

Attendance and Wellbeing Policy

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1 Introduction

1.1 Policy Statement

- 1.1.1 PSOW considers the health and wellbeing of its staff important and is committed to creating and maintaining a positive organisational culture which encourages and maximises attendance, encourages work life balance and provides health promotion.
- 1.1.2 As an Organisation, we are committed to help prevent and reduce absence levels, provide assistance to staff with health problems at an early stage and encourage overall good attendance. A good level of staff attendance at work is crucial to the success of the service we provide and repeated or extended sickness absence does put continued employment at risk. The reduction of sickness absence levels will improve service delivery, increase employee morale, and increase job security. Sickness absence is an inevitable and complex organisational issue and should not be viewed in isolation but within the broad context of the Organisations' obligation to ensure the health, safety and wellbeing of all staff and the organisational factors, which may affect sickness absence levels.
- 1.1.3 This policy and procedure 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 some of the key factors for reducing absence are early intervention and good communication by all parties.
- 1.1.4 This policy applies to all staff irrespective of status and/or grade, age, disability, gender identity/reassignment, marriage and civil partnership, pregnancy and maternity (including same sex couples), race, religion or belief, sex, sexual orientation and Welsh language.

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- 1.1.5 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.
- 1.1.6 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.
- 1.1.7 Any references to “manager” throughout this policy and procedure includes any level of staff member that manages others.

1.2 Aims and Objectives

1.2.1 The aims of this policy are to:

- Ensure a consistent and fair approach to the application of the Ombudsman’s attendance requirements, with respect, understanding and sensitivity for all staff within the Organisation.
- Help and encourage all staff to achieve and maintain acceptable levels of attendance.
- Ensure that management and staff are aware of their rights, responsibilities and obligations within the Attendance and Wellbeing procedure.
- Ensure that staff experiencing problems with attendance at work are supported wherever it is both practicable and reasonable.
- Improve PSOW’s performance to deliver a quality service to complainants by motivating employee attendance.

- Provide a clear framework for Line Managers to follow when dealing with both long term and short term absence effectively.
- Minimise frequent absences which are disruptive to service users and colleagues;
- Give clear guidelines to staff on how absence is handled and the implications for unacceptable levels of attendance;
- Ensure the operation of this policy will reflect the requirements of the Equality Act 2010;
- Communicate that 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;
- Ensure that information about the nature of sickness absence is treated confidentially. 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.

1.3 Roles and Responsibilities

1.3.1 It is important that everyone clearly understands and fulfils their role and responsibilities within this process.

1.3.2 Staff Responsibilities

All Staff are responsible for:

- Attending work on a regular basis in accordance with their contract of employment.
- Ensuring they read, understand and comply with this policy and procedure.
- Fully co-operating with the requirements of this policy, including attendance at Return to Work Interviews (either face to face or remotely), Occupational Health if requested, contact meetings.

- Maintaining confidentiality at all times during any sickness proceedings, with the exception of any conversations which may be necessary with their chosen Representative or their family.
- Advising their managers if they have any condition, which is substantially affecting their ability to do their work.
- Not allowing minor ailments to negatively affect attendance.
- Behaving and acting in a way that is consistent with the PSOW values.

1.3.3 Ombudsman/Chief Operating Officer/Directors

In addition to their responsibilities as staff members, senior managers are also responsible for:

- Providing good working conditions.
- Ensuring health and safety standards are maintained.
- Ensuring appropriate risk assessments including stress risk assessments are carried out as and when required.
- Ensuring all staff are aware of this policy.
- Ensuring managers are given appropriate training and support to operate policies effectively.
- Ensuring managers monitor absence and take actions as required by the policy and procedure.
- Encourage teamwork.
- Ensuring all managers record absences and actions at various stages of the policy and procedure.

1.3.4 **Manager Responsibilities**

In addition to their responsibilities as staff members, managers are also responsible for:

- Ensuring staff are aware of all relevant policies and procedures by whatever means are most appropriate.
- Establishing, demonstrating and consistently upholding standards of acceptable attendance.
- Fully understanding and adhering to PSOW's Attendance and Wellbeing Policy and where it is implemented, applying it fairly, consistently and in a timely way.
- Seeking advice and support from the Human Resources Business Partner as and when appropriate.
- Minimising absence through sickness absence.
- Keeping adequate notes and records of all events and evidence to support the use of the policy and ensuring formal notes are forwarded to HR.
- Carrying out appropriate risk assessments, including stress risk assessments as appropriate.
- Ensuring that this policy is adhered to at all times including timescales, appeal rights, rights to representation etc.
- Maintaining confidentiality at all times throughout the process.

1.3.5 **Human Resources Business Partner Responsibilities:**

In addition to their responsibility as a member of staff, the HRBP is also responsible for:

- Providing advice, guidance and support to managers to ensure that this policy is applied correctly.

- Providing all staff with information and advice as necessary throughout the process
- Support managers in the review and monitoring of sickness cases and outcomes and to undertake any remedial action that may be necessary.
- Support managers to manage sickness cases of 4 weeks or more and cases of absence due to stress.
- Reviewing the application of the policy and procedures in the light of operational experience.

2 Employee wellbeing commitment

- 2.1 As an Organisation and employer, we aim to promote and encourage wellbeing at work. Wellbeing produces positive attitudes, engagement, motivation and innovative thinking. Wellbeing is an important factor in building employee engagement and is therefore a key management issue. PSOW is committed to continuing to address barriers to wellbeing as well as proactively identifying ways in which we can enhance employee wellbeing.
- 2.2 At PSOW, we support staff wellbeing in a number of different ways which includes providing support to staff through the provision of self referral external counselling as well as external Occupational Health services. We have a Wellbeing Strategy and Wellbeing Working Group in place. The Wellbeing Working Group identifies and arranges a range of health and wellbeing initiatives which are implemented throughout the year to support staff.
- 2.3 The Wellbeing Strategy signals the commitment the Organisation has made to continue to identify ways in which the Organisation can develop a culture that supports staff wellbeing, where staff wellbeing can flourish through the removal/reduction of barriers to wellbeing and implementation of initiatives to proactively address staff wellbeing.

2.4 The Organisation will:

- Continue to promote health and wellbeing through management policies, support services, information, health promotions and initiatives.
- Prevent, as far as is practicable, those circumstances detrimental to staff wellbeing or where such outcomes are for whatever reason unavoidable, respond with early support and intervention to limit the effects and promote recovery.

2.5 The PSOW recognises that a proactive approach to health and wellbeing is the best mechanism for improving the attendance and performance of staff and is committed to continue to develop and support initiatives that focus on staff health and wellbeing.

3 Sickness management procedures

3.1 Key Principles

3.1.1 This procedure deals with sickness absence and the effects it has on Staff and the organisation. Any form of abuse of this procedure will be dealt with under the Disciplinary Policy.

3.1.2 It is the responsibility of managers to minimise absence through sickness, not only to ensure and maintain best quality service delivery but also to avoid disproportionate stress impact on remaining staff. The management of sickness absence is one element of the PRDP process and managers should record the attendance of staff as part of that process. This also provides an opportunity for recognising good attendance as well as opening the dialogue when attendance is or moving towards attendance that is less than satisfactory.

3.1.3 Work related factors, including the job itself, should be monitored by managers as part of this process to assess any impact on attendance. Staff should raise concerns with their manager if they believe their job, or any

circumstances connected with their employment, is making them ill or contributing to illness.

- 3.1.4 Staff should also advise their managers if they have a condition, which is substantially affecting their ability to do their work. In such cases managers can contact the HRBP to talk through options to overcome this.
- 3.1.5 Staff must not attend work if their condition means that they could compromise the health and safety of themselves or others.
- 3.1.6 A referral to Occupational Health for a medical opinion can be made at any time in this procedure, regardless of sickness absence duration. Managers may make a referral through consultation with the HRBP and the staff member must be informed. Referrals may also be made where the staff member expresses concerns about their health even when they are not absent from work.
- 3.1.7 Each sickness case will be judged on its merits and the individual circumstances of each case will be considered with understanding and sympathy. Talking to a staff member about their absence, does not indicate that we do not believe the staff member is unwell but managers must balance the operational effect of the absence on service delivery.
- 3.1.8 Return to work interviews must be carried out by the relevant manager after every sickness absence, preferably on the day of return but no later than 3 days after the return to work, unless work patterns dictate otherwise.
- 3.1.9 **Appropriate** training will be provided to managers to achieve consistent and sympathetic treatment of all staff under this procedure. All staff must be made aware of the sickness procedures and their responsibilities.
- 3.1.10 Staff must be advised of their right to be represented at all formal stages of this procedure by a Trade Union representative or work colleague. Sufficient notice must be given to staff wherever possible, prior to any formal interview being convened. At the informal support stage a staff member would not

normally need to be represented, but they may request it if they feel that the circumstances require it. However, the routine return to work interview is excluded from these provisions.

- 3.1.11 This policy will link in with other associated PSOW policies in relation to health and wellbeing. Whilst the Organisation will manage cases in accordance with the provision of these policies, the fact that sickness absence is as a result of a disability, work related issue or caused by substance misuse does not mean that appropriate action cannot be taken in these circumstances.
- 3.1.12 **Staff must not engage in any external work (paid or unpaid) whilst on sickness absence, without prior approval from their manager.**

3.2 Notification and Certification of Sickness Absence

- 3.2.1 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/stop 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.

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- 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]

- 3.2.2 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 should speak to the HRBP or Corporate Services.
- 3.2.3 The only exception to the requirement for personal contact by the member of staff is in cases of serious illness. In these circumstances a relative or friend of the member of staff must contact the Line Manager regarding the absence.
- 3.2.4 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.
- 3.2.5 Managers should ensure that:
 - a) Any sickness absence that is notified to them is recorded and reported to the HR & Payroll Officer (HRPO);

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- b) Arrangements are made, where necessary, to cover work and to inform colleagues and complainants (while maintaining confidentiality).
- 3.2.6 Staff must keep their Line Manager up to date if their absence is likely to be longer than originally anticipated.
- 3.2.7 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.
- 3.2.8 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.
- 3.2.9 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 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 resulting in the possibility of pay being deducted.
- 3.2.10 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.
- 3.2.11 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.

3.3 Return to Work

- 3.3.1 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.
- 3.3.2 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.
- 3.3.3 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.

3.4 Management of sickness absence

- 3.4.1 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.

3.4.2 Any one (or more) of the following will trigger a formal Sickness Absence Meeting, 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. Examples of patterns of absences are:

- Always returning to work when going into half pay/nil pay.
- Sickness absence during School Holidays/Christmas.
- Sickness absence immediately before or after Bank Holiday/Annual Leave.
- Sickness absence on the same days/months i.e. Fridays/Mondays/October/November.
- Sickness absence around deadlines.
- Sickness absences that always last 5 days or are of a similar duration.
- Sickness absences that just miss out on stages and/or the frequency/quantity of absence gives cause for concern or going on the sick as soon as a warning is out of time.

- Repeatedly hitting stage.
- Sickness absence resulting from frequent/regular work accidents.
- Recurring dates.
- Sporting events.

3.4.3 This list is neither prescriptive nor exhaustive and there is no set number of times that absences have to occur before it becomes a pattern. Where a pattern is observed this must be dealt with under the formal procedure. Although some patterns may take time to become evident a manager should normally need to look at 2 – 3 years for a pattern to be identified. In relevant cases, where a pattern has been established, managers should escalate the staff member to the next trigger stage as set out in this policy, unless there is substantial mitigation not to do so.

3.4.4 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.)

3.4.5 If a member of staff is sick for only part of their scheduled working hours on a particular day, refer to section 3.2.1.

3.4.6 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 has been met.

3.5 Stages of Formal Sickness Absence Process

3.5.1 At each point that the level of sickness absences reach the trigger points set out in paragraph 3.4.2 above, a formal Sickness Absence Meeting will be triggered. The stages and potential outcomes that will apply at each stage are set out below:

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Stage	Trigger	Potential Outcome	Period
1	1 st occasion trigger point met	Sickness Absence Meeting & formal 1 st written attendance warning	6 months
2	2 nd occasion trigger point in para 5.4.2 during 1 st written attendance warning period.	Sickness Absence Meeting & formal final written attendance warning	12 months
3 (Final)	3 rd 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.

3.6 Formal Sickness Absence Meetings Procedure

3.6.1 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.

3.6.2 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.

3.6.3 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.

3.6.4 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.

3.6.5 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.

- 3.6.6 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.
- 3.6.7 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.
- 3.6.8 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 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.

3.7 Final Stage (Stage 3) Sickness Absence Meeting

- 3.7.1 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 will 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.

3.7.2 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.

3.8 Right to be Accompanied at Sickness Absence Meetings and Appeals

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

3.8.2 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.

3.8.3 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.

3.8.4 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.

3.9 Appeals

3.9.1 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).

3.9.2 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.

3.9.3 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.

3.9.4 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.

3.9.5 An appeal meeting regarding a stage 3 outcome, which includes the termination of employment, will be conducted by the Ombudsman.

3.9.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

3.9.7 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.

- 3.9.8 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.
- 3.9.9 The appeal decision is final. There will be no further right of appeal.
- 3.9.10 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.

3.10 Long Term Sickness Absence

- 3.10.1 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.
- 3.10.2 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.
- 3.10.3 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.

- 3.10.4 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.

3.11 Adjustments including phased return to work

- 3.11.1 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.
- 3.11.2 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 considered. 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.

3.12 Alternative employment

- 3.12.1 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.
- 3.12.2 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.
- 3.12.3 If staff return to work in an alternative role, they will be offered the terms and conditions that are applicable to that role. Pay protection will not apply in these circumstances.

3.13 Termination of employment

- 3.13.1 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.
- 3.13.2 Where dismissal is appropriate, this will be determined by the COO/DOI following consultation with PSOW's HRBP. The member of staff will be given the appropriate level of notice and the right of appeal.
- 3.13.3 Termination will normally be with full notice or payment in lieu of notice.
- 3.13.4 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 either an extension of the probationary period or termination of employment.

3.14 Medical examinations

- 3.14.1 PSOW recognises the benefits of occupational health advice and may ask staff at any stage of absence to undergo an occupational health medical examination. 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.
- 3.14.2 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.

- 3.14.3 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).
- 3.14.4 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.
- 3.14.5 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.
- 3.14.6 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.

3.15 Stress Related Illness

- 3.15.1 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.
- 3.15.2 Please refer to the Health and Safety Policy for further information and guidance.

3.16 Specialist health problems

3.16.1 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.

3.17 Absence and Disability

3.17.1 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.

3.17.2 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. 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 for triggers will not automatically trigger the sickness absence meetings and outcomes set out in this policy.

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

3.17.4 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.

3.18 Absence and pregnancy

- 3.18.1 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.
- 3.18.2 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.

3.19 Sick Pay

- 3.19.1 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.
- 3.19.2 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.

- 3.19.3 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 co-operate 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.
- 3.19.4 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.

3.20 Annual Leave & Sickness Absence

- 3.20.1 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.
- 3.20.2 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.

- 3.20.3 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.

3.21 Menopause

- 3.21.1 Staff who are experiencing any stage of menopause may experience symptoms that have a detrimental impact on their work. It is important that staff speak to their manager to let them know as soon as they can. If a staff member does not feel comfortable talking to their manager about such a personal issue, they can speak to any of the Menopause Mentors in place who can then raise the matter with the manager on their behalf. Staff are advised to familiarise themselves with the Menopause Policy.
- 3.21.2 Staff who are absent as a result of menopause symptoms will have their absence discounted for trigger purposes, as long as the absence is certificated by their GP. The absence has to be specifically attributed to the menopause by the GP for it to be discounted.

3.22 Elective Procedures including Cosmetic Surgery

- 3.22.1 Where the surgery is not medically essential, occupational sick pay will not be paid. Where plastic or cosmetic surgery is certified by a Medical Advisor indicating that such surgery is essential to the staff member's health, the employee will receive occupational sick pay.
- 3.22.2 If surgery is to be carried out without this certification, then occupational sick pay will not be paid and arrangements for annual leave or unpaid leave must be made in advance. Statutory Sick Pay (SSP) would be payable and where annual leave is taken then pay will be offset against the SSP. This will also apply to any absence resulting from illness, such as infection, following surgery.

3.23 Terminal Illness

3.23.1 A diagnosed terminal illness, which has been confirmed and evidenced by Occupational Health will not be counted towards the trigger process.

3.24 IVF

3.24.1 Where a staff member is going through IVF any absences linked to this after their eggs have been collected will not be counted towards the trigger process.

3.25 Effect on Incremental Pay

3.25.1 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 and will be awarded their annual increment.

3.25.2 Staff who have been absent for more than nine months during the review period will receive any cost of living rise only and will not automatically increment.

3.26 Unauthorised absence

3.26.1 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);

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- 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.

3.26.2 Unauthorised absence may be dealt with under the PSOW Disciplinary Policy and may also be subject to deduction in pay/sick pay.