absence triggers:

- Trigger 1: 4 absences of any length in 4 months
- Trigger 2: 8 or more workdays in the last 12 months
- Trigger 3: longer term absence which exceeds or is likely to exceed 21 calendar days.

Where a manager identifies that trigger 1 or 2 have been met, the manager will arrange to meet with the employee to undertake an Informal Absence Review Meeting under the relevant Managing Attendance Procedure. This will enable the manager to discuss the attendance concerns informally in the first instance, to understand the reasons for absence and/or the pattern of absence in more detail, and to decide whether further action is appropriate.

When trigger 3 (longer term absence which exceeds or is likely to exceed 21 calendar days) is met, managers will need to consider reasonable and appropriate action as outlined in the Long-Term Sickness Absence Procedure.

As outlined in section 9, there will be some situations where consideration will be given to excluding certain types of sickness absence in relation to absence monitoring and these include employees who are pregnant or who have a disability.

11. Self-certification and Fit Notes

An employee must provide a Statement of Fitness for Work (Fit note) for sickness absence that last more than 7 calendar days. Fit notes can be issued by a doctor (GP, hospital doctor, consultant, private doctor) or by nurses, occupational therapists, pharmacists, and physiotherapists.

A fit note may advise that the employee is:

- "Not fit for work" and will confirm how long they will not be fit for work.
- "May be fit for work" with recommendations on actions required to enable a return to work (e.g. phased return to work, altered hours, amended duties).

An employee may request to return to work before the expiry of their fit note. The return to work in such circumstances will usually be led by the employee's wishes, but the manager will discuss with the employee whether they are well enough to return to work and consider:

- The employee's wellness for work.
- Whether it is safe for the employee to return to work from a health and safety perspective.
- Whether a risk assessment is required depending on the job and reason for absence.
- Whether further GP or other medical advice is needed.
- Whether any support would enable a smooth return.
- Whether advice from the HR Business Partner Team is needed.

In situations where there are concerns in relation to the above points, a manager may not be able to agree to an earlier return to work for the employee.

12. Sick Pay Entitlement

Employees who follow the correct sickness absence reporting procedure and provide fit notes where required, may receive Occupational Sick Pay ('OSP') as outlined in their contract of employment. Sick pay rates are available at Appendix 1.

Sick pay entitlement is calculated by taking into account all sickness absences in the previous 12 months.

Whilst we will take a reasonable approach to the management of sickness absence, where there is no reasonable prospect of an employee returning to work, dismissal may be considered before an employee's entitlement to sick pay has been exhausted.

Sick pay during notice periods

In the event that an employee is dismissed on the grounds of capability, they are entitled to receive full pay for the duration of their notice period provided any period of absence is covered by appropriate medical certification.

If an employee chooses to hand in their notice during a period of sickness absence, they continue to receive sick pay during their notice period, in line with the sick pay entitlements outlined at Appendix 1, and provided any period of absence is covered by appropriate medical certification.

13. Other Leave and Sickness Absence

Sickness absence during a period of annual leave (not applicable to term time only employees)

If an employee falls ill during a period of annual leave, they may be allowed to change their annual leave to sickness absence and take replacement leave later during the same leave year. This is subject to the following:

- The employee must contact their manager on the day they became unwell or as soon as reasonably practical while they are away from work to provide details of the illness.
- The employee was too unwell to attend work had they not been on annual leave.
- The employee must provide a fit note to cover any period in excess of 7 calendar days.

This does not apply to term time only employees who are paid their leave entitlement and therefore cannot take annual leave during school term time.

Taking annual leave during a period of sickness absence (not applicable to term time only employees)

Where an employee on sick leave would like to request a period of annual leave, they must speak to their manager to request this. The manager will notify HR Shared Services that the employee is taking a period of annual leave whilst on sick leave.

Employees who take annual leave whilst on sick leave and then immediately return to sickness absence will be considered having been continuously off sick for the purposes of the absence management procedures and sick pay entitlements.

Carry forward of untaken annual leave (not applicable to term time only employees)

When an employee returns to work following a period of long-term sickness absence and has been unable to take all their annual leave before the end of the leave year, consideration will be given to carry over of more than the automatic three days annual leave in exceptional circumstances. Carry over will be limited to statutory leave entitlement during the relevant leave year. Key considerations for managers are outlined in the Leave

Policy on the HR Zone for corporate staff and in the Annual Leave – Support Staff in Schools Policy on the Leave Policies and Guidance page on WSSfE.

Medical appointments and other leave

Employees are required to make every effort to arrange medical appointments in their own time outside of normal working hours. Where this is not possible, and recognising that specialist appointments may be more difficult, taking into consideration the needs of the Service and working patterns, the manager may agree to the use of paid time off or, depending on the amount of time needed, may ask the employee to make up some or all the time.

Paid time off will be permitted for cancer screening appointments and as a reasonable adjustment for employees with a disability to enable them to attend medical appointments. Further information can be found in the Leave Policy or Staff Special Circumstances Support Policy for corporate staff on the HR Zone on the Point and, in the Guidance on Other Discretionary Leave document for school staff on WSSfE.

Elective Surgery

When an employee wishes to take time off work to undergo surgery that is not medically required e.g. cosmetic surgery, they must discuss this with their manager. Managers may agree annual leave or other leave such as unpaid leave. An employee may be eligible for sick pay in the event of consequential sick leave, if covered by a Fit Note, and in accordance with contractual sick leave entitlements.

14. Return to Work Conversations

When an employee returns to work after any period of sickness absence, their manager will arrange a return-to-work conversation. Such conversations will be proportionate to the reason and duration of the absence, and with reference to any previous absences. In some instances, the discussion will be a quick check in to ensure the employee is well. In other cases, for example where there have been previous absences, or following a longer-term absence, a more detailed return to work meeting may be required. The aim of the conversation will be to:

- Check that they are well enough to be at work
- Discuss any support they may need in returning to work
- Update on anything from a work perspective and consider arrangements and support required for catching up on work.
- Consider any actions required to prevent any further absences.

Return to work conversations should happen on the first day that the employee returns to work or as soon as possible following their return. Discussions may take place face-to-face, or via a video or telephone call depending on circumstances, employee preference, and typical working arrangements.

A note or record of the discussion is often helpful. Where a more detailed discussion has been required this should be documented. The Return-to-Work Record Form can be used for undertaking and recording discussions. Any such record should be shared with the employee. The form can be accessed on the HR Zone for corporate staff and on the Managing Sickness and Absence page on WSSfE for school staff.

15. Supporting a Return to Work

There are a range of actions that may help to ensure a sustainable return to work, and to prevent further absences.

Phased Return to Work

A phased return to work involves an employee returning to work on reduced hours, or duties, which are gradually increased, over a period of time, up to their normal contractual hours. Such arrangements are more typically relevant following long term sickness absence.

It may help to seek advice from Occupational Health regarding phasing arrangements. However, advice from a medical professional and/or the employee's own views will often be sufficient to make appropriate arrangements. Arrangements for phased returns are subject to agreement between the manager and employee.

The length of a phased return will depend on the individual circumstances relating to the absence but will typically range from one week to six weeks.

Where a phased return is agreed between the employee and manager, and where the phased return will lead to the employee returning to their full contracted hours, the employee will receive their full salary for the period of their phased return for up to a period of 6 weeks.

A phased return will be kept under regular review to monitor progress. If, after completion of the agreed phased return period, the employee is unable to complete their usual working hours but is making good progress towards this, the phased return period can be extended. The Head of Service/Headteacher has the discretion to approve an extended period of full pay up to a maximum of 12 weeks if such a period will enable the employee to reach their full contractual hours.

If the employee has made little or no progress then the employee will either return to being on sick leave or, if they need a further period of working reduced hours, then they will be paid for the hours that they work. The employee may also consider using annual leave during this time to help them progress to resuming their full contractual hours.

Shorter Term Adaptions or Longer-Term Reasonable Adjustments

The employee may request, or Occupational Health or another medical professional may recommend, short term adaptations/adjustments to support an employee's return to work. Longer term reasonable adjustments may also need to be considered where the employee has a disability.

These might include adjusted working patterns, hours, workload, amendments to duties, or specialist equipment. Reasonable adjustments should be managed in accordance with the Disability and Reasonable Adjustments Policy and Procedure for corporate staff on the HR Zone on the Point or, in accordance with the Reasonable Adjustments Guidance on the Equalities, Diversity and Reasonable Adjustments page on WSSfE.

West Sussex Fire and Rescue Staff should also refer to the Standard Operating Procedure for Alternative and Modified Duties which is located on the FRS Policies and Procedures site.

Risk Assessments

An assessment of risk can be helpful in identifying specific risks in relation to an employee's condition or their work, particularly where the employee wishes to return to work before the expiry of their Fit Note. Risk Assessments provide a framework for identifying potential risks and agreeing actions to reduce the likelihood, or impact, of such risks. A risk assessment form is available on the Health and Safety Risk Assessment Page on the Point for corporate staff or on the Wellbeing and Stress Management page on WSSfE for school staff.

Stress Risk Assessment

Where an employee has been absent due to stress, they may benefit from completing a stress risk assessment with their manager either before or after their return to work.

Further details on stress risk assessments can be found on the Wellbeing Hub for corporate staff and on the Wellbeing and Stress Management page on WSSfE for school staff.

MIND Wellness Action Plan

A wellbeing plan can be a useful tool for discussing an employee's mental health and wellbeing and exploring support that an employee may need. Further details can be found on the Wellbeing Hub for corporate staff and on the Wellbeing and Stress Management page on WSSfE for school staff.

16. Managing Attendance Procedures

There are three model procedures that provide a framework for managing sickness absence and supporting attendance at work. The three procedures are not intended to be prescriptive, but instead provide guidelines on reasonable actions to consider at different stages. The approach should be reasonable, and appropriate to the specific circumstances. The specific approach taken by a manager will be based on reasonableness, the views of the employee and their trade union representative, and with advice from the HR Business Partner Team.

1. Short Term Sickness Absence Procedure

When an employee's absence has reached absence trigger 1 (4 absences of any length in 4 months) or trigger 2 (8 or more workdays in the last 12 months), the absence will be managed under the Short-Term Sickness Absence Procedure.

Refer to Appendix 2 for the Short-Term Sickness Absence Procedure flowchart.

2. Long Term Sickness Absence Procedure

Where absence exceeds or is expected to exceed 21 days, the absence will be managed under the Long-Term Sickness Absence Procedure.

Refer to Appendix 3 for the Long-Term Sickness Absence Procedure flowchart.

3. Underlying Health Condition Procedure

Where an employee is unable to sustain attendance and/or performance at work due to an underlying health condition, this will be managed under the Underlying Health Condition Procedure.

Refer to Appendix 4 for the Underlying Health Condition Procedure flowchart.

Three Step Process

Absence under all Managing Attendance Procedures will be managed reasonably within the framework of three-step process:

- Step one: Informal Review Meeting
- Step two: Formal Review Meeting
- Step three: Final Review Meeting

The timing of such meetings, and the number of meetings required at each step, will vary according to individual circumstances. In some situations, it may be appropriate to omit steps from the process, for example where an employee is diagnosed with a serious health condition and unable to return to work in any capacity.

Employee Rights at Meetings

Informal Meetings: Employees will be given reasonable notice of meetings where practicable. Employees will not have the right to be accompanied at informal meetings with their manager however, a reasonable request to have support at an informal meeting will be considered by the manager and if it can be managed within reasonable timescales.

Formal Meetings: Employees will have at least 7 calendar days/5 school working days written notification of any formal meeting convened under the sickness absence policy unless the employee agrees otherwise and is able to arrange accompaniment if they wish to do so.

Employees have the right to be accompanied at formal meetings by a Trade Union representative or work colleague. HR may also attend formal meetings.

Any outcomes, actions, and agreements made during the meeting will be confirmed in writing within 7 calendar days/5 school working days of the meeting.

If an employee is unable to attend a formal meeting on reasonable grounds, the meeting will be arranged for an alternative date. Should the employee not attend the re-arranged meeting the meeting may be held in their absence and the outcome confirmed to the employee in writing in line with the timescales above.

Location of Meetings: Where an employee is absent from work, consideration will be given to the most appropriate and supportive location for the meeting to take place, based on the needs of the employee. This could be in a WSCC building, at the employee's home, or on Microsoft Teams.

Right of Appeal

Employees have the right of appeal against any formal action taken under any of the Managing Attendance Procedures including:

- A decision to progress to the next step of the process, following a formal meeting: Appeals should be sent to the employee's manager within 7 calendar days/5 school working days of receipt of the outcome letter. The letter should clearly outline the reasons for the appeal. An appeal meeting will be arranged within 10 days and will be heard by a manager of equivalent or higher seniority than the employee's line manager.
- Dismissal: If an employee is dismissed on the grounds of capability due to ill health, they have the right to appeal their dismissal. Appeals should be sent to the employee's manager within 7 calendar days/5 school working days of receiving the outcome letter. The letter of appeal should clearly outline the grounds for appeal. Appeals will be heard by the Staff Appeals Panel, unless the employee works in a school, in which case the appeal will be heard by a Panel of three Governors.

17. Redeployment

There may be occasions where it is established that an employee is not well enough to return to, or continue in, their current role, but they may be fit to undertake work of a different type.

Where it is agreed that redeployment should be explored the redeployment process should commence as soon as possible. Redeployment on health grounds will be managed in accordance with the Redeployment Policy on the HR Zone for corporate staff and the Guidance on Redeployment and Internal Placement Service page on WSSfE for school staff.

If redeployment is unsuccessful, a Formal Absence Review Meeting will usually be organised to discuss next steps and to explore alternatives.

18. Ill Health Retirement

If medical advice indicates that an employee may be permanently unfit, due to ill health, to undertake their job, the employee may be eligible for Ill Health Retirement.

Where there are reasonable grounds (for example from medical advice) to indicate that the employee may meet the criteria for Ill Health Retirement, with the agreement of the employee, the HR Business Partner Team will organise for an assessment for Ill Health Retirement via Occupational Health.

The criteria and assessment of Ill Health Retirement varies according to the pension scheme the employee is a member of. Further information on ill health retirement is available in Appendix 5.

Where it is deemed by the authorised decision makers that an employee is eligible for Ill Health Retirement, this will usually be discussed with them at a formal absence review meeting to agree the approach for bringing their employment to an end.

Where ill health retirement is not approved a Formal Absence Review Meeting will be convened to discuss the outcome and to explore alternative options as set out in the relevant Managing Attendance Procedure – refer to section 16.

19. Related Policies and Procedures

Where attendance or health concerns arise alongside performance or conduct concerns the situation will be managed under the most appropriate procedure for the circumstances. The aim will be to identify the approach or procedure that will best support resolution of the matter. The decision will be taken by the manager with advice from Human Resources, based on the specific circumstances, and considering the views of the employee and their trade union representative where applicable. This policy will usually take precedence where the primary concern relates to the health of the employee.

Concerns around the genuineness of sickness absence, where absence reporting procedures have not been followed, or where Fit Notes are not provided, will usually be treated as potential misconduct and managed under the WSCC Disciplinary Policy.

20. Short Term Sickness Absence Procedure

WSCC recognises that employees may have some short sickness absences. However, regular absences at short notice have operational consequences, can impact customers and can create additional workload and stress for other staff. Patterns of absence, and regular sickness absences will therefore need to be addressed promptly and consistently to ensure that attendance is within reasonable expectations.

Informal absence monitoring

When a manager becomes aware that there is a potential concern about attendance before a trigger is met, this will be discussed with the employee as soon as the concerns arise.

When an employee's absence reaches a sickness absence trigger the Short-Term Sickness Absence Procedure will usually be applied.

Where the absences relate to an underlying health condition, consideration will be given to whether it would be more appropriate to follow either the Long-Term Sickness Absence Procedure or the Underlying Health Condition Procedure.

Short-Term Sickness Absence Procedure

The procedure includes three steps which are described in the following paragraphs.

Step One: Informal Sickness Absence Review Meeting

The manager will meet with the employee to undertake an informal absence review meeting. The purpose of this meeting is to discuss:

- The level of absence and the reason why this is a concern
- Reasons for the absence including any work-related concerns the employee has
- Whether there is an underlying health condition or disability
- The employee's wellbeing
- Any actions that can be taken to improve attendance including support for wellbeing or work
- Agreeing next steps and actions, which may include the employee reducing their absence to below absence trigger levels.

Additional medical information may be helpful if there is a possible underlying health condition impacting on an employee's ability to attend work. The employee may be advised to contact their GP for advice, or it may be helpful to consider seeking advice from Occupational Health.

Potential next steps and actions

The informal absence review meeting could lead to one or more of the following actions:

1. Implementation of an Attendance Monitoring Support Plan which may include work related support, wellbeing support, or seeking further medical advice.
2. A 12-month informal absence monitoring period.
3. Identification of an underlying health condition or disability. If this is the case the employee's attendance will be managed under the Underlying Health Condition Procedure – refer to section 22.
4. A further informal absence review meeting.
5. No further action is deemed necessary.

Although this is an informal meeting, the manager should make a record of any key actions, agreements or decisions arising from the meeting. This will usually be captured on an Attendance Monitoring Support Plan or in an e-mail.

Attendance Monitoring Support Plan

An Attendance Monitoring Support Plan will be implemented to support the 12-month informal absence monitoring period. Such a plan may be implemented even where there is no identified need for ongoing monitoring of absence to ensure that support is in place and documented. The plan provides the basis for recording and monitoring any support agreed. Where appropriate, the form can also be used to record details of the levels of sickness absence and trigger met, attendance expectations, and agreed actions.

The manager and employee should review and update the Attendance Monitoring Support Plan at regular intervals during supervision/one-to-one meetings to ensure that actions and support is implemented.

The Attendance Monitoring Support Plan will remain in place until the absence concerns are resolved.

12 Month Informal Monitoring Period

Where it is deemed that sickness absence will be monitored, this will be for a period of up to 12 months. It is expected that the employee's attendance will improve following the informal absence review meeting. Should an employee's sickness absence levels continue to reach absence trigger levels at any time within the informal 12-month monitoring period, consideration will be given to a formal meeting under the procedure.

The 12-month monitoring period will start from the day of the Informal Absence Review Meeting.

Where an employee has not hit a trigger during the monitoring period, the review period will end, and the employee will be informed by their manager in writing that this is the case.

Step Two: Formal Absence Review Meeting

A first Formal Absence Review meeting will be convened where an employee's level of sickness absence has met a trigger within an informal 12-month absence monitoring period. Employees have the right to be accompanied at this formal meeting by a Trade Union representative or work colleague.

The first formal absence review meeting will cover:

- The level of absence and the reason why this is a concern
- Exploration of the reasons for the absence including any work-related concerns the employee has
- Reviewing and updating the attendance monitoring support plan
- Whether there is an underlying health condition or disability
- Any actions that can be taken to improve attendance
- Setting expectations regarding attendance at work
- Agreeing next steps and actions
- Arrangements for continued monitoring of attendance
- The employee will be notified that dismissal on the grounds of capability is a possible outcome of the final absence review meeting.

There are four possible outcomes from the formal absence review meeting:

1. A formal 12-month period of absence monitoring: The employee will be informed that if sickness absence levels continue to meet trigger levels during the formal monitoring period a Final Absence Review Meeting may be organised at which point dismissal could be considered. The formal 12-month monitoring period will start from the day of the first formal meeting.
2. An underlying health condition is identified which requires further exploration. If this is the case the employee's attendance will be managed under the Underlying Health Condition Procedure.
3. A further formal absence review meeting is to be held.
4. No further action is required.

The Attendance Monitoring Support Plan will usually be reviewed and updated to document the monitoring, support and actions to be taken over the formal 12-month monitoring period.

Actions or outcomes from the meeting will be confirmed to the employee, in writing, within 7 calendar days/5 school working days of the meeting.

Should an employee's sickness absence levels hit the sickness absence trigger at any point within the formal 12-month monitoring period, a Final Absence Review Meeting may be considered.

Where an employee has not hit a further trigger during the formal monitoring period, the review period will end, and the employee will be informed by their manager in writing that this is the case.

Step Three: Final Absence Review Meeting

A Final Absence Review Meeting will be held where an employee has not been able to make the required improvement in attendance during a formal 12-month monitoring period.

Employees have the right to be accompanied at this formal meeting by a Trade Union representative or work colleague.

The meeting will be chaired by a senior manager. A representative from Human Resources will attend the meeting to advise the chair. The chair of the meeting may decide to appoint a second panel member. The employee's manager will attend the meeting to explain the concerns and the approach taken to date.

During the meeting, the manager will be asked to outline the situation, the employee's attendance levels, the impact on the service, actions that have been taken to date. The employee and their representative will have the opportunity to respond to the concerns and to make their own representations regarding the matter.

The chair will lead discussions on the matter, ensuring all attendees have reasonable opportunity to explain their views and to ask questions of other attendees. The chair will ensure full exploration of the concerns and assess whether all reasonable steps have been taken before considering whether dismissal on grounds of capability is warranted. The chair will consider whether all reasonable alternatives have been considered and whether a fair and reasonable process has been followed to date.

When discussions have concluded, the panel will adjourn to deliberate and then reconvene the meeting to confirm the outcome.

The possible outcomes for a final absence review meeting are:

- Offering the employee a further monitoring period of up to 12 months within which the employee's attendance must meet expectations. In the event that the employee's absence levels reach a sickness absence trigger during the extended monitoring period, another final absence review meeting will be held and dismissal will be a likely outcome.
- The employee is dismissed, with notice, on the grounds of capability.
- No further action is required, and recommendations are made for further action for the manager and/or employee.

The outcome will be confirmed in writing within 7 calendar days/5 school working days following the meeting.

21. Long Term Sickness Absence Procedure

WSCC is committed to managing periods of long-term sickness absence supportively and fairly and recognise that employees may require support and time in order to return to work.

As soon as it becomes clear that an employee will be away from work for a longer period, whether or not the absence has already reached 21 days, managers will ensure appropriate supporting actions are taken immediately.

It may be necessary to seek Occupational Health or specialist medical advice during the Long-Term Sickness Absence Procedure. Medical advice can be sought at any point during the procedure to inform next steps and decision making.

The Long-Term Sickness Absence Procedure includes informal support and communication, and three steps.

Informal Absence Support

During the early stages of a period of longer-term absence, a manager should ensure they understand the cause of the absence and seek to agree reasonable and proportionate communication arrangements with the employee. The manager will provide them with the details of their rights, the support available (including the Employee Assistance Programme), and explore support needed.

Once an employee is able to return to work, a supportive return to work plan will be agreed between the manager and employee.

Where there is uncertainty regarding timescales for a return to work, the manager will organise to meet with the employee for a supportive Informal Absence Review Meeting.

Step One: Informal Absence Review Meeting

The purpose of the Informal Absence Review Meeting is to ensure there is a reasonable and supportive plan in place for the absence.

The purpose of this meeting is to:

- Ensure clarity on the reason for the absence
- Ensure understanding of the employee's health and wellbeing
- Understand prognosis for a return to work
- Explore support needed from a work or wellbeing perspective
- Consider whether and when a referral to Occupational Health might be helpful.
- Ensure clarity on occupational sick pay entitlement
- To agree reasonable and proportionate communication arrangements
- To discuss and agree next steps

Although this is an informal meeting, the manager should make a record of any key actions, agreements or decisions arising from the meeting. This could be captured on an Attendance Monitoring Support Plan or in an e-mail.

Employee Support: although such discussions are informal, it is recognised that periods of absence can be difficult and uncertain times for employees. Employees may therefore choose to be accompanied by either a trade union representative or a work colleague during such discussions under the Long Term Sickness Absence Procedure if they wish.

Early Considerations

- Work related absences: If an employee's absence is work related, this meeting should be held as soon as possible to provide an early opportunity to resolve the matter.
- Stress and mental health related absence: The County Council's Employee Assistance Programme (EAP) offers early assistance to employees experiencing stress or mental health related absence. With their agreement, the manager can make a referral to this "Active Care" support on behalf of the employee. The EAP will make direct contact

with the employee to sign post to support and to offer guidance in the early stages of an absence. The referral must be made within the first two weeks of the employee's first day of absence. Further details can be found on the Employee Assistance Programme pages on the Point or West Sussex Services or Education.

- Medical Advice: through any period of absence, additional medical information may be required. Advice received from GPs or other medical professionals can be relied on for action planning. In some circumstances further specialist information may be helpful and can be obtained via a referral to Occupational Health. A referral may be helpful to:
 - Understand prognosis and timescales for returning to work
 - Support required during an absence
 - Exploring phased returns and support needs
 - Assessing options if a return to work within a reasonable period is not possible.

The manager will decide whether a referral to Occupational Health would be helpful taking into consideration the views of the employee and their representative and having sought advice from the HR Business Partner Team.

If an employee is unable to return to work, or where there are no clear timescales for a return, consideration will be given to moving to step two of the process.

Step Two: Formal Absence Review Meeting

The purpose of the Formal Absence Review Meeting is to explore the employee's absence in more detail; to understand their prognosis for a return to work and to explore options should the employee be unable to return to their role.

There may be a need for more than one Formal Absence Review Meeting depending on the circumstances of the absence. In some instances, the meeting will provide an opportunity to review the plan for managing the absence (e.g. reviewing communication and support arrangements) and considering whether there is a need for further medical advice. In other circumstances, the meeting may explore options if a return to work in a reasonable period may not be possible. The aim of any formal meeting will be to ensure that the employee understands how their absence will be managed and to ensure they have the right of accompaniment by a trade union representation or work colleague in such discussions.

Exploration of options

In the event that an employee is unable to return to their role within a reasonable period of time, it may become necessary to consider dismissal on the grounds of capability due to ill health. Where an employee is not fit to return to their role either at all, or within a reasonable timescale, the County Council is committed to exploring all reasonable alternatives before considering dismissal. Such exploration of alternatives will be discussed during Formal Absence Review Meetings and may include consideration of:

- Temporary or permanent changes to elements of the job, working hours, or working pattern. West Sussex Fire and Rescue Staff should refer to the Standard Operating Procedure for Alternative and Modified Duties which is located on the FRS Policies and Procedures site.
- Exploration of reasonable adjustments where an individual has a disability
- Redeployment
- Whether the employee may meet the criteria for ill health retirement.

One or more of the following actions or outcomes may arise from a Formal Absence Review Meeting:

- The employee is ready to return to work and a supportive return to work plan is agreed (refer to section 15).
- The employee is not well enough to return to work and a further period of absence is expected and a further formal meeting will be required.
- Further medical information is needed and/or a referral to Occupational Health advice is required to inform next steps and a further formal meeting will be required.
- Where medical advice indicates that a return to work in a reasonable period is not expected, redeployment to an alternative role may be considered (refer to section 17).
- Where the employee is unlikely to be able to return to work in the future, exploration of whether the employee may meet the criteria for Ill Health Retirement (refer to section 18).
- All reasonable alternative options have been explored and dismissal on the grounds of capability due to ill health may be considered at a Final Absence Review Meeting.

Actions or outcomes from the meeting will be confirmed to the employee, in writing, within 7 calendar days/5 school working days of the meeting.

Step Three: Final Absence Review Meeting

WSSC recognises that when employment is at risk due to ill health this is likely to be a distressing period for an employee. A Final Absence Review Meeting under the Long-Term Sickness Absence Procedure will therefore only take place where the manager has concluded that there are no reasonable alternatives to considering dismissal on the grounds of ill health. Typically, such a meeting will usually be taken following a Formal Absence Review Meeting (step 2 of the procedure) and having considered the views of the employee and their trade union representative.

When the employee is invited to the meeting, they will be made aware that dismissal is a potential outcome of the meeting. Employees have the right to be accompanied at this formal meeting by a Trade Union representative or work colleague.

The meeting will be chaired by a senior manager. A representative from Human Resources will attend the meeting to advise the chair. The chair of the meeting may decide to appoint a second panel member to ensure balance in decision making. The employee's manager will attend the meeting to explain the matter and the approach taken to date.

During the meeting, the manager will be asked to outline the situation, the employee's current health, the period of absence, medical advice including any prognosis and the steps that have been explored to date. The employee and their representative will have the opportunity to respond and to make their own representations should they wish.

The chair will lead discussions on the matter, ensuring all attendees have reasonable opportunity to explain their views and to ask questions of other attendees. The chair will ensure full exploration of the situation and will consider whether all reasonable alternatives to dismissal have been explored and whether a fair and reasonable process has been followed to date.

When discussions have concluded, the chair will adjourn the meeting to deliberate and then reconvene the meeting to confirm the outcome.

The possible outcomes for a Final Absence Review Meeting are:

- A further review period is deemed appropriate by the panel before dismissal is further considered.
- The employee is dismissed, with notice, on the grounds of capability due to ill health.

- Alternatives to dismissal remain available and an action plan for exploring these will be agreed.

The outcome will be confirmed in writing within 7 calendar days/5 school working days following the meeting.

22. Underlying Health Condition Procedure

There are occasions where employees are attending work but have an underlying health condition or disability which is impacting on their capacity to maintain attendance at work and/or to carry out their role to the required standard. The Underlying Health Condition Procedure will apply in these situations.

Examples of situations that may be managed under this procedure are:

- Where an employee has an underlying health condition that is impacting on their ability to sustain attendance at work or to achieve the required levels of performance.
- A condition has been previously diagnosed however, the employee's health has deteriorated, and this is having an impact on their attendance and/or performance in their role.
- Reasonable adjustments have been in place to support an employee with an underlying health condition to continue to carry out their role however, these are no longer effective for the employee or they are no longer sustainable from a service perspective.

Such circumstances may be identified through discussions between the employee and their manager, from medical information from the employee, or from Occupational Health following a referral being made.

The underlying health condition may have been identified through discussions under the Short Term Sickness Absence Procedure, the Performance Improvement Policy, through sickness absence monitoring or return to work discussions, or through a review of a Reasonable Adjustments Plan.

The Underlying Health Condition Procedure includes three steps which are described in the following paragraphs.

Step One: Informal Health Review Meeting

The purpose of the Informal Health Review Meeting is for the manager to meet with the employee to consider support and to develop a plan for next steps. The purpose of this meeting is to discuss:

- The employee's current health and wellbeing and the impact on their job, attendance, or performance.
- Information regarding their future health and the likelihood of improvement.
- Medical or Occupational Health advice that is available.
- Whether a referral to Occupational Health for advice is required.
- Support, adjustments, or other changes that may enable the employee to sustain their attendance or performance.
- Next steps and actions.

The manager should make a record of the key points of the discussion. The record should be shared with the employee.

Following the informal health review meeting the following actions may be considered:

- Occupational Health advice regarding support or adjustments is sought.
- Assessment of the need for reasonable adjustments in accordance with the appropriate policy or guidance (refer to section 9 for further details).
- Development and implementation of a health and wellbeing action plan.
- A period of monitoring of progress after which a Formal Health Review Meeting may be considered.

If the employee is unable to sustain their attendance or performance at work having explored the above, a Formal Health Review Meeting may be required to discuss options.

Step Two: Formal Health Review Meeting

The purpose of the Formal Health Review Meeting is to continue to provide support to the employee and to begin exploring next steps.

There may be a need for more than one formal health review meeting depending on the circumstances. The aim of any meeting will be to ensure that the employee understands how the situation will be managed and to ensure they have the right of accompaniment by a trade union representation or work colleague in such discussions.

In some instances, the meeting will provide an opportunity to review the situation (e.g. whether further adjustments can be considered or any other support required) and consider whether there is a need for further medical advice. In other circumstances, the meeting may explore options if the employee's attendance or performance in their role cannot be sustained.

Exploration of options

If an employee is unable to continue in their current role due to their underlying health condition, it may become necessary to consider dismissal on the grounds of capability due to ill health. Where this is the case, the County Council is committed to exploring all reasonable alternatives before considering dismissal. Such exploration of alternatives will be discussed during Formal Health Review Meetings. Alternatives may include:

- Temporary or permanent changes to elements of the job, working hours, or working pattern. West Sussex Fire and Rescue Staff should refer to the Standard Operating Procedure for Alternative and Modified Duties which is located on the FRS Policies and Procedures site.
- Exploration of reasonable adjustments where an individual has a disability
- Redeployment
- Whether the employee may meet the criteria for ill health retirement.

One or more of the following actions or outcomes may arise from a Formal Absence Review Meeting:

- The employee can continue in their current role due to an improvement in their health condition and/or the implementation of support or reasonable adjustments.
- A further period of monitoring to enable assessment of the impact on attendance or performance following implementation of adjustments or support. A further formal meeting may be required.
- Further medical information and/or a referral to Occupational Health is required to inform next steps. A further formal meeting may be required.
- Where medical advice indicates that the employee is unlikely to be able to improve or sustain attendance or performance, redeployment to an alternative role may be considered (refer to section 17).

- Where the employee may be permanently incapable of undertaking their job due to ill health, exploration of whether the employee may meet the criteria for Ill Health Retirement (refer to section 18).
- All reasonable alternative options have been explored and dismissal on the grounds of capability due to ill health may be considered.

Outcomes and actions from the meeting will be confirmed to the employee, in writing, within 7 calendar days/5 school working days of the meeting.

Step Three: Final Health Review Meeting

WSSC recognises that when employment is at risk due to an underlying health condition this is likely to be a distressing period for an employee. A Final Health Review Meeting under the Underlying Health Condition Procedure will therefore only take place where the responsible manager has concluded that there are no reasonable alternatives to dismissal on the grounds of ill health. Typically, such a meeting will usually be taken following a

Formal Health Review Meeting (step 2 of the procedure) and having considered the views of the employee and their trade union representative.

When the employee is invited to the meeting, they will be made aware that the likely outcome of the meeting is dismissal. Employees have the right to be accompanied at this formal meeting by a Trade Union representative or work colleague.

The meeting will be chaired by a senior manager. A representative from Human Resources will attend the meeting to advise the chair. The chair of the meeting may decide to appoint a second panel member to ensure balance in decision making. The employee's manager will attend the meeting to explain the matter and the approach taken to date.

During the meeting, the manager will be asked to outline the situation, the employee's current health, the medical advice including any prognosis, the support and adjustments that have been explored to date and the steps that have been taken up until this point. The employee and their representative will have the opportunity to respond and to make their own representations should they wish.

The chair will lead discussions on the matter, ensuring all attendees have reasonable opportunity to explain their views and to ask questions of other attendees. The chair will ensure full exploration of the situation and will consider whether all reasonable alternatives to dismissal have been explored and whether a fair and reasonable process has been followed to date.

When discussions have concluded, the chair will adjourn to deliberate and then reconvene the meeting to confirm the outcome.

The possible outcomes for a final absence review meeting are:

- A further review period is implemented by the panel before dismissal is further considered.
- The employee is dismissed, with notice, on the grounds of capability.
- No further action is required, and recommendations are made for further action for the manager and/or employee.
- Further consideration of alternatives to dismissal need to be assessed.

The outcome will be confirmed in writing within 7 calendar days/5 school working days following the meeting.

23. Further Information

Further advice can be sought from HR Customer Services on 01243 6(42148) or email Hr.customer.services@westsussex.gov.uk

Managers/headteachers can contact the HR Business Partner Team for further support.

Employees can seek advice from their recognised Trade Union representative, where applicable.

24. Confidentiality and Data Protection

We recognise that very personal information may be shared during discussions between managers/headteachers and employees and this information will be treated sensitively and respectfully and only shared within the management chain where necessary and shared no further, unless otherwise agreed. WSCC will process any personal data collected in accordance with the Data Protection Policy and will record only the personal information required and keep the information only for as long as necessary.

25. Document History

Date	Change	Author
June 2026	Policy launched	HR Policy Team

Appendix 1 – Rates of Sick Pay

Continuous service with another Local Authority employer may count as qualifying service for the purposes of sick pay entitlements.

All payments will be inclusive of Statutory Sick Pay ('SSP') in accordance with legislation in force at the time of the absence or Sickness Allowance will be paid after deduction of Statutory Sick Pay. These deductions will be made whether or not these benefits are received. Further financial support may be available from the Department for Work & Pensions when sick pay entitlement is exhausted.

Rates of sick pay for employees on NJC, HAY, SMG, Youth and Soulbury terms and conditions:

Length of Service:	Sick Pay Entitlement:
Up to 4 months service	1-month full pay
4 months service to one year's service	1-month full pay and 2 months half pay
During the second year of service	2 months full pay and 2 months half pay
During the third year of service	4 months full pay and four months half pay
During the fourth & fifth years of service	5 months full pay and five months half pay
After five years of service	6 months full pay and six months half pay

Sick pay entitlement is based on the length of an employee's continuous service immediately before the absence and any paid sickness absence that has already been taken in the previous 12 months. If an employee remains continuously absent from work, continuous service dates that arise during that period for absence will not change their sick pay entitlement.

For example, if an employee has four and a half years' service, their entitlement to sick pay would be 5 months full pay and five months half pay. Should they be off sick for a period of 9 months, taking them over five years' service, their sick pay entitlement would not increase. Their sick pay entitlement would remain at 5 months full pay and five months half pay for the duration of the period of the sickness absence. Sick pay entitlement would not increase to 6 months full pay and six months half pay until the current period of absence has ended.

Rates of sick pay for employees on Teacher's terms and conditions:

For the purpose of sick pay for teacher's, 'service' includes all aggregated teaching service with one or more Local Authority.

Length of Service:	Sick Pay Entitlement:
During first year of service	25 working days full pay (after completing 4 months service) and 50 days at half pay
During the second year of service	50 working days full pay and 50 working days half pay
During the third year of service	75 working days full pay and 75 working days half pay
During the fourth and subsequent years of service	100 working days full pay and 100 working days half pay

For the purposes of calculating a teacher's entitlement to sick leave, a year is deemed to begin on April 1 of each year and end on March 31 of the following year. Where a teacher is on sick leave on 31 March in any year, no new entitlements shall begin until the teacher has resumed duty. The period from 1 April until the return to duty is regarded as part of the preceding year's entitlement for the purpose of this scheme. Where a teacher starts service after 1 April in any year, the full entitlement for that year will be applicable.

Rates of sick pay for employees on West Sussex Fire & Rescue Service Grey Book terms and conditions:

Length of Service:	Sick Pay Entitlement:
From the first day of employment	6 months' full pay and six months' half pay

An employee on authorised sick leave as a result of an illness or injury arising from authorised duty is entitled to full pay for twelve months and then half pay for six months.

Sick pay entitlement is based on any paid sickness absence that has already been taken in the previous 12 months.

Appendix 2 – Short Term Sickness Absence Procedure Flowchart

Employee reports absence

Manager understands reason, likely return date, provides support, logs absence

Employee returns to work

Return to work conversation/meeting and review of sickness absence triggers

Short Term Trigger met? (4 absences in 4 months or 8 or more workdays in last 12 months)

NO → Continue support

YES → Consider circumstances and arrange **Informal Absence Review Meeting**

STEP 1: Informal Absence Review Meeting

Discuss levels of sickness absence, reasons and wellbeing

- Discuss absence concerns, expectations and agree actions in line with policy
- POSSIBLE OUTCOMES:
 - Where underlying health condition/s consider the Underlying Health Condition Procedure
 - Agree Attendance Monitoring Support Plan
 - Informal monitoring period (12 months)
 - Hold another Informal Absence review Meeting or no further action

Trigger hit again during informal monitoring period?

YES → Consider **Formal Absence Review Meeting**

NO → Monitoring ends

STEP 2: Formal Absence Review Meeting

Review absence levels, reasons and wellbeing

- Discuss concerns, expectations, possible next steps and agree actions in line with policy
- Review and update Attendance Monitoring Support Plan
- POSSIBLE OUTCOMES:
 - Where underlying health condition/s consider the Underlying Health Condition Procedure
 - Formal monitoring period (12 months)
 - Hold another Formal Absence review Meeting or no further action

Trigger hit again during formal monitoring period?

YES → Consider **Final Absence Review Meeting**

NO → Monitoring ends

STEP 3: Final Absence Review Meeting

- Senior manager review of absence levels, concerns and actions taken to date.
- Employee and manager share their views
- POSSIBLE OUTCOMES:
 - Further monitoring period up to 12 months
 - Dismissal on grounds of capability
 - No further action

Appendix 3 – Long Term Sickness Absence Procedure Flowchart

Employee reports absence

Manager understands reason, provides support, agrees communication, logs absence

Long term trigger met and absence continues or expected to exceed 21 days Informal absence support provided to include the above and to:

- Discuss wellbeing and support available, explore support needs
- Provide the employee with information on their rights

Is employee likely to return to work soon?

YES → Supportive return to work plan agreed with employee

NO → **Informal Absence Review Meeting**

STEP 1: Informal Absence Review Meeting

- Understand health and prognosis
- Explore support and consider whether an Occupational Health referral is helpful
- Clarify sick pay entitlement
- Agree communication arrangements and next steps

Is there a clear timeframe for return to work? YES → Continue support & review

NO → Consider **Formal Absence Review Meeting**

STEP 2: Formal Absence Review Meeting

- Explore absence in more detail and understand prognosis for return to work
- Review support and the plan for managing the absence
- Consider whether Occupational Health advice is needed
- Consider whether alternative options need to be considered - potential changes to elements of role and adjustments for disabilities, redeployment or ill-health retirement POSSIBLE OUTCOMES:
- Employee ready to return and supportive return to work plan agreed
- Further period of absence and further meeting required
- Referral to Occupational Health
- Consideration of redeployment or ill health retirement where medical advice suggests
- **Final Absence Review Meeting** to consider dismissal.

Return to work unlikely or not imminent OR all reasonable options fully explored? YES → Consider **Final Absence Review Meeting**

NO → Further formal review meeting(s)

STEP 3: Final Absence Review Meeting

- Senior manager review of absence to date, current health, medical advice, prognosis and whether all possible reasonable alternatives have been explored.
 - Employee and manager share their views
- POSSIBLE OUTCOMES:
- Further review period
 - Dismissal on grounds of capability

Appendix 4 – Underlying Health Condition Procedure Flowchart

Potential underlying health condition identified which is impacting on attendance and/or performance

Is attendance/performance improved and sustainable?

YES → Continue support and end process

NO → Consider Formal Health Review Meeting

STEP 1: Informal Health Review Meeting

- Understand current health and wellbeing and impact on role, attendance or performance
- Explore medical advice and information on future health and likelihood of improvement
- Consider Occupational Health referral
- Explore support, adjustments that may help/enable improvement
- Agree actions and next steps POSSIBLE

OUTCOMES:

- Occupational Health advice sought
- Assessment of need for reasonable adjustments
- Development of health and wellbeing actions
- Period of monitoring of progress and Formal Health Review Meeting to be considered

STEP 2: Formal Health Review Meeting

- Review situation and current health and the impact of any adjustments to date and explore any other support required
- Explore alternative options if attendance/performance cannot be sustained - temporary or permanent changes to role, exploration of reasonable adjustments for disabilities, redeployment, ill-health retirement consideration

POSSIBLE OUTCOMES:

- Employee continues in role as health improves or adjustments/support implemented
- Further period of monitoring following implementation of support/adjustments
- Further medical information is required
- Explore redeployment
- Explore eligibility for ill-health retirement

Can employee sustain expected attendance/performance with adjustments? YES → Continue support and end process

NO → Final Health Review Meeting

STEP 3: Final Health Review Meeting

- Senior manager review of absence to date, current health, medical advice, prognosis, support and adjustments and whether all possible reasonable alternatives explored.
- Employee and manager share their views POSSIBLE OUTCOMES:
- Further review period
- Dismissal on grounds of capability
- No further action required
- Explore alternatives to dismissal

Appendix 5 – Ill Health Retirement

If an Occupational Health report advises that an employee is likely to be permanently incapable of undertaking their job due to ill health, consideration may be given to assessing whether the employee may be eligible to retire early from work on ill health grounds.

If the employee is in agreement, they may be referred to Occupational Health for an assessment of suitability for ill health retirement under the relevant pension scheme. The assessment is carried out by an Independent Registered Medical Practitioner (IRMP).

The IRMP will certify whether, in their opinion, the employee meets the criteria for ill health retirement and, if so, at which tier of benefits. Following receipt of the IRMP's advice, it is the employer's decision as to whether the member meets the criteria for ill health

retirement. The employer will also decide on the tier of ill health to be awarded based on the relevant criteria, as set out below for each pension scheme.

Local Government Pension Scheme (LGPS)

Full details of the LGPS are available on the WSCC LGPS webpages.

To be eligible for ill health retirement, employees must have met the two-year qualifying period in the LGPS to qualify for ill health retirement benefits and be under their Normal Pension Age (State Retirement Age with a minimum age of 65) in the LGPS.

Occupational Health will advise whether as a result of ill health or infirmity of mind or body, an employee is permanently incapable of discharging efficiently the duties of their role and, whether the employee as a result is not immediately capable of undertaking any gainful employment (paid employment for at least 30 hours a week for a period of at least a year.

The LGPS provides three tiers of ill health retirement benefits, based on the severity of the employee's condition and the likelihood of them being able to work again.

Tier 1

An employee will qualify for Tier 1 if they are unlikely to be capable of gainful employment before Normal Pension Age. The ill health benefits that an employee would receive are:

- the pension that has already been accrued up to the date of leaving
- no reduction for early payment
- plus the pension the employee would have built up in the main section of the LGPS from their leaving date to Normal Pension Age.

A Tier 1 pension is paid for the rest of an employee's life and is based on Assumed Pensionable Pay. Further details on Assumed Pensionable Pay are available on the LGPS Ill Health Retirement page.

Tier 2

An employee will qualify for Tier 2 if they are unlikely to be capable of gainful employment within three years of leaving, but they are likely to be capable of gainful employment before Normal Pension Age. The ill health benefits an employee would receive are:

- the pension that has already been accrued up to the date of leaving
- no reduction for early payment
- plus 25% of the pension the employee would have built up in the main section of the LGPS from their leaving date to Normal Pension Age.

A Tier 2 pension is paid for the rest of an employee's life and is based on Assumed Pensionable Pay. Further details about Assumed Pensionable Pay are available on the LGPS Ill Health Retirement page.

Tier 3

An employee will qualify for Tier 3 if they are likely to be capable of gainful employment within three years of leaving, or before Normal Pension Age, if this is earlier.

An employee would receive the pension they have accrued up to their date of leaving and it would not be reduced for early payment.

The Tier 3 pension is paid temporarily and will stop when the first of these events happens:

- the Tier 3 pension has been paid for three years
- the employee starts gainful employment
- the employee becomes capable of gainful employment.

After the Tier 3 pension is stopped, it will normally become payable again from Normal Pension Age or could be taken earlier.

If an employee reaches Normal Pension Age while Tier 3 pension is being paid, the pension will not stop and WSCC must assess whether the employee is now capable of undertaking gainful employment.

Employees awarded Tier 3 ill health retirement will be required to attend a medical assessment, 18 months after leaving, to see if they are capable of obtaining gainful employment.

For further information in relation to ill health retirement benefits and the reviewing mechanism for tier 3 please contact the Pension Administrator.

Complaints Process in Relation to LGPS Ill Health Retirement Benefits

Complaints in relation to LGPS ill health retirement benefits are managed under the WSCC LGPS Internal Dispute Resolution Procedure which can be found on the Pensions section on the HR Zone on the Point

Teachers' Pension Scheme

If an employee is a member of the Teachers' Pension Scheme, the teacher may apply to the Teachers' Pension Scheme for early retirement on the grounds of ill health.

For further information about ill health retirement, please see the Teachers' Pensions Website.

Firefighters' Pension Scheme (FPS), New Firefighters' pension scheme (NFPS) and Firefighters pension scheme 2015 (FPS2015)

Full details of the FPS, NFPS and FPS2015 Schemes are available on the WSCC Firefighters' Pension Scheme webpages on the County Council Website.

If an employee is a member of one of these firefighter pension schemes, they may apply for early retirement on the grounds of ill health.

To be eligible for ill health retirement, an employee must be a member of either the FPS, NFPS or FPS2015 and have a minimum of two years' service in the FPS, or a minimum of three months' service in the NFPS or FPS2015.

The schemes provide two levels of ill health retirement benefits, dependent on the severity of a firefighter's condition and the likelihood of them being able to work again.

Lower Tier

Where a firefighter is certified as being permanently disabled for the performance of the duties of their role as a firefighter.

These members will receive no enhancement to their ill health retirement benefits and only their accrued pension is payable.

Higher Tier

Where, additionally, a firefighter is also certified as being permanently disabled from duties for any other 'regular employment', which means employment over 30 hours a week on average over a 12-month period.

These members will receive ill health retirement benefits at the higher level which will include an enhancement.

Complaints Process in relation to FPS2015, NFPS and FPS ill health retirement benefits

Complaints in relation to ill health retirement benefits for the above pension schemes are managed under the West Sussex Fire and Rescue Service Pensions Internal Dispute

Resolution Procedure which can be found on the Pensions section on the HR Zone on the Point.

NHS Pension Scheme

Full details of the NHS Pension Scheme and ill health retirement are available on the NHS Pension Website.

If an employee is a member of the NHS Pension Scheme, they may apply to the NHS Pension Scheme for early retirement on the grounds of ill health, using form AW33E.

To be eligible, an employee must be a member of the NHS Pension Scheme (1995 or 2008 Section or 2015 Scheme), have a minimum of two years' service within the scheme and be under their Normal Retirement Age (1995 – 60, 2008 – 65, 2015 State Retirement Age).

The NHS Pension Scheme provides two levels of ill health retirement benefits, dependent on the severity of an employee's condition and the likelihood of them being able to work again.

Tier 1

An employee must be permanently incapable of efficiently carrying out the duties of their employment because of illness or injury.

Tier 2

An employee must be permanently incapable of engaging in regular employment of like duration to their NHS job (i.e. either whole time or part time) because of illness or injury.