

---

## **Attendance & Absence Policy**

## Contents

	Page
Scope of Policy .....	3
Definitions: .....	3
Abbreviations: .....	3
1. Flexi-Time.....	4
2. Holiday Leave.....	7
3. Special and Emergency Leave.....	13
4. Working at home .....	18
5. Sickness Absence .....	20
6. Unauthorised absence.....	36
Appendix A.....	38
Appendix B.....	40
Appendix C .....	41
Appendix D .....	42

### Scope of Policy

This policy and procedure has been agreed following consultation with the Staff Representative Council, and applies to all staff regardless of status or length of service, except where probationary staff are affected differently as set out in this policy.

This policy does not form part of staff contracts of employment and it may be amended at any time. PSOW may also vary this procedure, including any time limits, as appropriate in any case. Substantial changes to this policy will be made only following consultation with the Staff Representative Council.

Whilst this policy seeks to provide a consistent and fair framework for managing staff attendance and absence, nothing in this policy fetters or restricts the exercise of any discretion. Line managers have day to day discretion to operate the policy fairly, consistently and in the light of any particular circumstances. Any proposal to depart significantly from the policy should however, be discussed with the Human Resources Business Partner and agreed by the Ombudsman, Chief Operating Officer & Director of Improvement, or Chief Legal Advisor & Director of Investigations.

### Definitions:

**'Line Manager'**: Where reference is made to 'Line Manager' in this policy, staff are expected to substitute the following, in order, where their own 'line manager' is not available;

- A) Acting line manager,
- B) Other line manager,
- C) Line manager of their line manager.

### Abbreviations:

**'HRBP'** in this policy means Human Resources Business Partner or an HR adviser.

**'HRPO'** in this policy means HR and Payroll Officer

**'COO/DoI'** in this policy means Chief Operating Officer/Director of Improvement or, in the absence of COO/DoI, the Chief Legal Adviser & Director of Investigations.

## 1. Flexi-Time

### 1.1 Introduction

- 1.1.1 PSOW has a flexi-time scheme which applies to all staff (subject to 1.1.3 and 1.1.4) and provides flexibility in the way that staff can work their contracted hours. It enables them to work flexibly, balancing operational needs with personal and domestic circumstances, provided that staff complete their contracted hours within a stipulated time (the accounting period). Contracted hours for full time staff are 37 hours per week, excluding lunch breaks (i.e. 7 hours and 24 minutes per normal working day).
- 1.1.2 Key requirements of the PSOW flexi-time scheme are that the office must have adequate staffing levels during office opening hours (i.e. 9am to 5pm Monday to Thursday, 9am to 4:30pm Friday), in order to provide a public service, and that staff must work hours to enable them to interact with managers and colleagues and attend appointments, meetings and training. To provide the necessary level of service, members of staff may be required to start by 9am and / or work until 5pm. Staff should discuss their intended pattern of attendance with colleagues and their Line Manager, and be prepared to be flexible if necessary in order to ensure adequate cover for their area of work.
- 1.1.3 The decision to allow staff to work flexi-time remains at the Line Manager's discretion and can be withdrawn at any time. In this circumstance written details of the reason for the withdrawal will be provided. **All of the arrangements set out below must be operated in the light of the operational requirements of PSOW, with a focus on working productively and achieving good results.**
- 1.1.4 Line Managers can determine and agree set hours for staff who do not work within the flexi-time scheme. In these circumstances, recording of times worked will still apply. Kelio should be used to record **hours worked**, not times that staff are in the office, by clocking in and out. The effective operation of the system relies very much on the duty of trust that exists between staff and PSOW and staff are expected, when recording their time, to ensure that they accurately reflect the amount of time that they have actually worked during the course of the day.
- 1.1.5 The flexi-time scheme is designed to enable staff to carry over a maximum specified amount of deficit or excess hours from one accounting period to the next. On leaving PSOW staff will usually be expected to take any excess hours

owed to them before their date of leaving. Deficit hours outstanding at the date of leaving will usually be deducted from any remaining annual leave or a deduction, equivalent to the pay for the number of deficit hours, may be made from pay.

- 1.1.6 Abuse of the flexi-time scheme, or deliberate mis-recording of hours worked, is misconduct. Staff found to have abused the system may be subject to formal disciplinary action and may be required thereafter to work standard (fixed) hours.

### 1.2 Flexi-Time: When staff can work

- 1.2.1 Subject to requirements for office cover, meetings, appointments, training and interactions with managers and colleagues, staff working flexi-time may work on any days of the week (i.e. including weekends) and at any times, **up to a maximum of 10 hours in a day.**

- 1.2.2 **A break of a minimum of 20 minutes** (half an hour if aged under 18) must be taken in any period of work of 6 or more hours. Staff are encouraged to have a proper break away from desks and away from computer screens, and to have a break longer than the legal minimum of 20 minutes.

- 1.2.3 For this level of flexibility to work effectively, it is vital that staff discuss their working plans with their manager so that the office can provide a full and effective service, and that their working plans are reflected in each staff member's electronic calendar. It is recognised that some teams/staff will have greater flexibility than others but planning or working times will maximise the benefits to all staff. To avoid the need to discuss working hours on a daily basis, Line Managers may wish to agree regular working patterns with members of staff. Staff are then responsible for informing and seeking approval from their Line Manager when changes to this working pattern are sought.

### 1.3 Flexi-Time: The Accounting Period

- 1.3.1 The accounting period is four weeks. .

- 1.3.1 An excess or deficit in hours recorded, compared with the contracted hours for the accounting period, may be carried over from one accounting period to the next subject to a **maximum excess** of the equivalent of **two standard days** (14hr:48m for full time staff or 40% of weekly hours for those that work part-time). The **maximum deficit** which may be carried over is the equivalent of **one**

**and a half standard days** (11hr:06m for full time staff or 30% of weekly hours for part-time staff). A standard day is 7hr:24m for full time staff or 20% of their weekly hours for part-time staff).

- 1.3.2 Staff are subject to these maximum excess and deficit limits unless stated otherwise.
- 1.3.3 Staff are responsible for ensuring that they are not in deficit by more than one and a half standard days at the end of the accounting period. If staff are in deficit by a greater amount, they may be required to offset the deficit against their annual leave. Staff are required to use all excess hours or eliminate any deficit before foreseeable periods of absence such as Maternity Leave. A member of staff may, with the agreement of the Line Manager, convert up to one day of holiday leave per settlement period to flexi-time to offset a deficit.
- 1.3.4 Any excess hours above the maximum credit limit of 2 standard days are usually lost. However, where prevented by the needs of PSOW from reducing their credit balance to the maximum, staff may be allowed to carry the excess into the next reporting period. This is subject to the prior approval of the Line Manager who will request the HR Officer to amend Kelio accordingly. Where this occurs, every effort should be made, where operational requirements allow, to reduce the excess and bring it within the normal limits as soon as reasonably possible. Unless there are exceptional circumstances the normal limits will apply at the end of the next accounting period.

### 1.4 Flexi-Time: Flexi leave

- 1.4.1 The flexibility on days and times of work means that flexi leave may not be required. However, flexi leave is time taken:
  - a) in lieu of excess hours already attended (in the previous or current accounting period); and/or
  - b) in anticipation of hours to be made up later in the current accounting period, provided that staff are not in deficit at the time of booking;
  - c) as a day or half a day off. This should be requested via Kelio and authorised accordingly so that Line Managers are aware in advance of when the leave will be taken so that health and safety obligations are fulfilled and so that they can ensure adequate staff cover. It will not count against the annual leave allowance.
- 1.4.2 Up to 1.5 standard days flexi leave may be taken in each accounting period.

- 1.4.3 Flexi leave may be booked for the current and next accounting periods only.
- 1.4.4 Flexi leave will be approved only where staff and the line manager reasonably expect the member of staff to have sufficient hours to comply with the maximum permitted deficit at the end of the accounting period, and where required office cover can be maintained.

### 1.5 Flexi-Time: Absence from PSOW

- 1.5.1 Credits equivalent to the standard working day will be authorised for:
  - a) any paid leave e.g. sick leave, maternity leave, paid special leave;
  - b) public/privilege days;
  - c) official duty away from PSOW for whole days.
  - d) Unpaid leave where a deduction in salary is to be made.
- 1.5.2 Where official duty causes staff to be away from PSOW for more than their standard working day, including travelling, staff may claim the full hours away from PSOW minus the normal travel to work time and lunch break taken (minimum 20 minutes) up to a maximum of 10 hours for the day. Alternatively, staff may claim the full hours actually worked at the temporary location excluding any travel time.
- 1.5.3 Where staff work from home the actual hours worked should be recorded. Hours worked should not exceed 10 hours in one day.
- 1.5.4 Staff are required to arrange medical and other appointments in their own time making use of the flexibility of working times under this scheme. However, time will be credited for medical appointments where the appointment is part of on-going treatment, or where the appointment relates to a condition covered by the Equality Act 2010.
- 1.5.5 Where staff fall ill whilst at work and therefore leave during the course of the day they should refer to section 5 for further details on sickness absence.

## 2. Holiday Leave

### 2.1 Introduction

- 2.1.1 This section sets out PSOW's policy on holiday leave.

### 2.2 Holiday Leave Allowance

- 2.2.1 Staff are entitled to the paid holiday leave allowance specified in their contract, which exceeds statutory minimum provision in all cases. Calculations for staff working part-time hours are calculated on a pro-rata basis.
- 2.2.2 PSOW is closed on bank and public holidays, and on the afternoon of the last working day before Christmas. Staff are entitled to paid leave on these days.
- 2.2.3 Part-time staff are entitled to time off for PSOW office closure days in proportion to their weekly hours of work, regardless of whether or not they would normally have worked on the days on which PSOW is closed.
- 2.2.4 If staff temporarily work more or less than their normal working hours there is no corresponding adjustment of their holiday leave allowance. If staff move from full to part-time working, or vice versa, or otherwise change their number of working hours during a leave year, they will receive written confirmation of a permanent change of working hours and the new holiday leave allowance entitlement will be calculated.

### 2.3 Holiday Leave Year

- 2.3.1 The holiday year for staff is based upon their start date within PSOW. The holiday year for staff will end on the last calendar day of the month that they joined. For example, if the member of staff commenced with PSOW on the 15 April, then their holiday year will be 1 May to 30 April each year.

### 2.4 Holiday Leave Calculation

- 2.4.1 All leave entitlement calculations e.g. for part time staff and for leavers will be calculated on a pro-rata basis, with any fraction rounded up to the nearest half day.
- 2.4.2 For new starters and leavers, annual leave is accrued only for full months worked.

### 2.5 Requesting Holiday Leave

- 2.5.1 Staff must not take holiday leave without the prior approval of their Line Manager. The Line Manager has the right to delay a request for operational reasons. Refer to section 3 for PSOW policy on Special and Emergency Leave.

- 2.5.2 New staff during their probationary period (generally six months) may take only holiday leave accrued. In exceptional circumstances and subject to Line Manager's discretion applications for additional holiday leave may be considered - e.g. a request for a two week (10 working day) summer vacation that starts within 4 months of the employee start date can be considered after taking into account PSOW operational requirements and the member of staff's attendance history since starting.
- 2.5.3 Line Managers should make appropriate arrangements to ensure that staff have the opportunity to take their full leave entitlement whenever this can be approved without disadvantage to operational activities. This will involve planning any necessary absence cover and, as far as is practicable, organising work to take account of anticipated variations in staffing resource.
- 2.5.4 Holiday leave requests should be submitted in advance by **at least** twice the period of leave requested – so a request for 5 working days leave should be submitted at least 10 working days before the start of the leave requested. Staff should request longer holidays in good time. Requests for leave more than 12 months in advance or requests for leave over 15 working days should be formally requested to the Chief Operating Officer/Director of Investigations (COO/DOI) as early as possible. Staff should not make firm holiday arrangements until their leave request has been approved. Late requests will however be accommodated whenever this will not cause operational difficulty.
- 2.5.5 Where several members of staff apply for leave for the same period, Line Managers may need to balance the number on holiday with PSOW needs to make sure that services are maintained. The Line Manager will consider staff availability at organisational, team and equivalent grade levels, as well as the wish to accommodate the wishes of the member of staff. Line Managers will seek to be fair to all staff, particularly at popular holiday times. Every effort will be made to agree these matters as quickly as possible and both common sense and consideration for others will be used to agree periods of holiday leave. Members of staff are asked to bear in mind that by booking holiday leave they may prevent colleagues from booking holiday leave at the same time. Consequently members of staff are asked to avoid booking speculative holiday leave and then cancelling this nearer to the date involved.

## 2.6 Recording Holiday Leave

- 2.6.1 Staff should use Kelio to apply for leave.

### 2.7 Anticipation and carry over of Holiday Leave

- 2.7.1 Staff should normally take their full leave entitlement within the individual holiday leave year. However, staff may anticipate up to 3 days, pro-rata for staff working part-time hours, from their next year's holiday leave allowance.
- 2.7.2 Similarly, staff can carry over up to 7 days leave, pro rata for staff working part-time hours, and take it during their next holiday leave year.
- 2.7.3 Part-time staff can anticipate or carry over the corresponding proportion of their leave allowance on the same terms.
- 2.7.4 Anticipation of more than 3 days or carry over of more than 7 days (or the part-time equivalent) from/to the next leave year may be agreed under the following circumstances:
- a) At the discretion of the Chief Operating Officer in agreed circumstances, for example to visit relatives living abroad; or
  - b) At the discretion of the Chief Operating Officer in exceptional circumstances when pressure of work delays anyone from taking requested holiday leave in the leave year in which it is earned; or
  - c) where a period of maternity / paternity leave has prevented holiday leave being exhausted during the holiday year; or
  - d) where a period of sickness absence has prevented holiday leave being taken during the holiday year up to a maximum of 48 days carry over leave in total.
- 2.7.5 As PSOW wishes staff to take up all holiday entitlement during the holiday leave year, any balance of holiday leave that is in excess of that which can be carried over at the holiday leave year end will be lost, unless there is prior authorisation from the Ombudsman for it to be carried forward or it is covered by section 2.7.4 c) & d).
- 2.7.6 In exceptional cases, payment may be offered in lieu of a maximum of 10 days holiday leave in excess of that which can be carried over. Payment in these cases will be at the normal basic remuneration and is subject to the approval of the Ombudsman. This discretion will be used only where Line Managers have asked staff to delay taking holiday leave due to the pressure of work.

### 2.8 Fixed Term contracted staff

- 2.8.1 Fixed term contracted staff are entitled to one twelfth of the holiday leave allowance for each completed month of service.

2.8.2 Fixed term staff during their probationary period (generally six months) may take only holiday leave accrued.

2.8.3 In exceptional circumstances and subject to Line Manager's discretion applications for additional holiday leave may be considered. e.g. a request for a two week (10 working day) summer vacation that starts within 4 months of the employee start date can be considered after taking into account PSOW operational requirements, the amount of leave to be accrued during the fixed term appointment and the member of staff's attendance history since starting.

2.8.4 After the probationary period has been successfully worked, Fixed term staff can anticipate leave. However, they must not take more leave than they will earn during the period the appointment is expected to last.

### 2.9 Relationship between Holiday Leave and Sick Leave

2.9.1 See section 5.20.

### 2.10 Maternity, Paternity and Adoption Leave – Holiday Leave entitlement

2.10.1 While on paid ordinary Maternity, Paternity or Adoption Leave staff will accrue holiday leave at their normal rate (pro-rata if part-time).

### 2.11 Holiday Leave on Termination

2.11.1 When it is known that a member of staff is leaving PSOW, the Line Manager will request Corporate Services to work out any outstanding holiday leave (see Holiday Leave Calculation at 2.4 above). As far as possible, members of staff and Line Managers should ensure that all leave entitlement is taken before the date of termination, and that at the time of leaving staff will not have taken more leave than they have earned.

2.11.2 If the member of staff has not been able to take any accrued holiday entitlement before the date of termination of employment, payment will be made in lieu of untaken leave only where this is:

- a) due to sickness absence (up to a maximum of 48 days); or
- b) due to maternity/paternity/adoption leave; or
- c) in exceptional circumstances with prior agreement and at the discretion of the Ombudsman e.g. when pressure of work delays anyone from taking requested holiday leave.

2.11.3 Staff who have taken more leave than their entitled holiday allowance at the date of termination will normally be required to refund the difference in the form of a deduction from their salary.

### 3. Special and Emergency Leave

#### 3.1 Introduction

- 3.1.1 PSOW wishes to respond promptly, sympathetically and consistently to staff having to balance the demands of domestic and work responsibilities at times of urgent and unforeseen need.
- 3.1.2 This section of the policy deals with time off for staff, which is **not** classified as one of the following:
- a) Annual holiday leave (refer to section 2)
  - b) Sick leave (refer to section 5)
  - c) Maternity/Paternity/Adoption Leave (refer to separate Maternity/Paternity/Adoption policy)
- 3.1.3 Annual holiday leave (and flexi leave) is expected to cater not only for annual and occasional holiday, but also for the few other occasions when domestic circumstances make it difficult to attend work. Emergency and special leave without pay should be considered where paid special leave is not appropriate under the sections this policy that follow and it is judged that the use of annual leave / flexi leave entitlement is against the welfare interest of the member of staff and is likely to impair working effectiveness.
- 3.1.4 Time off with or without pay may be granted by the Line Manager to assist staff with domestic, personal incidents, responsibilities and public duties. The Line Manager must advise Corporate Services of any time off without pay that is agreed. Records of Special Leave approved (see form at Appendix E) must also be passed to Corporate Services once complete and signed.
- 3.1.5 Line Managers should use their discretion in a way which takes account of the member of staff's circumstances, and consider the operational impact upon PSOW. Sections 3.5 to 3.12 illustrate the types of leave which may be granted under 'Special or Emergency' leave. However, this is for guidance only and is not exhaustive. If staff or Line Managers have any doubt, they should contact the Human Resources Business Partner (HRBP).

#### 3.2 Impact of leave on Terms and Conditions of Employment

- 3.2.1 Leave with pay does not impact on reckonable pay for pension purposes.
- 3.2.2 Emergency and special leave without pay will in effect have a "stop the clock" principle. Therefore, no benefits, including annual leave or pensionable service

are accrued during the period of unpaid leave, but benefits accumulated are preserved, and entitlements resume upon return to work.

- 3.2.3 PSOW reserves the right to suspend / deduct any additional payments being received during periods of unpaid emergency and special leave which are longer than 3 weeks.
- 3.2.4 Periods of unpaid emergency and special leave are non-pensionable. Staff can enhance their pensionable service lost as a result of unpaid leave by purchasing Added Years through the Principal Civil Service Pension Scheme.
- 3.2.5 Leave without pay does not amount to termination of employment. No pay will be given for a period of unpaid emergency and special leave including public holidays, Saturdays or Sundays. Staff will not be entitled to any other type of leave (such as annual or sick leave) whilst on unpaid leave.
- 3.2.6 Staff taking more than nine months unpaid leave within a reporting year will not receive a performance review or incremental pay increase.
- 3.2.7 The emergency and special leave entitlements set out in this policy are the maximum entitlement in a 12-month period for staff.

### **3.3 Preserved rights during unpaid emergency and special leave**

- 3.3.1 Career opportunities – staff will still be able to apply for any career opportunities subject to the member of staff's availability to attend any selection process and, if successful, to return to work within a reasonable time to fill the vacancy.

### **3.4 Roles and responsibilities**

#### **3.4.1 Staff**

- a) Requests for emergency and special leave (paid or unpaid) must be authorised by the member of staff's Line Manager.
- b) If emergency and special leave is being taken in an emergency, staff are required to seek approval from their Line Manager as soon as possible.

#### **3.4.2 Line Managers**

- a) Line Managers are responsible for authorising emergency and special leave (paid or unpaid) having considered the circumstances of the request.

- b) Line Managers should satisfy themselves that there is no reasonable acceptable alternative to emergency and special leave.
- c) Line Managers must notify the HRBP of any periods of unpaid leave taken by staff immediately, giving the staff name, reasons for unpaid leave and the dates of unpaid leave.

### 3.5 Compassionate/Bereavement Leave

- 3.5.1 Staff will be entitled to up to 5 days paid special leave where a member of their close family dies, falls seriously ill or is injured. "Close family" is defined to include a husband, wife, partner, child, parent, sibling, or someone who lives in the same household as the member of staff (for example, a grandparent).
- 3.5.2 In exceptional circumstances, emergency and special leave may be granted for more distant relatives, if for instance the member of staff is responsible for the funeral arrangements.
- 3.5.3 Staff will be entitled to up to 1 day's paid leave where a family member (other than a member of "close family"), close friend or colleague has died and the member of staff wishes to attend the funeral.
- 3.5.4 In exceptional circumstances, longer periods of paid special leave may be granted following consultation with the HRBP. Furthermore, additional days of unpaid leave, may be granted at the discretion of the Line Manager, whilst considering both the personal needs and circumstances of the member of staff, and the needs of PSOW.
- 3.5.5 Separate provisions apply in the case of Parental Bereavement Leave and these are detailed in the Parental Leave Policy.

### 3.6 Leave for personal/domestic circumstances

- 3.6.1 One day paid emergency leave may be granted for pressing and important unforeseeable reasons such as domestic emergencies and events that cause serious disruption or distress to staff (and where 3.7 does not apply). In exceptional circumstances up to 5 days paid emergency and special leave may be granted with Line Manager approval. If the member of staff needs to take more time, it should be taken as unpaid leave or from their annual holiday leave entitlement.

### 3.7 Time off for Dependents

- 3.7.1 Staff are entitled to take a reasonable amount of time off to deal with a family emergency or where an incident is unforeseeable. Staff are entitled to request this from the beginning of their employment. Time off for dependants is **unpaid** unless staff use any available annual holiday or flexi leave allowance.
- 3.7.2 A dependant is a partner or spouse, parent or child, or someone who lives with the member of staff, but not their lodger or someone employed by them. A dependant may also be a person who reasonably relies on the member of staff for assistance when that person falls ill or is injured.
- 3.7.3 A circumstance in which a member of staff may take time off for dependants includes their dependant giving birth, childcare arrangements breaking down or a dependant unexpectedly falling ill.
- 3.7.4 The amount of time off must be reasonable in the circumstances. In most cases, this will be no more than a day or two. However, depending upon the circumstances, more unpaid leave may be granted.
- 3.7.5 Staff have a right not be victimised, dismissed or subjected to detriment for taking reasonable time off to look after dependants.
- 3.7.6 In most cases staff are unlikely to be able to give advance notice of the time off. However, staff must let their Line Manager know, as soon as possible, the reason for their absence and how long they expect to be off work.
- 3.7.7 Line Managers must inform the HRBP of the absence and the period of unpaid leave.

### 3.8 Nursing a sick relative / caring for a dependant

- 3.8.1 Emergency and special leave without pay, in addition to the paid leave mentioned in 3.5, may be granted to staff in order to care for a near relative who is ill. Applications should be supported by medical evidence relating to the person who is ill. Such leave will be limited to cover a period until the member of staff can make arrangements for more permanent care arrangements (any period of unpaid leave is non-pensionable).
- 3.8.2 If the condition of the relative is long term, staff may wish to apply for a further period of unpaid leave or apply for a flexible working arrangement.

### 3.9 Contact with infectious disease

3.9.1 In certain circumstances, staff who have been in contact with an infectious disease and have been advised by a Medical Officer not to attend work, may be allowed emergency and special leave with pay.

### 3.10 Disability

3.10.1 If it is necessary for disabled staff to regularly visit a medical practitioner, for reasons related to their disability, the time will be treated as emergency and special paid leave, and not sickness absence.

### 3.11 Time-off for Fertility Treatment

3.11.1 Staff who wish to take time off for fertility treatment should inform their Line Manager as early as possible, if she or he will be seeking paid time off for this purpose.

3.11.2 Staff should consult their Line Manager as soon as possible regarding the scheduling of the time-off and specific dates required. If staff prefer not to discuss this matter directly with their Line Manager they should approach the HRBP to apply for the special leave.

3.11.3 Staff will be required to produce a letter or certificate from a qualified medical practitioner stating that fertility treatment has been recommended and approved, and will also be required to produce an appointment card for each occasion on which time off is requested.

3.11.4 PSOW will grant up to a total of 10 days paid leave in any 12-month period for staff to undergo fertility treatment. The policy applies equally to a member of staff whose partner is undergoing treatment. Such time off may be taken together in a block or as separate days.

3.11.5 A minimum of six months continuous service is required in order to be eligible for time off under this policy.

### 3.12 Time off for Public Duties

3.12.1 Before staff apply for a position of public duty, such as a Justice of the Peace or a School Governor, Line Manager approval must be given.

3.12.2 **If public duties have been agreed**, Line Managers and staff must inform the HRBP of any period of unpaid leave.

3.12.3 Magistrates or Employment Tribunals. Staff who undertake magistrates' duties are eligible for up to 10 days paid leave in a 12-month period. Further **unpaid** leave can be applied for but is subject to the approval of the Line Manager. A member of staff who does, with the agreement of the PSOW, paid work as a member of an Employment Tribunal will be granted up to 10 days unpaid leave. A further 10 days unpaid leave can be applied for, and may be agreed by PSOW.

3.12.4 School Governorship. Staff are eligible for up to 10 days paid leave in a 12-month period, following approval from their Line Manager. Further **unpaid** leave can be applied for but is subject to the approval of the Line Manager.

3.12.5 Special Reserve Forces. Staff in the Special Reserve Forces are eligible for up to 10 days paid leave in a 12-month period. Further **unpaid** leave can be applied for but is subject to the approval of the Line Manager.

3.12.6 Jury Service and/or attendance at court as a witness

- a) If staff are required to carry out jury service or to attend court as a witness during a trial, they should notify their line manager of the dates in question as far in advance as possible who will then in turn notify Corporate Services. Approval for such service (either jury or as a witness) will be given to cover the period you are required to attend by the courts.
- b) Staff will receive normal pay (normal pro rata pay for part-time staff irrespective of hours attended at court) during attendance at court and any monies paid by the court in respect of loss of earnings will be deducted from pay upon the member of staff's return.

3.12.7 If staff are planning to undertake any other form of public duty, they should contact the HRBP for details of any paid or unpaid leave arrangements.

## 4. Working at home

### 4.1 Introduction

4.1.1 PSOW recognises that it is beneficial to members of staff and the organisation for staff to be able to work from home. Where this is to be on an ongoing, regular basis, a request should be submitted for consideration in accordance with the

PSOW Flexible Working Policy.

- 4.1.2 Otherwise, where staff wish to work at home they may generally do so, subject to any specific requirements (including for induction, meetings, appointments, training that work better with personal presence) to work in the office. This should be discussed and agreed with the line manager. Some work tasks can only be undertaken effectively in the office, but most can now be undertaken successfully at home. Staff should ensure that their planned working hours / days and the location are shown in their electronic calendars.
- 4.1.3 Work output (i.e. the results of work) is critical, and support from managers or colleagues can more readily be provided in the office. Managers may require staff to work in the office at any point, including for induction, during probationary periods, where additional support is required or where the quality or quantity of work requires improvement.
- 4.1.4 The restrictions on number of hours working in the office also apply for Working at Home. Staff are required to take a break of at least 20 minutes and may not work more than 10 hours in a day.
- 4.1.5 Working at home should not be combined with dependant care that would require constant or regular attention or supervision e.g. looking after young children. Other parts of this policy (including holiday leave, flexi leave, special leave, time off for dependants etc.) should be considered in such circumstances.
- 4.1.6 The Line Manager should discuss with staff the suitability of the home environment. However, it is for the member of staff to take personal responsibility for the health and safety and security aspect of any authorised work at home. **Staff who take hard copy case files off the premises must update the case management system file location accordingly and comply with the “Working away from the office (including working at home)” section of the Information Security Policy.** Staff are responsible for any PSOW owned assets/information taken out of the office to their home. Appropriate arrangements must be made to keep information and files secure and confidential. Any loss of data or equipment must be reported immediately to the IT Manager or Information and information Governance Manager.
- 4.1.7 Staff need an environment at home which offers the following:
- a) Suitable “office” space, ideally a separate room but at least a

dedicated space;

- b) Ability to meet Health and Safety requirements;
- c) Freedom from interruptions and distractions;
- d) Security and confidentiality;
- e) Access to PSOW's IT & telephony (through adequate broadband/wifi)

4.1.8 PSOW is not responsible for any home building/contents insurance issues related to staff working at home. Staff are advised to check with their home insurers.

## 5. Sickness Absence

### 5.1 Policy Statement

5.1.1 A good level of staff attendance at work is crucial to the success of the PSOW service and thus staff are encouraged and supported to maintain the highest possible level of attendance. Repeated or extended sickness absence does put continued employment at risk. However, PSOW recognises that staff will, on occasion, be unable to attend work owing to ill-health.

5.1.2 This policy is intended to help secure good levels of attendance so that a good service can be provided and so that undue pressure on other staff, arising from the absence of colleagues, is avoided. The policy relates to the management of absence due to illness, injury or infectious disease, and recognises that the key factors for reducing absence are early intervention and good communication by all parties. This policy applies to all staff regardless of length of service or hours worked.

### 5.2 Objectives and Principles:

5.2.1 To ensure staff are treated fairly and consistently when they are unable to work owing to ill health;

5.2.2 To provide a clear framework for Line Managers to follow, in managing both long- and short-term absence effectively;

5.2.3 To minimise frequent absences which are disruptive to service users and colleagues;

- 5.2.4 To give clear guidelines to staff on how absence is handled and the implications for unacceptable levels of absence;
- 5.2.5 PSOW will deal with sickness absence in a sensitive manner and aims to manage absence in a way that both reflects an honest concern for staff and develops a positive attitude towards attendance;
- 5.2.6 The operation of this policy will reflect the requirements of the Equality Act 2010;
- 5.2.7 Any confirmed misuse of the sick leave arrangements, or the Sick Pay Scheme, is misconduct and shall be dealt with under the PSOW Disciplinary Policy;
- 5.2.8 Information about the nature of sickness absence is confidential. It is only disclosed to staff involved directly in monitoring and to those who require information on a need to know basis for management purposes. Staff have the right to see their own sickness records.

### 5.3 Notification and Certification of Sickness Absence

- 5.3.1 If a member of staff is taken ill or injured while at work or working at home, they should report to their Line Manager and seek permission to leave work. Managers should offer anyone who is unwell the opportunity to be accompanied home and/or to receive medical treatment where appropriate.
  - a) If a member of staff attends work for **less** than half of their standard working day\* (3Hrs:42Min for full time staff or half of the normal hours for the day in question for part-time staff), this will be recorded as half day sick leave and 1 instance of sickness absence. The absence would be classed as the same occurrence if the staff member is still absent the following working day.
  - b) If a member of staff goes home unwell after being at work for **more** than half of their standard working day\* (3Hrs:42Min for full time staff or 10% of weekly hours for part-time staff), this will not be recorded as half day absence but **will be** recorded as an instance of sickness absence. If the member of staff remains off work ill the following day, this will be classed as the same instance of sickness absence.
  - c) A return to work meeting should still be carried out upon the member of staff's return to work, irrespective of the length of time recorded as

sickness absence i.e. half day or nil.

[\* Not including Lunch Break]

- 5.3.2 If staff are unable to work/attend work, they must ensure that they call their Line Manager by 10.00am on the first day of absence **and any subsequent day** unless otherwise agreed. Text messages, e-mails and calls before 8:30am are unacceptable, and are not a substitute for speaking to a Manager. Calling via Microsoft teams for those working at home is acceptable. If a member of staff's Line Manager is unavailable then staff must speak to another Manager, rather than leaving a message with a colleague. If there are no Managers available, then staff must speak to the most senior person in the office available.
- 5.3.3 The only exception to the requirement for personal contact by the member of staff as per 5.3.2. is in cases of serious illness. In these circumstances a relative or friend of the member of staff must contact the Line Manager as per 5.3.2.
- 5.3.4 Details should be given about the following:
- a) reason for absence;
  - b) anticipated length of absence;
  - c) where appropriate details of any outstanding or urgent work that needs to be dealt with;
  - d) where appropriate any meetings that will need to be cancelled or rescheduled.
- 5.3.5 Managers should ensure that:
- a) Any sickness absence that is notified to them is recorded and reported to the HR & Payroll Officer (HRPO);
  - b) Arrangements are made, where necessary, to cover work and to inform colleagues and complainants (while maintaining confidentiality).
- 5.3.6 Staff must keep their Line Manager up to date if their absence is likely to be longer than originally anticipated.

- 5.3.7 Staff should expect to be contacted during their absence by their Line Manager and/or Occupational Health who will want to enquire after their health and be advised, if possible, as to the expected return date.
- 5.3.8 If the absence is no more than 5 working days, staff must complete a self-certification of their sickness, authorised by their Line Manager. This should be completed immediately upon their return to work.
- 5.3.9 If the absence lasts for longer than 5 working days, staff must forward a medical certificate from their doctor (a “statement of fitness to work”) to Corporate Services (refer to 5.2.10) as soon as is reasonably possible after issue. Subsequent medical certificates will be required if the absence extends beyond the period covered by the initial medical certificate. Failure or undue delay in providing certificates may result in the uncertified days being considered as unauthorised absence (see section 6 of this policy).
- 5.3.10 To maintain confidentiality please address the envelope: Private & Confidential, **HR Business Partner**, Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ.
- 5.3.11 Where a Line Manager is concerned about the reason for absence, or frequent short-term absences, a medical certificate may be required for each absence regardless of duration. In such circumstances, PSOW will reimburse any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice/receipt.

### 5.4 Return to Work

- 5.4.1 If a doctor provides a certificate stating that staff "may be fit for work" staff should inform their Line Manager immediately. The Line Manager will discuss with staff any additional measures that may be needed to facilitate their return to work, taking account of the doctor's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, staff should remain on sick leave and the Line Manager will set a date for review.
- 5.4.2 If a member of staff is fit to return to work but it is not clear what measures may be required to support the return to work, a member of staff may be subject to paid medical suspension whilst advice / information on this is sought from occupational health or other advisers.

5.4.3 Regardless of the length of absence, Line Managers must conduct a Return to Work Interview with staff. The nature of the absence should be established, and if appropriate, any other factors which may have caused the absence should be discussed. Referral for occupational health or other advice may also be considered. Please refer to the return to work interview guidance notes at Appendix A.

### 5.5 Management of sickness absence

5.5.1 This policy aims to support a good level of staff attendance at work. This is essential to allow the PSOW to operate efficiently and to provide a good service to complainants and bodies. The policy sets out the steps that will be taken in the event that levels of absence are such that satisfactory attendance is not achieved. Sickness absences of every member of staff will be monitored over a 12-month rolling period. Absences above certain levels will be seen as resulting in unsatisfactory attendance and will trigger a formal Sickness Absence Meeting. The purpose of these meetings is to draw attention to the levels of absence, set out the need for satisfactory attendance and, in most cases, to warn staff of the consequences of further absence(s). There are three stages in the process, to allow staff the opportunity to improve attendance. At the final (third) stage a decision will be made as to what appropriate action is required. This may include consideration as to whether to terminate employment with PSOW on the grounds of unsatisfactory attendance.

5.5.2 Any one (or more) of the following will trigger a formal Sickness Absence Meeting (see section 5.6 & 5.7), to be arranged by the Line Manager:

**a) Sickness absences in any rolling 12-month period**

- 2 instances totalling 8 days or more; or
- 3 instances totalling 6 days or more; or
- 4 instances totalling 4 days or more; or
- 5 instances totalling 5 days or more.

**b) Sickness absences showing a repetitive or recurring pattern, including repeated warnings about unsatisfactory attendance.**

5.5.3 These criteria apply to full **and** part-time staff. (For part-time staff there will be no pro-rata calculation, so the absence of a part-time member of staff for all of their scheduled working day will count as a day.)

## Attendance & Absence Policy

5.5.4 If a member of staff is sick for only part of their scheduled working hours on a particular day, refer to section 5.2.

5.5.5 Absences considered at one formal meeting will also be taken into account, if there are further absence(s), for the purposes of calculating whether a further trigger point (see 5.5.2) has been met.

### 5.6 Stages of Formal Sickness Absence Process

5.6.1 At each point that the level of sickness absences reach the trigger points set out in paragraph 5.5.2 above, a formal Sickness Absence Meeting will be triggered. The stages and potential outcomes that will apply at each stage are set out below:

Stage	Trigger	Potential Outcome	Period
1	1 <sup>st</sup> occasion trigger point in para 5.4.2 met	Sickness Absence Meeting & formal 1 <sup>st</sup> written attendance warning	6 months
2	2 <sup>nd</sup> occasion trigger point in para 5.4.2 during 1 <sup>st</sup> written attendance warning period.	Sickness Absence Meeting & formal final written attendance warning	6 months
3 (Final)	3 <sup>rd</sup> occasion trigger point in para 5.4.2 during final warning period, or repeated warnings at Stages 1 and 2 without improved attendance	Sickness Absence Meeting & outcome as determined by the COO/DOI after consideration of all relevant circumstances – see 5.7.9 below.	To be determined by the COO/DOI after consideration of all relevant circumstances - see 5.7.9 below.

**Note:** The period for the written attendance warning will run from the last day of the absence that triggered the warning.

### 5.7 Formal Sickness Absence Meetings Procedure

5.7.1 Staff shall be given 5 working days' written notice of the date, time and place of a formal sickness absence meeting. Staff shall be advised in writing of the absence(s) that have triggered the meeting. Staff will have the right to be accompanied at any formal meetings as per section 5.8.

5.7.2 The meeting will be conducted by the Line Manager and will usually take place at PSOW premises. Alternatively, a home visit may be arranged if appropriate and with the member of staff's consent.

5.7.3 Staff must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If the member of staff or their companion are unable to attend at the time specified they should immediately inform their Line Manager who will seek to arrange an alternative time.

5.7.4 Each meeting will:

- bring the absence record to the attention of the member of staff;
- discuss the reasons for absence and the impact on the work of the PSOW;
- where staff are on long-term sickness absence, determine how long the absence is likely to last;
- where staff have been absent on a number of occasions, determine the likelihood of further absences;
- if the absence is related to work, allow discussion between the Line Manager and the member of staff about any measures that can be taken to assist, through reasonable adjustment or redeployment;
- make sure that the member of staff understands the policy, the aim of PSOW to reduce sickness absence and the potential risk of dismissal;
- identify the reason for the absences and establish whether there are any underlying problems or circumstances, including any relevant to the Equality Act 2010, that contribute to the absences;
- consider the member of staff's ability to remain in the job in view of both the attendance of the member of staff and PSOW's business needs;
- consider whether a temporary or permanent reduction in contracted hours, or other change, might be appropriate;
- set out the details of the warning or sanction to be applied, including

confirmation of the period the warning will remain in place and of the level of attendance required to avoid further action;

- set out any other actions will be taken arising from the meeting.

5.7.5 If the absences are due to personal problems, support arrangements will be discussed to assist staff. If absences are caused by circumstances such as childcare difficulties, the Line Manager and member of staff should discuss possible ways to resolve them. (See section 3.7 of this policy.)

5.7.6 Staff will, where appropriate, be referred to Occupational Health for examination/assessment to establish whether there is an underlying health problem, or for advice on the health of the member of staff and implications for his / her role. Additional medical advice may be sought by the PSOW if considered appropriate. See 5.14.

5.7.7 A meeting may be adjourned if the Line Manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Staff will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

5.7.8 Within 5 working days of Stage 1 and Stage 2 meetings a letter will be sent recording what was discussed, confirming the details of the warning or sanction to be applied, including confirmation of the period the warning will remain in place and of the level of attendance required to avoid further action. The letter will set out any other actions, arising from the meeting, that are to be taken., The letter will make clear that continued employment is dependent on satisfactory attendance and that further action will be taken in the event that further absence(s) result in a further trigger point (as set out in 5.4.2 above) being met. The warning will remain current for a period of six months from the last day of the absence that triggered the warning. A copy of the letter will be placed on the member of staff's personnel file.

### Final Stage (Stage 3) Sickness Absence Meeting

5.7.9 Where absence(s) trigger stage 3, the final stage of the process, COO / DOI will arrange a meeting under the third stage of the sickness absence procedure. Human Resources advice will be sought and the HRBP may attend the meeting. Arrangements for this meeting will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

5.7.10 The purposes of the meeting will be:

- To review the meetings that have taken place and matters discussed with staff.
- Where staff remain on long-term sickness absence, to consider whether there have been any changes since the last meeting (under stage two of the procedure) with regard to possible return to work or opportunities for redeployment.
- To consider whether ill-health retirement in accordance with the appropriate pension scheme may be appropriate
- To consider any further matters that staff wish to raise.
- To review any medical and occupational health advice and consider whether there is a reasonable likelihood of staff returning to work or achieving the desired level of attendance in a reasonable time.
- To consider any other relevant factors.
- To consider termination of employment.

### 5.8 Right to be Accompanied at Sickness Absence Meetings and Appeals

5.8.1 Staff may bring a companion to any formal meeting or appeal meeting under this procedure.

5.8.2 The companion may be either a Trade Union representative or a work colleague. Their identity must be confirmed to the manager conducting the meeting, in good time before it takes place.

5.8.3 A companion may make representations, ask questions, and sum up the member of staff's position, but will not be allowed to answer questions on behalf of the member of staff behalf. Staff may confer privately with their companion at any time during a meeting.

5.8.4 Staff are allowed reasonable paid time off during office opening hours to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

### 5.9 Appeals

5.9.1 Staff may appeal against the outcome where a warning has been issued at any stage of this procedure and staff may bring a companion to an appeal meeting (a work colleague or Trade Union Representative).

5.9.2 An appeal against a decision, including a decision to terminate employment, should be made in writing, stating the full grounds of appeal, to the HRBP within 5 working days of the date on which the decision was sent to the member of

staff.

- 5.9.3 The appeal will be held as soon as possible. Staff will be given written notice of an appeal meeting within 10 working days of receiving the appeal notification. However, any new matters raised in an appeal may delay an appeal meeting if further investigation is required. The member of staff will be informed of the time, date and location of the meeting and will be reminded of their right to be accompanied.
- 5.9.4 Staff will be provided with written details of any new information which comes to light before an appeal meeting. Staff will also be given a reasonable opportunity to consider this information before the meeting.
- 5.9.5 An appeal meeting regarding a stage 3 outcome, which includes the termination of employment, will be conducted by the Ombudsman.
- 5.9.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 5.9.7 Notes of the meeting will be taken. These notes will be circulated to the member of staff for agreement. The notes should be returned with any amendments within 5 working days. A copy of the finalised notes will be re-issued to the member of staff.
- 5.9.8 Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible, within 2 working days of the appeal meeting.
- 5.9.9 The appeal decision is final. There will be no further right of appeal.
- 5.9.10 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of employment or pay.

### **5.10 Long Term Sickness Absence**

- 5.10.1 When staff have been absent from work due to sickness or injury for 20 working days or more on one occasion, it will be considered long term sick leave and will trigger the formal sickness absence meetings procedure. At each sickness absence meeting, a review date will be determined for a further meeting to be arranged.

5.10.2 As part of PSOW's sickness absence meetings procedure, it will, where appropriate and possible, support return to work by:

- Obtaining medical / occupational health advice;
- Making reasonable adjustments to the workplace, working practices and working hours;
- Considering redeployment; and/or
- Discussing a return to work programme with everyone affected.

5.10.3 PSOW seeks to deal with staff on long term sick leave sympathetically, providing whatever support is necessary and appropriate to facilitate return to work. While staff are absent from work, Line Managers are expected to keep in regular informal contact with them and informal meeting(s) should be arranged (either at PSOW premises, or at their home or at another agreed location) as part of the support process. PSOW will be flexible about these meetings and both the manager and the member of staff involved are expected to find a way of meeting that is acceptable to both parties.

5.10.4 The purpose of these informal discussions/meetings will be to ensure that staff are receiving appropriate support and to ensure that PSOW has an up to date understanding of the medical situation and prognosis.

### **5.11 Adjustments including phased return to work**

5.11.1 PSOW will consider all reasonable adjustments, which could be made in the workplace, in order to help staff who have been on long term sick return to work. PSOW will consult with the member of staff regarding any adjustments that may be required and, if necessary, seek expert advice. Advice received will be taken into account in any decision made by PSOW on adjustments. Such adjustments may include a reduction in contracted hours, the transfer of certain duties to other staff, physical adjustments and re-training. Any adjustments may be adopted on a temporary or permanent basis depending on the circumstances of each case.

5.11.2 Where appropriate and where this can be accommodated by PSOW, a phased return (i.e. working reduced hours for a time limited period, normally up to a maximum of 4 weeks) may be agreed, Advice received will be taken into account in any decision made by PSOW on a phased return. Days / hours not worked during a phased return will be treated as sickness for sick pay and sickness absence monitoring purposes provided that these are covered by a

doctor's note. However agreed absences during a phased return will not be treated as additional **instances** of sickness absence. Days/ hours not worked during an agreed phased return will otherwise be treated as unpaid leave. Staff may request annual/flexi leave instead of unpaid days, but this would be subject to the normal leave authorisation process and therefore dependent on office cover and operational requirements.

### 5.12 Alternative employment

5.12.1 If staff are unable to return to their own job their Line Manager will, with the assistance of the HRBP and advice from Occupational Health where appropriate, consider offering a suitable alternative role (either on a temporary or permanent basis), although PSOW will not be obliged to create a new position for this purpose.

5.12.2 If staff refuse to co-operate in providing medical evidence or to undergo an independent medical examination, staff will be notified in writing that a decision will be taken on the information available and that it could result in dismissal.

5.12.3 If staff return to work in an alternative role, they will be offered the terms and conditions that are applicable to that role.

### 5.13 Termination of employment

5.13.1 If it is clear that staff are unlikely to be able to return to work PSOW can recommend the member of staff (if they are a member of PCSPS or LGPS) for ill health retirement. **Ill health retirement is however subject to the scheme medical advisers confirming that the ill health is likely to be permanent and that it prevents the member of staff from carrying out their work.** Benefits payable will be in accordance with the relevant pension scheme.

5.13.2 Where dismissal is appropriate, this will be determined by the COO/DOI following consultation with PSOW's HR adviser. The member of staff will be given the appropriate level of notice and the right of appeal.

5.13.3 Termination will normally be with full notice or payment in lieu of notice.

5.13.4 The process outlined above will not apply to staff during their probationary period. In respect of staff during their probationary period, attendance will be monitored and any concerns will be discussed with the member of staff. Unsatisfactory attendance during the probationary period is likely to result in

employment not being confirmed and consequently in termination of employment.

### 5.14 Medical examinations

5.14.1 PSOW recognises the benefits of occupational health advice and may ask staff at any stage of absence to undergo an occupational health medical examination. Where stress is involved this will be immediate, and in other cases a referral will be made where an absence lasts (or is anticipated to last) four weeks or more. Staff will be advised of the purpose of the referral (and will receive a copy of the referral if requested). Staff are expected to attend any such appointments and if they unreasonably do not attend, decisions will be made on the evidence available.

5.14.2 If staff wish to receive a copy of the occupational health report, they should request this at the time of the referral. The purpose of the examination may include the following:

- a) to identify the medical reason for the absence;
- b) to establish whether there are any underlying problems or circumstances contributory to the absences;
- c) to establish whether the absences are work related;
- d) to identify a likely return to work date;
- e) to establish whether the illness will have a long-term effect on the ability to carry out the duties of the post;
- f) to establish the effect the illness has on the ability to attend work on a regular basis;
- g) to try to identify any adjustments that PSOW could make to help the return to work.

5.14.3 The Occupational Health Adviser may seek additional information from General Practitioners and/or consultants. If this is necessary, such information will be obtained in accordance with the Data Protection Act 2018 and the Access to Medical Reports Act 1988 (consent will be sought in writing).

5.14.4 Once the occupational health report has been received by PSOW, further consultation will take place with staff before any decisions are made regarding the member of staff's employment with PSOW.

5.14.5 If staff refuse to give consent for PSOW to view the medical report and/or the release of medical records the Line Manager should point out that PSOW would prefer to base its decision on up-to-date medical evidence but that, if such

evidence is withheld, a decision will be made upon the information available at the time.

5.14.6 Staff will normally be able to access any medical records held by PSOW at any time in accordance with the provision of the Data Protection Act 2018. Information acquired by PSOW on staff's health is to be treated in the strictest confidence at all times.

### 5.15 Stress Related Illness

5.15.1 Stress is something that anyone can suffer from at any time. The PSOW encourages staff who feel that they are having difficulties to discuss the situation with their Line Manager or the HRBP at an early stage to allow immediate referral to Occupational Health or other appropriate support service.

5.15.2 Please refer to the Health and Safety Policy for further information and guidance.

### 5.16 Specialist health problems

5.16.1 Where it is established by a medical practitioner that a member of staff is suffering from alcohol or drug related problems, these will usually be treated as a medical matter, rather than dealing with the issue through the Disciplinary Policy. This is with the exception of when a member of staff's conduct at work is inappropriate.

### 5.17 Absence and Disability

5.17.1 If staff have a medical condition or disability as defined by the Equality Act 2010 which affects their ability to undertake their work, they should notify their Line Manager.

5.17.2 Disabled people generally take no more sick leave than other staff. However, a minority, owing to their condition may need to take additional disability-related absence. In employing and managing disabled staff, PSOW will seek to distinguish between general sick leave and disability-related sick leave to ensure that the disabled staff are dealt with in a non-discriminatory way. The time required for regular ongoing medical appointments or treatment will be treated as paid special leave (see 1.5.5 and 3.10.1). Disability-related sick leave (sick leave arising directly from the disability) will be recorded separately. Such absences will be discussed with the member of staff involved, together with the

need for any additional support or adjustments. However, disability-related sick leave that reaches the levels set out in paragraph 5.5.2 will not automatically trigger the sickness absence meetings and outcomes set out in section 5.6 of the policy.

5.17.3 PSOW will comply with its obligations to make reasonable adjustments under the Equality Act 2010.

5.17.4 In the event that staff become disabled, PSOW will consider all reasonable adjustments, which could be made to staff's workplace in order to help their return to work, at each stage of the sickness absence meetings procedure. PSOW will consult with the member of staff regarding any adjustments that may be required and, if necessary, seek expert advice. Such adjustments may include a reduction in contracted hours, a phased return (i.e. to work reduced hours for a time limited period), the transfer of certain duties to other staff, physical adjustments and re-training. Any adjustments may be adopted on a temporary or permanent basis depending on the circumstances of each case. Days/ hours not worked during a phased return will be treated as sickness for sick pay and sickness absence monitoring purposes provided that these are covered by a doctor's note. Days not worked during an agreed phased return will otherwise be treated as unpaid leave, or in exceptional circumstances and by agreement, holiday leave / Flexi leave.

### 5.18 Absence and pregnancy

5.18.1 Absence related to pregnancy will not be included in any assessment of a member of staff's sickness record. Staff absent from work with a pregnancy related illness are advised to contact the HRBP.

5.18.2 If staff are sick due to a pregnancy related illness, it may be appropriate to commence the maternity leave earlier than anticipated. Please see the PSOW Maternity Leave policy.

### 5.19 Sick Pay

5.19.1 PSOW operates a Sick Pay Scheme comprising Occupational Sick Pay and Statutory Sick Pay. Payment is made to staff who are absent from work because of certified sickness, or injury that is not attributable to their own negligence or misconduct.

5.19.2 Within any span of 12 months, payment for sickness absence shall be in accordance with that stipulated in contracts of employment. In accordance with PSOW contracts of employment, sickness absences during a member of staff's probationary period are unpaid.

5.19.3 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, staff must immediately notify their Line Manager of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If PSOW require staff to do so, staff must cooperate in any related legal proceedings and refund PSOW that part of any damages or compensation staff recover that relates to lost earnings for the period of sickness absence as PSOW may reasonably determine, less any costs staff incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to PSOW shall not exceed the total amount PSOW paid to staff in respect of the period of sickness absence.

5.19.4 In order to access these benefits staff must comply with the sickness absence procedures outlined in this policy. Entitlement to Sick Pay is subject to notification of absence and production of self-certification and medical certificates. Failure to comply at any stage will jeopardise the receipt of these benefits. Falsifying sickness records is misconduct and dealt with under the PSOW Disciplinary Policy.

### 5.20 Annual Leave & Sickness Absence

5.20.1 After any period of sick leave staff may not take holiday leave unless:-

- a) Staff have gone back to work for at least one day; or
- b) They produce a self-certificate or medical certificate as appropriate saying that they are fit to return to work; or
- c) The holiday leave in question was arranged and agreed before the period of sickness.

5.20.2 If staff fall sick while on holiday leave, at the discretion of the Ombudsman, the period of illness may be treated as sick leave rather than holiday leave. The usual requirements for notification to the Line Manager and self-certification or medical certification in this policy will apply. Any such sick leave will, in the normal way, be taken into account in considering absences under paragraph 5.4.2 of this policy.

5.20.3 Where a dependent has been ill, at the discretion of the Ombudsman, the Special and Emergency Leave Policy may apply, and a proportion of the holiday leave may be taken at a later date.

### 5.21 Effect on Incremental Pay

5.21.1 In cases where staff have been absent for less than nine months within the review period, they will be assessed in the normal way and, where appropriate, may be awarded an incremental pay increase, which reflects their performance whilst at work.

5.21.2 Staff who have been absent for more than nine months during the review period will receive any cost of living rise only.

## 6. Unauthorised absence

6.1.1 Staff who contravene this policy may have the related absence viewed as unauthorised absence. The following examples are not exhaustive:

- a) Absences that are not authorised in advance by the line manager where required as set out in this policy;
- b) Absences related to staff not following the correct notification requirements as set out in this policy;
- c) Absences where staff have failed to provide the necessary documentation (e.g. medical certificates);
- d) Recurring lateness (outside of any agreed working pattern authorised by or agreed with the Line Manager);
- e) Altering or causing to have altered any of the details on any medical certificate, e.g. date, signature, reason for absence etc;
- f) Giving inaccurate or misleading information about any absence;
- g) Undertaking any other employment during sickness absence whether paid or unpaid which is in any way inconsistent with the nature of any illness or injury;
- h) Actions by staff considered to be inconsistent with genuine sickness or injury such as participation in any sport, hobby, social or other activity which could aggravate the illness or injury or which could delay recovery.

6.1.2 Unauthorised absence may be dealt with under the PSOW Disciplinary or Capability Policies and may also be subject to deduction in pay/sick pay.

### 7. Policy Review

7.1.1 This policy will be:

- reviewed every two years
- published internally and externally.

### Return to work interview guidelines

The return to work interview should be conducted after each period of absence.

#### Reasons for conducting a Return to Work Interview

- to ensure that staff are fit to return to work;
- to indicate that the staff's absence was notified and they were missed;
- to welcome staff back, bring them up-to-date and help them settle in;
- to determine staff's reasons for absence;
- to discuss whether the absence was related to work and, if so, what can be done to ensure that the situation does not arise again;
- to assess any future impact on work performance and consider whether the member of staff requires any assistance;
- to review staff's attendance record;
- to agree any action/improvements necessary for the future; and
- to confirm that Corporate Services will be assessing whether any sickness absence trigger points have been met upon their receipt of the Return to Work form.

#### Aim of Interview

- to make people feel valued members of the team;
- to reinforce the importance of regular attendance at work;
- to raise the threshold of "avoidable" sickness absence; and
- to demonstrate that absence is a high priority for PSOW and that policies are put into practice.

#### Good Practice in conducting the interview

- The return to work interview provides an opportunity to talk issues through with staff in a constructive and positive manner, and to prevent "minor" absence problems developing into more serious ones.
- The emphasis should be on "active listening" with an overriding sense of fairness, respect and empathy throughout.
- The interview should not be used as a "disciplinary" interview.
- The Line Manager must make a written note of the return to work interview, which may become relevant if the formal capability procedure needs to be invoked at a later stage.

Staff should be given a copy of the written note and asked to sign it to confirm that it reflects an accurate record of the meeting.

The process is about Good Management i.e. communicating openly and sensitively with staff to reach an agreed course of action, where appropriate.

### Reasons for Absence

Line Managers should recognise that in some cases the “stated” reason(s) for absence may disguise the real reason. It is important to listen, ask questions, avoid making quick judgments or assumptions about their reasons for absence prior to a fair and two-way discussion.

Absence may be due to any one or a combination of the following reasons:

- Sickness, serious or minor
- Stress/anxiety
- Domestic issues
- Boredom
- Job dissatisfaction
- Travel problems
- Financial worries
- Harassment
- Demanding hobby
- Other employment

### Style of Interview

For cases of unavoidable absence due to an illness which is clearly evident, for example measles, which may be self-certified or certified by a doctor, the interview will probably be very informal and will take only a short time. The emphasis should be on welcoming staff back to work, and discussing issues focused on resuming their normal duties as soon as possible. In less obvious situations the interview will need to be more searching. The Line manager will need to listen carefully to the reason for absence and make an informed judgment based on the facts and background to each situation.

### Points to consider

- prepare for the interview
- set aside time
- arrange privacy
- welcome staff back, show concern and empathy
- ask them why they were absent
- define the problem
- discuss the overall situation in context with their job
- agree any action
- follow up
- keep a record

**Return To Work Interview Form (following Sickness Absence)**

<b>Name</b>			<b>Team</b>		
<b>Duration of Absence</b>			1 <sup>st</sup> day of return to work	Working days	
From:	To:				
Notification process followed?	Yes	No	Is an occupational health referral appropriate?	Yes	No
Medical Certificate attached?	Self	G.P.	Occupational health appointments kept?	Yes	No or N/A
Absence Record discussed?	Yes	No	*Please circle answers as appropriate		
Is a pattern emerging?	Yes	No			

Explanations provided by employee for absence	
Was absence work related: If Yes, How?	Was absence pregnancy related?
Disability Discrimination Legislation: Do the reasons for absence require any reasonable adjustments under the Disability Discrimination Legislation?	
Comments: (including Problems identified, action to be taken, re-interview arrangements)	
Future Action: (e.g. referral to Occupational Health, change in working arrangements)	

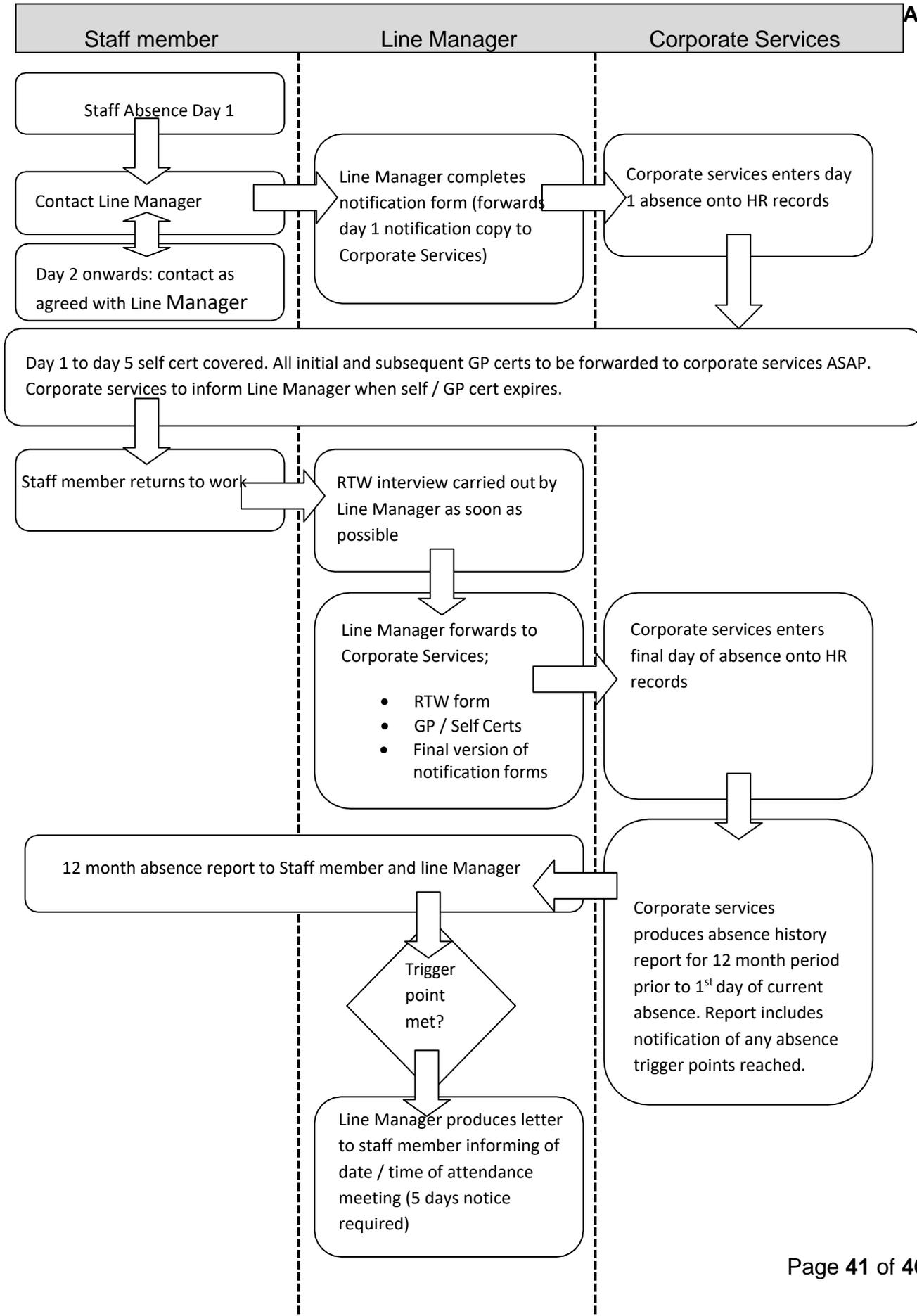
Line Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Please hand this form to Corporate Services ASAP. Following receipt of this form, Corporate Services will subsequently inform the member of staff & Line Manager in the event that absence trigger points have been met***

# Attendance & Absence Policy

**Appendix C**



Special Leave Form

Name:	
Date(s)/Time(s) of proposed special leave:	
Number of days (or hours if less than 1/2 day)	days / hours
Reason for Request:	
Paragraph number of Attendance and Absence Policy that applies	
Comments	
Signature..... (Line manager)	.....Date.....

COO / DOI signature..... (where required by the policy)	.....Date.....
--	----------------

Hr : Min to be credited for flexitime purposes

:
---