

Managing Attendance Procedure

Policy Identification	
Policy Ownership	
Department:	Human Resources
Owner:	Head of Human Resources
Author:	Human Resources, Staff Officer
Screening and Proofing	
Section 75 screened:	16 March 2017
Human Rights proofed:	16 March 2017
Consultation	
	SMT NAPO NIPSA Equality Commission NI
Approval	
SMT	Version 3 approved 9 May 2017. Version 4 approved 6 February 2018
PPC:	Version 3 approved 2 June 2017. Version 4 approved 2 March 2018
Board:	Version 3 approved 16 June 2017. Version 4 approved 23 March 2018
Version	
Version:	0.5
Date of Issue:	1 November 2018
Implementation date:	1 November 2018
Review date:	31 October 2019

Document Control Sheet

Version No.	Date	Description
0.1	6 March 2017	First Draft
0.2	9 March 2017	Further amendments
0.3	28 April 2017	Amendments following feedback from SMT/Managers/Unions
0.4	1 February 2018	Revised review points to 10 days and 4 occasions
0.5	September 2018	Amendment to Section 7.8 as per DoJ suggestion.

Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

Deputy Head of Human Resources
Probation Board for Northern Ireland
2nd Floor
80-90 North Street
Belfast
BT1 1LD
Telephone number: 028 90262400
Textphone: 028 90262490
E-mail: info@pbni.gsi.gov.uk

CONTENTS

Section		Page
Section 1	Notification Procedure –Initial Contact	1-3
Section 2	Contact during Absence	4-5
Section 3	Certification Procedure	6-7
Section 4	Management of Long-term Sick Absence	8-13
Section 5	Referral to Occupational Health	14-16
Section 6	Return to Work Interviews	17-20
Section 7	Unsatisfactory Attendance	21-28
Section 8	Employees within first year of employment	29
Section 9	Appeals Procedure	30-32
Section 10	Sources of Information, advice and support	33-34
Section 11	Sick Absence - Conditions for annual leave/TOIL/flexi	35-36
Section 12	Time Off for Medical Appointments	37-39
Annex A	Return to work form	40-42
Annex B	NILGOSC – Ill Health Retirement	43-44
Annex C	Return to work on reduced hours or alternative duties (and phased return to work form)	45-48
Annex D	Occupational Sick Pay Entitlement	49-53
Annex E	Problems affecting mental well-being or health (and questionnaire)	54-60
Annex F	Reporting of accidents, injuries, disease and dangerous occurrences	61
Annex G	Managing Attendance Meetings (and Template)	62-69
Annex H	Right to be accompanied at meetings	70-71
Annex I	Record Sheet for medical appointments/ excusal from duty/well-being days	72-73

SECTION 1. NOTIFICATION PROCEDURE – INITIAL CONTACT

1.1 First day of absence – Initial Contact

It is important that any employee who is absent from work due to sickness or injury makes contact with their line manager at the earliest opportunity, and no later than one hour after their scheduled start time.

Contact should be made in person, by telephone. Notification by text, e-mail or social media is not permitted.

The employee should provide the following information:

1. nature of illness (unless the matter is confidential and they are speaking to someone other than their line manager, in which case they should take steps to inform their line manager at an early opportunity)
2. whether the illness is related to an injury at work
3. whether the absence is as a result of an accident where damages are recoverable from a third party
4. whether the illness is self-certified or certified by a GP
5. estimated date of return
6. details of any commitments for the period of anticipated sickness absence (for example, court, meetings, training or other outstanding matters).

The Manager should also discuss with the employee:

Whether he/she is capable of doing any work with reasonable help and assistance rather than what they cannot do due to illness. This is known as a work focused approach.

A work-focused approach:

- recognises that work is generally good for people's physical and mental health and well-being
- encourages managers, at their discretion, to make reasonable temporary workplace adaptations to enable employees to work rather than take sick absence and recognises that employees do not always need to be fully fit to undertake work. For example, could an employee work from home for a day or two if feasible in line with the Remote Working from Home and Other Non PBNI Locations Policy and Procedure
- Understands that where a Statement for Fitness for Work (Fit Note) has been provided, this does not necessarily exclude someone from work as an employee can still come back to work at any time before the Fit Note expires, however respects employees' rights to take paid sick absence when they are unable to work due to illness or injury

Where an employee has attempted to contact his/her line manager but the manager is not available, it is acceptable to telephone and leave a message in person with reception or with another member of staff. This message must then be relayed to

line management. The line manager must then contact the employee by phone on the first day of the absence.

Where the line manager is on leave and the employee has reported sick to reception or another member of staff, the reporting point must forward the relevant information to the employee's covering line manager at the earliest opportunity. The covering line manager must then contact the employee by phone, and advise the line manager of the situation upon their return from leave.

Relatives or other people may make the telephone call in circumstances when the employee is too ill to use the telephone. The person notifying the absence must confirm their name and relationship to the employee and the reason for their absence.

1.2 Failure to notify absence

If an employee does not report for work and has not made contact, the line manager (or covering line manager) must telephone the employee, as soon as is practical, at least within 1 working day, to find out the reason for the absence. If it is not possible to contact the employee directly the line manager (or covering line manager) should telephone the emergency contact for the employee (the Human Resources Department hold these details). If there are serious concerns for the safety of the individual the local PSNI may also be asked to visit the home address (this decision should be taken in conjunction with HR).

1.3 Time away from home address when on sickness absence

There are occasions when an employee who is absent due to sickness is away from his/her home address, e.g. to stay with parents to convalesce. The employee must provide the line manager with the revised necessary contact details. The line manager should then advise the HR Department so that records can be updated for correspondence purposes.

If an employee goes on holiday during a period of sickness absence he/she should notify their line manager and the HR Department prior to commencing the holiday.

1.4 Notification of return to work

As soon as the employee becomes fit to return to work, or they are likely to return to work earlier than anticipated, he/she must report this to the line manager immediately.

If the employee is unable to return to work on the date anticipated, ongoing absence must be reported as outlined above.

If the employee does not return to work on the next scheduled working day, the absence will be considered continuous.

1.5 Failure to comply with reporting arrangements

Failure to adhere to the reporting procedures will be considered unauthorised absence and may be dealt with in accordance with another Board policy and procedure (potentially the Disciplinary Policy and Procedure depending on the circumstances). This may ultimately lead to the employee being disqualified from receiving occupational sick pay.

SECTION 2. CONTACT DURING ABSENCE

2.1 Introduction

PBNI has a duty of care and a supportive role with regard to employees' health and wellbeing whether a member of staff is experiencing a period of long-term or short-term absence (Please see also Health and Wellbeing Section on PBNI Intranet). To help ensure health and productivity of staff, it is important that early and effective communication is present in relation to sickness absence. In addition, PBNI has a responsibility to ensure the provision of an efficient service and must, therefore, make the necessary alternative arrangements to minimise the impact of any absence. For these reasons, managers will ensure they maintain regular, reasonable and sensitive contact with members.

2.2 Contact after 3 consecutive working days' absence

If the sickness absence continues beyond three consecutive working days, the employee should contact his/her line manager again, as early as possible on the fourth working day of sickness absence, to inform them that the absence is being extended.

The line manager should advise the employee that a self-certificate will need to be completed for the first seven **calendar** days' absence when he/she returns to work. If the manager is advised that it is likely that the absence will continue beyond seven calendar days, the employee must be reminded of the need to obtain and submit a medical certificate from their G.P. to cover their absence.

2.3 Subsequent contact during absence

While absent from duty it is an essential requirement that the employee keeps the line manager informed of the current situation on a regular basis even if there is little change in the medical condition. The regularity of these updates will depend upon the circumstances of the absence. It is the view of PBNI that keeping in touch during sickness absence is an obligation and can help the employee's wellbeing and actively support staff. It is also good practice to keep absent staff updated on important organisational developments within PBNI (for example details of internal trawls or general communications from the Chief Executive).

The method and frequency of this contact will depend on the particular circumstances, but may be by telephone, in writing or through meetings at mutually agreed locations (by whichever method is most suitable and agreeable). It is advisable that the line manager contact employees as early as possible. It is necessary not to let more than 10 consecutive working days absence go by without contact. Thereafter, contact every two weeks would be a minimum standard subject to consideration of serious conditions and individual circumstances as referred to above. For help and advice on method and regularity of contact, please contact a member of the HR Department.

By keeping in contact with the employee, he/she will have the opportunity to discuss any concerns they may have. Contact during absence should not be excessive or intrusive.

Individuals should be encouraged to maintain regular informal contact, for example, the employee may wish to arrange with their line manager to visit colleagues in the workplace during a period of extended absence, to keep in touch and maintain communication.

In addition to the informal contact/meetings referred to above, formal review meetings (which are compulsory) will take place under the Management of Long-term Sick absence (see section 4).

SECTION 3. CERTIFICATION PROCEDURE

A requirement of the occupational sick pay scheme is that an employee who reports being absent from work due to sickness must produce evidence of incapacity throughout their period of absence.

3.1 Sickness absence of seven calendar days or less

For the first 7 calendar days of any absence (which includes weekends and Public Holidays) an employee must provide a self-certificate. The employee must complete section 1 of the self-certificate and supply to their line manager prior to the return to work interview. (Self-certificates are located at Annex A of this procedure). Self-certificates expire on the 7th calendar day of illness.

3.2 Withdrawal of self-certified facility

A doctor's certificate is not normally required for absences lasting seven consecutive calendar days or less. The timely provision of sickness absence documentation is crucial for record keeping and occupational sick pay purposes.

The HR Department will monitor closely the use of self-certification as a method of providing evidence of incapacity, and have the discretion to withdraw the facility where they feel it is being used excessively by an individual for frequent, short-term intermittent absence.

This would mean that individuals would have to obtain a medical certificate from their GP for all absences, even those of 1-2 days duration. Decisions like this will be judged on a case by case basis.

Where a medical certificate is required in these circumstances, this will be at the employee's own expense.

3.3 Sickness absence of eight calendar days or more

If the sickness absence is for eight calendar days or more, the employee is required to submit a general practitioner's medical certificate (Statement of Fitness for Work – known as a Fit Note) to the line manager. The line manager will forward the medical certificate to the HR Department immediately and without delay.

All sickness absence days must be certified. It is the employee's responsibility to ensure that documentation (both self-certified and by medical certificate) covers the whole period of absence.

If the sickness absence continues beyond the return to work or due date on the certificate, further medical certificates **must be submitted within 5 working days** of the expiry of the previous one. If this is not going to be possible then the line manager and the HR Department must be informed in advance.

It is the employee's responsibility to ensure timely submission of outstanding certificates. If the employee does not produce a medical certificate within 2 weeks from the start of their sick absence, or within 5 days of the expiry of a previous

medical certificate, and has not contacted their line manager or the HR Department with an explanation for the delay, then consideration will be given to ceasing occupational sick pay.

Failure to adhere to the certification procedures will also be considered unauthorised absence and may be dealt with in accordance with another Board policy (potentially the Disciplinary Policy and Procedure). This may ultimately lead to the employee being disqualified from receiving occupational sick pay.

A final medical certificate confirming the date the employee is fit to resume duties does not need to be submitted. An employee can come back to work at any time, even if this is before their medical certificate expires. The employee does not need to go back to their doctor in order to return to work. The employee should however ensure that they advise their line manager as soon as he/she knows when they intend to return, particularly if they are able to do so before the medical certificate expiry date.

3.4 Becoming ill whilst still at work

An employee who feels unwell to continue work after arriving for duty must report to his/her line manager. As a result of this conversation it may be appropriate for the employee to leave the workplace.

The day on which the employee is excused from duty will not be recorded as sickness absence. Part days will however be recorded on attendance sheets as 'O' – *Ill while at work - excusal from duty* in order to gather data on the number of instances staff have requested excusal from duty. This data will be used in relation to sickness absence statistics and analysis (in respect of workforce availability) and to identify and address sickness absence patterns.

Line managers should also maintain individual records of staff reporting sick and seeking excusal from duty. A template record sheet can be used for this purpose (See Annex I)

Repeated use of this facility may result in its withdrawal and thereafter any absence due to illness in a working day will require certification and will be recorded as sickness absence.

In cases where there are more than 3 requests in a 12 month period from an employee to be excused from duty because of illness, the line manager should discuss the situation with the employee. Advice should be sought initially from the Human Resources Department. If a decision is taken by the line manager to withdraw this facility the employee will be advised in writing, and a review date at the line manager's discretion will be set. Excessive excusal from work due to illness may also result in a Managing Attendance meeting.

Any employee who is unable to report for work through illness but recovers sufficiently to attend later in the day should contact their line manager (or covering line manager) as soon as possible that day to discuss this development. Contact should be by telephone however it is appreciated that this may not always be possible. In such circumstances the employee should email the manager and contact will then be made via telephone by the manager when available.

SECTION 4. MANAGEMENT OF LONG-TERM SICK ABSENCE

4.1 Introduction

Long-term sick absence is defined as 20 consecutive working days or more (pro rata for part-time staff). The primary aim of managing long-term sick absence is to help facilitate the employee's return to work at the earliest point and remain in work where possible.

Early intervention is key to the successful management of long-term sick absence. When a medical certificate has been received covering 3 weeks absence or more this will be reviewed with a view to referral to the Occupational Health advisors at the 3 week stage of absence. Immediate referrals shall be made to Occupational Health if an employee is absent due to mental ill-health eg stress/anxiety/depression.

A case conference may also be arranged with Occupational Health and HR to discuss the employee's case with the Occupational Health medical advisor.

Section 5 sets out when Occupational Health referrals shall be made.

Review meetings are compulsory. These meetings should be viewed as an opportunity to help and support employees and to discuss any ways in which attendance can be improved. It is also the opportunity for the employee to present information about their situation, to consider Occupational Health advice and to explore any reasonable adjustments that might facilitate a return to work as soon as possible.

As soon as it becomes clear that the employee's absence is going to be long-term, the line manager will seek to establish, through regular agreed contact with the employee, how long the absence is likely to last in order to inform next steps. Occupational Health advice may be sought. Each employee will be treated subjectively, sensitively, fairly and each case considered on its own merits.

Keeping in regular contact is the responsibility of both the line manager and the employee who should additionally let their manager know immediately if there is any change in their medical condition.

4.2 Review Meetings

PBNI considers it essential that a structured approach should be adopted when dealing with long-term absence. Review meetings are compulsory and integral to this approach and should be routinely used to review the current position, offer help and support and plan next steps.

The purpose of a review meeting is for the HR Department and line management to discuss with the employee what progress has been made and what the prognosis is in terms of the individual's return to work.

A review meeting is also helpful in exploring whether there are any other measures of support available which could assist recovery and an early return to work.

Details of all actions taken and measures planned will be recorded and retained on the employee's HR file to inform all future discussions and actions.

Review meetings will normally be held at one, three and six months' absence. Other timeframes or an additional Review meeting(s) beyond the six month timescale may be more appropriate to the individual circumstances.

Review meetings should not of course be the only contact between the employee and the line manager. **Regular and agreed communication is necessary between the employee and Line Manager (See also Section 2 "Contact During Absence")**.

4.2a Review Meeting after one/three/six month's continuous absence

The HR Department will convene review meetings to ensure that all necessary and appropriate steps and support have been taken. The purpose of a review meeting will be to make contact with the employee as early as possible and maintain contact, establish the reasons for absence, with the aim of identifying practical steps that might be taken to facilitate a return to work, and the hope that a return to work date can be established.

It is important to note that review meetings are a formal process in which the employee is being consulted about their absence from work as indicated above. Dismissal will however be an option should it be decided that the organisation can no longer sustain the employee's absence. See paragraph 4.2e – Referral to Head of HR.

Whilst the Unsatisfactory Attendance Process (set out under Section 7) will not apply *during* a period of long-term sick absence, that process may be applied on the employee's return to work.

The employee should be invited and a mutually acceptable date, time and location agreed in writing.

The employee should be informed that they may, if they wish, be accompanied by a trade union representative or workplace colleague.

The role of managers is central to the management of this process and therefore the line manager will also attend review meetings and a representative from Occupational Health may also attend if appropriate.

Where it is decided to hold a review meeting but the nature of the employee's illness (e.g. they may be in hospital or immobile) prevents their attendance, their trade union representative or work colleague may attend in their absence. Authority must be granted by the employee for either party to attend on their behalf. Confidentiality issues must be observed by parties during this meeting if the employee is not present. In relation to extremely serious absences consideration may be given to postponing this meeting for a mutually agreeable period of time. The employee will be kept informed of progress in writing by the HR Department, and be given the opportunity to make a contribution in writing. PBNI believes that early intervention in long term sick absence is useful and ensures a duty of care and supportive approach for our employees.

4.2b Before the Review Meeting

The employee will be advised in writing by the HR Department of the decision to hold a review meeting. The letter will:

- Outline the reasons for convening the review meeting copying any relevant documentation e.g. Occupational Health report
- Where appropriate refer to previous review meeting
- Propose a mutually acceptable date, time and location
- Inform the employee that they may be accompanied by a trade union representative or workplace colleague.

4.2c During the Review Meeting

At a review meeting the following matters may be discussed with the employee:

- Progress made and prognosis – to ask the employee how they are feeling and, in their opinion, where he/she feels they are with their recovery
- The feasibility of a temporary or permanent change in the employee's working hours or pattern of work which might facilitate an early return to work
- Whether it would be helpful to provide any special aids or equipment
- Ask the employee when they think they may be able to return to work and discuss any other support available that the PBNI could offer to help assist recovery and achieve a return to work. This could be considering if the employee could do most elements of their work or if working from home is feasible for a limited period eg focusing on what the employee can do – a work focused approach (see section 1.1)
- Whether referral to Occupational Health is appropriate or to review current Occupational Health advice, particularly in relation to possible adjustments which could be made to the working environment
- Information on when and how pay entitlement (including expenses) will be affected due to absence
- Where there is a clear and agreed return to work date, arrangements necessary for the employee's successful and sustained return to work
- To discuss overall sick absence and advise this will be reviewed by line management and HR on return to work to ascertain if the Unsatisfactory Attendance process will commence, advising this may result in the issuing of a written improvement warning.
- Advise that should the absence continue without an agreed return to work date at six months absence, formal consideration will be given to whether the absence can be sustained by the organisation.
- The possible outcome of the above might ultimately lead to the consideration of ill-health dismissal (see Section 4.2e – Referral to Head of Human Resources)
- Whether early retirement on the grounds of ill-health should be explored.

4.2d Following the Review Meeting

The outcome should be confirmed in writing by the HR Department within 5 working days. The letter will include:

- Include a clear statement of the facts, including most recent Occupational Health advice
- Outline if any steps have been agreed in relation to possible adjustments to assist and support an early return to work and whether this is a temporary or permanent change
- Detail whether or not it is appropriate to make a referral to Occupational Health
- If a return to work is agreed, to confirm that overall sick absence will be reviewed by line management and the Human Resources Department on return to ascertain if the Unsatisfactory Attendance process will commence, advising this may result in the issuing of a written improvement warning.
- Confirm whether or not the absence can continue to be sustained by the organisation, and if the absence is due to continue without an agreed and/or acceptable return to work date, a decision may be made to refer the matter to the Head of Human Resources and a Director for consideration of dismissal on the grounds of ill-health.
- Confirm whether or not early retirement on the grounds of ill-health will be explored

In every case a copy of the letter will be retained on the employee's HR file.

4.2e Referral to Head of Human Resources and a Director (for continuous long-term absence)

Where the employee has been absent continuously at the six month review meeting and there is no agreed/acceptable return to work date, referral will be made to the Head of HR by the HR Department, unless there are exceptional circumstances not to do so, for example:

- the employee is due to attend a specialist appointment in the immediate future (within the next 2-3 weeks) before confirming a return to work date
or
- is in the final stage of treatment with a return to work date expected shortly afterwards
or
- an agreed reasonable adjustment(s) needs to be implemented by the organisation to facilitate a return to work
or
- the employee is awaiting formal diagnosis of a condition which may be disability related.

Any postponement of the referral to the Head of HR will be reviewed at 9 months absence. If at this stage the employee remains absent with no agreed return to work date, the referral to the Head of HR will be made.

The ill-health dismissal process may be reactivated without recommencing earlier stages of the procedure where an employee has previously been under consideration for ill-health dismissal, returns to work for a short period (up to a maximum of 3 months return) but subsequently requires further sick absence.

All relevant documentation will be provided to the Head of Human Resources including up to date Occupational Health advice.

After a referral, the Head of Human Resources will invite the employee to a meeting with him/her and a Director. The letter will:

- Invite the employee to the meeting on a mutually acceptable date, time and location
- Require the employee to attend a meeting to discuss the matter – clearly stating that a possible outcome of this meeting is dismissal on the grounds of ill health.
- Give at least five working days' notice
- Refer to previous Review Meetings held with the line manager (if applicable), together with copies of documentation from those Review Meetings and other relevant information e.g. Occupational Health reports
- Inform the employee that they have the right to bring a trade union representative or work-place colleague. If the employee or his/her trade union representative cannot attend the first scheduled meeting date they have the right to re-arrange the meeting once, but only to a further working five days
- Advise that if the employee refuses or fails to attend the meeting without an acceptable explanation, a decision may be made in his/her absence.

The purpose of the meeting is to allow the employee or his/her representative to put forward reasons why dismissal on ill-health grounds should not ensue. The Head of Human Resources and the Director will listen carefully to any points made by the employee before considering whether a decision to dismiss in all the circumstances is appropriate.

The role of the Head of Human Resources is to ensure consistency, take notes and advise on points of process or relevant employment law. The decision to dismiss a permanent employee may only be taken by a Director.

The Head of Human Resources and the Director will review all actions taken to ensure that all procedures have been followed correctly.

The Director may decide that:

- the matter does not merit consideration of dismissal on ill-health grounds
- the matter merits consideration under another Board Policy and Procedure
- the matters in relation to the employee's health/attendance may be addressed by measures other than dismissal

- the final decision on the matter be adjourned for a specified period
- dismissal on ill-health grounds is appropriate
- action short of dismissal is appropriate e.g. change of role

The Director will inform the employee of the decision within 5 working days following the meeting.

In conveying the decision to the employee, the letter will:

- include a clear statement of the facts
- state what further action is proposed, if the decision is not to dismiss
- confirm that he/she is being dismissed on grounds of ill-health
- provide the period of notice he/she will be given (or pay in lieu of notice)
- provide information on the right of appeal and how to exercise that right

[See Section 9 “Appeals Procedure”]

SECTION 5. REFERRAL TO OCCUPATIONAL HEALTH

5.1 Introduction

In order that the reasons for an employee's absence may be fully understood, the PBNI may arrange an appointment for the employee to be examined by the Occupational Health Providers (OH). A key role of Occupational Health is to assist PBNI in managing attendance.

Referrals to Occupational Health will be carried out by the Human Resources Department (although matters can be brought to the Human Resources Department's attention by either the employee themselves or their line manager). Occupational Health is not a diagnostic service and employees should continue to seek advice from their GP in relation to medical conditions.

A case conference may also be arranged with HR and the Occupational Health when it is believed it may be beneficial to discuss complex cases in detail.

5.2 Purpose of Occupational Health referrals

The purpose of an Occupational Health referral is:

- To obtain as full a picture as possible of the nature and extent of the employee's health and its relation or relevance to employment circumstances
- To establish if there is a recurring/underlying medical condition which may be affecting the employee's attendance
- To establish if any reasonable adjustments can be made or support offered in order to help the employee return to work or remain in work
- To assess the employee's fitness to carry out the duties of the post
- To obtain advice on an anticipated return to work date
- To establish capability to provide effective service in the future
- To ascertain if a health problem is likely to recur and/or affect future attendance
- To enquire about other issues that may be specific to the individual case
- To assess suitability for ill-health retirement
- To obtain a view of Disability Discrimination implications

The following details the circumstances in which employees shall be referred to Occupational Health.

- a. When the employee has been absent due to ill-health for 20 working days (pro rata for part-time staff)
- b. Where medical certification indicates they will be absent for 3 weeks or more.
- c. Immediately when absent due to mental ill-health eg stress/anxiety/depression (as a supportive measure)
- d. When the employee raises a health problem with either their line manager or the Human Resources Department and they agree to be referred to Occupational Health.
- e. When the employee believes he/she has an illness or disability which comes under the terms of the Disability Discrimination Act and they agree to be referred to Occupational Health.

- f. Where the employee has had frequent short-term absence or a health problem which is impacting on their ability to carry out their role
- g. Where the employee has excessively been excused from duty
- h. Following a Managing Attendance Meeting
- i. Prior to or following a Case Conference
- j. If recommended by Occupational Health in previous referrals
- k. Following medical advice that work related ill health or injury may be developing.
- l. When a health and safety issue arises and medical advice may be appropriate.

An Occupational Health referral can include obtaining a report from the employee's GP/Specialist or an independent occupational health assessment with an occupational health practitioner.

Information obtained from an employee's GP/Specialist or independent occupational assessment will only be obtained with the employee's consent and in line with the Access to Medical Reports Act.

5.3 Non-Attendance/Non-Participation in Occupational Health Referral Process

It is anticipated that employees shall fully co-operate with the managing attendance procedures, including attendance at Occupational Health appointments.

If the employee chooses not to participate in an Occupational Health referral consideration will be given to with-holding occupational sick pay.

If an Occupational Health appointment has been arranged and an employee does not attend, or does not give reasonable notice of being unable to attend, consideration will be given to deducting occupational sick pay for the day of the appointment.

Non-participation or non-attendance will not delay the sick absence management process. The sick absence will continue to be managed in line with the Unsatisfactory Attendance process or Management of Long-term Sick Absence process as appropriate in the absence of expert medical opinion and PBNI will be forced to make decisions affecting employment on that basis. All available information will be taken into account before any decisions are taken.

Consideration may also be taken on whether disciplinary action should commence and whether failure to co-operate will lead to dismissal on the grounds of misconduct.

5.3 Recommendations made by Occupational Health

Recommendations made by Occupational Health normally fall into the following categories:

- a) Found fit to return to work

Where the Occupational Health report that an employee is fit to return to work, he/she will be advised by the Human Resources Department who will agree a

return to work with them. This will normally be within 2 weeks of the date of the Occupational Health opinion being received or as per OH advice on an anticipated return to work date set out in their report.

b) Found unfit for work while on sickness absence

Where the Occupational Health report concludes that the employee is not fit for a return to work, he/she will continue to be monitored under the Managing Attendance Procedure.

c) Found fit for work with temporary or permanent adjustment(s)

Where Occupational Health recommend an employee is fit for work with a temporary or permanent adjustment, a review meeting will be arranged with the employee and line manager to discuss the situation to agree how PBNI can offer the appropriate help and support to assist a return to work. (See Annex C - returning to work on a reduced hours basis, phased return or alternative duties).

d) Found unfit while at work

Where the employee is currently at work and is considered unfit for duty by Occupational Health, the Human Resources Department will arrange an immediate meeting with the employee and their line manager to discuss the situation. The employee may be asked to go off duty, seek medical advice from their own GP and provide relevant medical certification.

e) Found permanently unfit for work

Where Occupational Health advise that an employee is permanently unfit for duty and a recommendation for ill-health retirement is made, a referral will be made to the PBNI's pension providers, NILGOSC (where an employee is a member of the pension scheme - See Annex B).

SECTION 6. RETURN TO WORK INTERVIEW

6.1 Introduction

The importance of the return to work interview in managing sickness absence cannot be over emphasised. The return to work interview allows line managers to welcome the individual back and to up-date them on any work they may have missed and allows staff an opportunity to talk through issues relating to their health or other concerns which might be impacting on their attendance. It is a support mechanism for staff to help facilitate a smooth return to work. They serve the following purposes;

- Record sickness absence
- Discuss the reasons for absence
- Promote communication between the employee and Line Manager
- Plan and undertake workplace adjustments
- Agree and review a return to work plan
- Co-ordinate the return to work process
- Discuss work related or personal issues if required

Line managers have a responsibility to conduct a return to work interview with an employee as soon as possible (**but not later than 5 working days**) after the employee returns from sickness absence, regardless of the duration of the absence. If a Return to Work interview is completed after this 5 working day period, then an explanation for the delay must be recorded on the Return to Work Form.

Where this is not possible the manager should arrange to conduct the interview as soon as is practicable. Once completed, the Return to Work Form should be forwarded to the Human Resources Department without delay **and no later than 5 working days from completion.**

It is appreciated that line managers may be on annual leave or indeed long-term sick absence when the employee returns to work. In the case of a manager's long-term sick absence the covering line manager should conduct the return to work interview with the employee. In the case of a manager being on annual leave when an employee returns to work, the line manager will normally conduct the return to work interview immediately with the employee following the annual leave period. However, the employee should contact their senior line manager to advise of their return.

Return to work interviews are not discretionary – they are compulsory. These engagements are crucial in supporting employees and understanding absences.

Although the preferred method of conducting return to work interviews is in a face to face meeting, it is recognised that operationally this is not always possible. Therefore it is also acceptable for return to work interviews to be completed via telephone or video-link. Whichever is the most mutually agreeable method.

6.2 Preparing for the interview

Before the interview, the line manager must have all the relevant information about the individual's absence record including:

- date reported sick
- date returned to work
- reason for absence
- absence history – this should be the current 12 month rolling period prior to the start of the current absence to determine if the review points have been reached.
- Self-certificate of absence or medical certificate

The Human Resources Department will not be directly involved in return to work interviews; however their advice may be sought both prior to and after the Return to Work meeting if required to clarify issues or seek guidance or support on any specific requirements etc.

6.3 Conducting the interview

Return to work interviews should be conducted in a consistent and uniform way. The interview should take place in private to safeguard any confidential issues that may be discussed and should be conducted in a sensitive and courteous manner, with appropriate levels of support and understanding provided to the employee.

There will be a need to discuss the employee's absence record and to highlight any concerns e.g. emerging patterns of illness.

During the interview line managers should:

- Confirm the reason for the sickness absence and ensure that the certification procedure has been followed
- Ensure that the employee feels well enough to return to work (although this is recognised as being an unqualified opinion, rather than a medical statement)
- Demonstrate concern for the health and wellbeing of the employee
- Establish if the absence may be disability related (and if so in conjunction/consultation with the Human Resources Department and/or Occupational Health what reasonable adjustments may be required)
- Provide an opportunity to identify any health, domestic, welfare or work related problems. Having an honest and open discussion in return to work interviews can be very useful and supportive for staff.
- If medical advice has been received that suggests an underlying health condition or if the absence is disability related, consider if a referral to Occupational Health is appropriate to ascertain what support or assistance can be provided to help the employee
- In exceptional circumstances where a health, domestic, welfare or work related problem may result in extended periods of absence a referral to Occupational Health or other appropriate agency may be considered

- If the employee has reached the review points of 10 working days and/or 4 occasions of absence in a 12 month rolling period, advise him/her that formal action is now necessary under the Unsatisfactory Attendance Process.
- If the employee has returned to work from long-term sick absence advise that he/she has breached the review points and consideration will be given to commencing the Unsatisfactory Attendance Process.
- If the employee's sick absence level is below the threshold for consideration of formal action but is starting to give cause for concern this should be discussed at the Return to Work meeting (See below).
- Update the employee on events that may have happened at the workplace during his/her sickness absence (although important PBNi updates should be communicated to the employee, while the employee is off ill at work, with their permission/agreement).

Provide the employee with information about support services that are available to them e.g. The Charity for Civil Servants (For You, By You), Edridge Fund, Inspire Counselling Service.

Absences below the threshold for formal consideration

If the employee's attendance record is starting to give cause for concern the line manager should also discuss the following during the Return to Work Interview:

- Discuss the general attendance record
- Reinforce the importance of good attendance and the standard expected
- Ensure the individual is aware of the sickness absence review points
- Give the employee the opportunity to discuss any issues which they feel are affecting or might affect their attendance
- Adopt a work focused approach to reduce the likelihood of further sick absences*
- Consider whether Occupational Health advice is needed to understand the impact of the employee's health on attendance.
- Record on the Return to Work form the details of the discussion

The Return to Work Interview is not part of the Unsatisfactory Attendance process as set out in Section 7.

It should be noted that a formal Managing Attendance Meeting may be triggered earlier if a pattern or trend of absence gives justifiable concern. In such circumstances the line manager should consult with the Human Resources Department prior to commencing the Management Attendance Procedure.

* See detail on work focused approach under section 1.1

6.4 Recording the interview

The line manager must record details and the outcome of the interview on the Return to Work form [See Annex A].

The Return to Work form must be agreed and signed by the line manager and employee (if it is agreed that this is an accurate reflection of the discussions – if any issues discussed are disputed, then these should be noted as points of disagreement on the form). A copy of the completed return to work form must also be provided to the employee for their records.

The completed self-certificate/return to work form should be sent to the Human Resources Department immediately after the return to work meeting has taken place **and no later than 5 days from completion**. This can be returned electronically or via post. It is suggested that returning a scanned, electronic copy may help to expedite matters.

In some cases the outcome of a return to work interview may be made available to the Occupational Health practitioner who will provide a further resource for identifying possible work related health issues.

SECTION 7. UNSATISFACTORY ATTENDANCE PROCEDURE

7.1 Introduction

While it is recognised that staff will occasionally have reasons to be absent from work due to sickness or injury, any absence may cause operational difficulties, including efficiency and increased costs. High levels of sick absence make it difficult to deliver PBNI services and meet our business priorities.

It must also be recognised that the absence of an employee impacts on colleagues who may take on the additional work and PBNI must therefore have a robust procedure where staff are encouraged to maintain the standard of attendance expected.

The purpose of following the Unsatisfactory Attendance process is to provide an opportunity for employees to improve their attendance to an acceptable level and, where possible and practical, help them remain in work. Every effort will be made to give employees reasonable and appropriate support and assistance to improve their level of attendance.

The process set out in this section will be used for both short-term and long-term absence.

Long-term sick absence (20 working days' continuous absence) [pro rata for part-time staff] will initially be dealt with under the Management of Long-term Sick Absence section (See section 4) however on return to work the employee will be advised that formal action under the Unsatisfactory Attendance process will be considered.

7.2 Review Points

The employee may reach a review point by taking frequent, short-term sick absences or a continuous long-term spell of sick absence.

The Unsatisfactory Attendance process is initiated if an employee's sick absence level reaches or exceeds 10 working days (pro rata for part-time staff) or 4 spells of sick absence in a rolling 12 month period. The rolling 12 month period is the 12 months from the first day of the most recent sick absence. These are called review points.

The following table shows the review points, including those for part-time employees:

No of days worked per week	No. of separate absences in a 12 month period after which formal action can be considered.	No. of working days absence in a 12 month period after which formal action can be considered
5	4	10
4	4	8
3	4	6
2	4	4

Only the working days that fall under the part-time work pattern will be counted.

In the case of short-term absence:

If the sickness absence level reaches or exceeds a review point the line manager must arrange a formal Managing Attendance Meeting when the employee returns to work.

In the case of long-term absence:

On the employee's return to work the line manager will consult with Human Resources to review the overall sick absence. The line manager may consider commencing the Unsatisfactory Attendance process. Any such formal action will be influenced by:

- a) Any pattern of repeated periods of long-term sick absence or combination of intermittent and long-term absence;
- b) Whether the employee has a medical condition which falls under the Disability Legislation (note however that this will not prevent the Unsatisfactory Attendance process being initiated in all cases);
- c) The employee's level of sick absence 3 years' prior to the period of long-term absence

If the decision is to proceed under the Unsatisfactory Attendance Process the employee will be advised by the line manager accordingly.

If the decision is not to proceed under the Unsatisfactory Attendance process the Human Resources Department will write to the employee to confirm. In such cases however the employee will be advised that they have breached the review points, and if attendance does not remain at the expected standard within the next 12 months, the Unsatisfactory Attendance process will commence or a referral to the Head of Human Resources for consideration of dismissal will be invoked without going through the earlier stages of either the Unsatisfactory Attendance or Management of Long-term Sick Absence processes.

7.3 Managing Attendance Meetings

Managing Attendance Meetings are compulsory as dealing with absence (both short term and long term) is very important (although some discretion may be applied in the case of long-term absences as set out in 7.2 above). These meetings should be viewed as an opportunity to help and support employees and to discuss any ways in which attendance can be improved.

At the Return to Work interview the line manager will explain that the employee has reached a review point and that a Managing Attendance meeting will take place.

Line managers should consult with a member of the Human Resources Department, before taking action under the formal procedure.

It will be standard practice that the Managing Attendance Meeting is a formal meeting between the manager and the employee. An employee has the right to bring a trade union representative or work colleague. A manager or employee may request that a member of the Human Resources Department attend the Managing Attendance Meeting to provide advice on process, policy or relevant employment law however in the majority of cases this will be the exception rather than the norm.

Where dismissal is a consideration, the line manager will refer the matter to the Head of Human Resources. The employee will be invited to attend a meeting with the Head of Human Resources and a Director (See section 7.7c below).

7.4 Before the Managing Attendance Meeting

The line manager will inform the employee in writing of the decision to hold a Managing Attendance meeting.

The letter will:

- Explain the reason for the meeting.
- Inform the employee of possible outcomes of the meeting.
- Give at least five working days' notice of the meeting or varied by mutual agreement
- Set out details of the absences, including a copy of all relevant documentation, e.g. copies of return to work interview forms and Occupational Health advice if appropriate.
- Where applicable, refer to a previous written Improvement warning.
- Inform the employee that they have the right to bring a trade union representative or workplace colleague.
- If the employee or his/her representative is unable to attend the first scheduled meeting date they have the right to re-arrange the meeting once within a further 5 working days.
- Inform the employee that a representative from the Human Resources Department will be in attendance, if appropriate.
- Advise the employee that if they refuse or fail to attend the meeting without good reason a decision may be made in his/her absence. Line managers must take advice from the Human Resources Department in these circumstances.

7.5 During the Managing Attendance Meeting

The purpose of the Managing Attendance meeting is to explain clearly why there is a concern at the employee's incidents of sickness absence and to explore the reasons for the absence, and to provide support and understanding to the employee and to discuss any ways in which attendance can be improved. [See Annex G for full details of how to hold a Managing Attendance meeting].

It is important that absences are discussed in depth and any linkages or underlying reasons for absence should be discussed in this meeting.

The employee will be given the opportunity to comment and put forward any explanation for the absences.

The line manager will listen carefully to any information presented and representations made by the employee before considering next steps. The line manager may consult with HR to ensure consistency and advise on points of process or relevant employment law.

The employee should also be reminded of any steps previously taken to try to improve attendance.

The line manager should confirm the potential outcomes to the employee and inform him/her that a decision will be conveyed in writing within 5 working days from the date of the Managing Attendance meeting. The manager should record the key issues and actions using the meeting template and ask the employee to sign the template; once they are satisfied that it represents an accurate record. Managers should forward a copy of the completed template to HR.

7.6 Following the Managing Attendance Meeting

The outcome should be confirmed in writing by the line manager within 5 working days. The letter will:

- Include a clear statement of the facts
- Detail the decision and the reason for this
- Contain the duration of the review period, if appropriate
- Outline the steps the employee must take to improve (e.g. a sustained improvement in attendance for a defined period)
- Detail support and guidance for employees to help aid them in improving their attendance
- Inform the employee if a written improvement warning will be issued
- Inform the employee that a failure to improve could result in further formal action up to and including dismissal
- Include a right of appeal and how to exercise that right (See Section 9)

In every case a copy of the letter must be sent to the Human Resources Department for retention on the employee's HR file.

7.7 Potential Outcomes Following Managing Attendance Meetings

One or more of the following outcomes will result from a Managing Attendance meeting:

- a. First Written Improvement Warning
- b. Final Written Improvement Warning
- c. A referral to Occupational Health
- d. No further action
- e. Help or support under an alternative Board Policy/Procedure
- f. Consideration of dismissal (in later stages)

Note that a Written Improvement Warning can be issued in addition to a referral to Occupational Health or if support is provided under an alternative Board Policy/Procedure.

Where dismissal is a consideration the line manager will make a referral to the Head of Human Resources. The employee will attend a meeting with the Head of Human Resources and a Director as set out under 7.7c. below.

7.7a First Written Warning

A first written improvement warning will be provided to the employee in writing and a copy will be retained on the employee's HR file.

The first written improvement warning will remain in place for a period of 12 months from the date of the Managing Attendance meeting.

During the 12 month period the employee will be expected to achieve a satisfactory level of attendance **below** the review points of 10 working days (pro rata for part-time staff) and 4 occasions.

The first written improvement warning will set out the implications of moving to a final written improvement warning should the employee be unable to make an immediate and sustained improvement in attendance throughout the 12 month period.

If attendance is unsatisfactory during the improvement warning period the line manager does not have to wait until the end of the 12 months before taking any further formal action.

7.7b Final Written Improvement Warning

A final written improvement warning will be provided to the employee in writing and a copy will be retained on the employee's HR file.

The final written improvement warning will be issued where a valid first written improvement warning is in place and attendance has not improved to a satisfactory level below the review points.

The final written improvement warning will remain in place for a period of 12 months from the date of the Managing Attendance meeting.

During the 12 month period the employee will be expected to achieve a satisfactory level of attendance **below** the review points of 10 working days (pro rata for part-time staff) and 4 occasions.

In exceptional circumstances entitlement to occupational sick pay may be withdrawn during the final written improvement warning period.

The final written improvement warning will set out the implications of moving to dismissal should the employee be unable to make an immediate and sustained improvement in attendance throughout the 12 month period.

If attendance is unsatisfactory during the improvement warning period the line manager does not have to wait until the end of the 12 months before taking any further formal action.

Employees cannot apply for promotion/new opportunities or for a career break when issued with a Final Written Improvement Warning.

7.7c Dismissal

If, following a final written improvement warning, the level of attendance has not improved to a satisfactory level, below the review points, dismissal will be considered.

The line manager will inform the employee in writing that the attendance has not improved to a satisfactory level during the 12 month final written improvement warning period and that the referral has been made to the Head of Human Resources.

The Head of Human Resources will invite the employee to a meeting with him/her and a Director.

The letter from the Head of Human Resources will:

- Require the employee to attend a meeting to discuss the matter – clearly stating that a possible outcome of this meeting is that a recommendation for dismissal may be made
- Give at least five working days' notice
- Set out details of the absences, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice if appropriate
- Refer to previous written improvement warnings
- Inform the employee that they have the right to bring a trade union representative or work-place colleague. If the employee or his/her trade union representative cannot attend the first scheduled meeting date they have the right to re-arrange the meeting once, but only to a further five days
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision may be made in his/her absence.

The purpose of the meeting is to allow the employee or his/her representative to make any representations about the reasons for the continuing poor attendance. The Head of Human Resources and Director will listen carefully to any points made by the employee before considering what action is appropriate.

The role of the Head of Human Resources is to ensure consistency, take notes and advise on points of process or relevant employment law. The decision to dismiss a permanent member of staff may only be taken by a Director.

If the required improvement has not been achieved and/or sustained by this stage, then the likelihood is that dismissal will be appropriate. In certain circumstances it may however be considered appropriate exceptionally to agree a third and further period of review.

The Head of Human Resources and the Director will review all actions taken to ensure that all procedures have been followed correctly.

The Director may decide that:

- i) the matter does not merit dismissal
- ii) the matter merits consideration under other Board Policy and Procedure
- iii) the matters in relation to the employee's health/attendance may be addressed by measures other than dismissal
- iv) the final decision on the matter be adjourned for a specified period
- v) dismissal is appropriate
- vi) action short of dismissal is appropriate e.g. change of role

The Director will inform the employee of the decision in writing within 5 working days following the meeting.

In conveying the decision to the member of staff, the letter will:

- include a clear statement of the facts
- state what further action is proposed, if the decision is not to dismiss
- confirm that he/she is being dismissed on grounds of inefficiency arising from unsatisfactory attendance
- provide the period of notice he/she will be given (or pay in lieu of notice)
- provide information on the right of appeal and how to exercise that right [See Section 9].

7.8 Recognition of Good Attendance

When a review point has been reached the line manager should assess the employee's sick absence record for the 3 years prior to the current 12 month rolling period in which review points have been reached.

If the employee has 4 working days or fewer and 2 occasions or fewer in each of the 3 years the first written Improvement warning may be waived at line manager discretion. This is pro rata for part-time staff.

No of days worked per week	Max number of separate absences each year for a 3 year period must not exceed	Max number of working days absence each year for a 3 year period must not exceed
5	2	4
4	2	3
3	2	2
2	2	2

7.9 When it is not appropriate to issue a Formal Written Improvement Warning

7.9a Pregnancy related absences

Sick absence due to pregnancy related illness during the protected period ie from the start of pregnancy to the end of additional maternity leave will be excluded from the Unsatisfactory Attendance process and the issuing of written improvement warnings.

The line manager will continue to hold the return to work interview and will discuss ways of helping the employee meet the standard attendance expected of them

7.9b Disability related sick absence

Disability related sick absences will count towards the review point calculations but managers will be able to use their discretion to decide whether to issue employees with a written improvement warning. Any reasonable adjustments that are in place should be adhered to, or if not already done so, a referral can be made to Occupational Health to ascertain if reasonable adjustments are necessary. The review points may be varied for disabled employees where a higher review point has been deemed a reasonable adjustment. Where the employee exceeds the adjusted review points a written improvement warning may be issued.

7.9c Line Manager Discretion

The line manager may use their discretion to decide not to give a written improvement warning. The line manager should consider the circumstances of the absence, for example absence due to bereavement, and the employee's absence history. If the decision is not to issue a written improvement warning, the manager should record their decision and the reasons for it.

7.10 Improvement in Attendance

If attendance is satisfactory on completion of a 12 month written improvement warning period, the line manager must invite the employee to attend a meeting. The employee may be accompanied by a trade union representative or workplace colleague.

During the meeting the line manager will inform the employee that they have met the attendance standard expected of them and that formal action has now ended.

This will be confirmed in writing to the employee following the meeting and the letter will be retained on the employee's HR file.

SECTION 8. EMPLOYEES WITHIN THEIR FIRST YEAR OF EMPLOYMENT

For newly appointed staff in first year of employment, attendance as well as performance is an important area for consideration when determining whether a probationer's appointment should be confirmed.

During the first year attendance will be monitored very closely and will be formally reviewed on every occasion of sickness absence.

Every assistance and encouragement will be given to improve attendance including the consideration of extending a probationary period.

Before procedures are initiated that could ultimately result in dismissal, the processes set out under Section 4 and 7, should be followed, including the issuing of a first and final written improvement warning.

It should be noted however that the first and final written improvement warning may be issued while the employee is on sickness absence and that the improvement period attached to the final written improvement warning will normally be a period of 2 months.

In some circumstances e.g. where the probationer is on long-term sickness absence they may be set a date for returning to work instead of being notified of an improvement period.

If it is decided to dismiss a probationer on the grounds of unsatisfactory attendance they have the right of appeal as set out under Section 9 of this procedure.

SECTION 9. APPEALS PROCEDURE

An employee has the right of appeal against a formal decision to issue a written improvement warning under the Unsatisfactory Attendance process or to dismiss either under the Unsatisfactory Attendance or Management of Long-term Sick Absence processes. .

9.1 Unsatisfactory attendance

a) Employees must exercise their right of appeal by writing to the Deputy Head of Human Resources within 10 working days of being notified of:

- First Written Improvement Warning
- Final Written Improvement Warning

This 10 day limit may be extended by mutual agreement.

b) The Employee should provide:

- A statement for the case and grounds for appeal
- A copy of any documentary evidence they intend to rely on at the appeal hearing

c) Appeals will be heard by an Assistant Director/Head of Department (not falling under direct line management responsibility).

d) The Deputy Head of Human Resources or someone acting on his/her behalf will be in attendance at the hearing. The role of the Deputy Head of Human Resources is to ensure consistency, take notes and advise on points of process or relevant employment law.

e) The appeal hearing will normally take place within 10 working days of the receipt of the appeal request.

f) The employee has the right to be accompanied to the hearing by a trade union representative or work colleague.

g) The Assistant Director/Head of Department conducting the appeal hearing will present a summary of the issues raised at appeal.

h) The Assistant Director/Head of Department will invite the employee or their representative to present his/her case.

i) The hearing may be adjourned if this is deemed necessary.

j) The Assistant Director/Head of Department conducting the appeal hearing should give his/her decision and reasons to the employee in writing within 5 working days. The outcome of the appeal could be to:

- Uphold the original decision to issue a first or final written improvement warning, and this will be confirmed
 - Over-rule the original decision to issue a first or final written improvement warning, and this will be rescinded.
- k) A copy of the decision will be sent to the employee's line manager.
- l) The decision of the Assistant Director/Head of Department conducting the appeal shall be final and there will be no further internal right of appeal.
- m) Where a first or final written improvement warning has been issued to an Assistant Director/Head of Department an appeal will be heard by the Chief Executive.
- n) Where a first or final written improvement warning has been issued to a Director (or Head of Department falling under the Chief Executive's direct line management) an appeal will be heard by a panel of Members of the Board.
- o) Where a panel of Members of the Board hear an appeal the Board Secretary will be in attendance at the hearing. He/she will reserve the right to seek Human Resources advice as necessary.

9.2 Appeals against dismissal

- a) Employees must exercise their right of appeal to the Chief Executive within 10 working days of being notified of the decision to:
- Dismiss for Unsatisfactory Attendance
 - Dismiss on grounds of ill-health under the Management of Long-term Sick Absence
- This 10 day limit may be extended by mutual agreement.
- b) The Employee should provide:
- A statement for the case and grounds for appeal
 - A copy of any documentary evidence they intend to rely on at the appeal hearing
- c) The Head of Human Resources or someone acting on his/her behalf will be in attendance at the hearing. The role of the Head of Human Resources is to ensure consistency, take notes and advise on points of process or relevant employment law.
- d) The appeal hearing will normally take place within 10 working days of the receipt of the appeal request.
- e) The employee has the right to be accompanied to the hearing by a trade union representative or work colleague.

- f) The Chief Executive will present a summary of the issues raised at appeal.
- g) The Chief Executive will invite the employee or their representative to present his/her case.
- h) The hearing may be adjourned if this is deemed necessary.
- i) The Chief Executive should give his/her decision and reasons to the employee in writing within 5 working days. The outcome of the appeal could be to:
 - Uphold the original decision to dismiss in which case this will be confirmed
 - Over-rule the original decision to dismiss in which case this will be rescinded
 - Apply a lesser sanction than dismissal in which case this will be confirmed
- j) A copy of the decision will be sent to the employee's line manager.
- k) The decision of the Chief Executive shall be final and there will be no further internal right of appeal.
- m) Should the decision is to dismiss be taken by the Chief Executive, an appeal will be heard by a panel of Members of the Board.
- n) Where a panel of Members of the Board hear an appeal the Board Secretary will be in attendance at the hearing. He/she will reserve the right to seek Human Resources advice as necessary.

SECTION 10. SOURCES OF INFORMATION, ADVICE AND SUPPORT

The following are sources of information, advice and support;

Work colleagues – Work colleagues can be an important area of support they can listen to your issues or problems and provide help and encouragement.

Line Management – Line Management is an obvious source of support. Informal discussion with Line Management is encouraged, with effective and frequent communication potential issues can be resolved early.

Human Resources – Human Resources can provide advice and guidance on the Sickness Absence policy and procedure. Specifically there is a HR Business Partner that is allocated to your area of the organisation.

Trade Union – If you are a member of a Trade Union, they can provide you with help, support and guidance on any issues in relation to sickness absence.

Inspire - PBNi has commissioned Inspire to provide all employees with an independent confidential and professional counselling service. This is complimentary to existing policies and procedures and is an important additional resource to support employees.

Counselling is provided by both telephone and face to face. Staff can call the free phone number provided at any time of day or night, seven days a week. A trained professional counsellor will be there to talk with individuals and, if required, arrange a face to face appointment (up to a maximum of six appointments). Private discreet counselling rooms are located province wide and appointments are arranged.

Health and Safety - Absences due to a work related accident, incident, disease or Dangerous occurrence must be treated on a case by case basis. The line manager or employee may seek advice as appropriate from HR and the Health and Safety Department at any stage.

Workable (NI) Programmes - operated by Supported Employment Solutions

Workable NI is a flexible programme which assists people with disabilities to return to work and remain in their current job.

Support may include:

- Specialist one to one support to the individual
- Provide on the job and/or outside work training
- Provide specific training identified for the employee to assist in their work above what the employer would normally offer
- Offer advice and assistance with making reasonable adjustments in the workplace.

A support package is agreed between the employee, employer and SES provider for a period of 2 years, however this can be extended depending on the individual's needs.

Employees can contact SES directly or can discuss with their line manager and HR business partner. The SES contact is Heather Gillian, telephone 02894 425 340.

As a support package may have to be agreed it would be preferable that employees advise their manager and the Human Resources Department as soon as possible after making contact with the SES provider.

SECTION 11. SICKNESS ABSENCE – CONDITIONS FOR TAKING ANNUAL LEAVE/FLEXI LEAVE/ TIME OFF IN LIEU

11.1 Annual Leave requested when ill

An employee **cannot** request to take annual leave, flexi leave or time off in lieu when they are ill and unable to attend work. This must be recorded as sickness absence.

11.2 Falling Sick during a period of Annual Leave/Flexi/TOIL

If employee becomes ill during annual leave, flexi leave or time off in lieu the line manager should be notified immediately at the time of falling sick. An interruption of annual leave, flexi leave or time off in lieu could result in an absence being recorded as sickness absence. Advice on this potential scenario should be sought from the Human Resources Department.

The employee will have to produce a self-certificate or a medical certificate from a qualified medical practitioner.

11.3 Annual Leave/Flexi/TOIL following a period of Sick Absence

Annual leave, flexi leave or time off in lieu may be applied for immediately following a period of sickness absence. If the employee has not physically returned to work when a request is made, the line manager should ensure he/she discusses fitness to work with the employee prior to granting leave. The return to work interview should be completed as soon as possible on return from leave.

11.4 Going on Holiday during a period of Sick Absence

Please refer to Section 1.3.

11.5 Carry Over Leave following a period of long-term sick absence

Where an employee has required a period of long-term sickness absence and is prevented from taking the full annual leave allowance before the end of the leave year, he/she will be allowed to carry over annual leave entitlement to the next year, subject to the maximum set out under the Working Time Regulations (currently 28 days – pro rata for part-time staff). Any leave in excess of this amount will be lost. For further guidance on annual leave entitlements under the Working Time Regulations, please contact a member of the Human Resources Department.

11.6 Annual Leave taken as a Well-being Day

Occasionally employees may be feeling what can be termed ‘under the weather’ or may have had a ‘rough night’ or lack of sleep etc. The employee is not feeling so unwell that it would prevent them from coming to work but rather they don’t feel like coming into work because they need to ‘recharge their batteries’.

In such circumstances an employee can request a ‘well-being day’. A well-being day is a short notice request to take annual leave.

A maximum of 3 well-being days can be requested in any leave year from the employee’s annual leave entitlement.

The employee should contact their line manager as soon as possible on the day and no later than one hour after normal starting time. If the line manager is on leave the employee should contact the covering line manager. If unavailable the Assistant Director/Head of Department should be contacted.

The employee should not request well-being days when they have significant/urgent work commitments such as, for example, client's meetings or important work to finish. Additionally it may not be feasible to permit the well-being day as the line manager must take account of the operational needs of the team, particularly during peak holiday periods. In such circumstances it is expected that the employee should report for duty as normal.

Managers should retain their own record on the number of requests made by each employee (see Annex I) in addition to recording approval on the employee's annual leave sheet.

SECTION 12. TIME OFF TO ATTEND MEDICAL/DENTAL/OPTICIAN APPOINTMENTS

12.1 Introduction

It is the expectation that members of staff who require time off work to attend medical, dental or optician appointments will attempt to arrange such appointments outside of normal working hours.

In the event that it is not possible to make such an appointment for outside working hours, a member of staff will be expected to make every effort to arrange appointments as early in the morning or late in the evening as possible therefore minimising the disruption caused to the Organisation.

PBNI will normally allow paid time off to attend medical, dental or optician appointments to the maximum of 6 appointments of 3 hours duration during any leave year. Appointments are pro rata for part-time staff.

The 3 hours permitted per appointment is the maximum time allowed, taking account of an employee's travelling time. Therefore it may not be necessary for an employee to avail of the full 3 hours on every occasion. To give the minimum disruption within the team, arrangement of appointments (including travelling time) are subject to:

- Late evening, leaving work at the earliest time of 2.00 pm
- Early morning, arriving at work at the latest time of 12.00 noon.

If an employee requires time off in excess of the 3 hours he/she should either:

- Discuss a flexible working arrangement with the line manager which would mean remaining at work after normal working hours, over a specified period, to cover the excess time taken
- Take TOIL or Flexi Leave for the additional time required.
- Take unpaid leave for any time taken over the 3 hours permitted
- Take annual leave for the entire period away from work either half day or full day as appropriate. This period will therefore not reckon against the 6 appointments permitted.

An exception to the 3 hours maximum time limit is permitted if an employee is required to attend an appointment at a hospital/outpatients department which requires a full day away from work. This appointment will form part of the 6 allocated medical appointments and employees will be required to produce evidence of the appointment to their line manager.

In cases where an employee requires a prolonged period of treatment for a serious medical condition or if the employee is covered by the Disability Discrimination Act, special consideration will be given when attending medical appointments. PBNI will do their utmost to facilitate the employee with time off as appropriate and subject to business/team needs. In such cases it may be deemed reasonable to permit an additional 6 appointments in a leave year (pro rata for part-time staff). Advice may be sought from Occupational Health as to the reasonableness of this.

If as a result of treatment at a hospital appointment/outpatients department or for ongoing treatment for a serious medical condition/DDA related condition, the employee requires time off to recuperate or feels ill following treatment, any days off will be recorded as sick absence and managed in accordance with the Managing Attendance Procedure. A self-certificate or medical certificate should be submitted in the normal manner.

Where an employee has not required the full 6 appointments during any leave year they cannot carry over any of this allowance to the next leave year.

Except in urgent or emergency cases where an appointment has to be arranged on the day, employees should advise their line manager at least 3 days in advance of the appointment. Managers may require evidence of the appointment. If an employee is not able to advise the line manager of details of the appointment 3 days in advance, then this should be done as soon as is practicable.

Where an employee requires an urgent medical appointment to deal with an immediate medical situation he/she, or someone acting on their behalf, should make contact with their line manager at the earliest opportunity, and no later than one hour after their scheduled start time.

Time off for medical appointments will be recorded on staff attendance sheets as 'O' for 'Other' and with additional comments of 'medical appointment'. In addition managers should retain a record of medical appointments for each employee. A template record sheet can be used for this purpose (See Annex I). Employees should also ensure they keep a record of their appointments.

12.2 Ante-natal appointments

Arrangements must be made to enable pregnant women paid time-off to keep an appointment to receive ante-natal care. Except for the first appointment, employees may be asked to produce proof that an appointment has been made. Ante-natal appointments will not be counted towards the maximum of 6 appointments.

12.3 Inspire counselling sessions and public cancer screening

Paid time off for routine or public cancer screening or Inspire counselling sessions will not be counted towards the maximum of 6 appointments.

12.4 Appointments relating to infertility treatment

Requests for time off for appointments relating to infertility treatment should be approved. The usual consideration and procedures for gaining approval for medical appointments should be used as set out above. Except for the first appointment, employees may be asked to produce proof that an appointment has been made. These appointments will not be counted towards the maximum of 6 appointments.

12.5 Gender Re-assignment

Requests for time off for appointments relating to gender re-assignment should be approved. The usual consideration and procedures for gaining approval for medical appointments should be used as set out above. These appointments will not be counted towards the maximum of 6 appointments.

Any time off work for surgery or following treatment will be recorded as sick absence.

12.6 Medically Non-essential Elective Surgery

Sick absence or paid time off for appointments will not be granted for medically non-essential elective surgery.

12.7 Failure to adhere to the provisions on medical/dental/optician appointments

Failure to adhere to the provisions for time off for medical/dental/optician appointments may result in disciplinary action and will be dealt with in accordance with the Disciplinary Policy and Procedure.

PROBATION BOARD FOR NORTHERN IRELAND

RETURN TO WORK FORM/SELF-CERTIFICATION

Section 1 – Employee to complete

To be completed by an employee if he/she is absent for one day or more up to and including the 7th calendar day.

1. Confidentiality

Sickness absence information is held electronically and will be processed in accordance with the current Data Protection Legislation. The data will be used for statistical analysis in an anonymous form, and also made available to your Manager to help meet the PBNI's obligation to ensure the health, safety and welfare at work of all employees.

2. Name

Team

3. Length of Absence

First day of Sickness

day date time

Actual Return to work

day date time

Total number of working days absent

4. Reason for Absence

Did you receive medical treatment during your absence?
YES/NO

If so, please state where and when

Do you believe that your illness is as a result of an occupational injury/disease? YES/NO

Section 2: Return to Work Discussion - Line Manager to Complete with the Employee

Full details to be provided to all questions that are appropriate in the circumstances

Interview Date:

Has review point been reached?

YES/NO *delete as appropriate*

How is employee feeling now?	
Is this a recurring illness/condition and has employee been off work previously for the same reasons?	
Is employee likely to require any further time off, or additional support, as a result of any recommended treatment programme?	
What steps has the employee taken to take to avoid further absences?	
Is there anything else the organisation could do to assist and support the individual? Is there anything that we should be aware of that may be affecting the employee's ability to attend work?	
If employee is approaching or reached a review point or the pattern of absence is beginning to give cause for concern, please record details of discussion.	
<p><i>Did the staff member comply with sick absence reporting i.e. before 10am on the first day (if not please record reasons in the box below)</i></p> <p><i>Is there an underlying issue/welfare need?</i></p> <p><i>Should a referral to Occupational Health be considered (See section 5)?</i></p> <p><i>Is the absence disability related?</i></p> <p><i>Is there any reason to suspect a pattern of absence relative to particular tasks?</i></p> <p><i>Has a stress questionnaire been issued?</i></p> <p><i>If appropriate has the member of staff been reminded of the services of Inspire?</i></p>	<p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p>

Use this space to record any additional information, e.g. any agreed actions: -

1.

2.

3.

Declaration

I declare that I have not worked during the period of sickness and that the above statement is true and accurate to the best of my knowledge. I understand that to give false or misleading information can result in disciplinary proceedings which may lead to dismissal, and that a false declaration can be an offence under statute and common law.

Print Employee's Name

Employee's Signature Date

Print Manager's Name

Manager's Signature Date

Line Manager to forward this form to the Human Resources Department and advise of any actions taken/recommended.

Annex B

NILGOSC – Ill-Health Retirement

- B.1 PBNI is not a pension provider and therefore any decision on the release of benefits in respect of permanent ill-health ultimately is a matter for the Northern Ireland Local Government Superannuation Committee (NILGOSC), not the PBNI.
- B.2 The Northern Ireland Local Government Officers Superannuation Committee Regulations make it clear that the employer must obtain a certificate from an independent medical practitioner specifically stating whether the employee was permanently incapable of discharging efficiently the duties of the relevant employment due to ill health. NILGOSC will therefore not accept a referral in the absence of the above.
- B.3 In PBNI the independent medical practitioner is deemed to be an Advisor from the Occupational Health Provider.
- B.4 In addition to attending an appointment with the Occupational Health the employee will be required to attend an appointment with a NILGOSC doctor.
- B.5 It should be noted that the NILGOSC doctor must concur with Occupational Health opinion in relation to the employee being 'permanently incapable of discharging his/her duties' before ill-health pension benefits can be made. PBNI has no impact on that decision other than to forward the Occupational Health report.
- B.6 In some cases therefore the NILGOSC doctor may not concur with the Occupational Health advice and he/she may also decide to defer his/her decision and ask that the situation be reviewed at a later date.
- B.7 This could mean therefore that an employee may be dismissed on grounds of ill-health without payment of pension benefits.
- B.8 In the event of dismissal on grounds of ill-health staff shall be entitled to whichever period of notice is appropriate under their terms and conditions of employment or at the discretion of the Board, to pay in lieu of such period of notice.
- B.9 It should be noted that, even where an employee because of the period of absence has been on half pay, pension rate of pay, entitlement during the notice period and the calculation of any pay in lieu of notice, shall be on the basis of the employee's normal rate of pay. In cases of pay in lieu of notice the calculation shall ensure that the payment to the employee is the equivalent to that which he/she would have received had he/she remained an employee of the Board throughout the period of notice.

B.10 In line with legal provision the Board will include any periods of outstanding leave in any final payment.

B.11 Additionally, employees have a right to apply for consideration of retirement on ill-health grounds, even if they have not incurred sickness absence and such requests must be forwarded to the HR Department.

Annex C

Return to work on a reduced hours' basis or alternative duties

- C.1 When employees are recovering from a long-term illness or injury and are not fit for full-time duties, it is often beneficial for them to be rehabilitated back into the workplace as part of a planned short-term programme of work. Such a programme can have the effect of helping recovery and lessen the impact of a prolonged period of absence from the workplace.
- C.2 Temporary modification of duties will normally entail a reduction in working hours, however it can also be recommended that particular areas of work are not carried out for a specified period, or that a change of location would assist in a return. A more 'permanent' modification or adjustment may also be recommended and this, for example, may be the purchase of specialist equipment such as, for example, an orthopaedic chair.
- C.3 Occupational Health will normally have provided a report to the Human Resources Department making such recommendations. Reports from GPs and consultants may also be acceptable and in many cases the GP may recommend a phased return to work/adjusted duties on the Statement for Fitness for Work (Fit Note).
- C.4 The employee and line manager will meet to discuss the Occupational Health recommendation/GP report/Statement for Fitness for Work on modification of duties. A designated officer from the Human Resources Department may also attend the meeting.
- C.5 Programmes of temporary modified duties will be designed to promote the most effective early return to full duties.
- C.6 Efforts will be made to employ individuals within their team or unit unless it is recommended otherwise by Occupational Health.
- C.7 The purpose of a phased working arrangement is to support the individual on return from prolonged sickness absence with the aim of enabling a resumption of full-time work.

A phased return to work will normally be for a maximum period of 4 weeks. The equivalent of 2 days per week away from work for the 4 week period will be recorded as medically advised absence and normal salary will be paid, however the actual days of attendance/phased return work pattern will be agreed with the line manager and employee.

- C.8 In many cases employees will have accrued annual leave during a period of long-term sick absence. Annual leave may be taken following the 4 week phased return period if necessary. Annual leave could be taken to continue a part working week or in block periods, subject to line manager agreement and approval.
- C.9 Each case will be considered on its merits and a review of the situation will be carried out by the Human Resources Department in full consultation with the

employee and the line manager. If it is expected a further prolonged period of reduced working is required this will normally be dealt with under the usual arrangements for formal part-time/flexible working which will mean a reduction in salary in line with the actual hours worked. This may be for a temporary period only if required or on a permanent basis. Occupational Health advice will be sought in that regard.

- C.10 It is assumed that on-going medical treatment/appointments (including rehabilitation) during this period of phased working, will be scheduled to fall outside working hours. When it is not possible for these appointments to be arranged outside duty hours they should be arranged with the authority of the first line manager to minimise the disruption to work time (See section 12).

Reviews

- C.11 When a programme of temporary modified duties/phased return is agreed, the Phased Return to Work Programme form should be completed and forwarded to the Human Resources Department. If annual leave has been approved above the 4 week phased period this should be included with a review date set.
- C.12 A formal review by Occupational Health may also take place if recommended by them or if, it becomes apparent that an employee will not become fit to return to full-time work/duties, or that temporary modification of duties has ceased to be appropriate.
- C.13 Further advice will be sought from Occupational Health on whether a permanent reduction in hours, redeployment or termination of employment on grounds of ill health/medical retirement may become a consideration.
- C.14 Where a permanent redeployment is recommended, PBNI will seek to facilitate such a recommendation taking into account the reasonableness of any such adjustment. Account will also be taken under the provisions of the Disability Discrimination Act if appropriate. It should be noted however that PBNI may not find it feasible or practical in every case to facilitate a particular recommendation and each case will therefore be considered on its merits.
- C.15 Where a permanent reduction in hours is recommended by Occupational Health and the employee subsequently requests a resumption of full-time work, a further referral to Occupational Health will be made seeking advice as to the appropriateness of this. It should also be noted that depending on Occupational Health advice any increase in hours is subject to availability within the service and it may be necessary to transfer the individual to another team to facilitate such arrangements.

ANNEX C

PHASED RETURN TO WORK PROGRAMME

Name Location

Line Manager

Return to work date

Phased Return to Work Programme

Four Week Phased Return to work

From: To:

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1					
Week 2					
Week 3					
Week 4					

If annual leave has been agreed and approved beyond the 4 week phased return to work period please record below and ensure a review date is set. Please note that the phased return and/or any annual leave arrangement should be agreed with the aim of resuming full-time working/normal work pattern.

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 5					
Week 6					
Week 7					
Week 8					
Week 9					
Week 10					
Week 11					
Week 12					

The line manager should review progress with the employee. This does not prevent the employee from seeking a meeting with the line manager at an earlier stage if he/she feels it is necessary.

Record additional information in the space below (use additional sheets if necessary)

Annex D

Occupational Sick Pay Entitlement

- D.1 When staff are unable to attend work due to illness, the PBNI pays Statutory Sick Pay (SSP) providing staff satisfy the rules governing the payment. PBNI staff also have access to occupational sick pay which is payable in addition to SSP.
- D.2 Occupational sick pay will normally be paid on submission of either self-certificates or medical certificates. Sick pay will not exceed normal pay. Where this occurs the occupational sick pay element will be reduced until the level of normal pay is reached.
- D.3 Calculation of occupational sick pay will begin on the first day of absence from work. Details of the occupational sick pay schemes are set out in this annex.
- D.4 Employees on sickness absence will be informed, in writing, of any reduction or expiration of occupational sick pay, and also when SSP is due to cease. Notification will be issued:
- When the employee has been absent from work for 10 weeks
 - One month in advance of reduction to half pay
 - One month before the half pay is due to cease
 - 8 weeks before SSP is due to expire (the relevant documentation will be issued by the Human Resources Department in respect of any claim for Employment and Support Allowance which may be paid by the Social Security Agency).
- D.5 **The periods on full and half pay referred to are maxima only and will not be allowed as a matter of course. If while, an employee is on sickness absence and the PBNI decides that it can no longer sustain the absence or if Occupational Health recommends medical retirement, the employee's employment will be terminated, even though they may not have reached the maximum amount of OSP or SSP.**

Disability Related Sickness absence

- D.6 If an employee is absent due to a reason connected to a disability while waiting consideration of reasonable adjustments which may enable them to return to work, and sick pay is to be reduced or runs out after a certain period, a further reasonable adjustment in this case may be to continue full pay until the officer is able to resume work with the adjustments in place or it has been determined that necessary adjustments cannot be made and other action is taken.
- D.7 It should be noted however that the continuation of payment, when normal contractual entitlement is exhausted, is not in itself a required reasonable adjustment. The legal view is that to require an employer to continue payments beyond the contractual entitlement would be to impose a

substantial economic burden and significant administrative difficulties on an organisation.

Part-time Staff

D.8 Part-time employees may be granted sickness absence with pay on the same terms as their whole-time counterparts. Calculation of OSP will be paid pro-rata in line with the part-time member of staff's work pattern.

Effect of unpaid sickness absence

D.9 Unpaid sickness absence e.g. any sickness absence during which an employee does not receive OSP:

- does not reckon for performance related pay
- reckons for annual leave accrual only to the limits set out under the Working Time Regulations
- counts towards an employee's NILGOSC membership period to a the maximum of 12 months only.

However all sickness absence will be taken into account in calculating the overall amount of sickness absence taken.

Circumstances in which OSP will cease to be payable

D.10 OSP will cease to be payable

- where the employee does not comply with the Managing Attendance Policy and Procedure
- If an individual does not produce satisfactory evidence of incapacity within 2 weeks or 5 days from the expiry of a previous medical certificate, or where it is clear that the absence is not due to genuine illness.
- At the PBNI's discretion if there is not a reasonable prospect of recovery and return to work (having considered the requirements of other relevant policies)
- Should an employee fail to return to work within 2 weeks of Occupational Health declaring them fit for duty
- If a decision is made to withdraw payment during a the final review period when a Final Improvement Warning has been issued
- Should an employee be absent as a result of an accident due to active participation in sport as a profession, unless PBNI by resolution decides otherwise
- Should the absence arise from or is attributable to an employee's own misconduct, unless PBNI by resolution decides otherwise

- If absent as result of an accident and damages are receivable from a third party in respect of an accident (however see D.12 below).

Absence as a result of injury

- D.11 A period of injury sustained by an employee in the actual discharge of his or her duty and without his or own default shall not be recorded for the purposes of the occupational sick pay scheme. Details will however be recorded on the sickness absence record for medical information purposes.
- D.12 An employee who is absent as a result of an accident shall not be entitled to payment under either the NNC and NICS conditions, if damages may be receivable from a third party in respect of such an accident. In this event the Board may, having regard to the circumstances of the case, advance the employee a sum not exceeding the sickness allowance provided under the scheme. This is subject to the employee undertaking to refund the Board the total amount of such allowance or proportion thereof represented in the amount of damages received.

Where a refund is made in full, periods of absence due to injury as a result of a third party may be excused from reckoning against the maximum periods of paid absence under the occupational sick pay scheme. Where the refund is made in part only, the Board may at its discretion decide to what extent, if any, the period of absence may be recorded for the purposes of the occupational sick pay scheme.

However, the period of absence, and any subsequent absences connected to the injury, will be taken into account for the purposes of monitoring and reviewing of sickness absence periods.

- D.13 Where, as a matter of private pursuit, an officer engages in sporting or recreational activities outside of work and, as a result of injuries received in the course of such activities has required periods of avoidable absence, the attendance history shall be reviewed in consultation with the officer and the consequences of further periods of absence drawn to his/her attention as merited by the circumstances of the case.

Abuse of the Occupational Sick Pay Scheme

- D.14 Any abuse of the sick pay provisions will be dealt with in accordance with the Disciplinary Policy and Procedure, including the employee reporting sick when this is not the case.

Administrative Grades - Occupational Sick Pay Scheme.

Provided that there is reasonable prospect of recovery and return to duty, employees may be allowed full pay followed by half pay for periods of sickness absence within the maxima shown in the table below.

Status and Type of Employment	Maximum Period of Full Pay, Half Pay and Statutory
Permanent employees	<p>Not more than 6 months full pay during any period of 12 months. Thereafter on half pay, (subject to a maximum of 12 months paid sickness absence in any period of 4 years or less).</p> <p>Statutory sick pay as appropriate within the limit of full pay.</p> <p>Pension rate of pay – up to a maximum of 12 months thereafter no pay.</p>
Temporary employees	<p>Not more than one week on full pay for every completed 4 weeks of effective service.</p> <p>(Each period of casual employment will be treated separately and a previous period may not be aggregated with a current period for determining sickness absence allowable).</p>

Probation Grades – (NNC) Occupational Sick Pay Scheme

- i) Subject to the provisions of the scheme, an employee absent from duty owing to illness (which term is deemed to include injury or other disability) shall be entitled to receive an allowance in accordance with the following scale:

during 1st year of service	1 month's full pay and (after completing 4 month's service) 2 month's half pay.
during 2nd year of service	2 month's full pay and 2 month's half pay.
during 3rd year of service	4 month's full pay and 4 month's half pay.
during 4th and 5th year of service	5 month's full pay and 5 month's half pay.
after 5 years' service	6 month's full pay and 6 month's half pay.

- ii) For occupational sick pay entitlement record purposes "one month" shall be deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.
- iii) The rate of allowance and the period for which it shall be paid in respect of any period of absence due to illness, shall be ascertained by deducting from the period of benefit appropriate to his or her service on the first day of his or her absence the aggregate of the periods of absence due to illness during the 12 months immediately preceding the first day of absence. In aggregating the periods of absence, no account shall be taken of any unpaid absence on sick leave.

Annex E

Problems Affecting Mental Well-Being or Health

- E.1 It is widely accepted that each individual responds differently to the varying levels of pressure to which they are exposed, but when the pressure becomes excessive for the individual, it can result in physical symptoms which in turn lead to increased absenteeism, impaired work performance and a possible increase in workplace accidents.
- E.2 It is clear that for the benefit of the employee and PBNI that a systematic approach to occupational health and stress management must exist. To ensure that PBNI meets its obligation to staff, any employee notifying the service that they are absent due to stress/anxiety/ nervous debility will be immediately be referred to Occupational Health and will also be asked to complete the attached stress questionnaire.

Medical certified absence

- E.3 When a medical certificate has been received from an employee that indicates he/she is suffering from any of the conditions listed above, the Human Resources Department will issue the standard 'stress enquiry' letter and questionnaire to the individual.
- E.4 It is important that any information from the employee is recorded in detail. Therefore, even if the line manager has previously discussed or touched on the subject with the employee concerned, the standard letter/questionnaire will be issued and the completed form should be returned to the Human Resources Department.

Self-certified absence

- E.5 If an employee self-certifies a period of absence related to any of the above conditions the line manager will, during the return to work interview, inform the member of staff that the Human Resources Department will issue the standard 'stress enquiry' letter and questionnaire, even if discussion has taken place on the subject. The completed form should be returned to the Human Resources Department.

Personal Problems

- E.6 Clearly the PBNI has no wish to impinge on private and personal matters, and an employee of course can decline to provide information on such matters. It is equally clear, however, that in such circumstances line managers and indeed PBNI find it difficult to offer support where we have no knowledge of the nature of the problem or the demand it makes on the individual.
- E.7 If during the return to work interview the member of staff indicates that the cause of absence is related to a personal problem the line manager should inform the employee that the questionnaire will be issued by the Human Resources Department, even if this has been discussed. The questionnaire

should be returned to the Human Resources Department where it will be dealt with in the strictest confidence.

Inspire Counselling Service

- E.8 PBNI has commissioned Inspire to provide all employees with an independent, confidential and professional counselling service. This is complimentary to existing policies and procedures and is an important additional resource to support employees.
- E.9 Counselling is provided by both telephone and face to face. Employees can call the free phone number provided at any time of day or night, seven days a week. A trained professional counsellor will be there to talk with individuals and, if required, arrange a face to face appointment (up to a maximum of six appointments per individual). Private discreet counselling rooms are located province wide and appointments are arranged.

OFFICIAL SENSITIVE PERSONAL

Our Ref:

Dear

You have provided a self-certificate/medical certificate which states <<Insert Reason>>. PBNI believes that this condition merits particular attention and aims to support staff and help wherever possible to resolve problems or issues.

So that PBNI can meet its obligations as an employer it is important to try and establish the main source of your difficulties at the moment. I would be grateful if you would complete the form enclosed and return to the Human Resources Department where it will be treated in the strictest confidence.

If you feel you have personal/domestic problems you are not obliged to divulge the detail about this. However, if pressures from outside work are impacting on your performance or your attendance it may be of benefit to discuss the situation. PBNI has various options within its Human Resources policies which may be worth exploring.

If you feel that your health problems are as a result of issues at work it is very important that we identify these so that they can be discussed and examined with a view to resolving them as soon as possible. With this in mind I should be grateful if you could be as specific as possible in detailing the issues concerned.

Additionally a referral will be made to Occupational Health to seek expert advice on your situation.

Yours sincerely

Enc

PROBATION BOARD FOR NORTHERN IRELAND

Name

Grade

A. PERSONAL/DOMESTIC PROBLEMS AFFECTING YOUR HEALTH

1. Do you consider that your difficulties arise out of mainly personal or domestic problems? YES/NO

2. Do you wish a member of the Human Resources Department to contact you to arrange a meeting to discuss the issues involved? YES/NO

While you are not obliged to divulge the detail about this, if pressures from outside work are impacting on your performance or your attendance it may be of benefit to discuss the situation.

If you have answered 'yes' to question A2 a member of the Human Resources Department will be in contact with you to arrange a meeting to discuss the issues involved.

Please indicate where you would prefer the contact to be:

Home YES/NO Work YES/NO Some other venue YES/NO

If some other venue please specify

PBNI finds it difficult to offer support where we have no knowledge of the nature of the problem or the demand it makes on the individual. It would therefore be helpful if you could provide brief details in respect of your personal problems/concerns on the following page(s). There is however no difficulty if you prefer not to provide any written details prior to meeting with a member of the Human Resources Department.

B. WORK RELATED PROBLEMS AFFECTING YOUR HEALTH

- 1. Do you consider that your health is being adversely affected by difficulties you are encountering at work? YES/NO

- 2. Have you raised this with your line manager or anyone else in the workplace? YES/NO

If you have answered yes to question B1 a member of the Human Resources Department will be in contact with you to arrange a meeting to discuss the issues involved.

Please indicate where you would prefer the contact to be:

Home YES/NO Work YES/NO Some other venue YES/NO

If some other venue please specify

If you have answered 'yes' to question B1 please give brief details on the following page(s) of the key areas of your concerns/difficulties.

We hope that by exploring the issues we can arrive at a better understanding of your situation. Where a factor or factors are important in your situation please try to give a detailed picture of the issues.

Normally we want as a starting point to look at a period of about six months prior to the beginning of absence but we can and will look at a longer period where appropriate.

Where work issues are raised, arrangements will be made to review your concerns in greater detail as quickly as possible.

Annex F

Reporting of accidents, injuries, disease and dangerous occurrences

- F.1 When an absence is due to a work related accident, incident, disease or dangerous occurrence accident/incident documentation must be completed in addition to the absence being reported to the Human Resources Department in the normal way. Absences must still be supported by a doctor's certificate if they persist for longer than seven calendar days.
- F.2 Where an issue in relation to the health of an employee raises matters which merit consideration on grounds of health and safety, such matters may be addressed under the PBNI's Health and Safety provision.
- F.3 Absences due to a work related accident, incident, disease or dangerous occurrence must be treated on a case by case basis.
- F.4 The line manager should seek advice as appropriate from HR and the Health and Safety Department at any stage. It is the line manager's responsibility to ensure that accident/incident reports are completed and forwarded to the Health and Safety Department when required under Health and Safety Policy and Procedure.
- F.5 Sufferers from notifiable infectious diseases should obtain clearance statements before they resume duty.
- F.6 If the employee has been in contact with any infectious disease other than scarlet fever, measles, German measles, whooping cough, chicken pox, or mumps he/she should not report for duty if the Director of Public Health of the Area Health and Social Services Board has so advised and the employee should inform the line manager of the position.
- F.7 If the employee has been in contact with diphtheria and swabs have been taken, the employee should not return to work until they have obtained a clearance certificate. In either case the absence will be treated as special leave with pay. If the Director of Public Health issues a certificate covering the absence, the employee qualifies for Incapacity Benefit under the Social Security Acts and their pay should be adjusted as if it were sick pay. Staff who report they have been in contact with an infectious disease will be warned to avoid further contact.
- F.8 If the employee is in close contact with a case of German measles (for example in a family setting) the employee should report the fact to the line manager. Pregnant women or the employee in contact with the disease should be moved to another part of the office on a temporary basis.

Annex G

Managing Attendance Meetings

G.1 Preparing for the Managing attendance meeting

The line manager should:

- prepare carefully and ensure he/she has all the facts;
- consider how the meeting will be structured and make notes of the points he/she needs to cover;
- book a private room;
- check if the employee has a live improvement warning as this may be taken into account in subsequent action;
- ensure he/she has copies of all the relevant documentation e.g. return to work forms and Occupational Health advice if applicable (these can be obtained from Human Resources Department before the meeting takes place);
- ensure all other relevant facts are available such as personal details, if applicable

G.2 During the Meeting

The line manager should:

- Introduce those present and explain why they are there. The employee has a right to be accompanied by a work colleague (companion) or trade union representative. If the employee does not have a TU representative or colleague in attendance you should remind them of that right and enquire if they wish to proceed in the absence of such.
- Explain that the purpose of the meeting is to discuss the concerns at the employee's incidence of sickness absence, provide support and to explore with the employee the reasons for the absences.
- Explain how the meeting will be conducted
- Ensure the employee has been given copies of all of the relevant documents.
- The objective of the meeting is to explore with the employee the reasons for the absences, not to catch people out.

G.3 The employee's reply

The line manager should:

- Establish if the employee understands the requirement for the managing attendance meeting;
- Listen attentively and be sensitive to silence, as this can be a constructive way of encouraging the employee to be more forthcoming.
- It is extremely important to have a general and supportive discussion on the employees absences

G.4 General questioning and discussion

The line manager should:

- Use this stage to establish all the facts.
- Adjourn the meeting if further enquiries are necessary, or the manager has reason to believe the issue cannot be dealt with properly under the sickness absence procedure.
- Explain the reason for the adjournment and, if appropriate, consult the Human Resources Department and/or seek advice from them in relation to a referral to Occupational Health.
- Ask the employee if he/she has any explanation for the attendance problems, or if there are any special circumstances and/or mitigation to be taken into account.
- Keep the approach formal and polite but encourage the employee to talk freely with a view to establishing all the facts. A meeting should be a two way process.
- Use questions to clarify all issues, and to check what has been said is understood. Ask open-ended questions (e.g. what happened then?) to get the broad picture. Ask precise, closed questions only when specific information is needed.

G.5 Summing up and adjournment

The line manager should:

- After general questioning and discussion, summarise the main points raised by the employee and any matters that need to be checked.
- Adjourn the meeting before a decision is taken. This allows proper consideration of the matters raised.
- If new facts emerge, decide whether further investigation might be necessary and/or the meeting needs to be reconvened.
- Where facts are in dispute, decide which version is most probable. This standard of proof is common to all employment and civil law matters and is the standard used by employment tribunals.
- Outcome should be confirmed in writing within 5 working days following the meeting

G.6 What problems may arise and how should they be handled?

- If the employee becomes emotionally distressed during the meeting allow time for him/her to become composed before continuing. The issues however cannot be avoided. If the employee continues to be so distressed that the meeting cannot continue, it should be adjourned and reconvened at a later date.
- During the meeting a certain amount of “letting off steam” may be inevitable. However, if misconduct or gross misconduct - for example abusive language or threats of physical violence - takes place during the meeting, adjourn the meeting to allow the employee to calm down. Consideration should then be

given as to whether to continue with the meeting or whether the behaviour itself needs to be investigated.

G.7 Managing Attendance Meeting Template

The Managing Attendance Meeting template should be written up and initialled by the employee and then sent to the Human Resources Department for storage.

Annex G

Managing Attendance Meeting Template

It is appreciated that the flow of discussion may dictate the sequence of dialogue however the manager should, as much as possible, follow the steps outlined below when conducting an attendance review meeting.

If the employee does not have a TU representative or colleague in attendance you should remind them of that right and enquire if they wish to proceed in the absence of such.

Introductory Comments

1. Thank you for coming today.
2. You understand that this is an Managing Attendance Meeting under the Managing Attendance Procedure and the purpose of the meeting is to discuss your sick absences over the last 12 months.
3. You are aware that the review points, set out under the Managing Attendance Procedure are 10 days or 4 occasions of absence in a rolling 12 month period. (Pro rata for part-time staff).
4. You have received copies of return to work forms and sick absence record. Do you have them with you today?
5. Do you agree that you have reached a review point having had ___ occasions of absence totalling ___ days?
6. I wish to explain what the process will be today, we will review your return to work forms for each absence and you will have the opportunity to provide any further information you feel may be relevant.

Review of Sick Absences

Cover the following for each absence:

- a) Review the self-certificate/return to work form for each absence.
- b) State the date(s), number of days, reason for absence on the self-certificate.
- c) Confirm whether or not the employee received medical treatment.
- d) Go through each of the questions asked on the Return to Work (RTW) forms and review the answers provided by the member of staff.
- e) Record any additional information that the staff members provides and use additional sheets of paper if necessary.

If completing this form electronically the text boxes will expand.

Managing Attendance Meeting – Record of Discussion

To be completed during the meeting between manager and employee.

Manager:	
Staff Member:	
Date:	

First Absence	
Details	Comment
The date this absence started	
The number of days and reason	
Was medical treatment sought and any additional comment?	
Review questions & answers asked on the RTW forms, record any additional comments	

Second Absence	
Details	Comment
The date this absence started	
The number of days and reason	
Was medical treatment sought and any additional comment?	
Review questions & answers asked on the RTW forms, record any additional comments	

Third Absence	
Details	Comment
The date this absence started	
The number of days and reason	
Was medical treatment sought and any additional comment?	
Review questions & answers asked on the RTW forms, record any additional comments	

Fourth Absence	
Details	Comment
The date this absence started	
The number of days and reason	
Was medical treatment sought and any additional comment?	
Review questions & answers asked on the RTW forms, record any additional comments	

Fifth Absence	
Details	Comment
The date this absence started	
The number of days and reason	
Was medical treatment sought and any additional comment?	
Review questions & answers asked on the RTW forms, record any additional comments	

Sixth Absence	
Details	Comment
The date this absence started	
The number of days and reason	
Was medical treatment sought and any additional comment?	
Review questions & answers asked on the RTW forms, record any additional comments	

Use additional sheets of paper if necessary.

Ending the meeting

At the end of the meeting, ask the employee if there is anything else that the organisation can do to assist, or if there is anything else that they wish to add. Use the space below to record any further comments or planned actions.

Confirm with the employee that that the possible outcomes of the meeting are:

- a) No further action will take place
- b) A referral to Occupational Health
- c) Help or support from the organisation under an alternative Board policy or procedure
- d) A First Written Improvement Warning may be issued
- e) A Final Written Improvement Warning may be issued
- f) A referral is being made to the Head of Human Resources for consideration of dismissal

Inform him/her that the outcome of the meeting will be confirmed in writing within 5 working days

Signatures

Manager:	
Staff Member:	
Date:	

Please sign this completed form and forward to your HR Business Partner, scanned electronic copies are also acceptable.

Annex H

Right to be accompanied at meetings

- H.1 Where a meeting may result in the giving of a written improvement warning, the taking of some other action against an employee (such as dismissal) or the confirmation of a written improvement warning or action taken, an employee has the right to be accompanied by another employee (“companion”) or a trade union representative (“representative”) of their choosing.
- H.2 Representatives from a recognised trade union or a PBNI colleague may act as companions. In exceptional circumstances and by agreement it may be helpful to have a representative from a particular support group (e.g. in relation to a disability) to attend the meeting, in addition to a companion or a trade union representative.
- H.3 When an employee is choosing a representative or companion, he/she should bear in mind that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest. It may also be unreasonable for an employee to ask to be accompanied by a colleague from a geographically remote location if someone appropriate is available on site.
- H.4 An employee may ask an official from any trade union to accompany them at a disciplinary or grievance meeting, regardless of whether the union is recognised or not. However, PBNI recognises the following unions and it is good practice for the employee to ask an official from one of these unions to accompany him/her:

NAPO
NIPSA

- H.5 Fellow employees or trade union officials do not have to accept a request to accompany a colleague, and they should not be pressurised to do so.
- H.6 An employee who has agreed to accompany a colleague is entitled to take a reasonable amount of paid time off to fulfill that responsibility. This should cover the meeting and time for the companion to familiarise themselves with the case and confer with the employee before and after the meeting. A trade union official employed by PBNI is permitted to take a reasonable amount of paid time off to accompany another PBNI employee at a meeting and to familiarise themselves with the case.
- H.7 In the same way that line managers should cater for an employee's disability at a sickness absence management meeting, he/she should also cater for a companion or representative's disability.
- H.8 Before the meeting takes place, the employee should tell the manager conducting the meeting who they have chosen as a companion or

representative. In certain circumstances (for instance when the representative is an official of a non-recognised trade union) it can be helpful for the representative and the manager conducting the meeting to make contact beforehand.

H.9 The companion or representative may:

- put the employee's case;
- sum up that case;
- respond on the employee's behalf to any view expressed at the meeting; and
- confer with the employee during the meeting (in private if necessary).

H.10 Managers are not required to permit the companion or representative to:

- answer questions on the employee's behalf
- address the meeting if the employee indicates they do not wish the companion or representative to do so; or
- behave in a way that prevents the manager from explaining their case or any other person making their contribution.

H.11 Where possible, the line manager should allow a companion or representative to have a say in the date and time of a meeting. Where the companion or representative cannot attend a first meeting, the employee must offer an alternative time and date so long as it is reasonable and falls before the end of a period of five days. The period of five days begins with the first working day after the day proposed by the manager. In proposing an alternative date employees should have regard to the availability of the relevant manager. For instance, it is not reasonable to ask for a new date for the meeting where it is known the manager is going to be absent on business or on leave. If the manager is on extended absence or leave, another manager may conduct the meeting. The location and timing of any alternative meeting should be convenient to all parties.

H.12 If the companion or representative cannot attend on the second time of re-arranging the meeting the employee may lose the right to be accompanied unless there are convincing and exceptional reasons otherwise. Line managers must contact the Human Resources Department for further advice before proceeding with meetings in these circumstances.

H.13 If the employee refuses to attend the meeting it can be held in their absence.

H.14 Line managers should be careful not to disadvantage employees for using his/her right to be accompanied or for being companions or representatives, as this is against the law.

C O N F I D E N T I A L

RECORD SHEET FOR MEDICAL APPOINTMENTS AND INSTANCES OF EXCUSAL FROM DUTY/REQUEST FOR WELL-BEING DAY

Managers should maintain a record for each employee (see Sections 3 11 and 12 of the Managing Attendance Procedure)

NAME GRADE

LOCATION LEAVE YEAR

Medical appointments

PBNI will normally allow paid time off to attend medical, dental or optician appointments to the maximum of 6 appointments of 3 hours duration during any leave year. Appointments are pro rata for part-time staff.

Date of Appointment	Time of Appointment	Reason for Appointment	Comments

Becoming ill whilst at work – excusal from duty

The day on which the employee is excused from duty will not be recorded as sickness absence. Part days will however be recorded on attendance sheets as ‘O’ – *Ill while at work - excusal from duty* in order to gather data on the number of instances staff have requested excusal from duty. Line managers should also maintain individual records of staff reporting sick and seeking excusal from duty. Note if more than 3 requests in a period of 12 months this facility can be withdrawn from the employee.

Date	Time left work	Nature of illness	Comments

Well-Being days

A maximum of 3 well-being days can be requested in any leave year from the employee's annual leave entitlement.

Managers should record the well-being day on this template in addition to approving on the employee's annual leave sheet.

Date of Well-being day	Comments