Long Term Absence Guidance

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| Version Control | Changes Made | Author |
| Version 1 – April 2023 |  | HR/OD |

Principles

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

**1.** Person Centred

1. Prioritising Wellbeing
2. Proactive
3. Flexible and Creative
4. ***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 provide support to employees to make health and wellbeing improvements, enabling employees to return to work and maintain sustainable attendance thereafter. A long-term absence lasts for 28 calendar days or more and can be linked to an underlying medical reason and may be 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.

What is the first step I need to take to support an employee who is absent from work long term?

Making initial contact with the employee is important to identify what you can do to support their health and wellbeing. Please note, you should use your own judgement as to which method of contact is suitable and what is discussed during this, as each case will differ.

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)

Here are some options as to what may be included in this discussion:

* Ask the employee for an update from the employee on their health and wellbeing. If necessary, this may include advice they've received from a specialist and/or any hospital appointments they have scheduled.
* Ask the employee if there is any support we can offer at this stage.
* Check with the employee whether a referral to Occupational Health is required. 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 reasonable 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 Sheet**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853161742.docx)

Wellbeing Support Meeting – Long Term Absence

It may become clear during the initial contact with the employee their absence is going to be long-term. In this instance, 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 long-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 employees’ 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 [**AP4 Invitation to Wellbeing Support Meeting (Long Term Absence)**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853162540.docx)

A letter confirming the outcome must be sent to the employee within 5 working days of the meeting. Please use [**AP4a Outcome of Wellbeing Support Meeting (Long Term Absence)**](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6049/44853162813.docx)

The following options would be considered and discussed; however, please note some of these options may not be relevant to an employee's absence case 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 may 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 implementing 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. Guidance should be sought from your HR team/HR Provider before making such an adjustment. The temporary variation is a short-term measure which will be reviewed with the aim of a return to the full contract.
	2. **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.
	3. **Redeployment (AEP) -** If it is not possible for the employee to return to their post either with or without adjustments, the manager/head teacher should consider placing them on the Alternative Employment Programme. For Cumbria Westmorland and Furness 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. **Ill Health Retirement -** Where an employee meets the criteria in the relevant pension scheme following formal Occupational Health assessment, consideration should be given to whether the employee is eligible, under the terms of their pension scheme, for ill health retirement. To enable access to the ill health retirement scheme under the terms of the LGPS it is necessary for the employee to be dismissed on the grounds of ill health. In cases where an employee’s health is declining, further support is available to you from your HR/HR Provider.

Any agreed improvement expectations, support and/or actions required should be documented in the Wellbeing Absence Action Plan. A copy of this should be shared with the employee following the meeting. When setting expectations, you should make allowances for conditions covered under the Equality Act 2020. If required, contact HR/HR Provider for further clarification and guidance.

For further support, please refer to the **Managing Wellbeing Guidance**, **Managing Absence Consistently Guidance** 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 long-term absence. Where you have any suggestions which are not listed above, contact HR/HR Provider for further clarification and guidance.

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 already under review for short-term absence concerns?

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 Absence Action Plan

Whether short and long-term absences are linked, they should be recorded on **one** 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)

What is the next step I need to take when an employee has exhausted the above options?

The Council/School will only consider dismissing an employee on the grounds of capability due to ill health when it has considered all the available facts and medical reports, and where the appropriate options of returning to their post (with or without adjustments), redeployment, phased return to work have been examined and found not to be possible or applicable.

Only once all reasonable avenues have been exhausted, and where the employee is unable to sustain a successful return to work, you will convene a ‘Case Conference’ meeting to be chaired by a senior manager/panel of governors.

**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)

For example, if during an employee's initial Wellbeing Support Meeting they share they are waiting to meet with a specialist or have planned surgery linked to their absence reason, you should arrange for the next meeting to be after this has taken place. You should continue to make supportive and regular contact with the employee during this time to check in on their wellbeing and to share any news or changes within the team. This could be fortnightly telephone calls, however, please be mindful cases must be dealt with on an individual basis.

**Case Conference - Long Term Absence**

The Council/School will only consider dismissing an employee on the grounds of capability due to ill health when it has considered all the available facts and medical reports of the true and ongoing medical position, once all reasonable avenues for support have been exhausted, and where a return to work is not foreseeable within a reasonable period.. Then you 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**