

Sickness Absence Policy



Walsall Council

Version Control

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Purpose	This policy is intended to support employees in respect of their health and wellbeing at work and provide a framework to support managers to effectively and sensitively manage employee sickness absence in a fair, consistent, supportive and legally compliant manner across the council.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Code of Conduct
- Disciplinary Policy
- Performance and Ill Health Capability Policy
- Probation Policy
- Safety Management Standards
- Workforce Strategy
- Behaviour & Standards Framework
- Annual Leave and Bank Holiday Entitlement
- Flexi-time scheme
- Special Leave Guidelines
- Sickness Absence Guidance
- Appeals Policy

This list is not exhaustive.

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1. Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The council aims to encourage all its employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work because of ill health. By implementing this policy, the council aims to strike a reasonable balance between the pursuit of its operational needs and the genuine need of employees to take time off work because of ill health through providing a productive and supportive working environment, including an employee health and wellbeing offer, Employee Assistance (and counselling) Programme (EAP), Occupational Health (OH) and physiotherapy services.
- 1.6 While the council understands that there will inevitably be some sickness absence among employees, it must also pay due regard to its operational needs. If an employee is persistently absent from work, this can damage efficiency and productivity, and place an additional burden on the employee's colleagues.
- 1.7 The council has other policies in place to deal with time off work for personal reasons/family reasons/special leave/compassionate leave etc...

2. Scope

- 2.1 This policy applies to all council employees including Chief Officers;
- 2.2 With the exception of;

- 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 Casuals are not employees and therefore ordinarily this policy does not apply to casuals, however, under some circumstances they may be entitled to statutory sick pay (SSP). Therefore managers are required to notify Payroll and record the sickness absence on the absence reporting function of the council's HR information system (HRIS).
- 2.4 This policy does not apply to contractors, consultants, agency workers or any self-employed individuals working for the council.

3. Principles

- 3.1 Sickness absence will be managed in a prompt, sensitively, fair, consistent and supportive manner and as such will apply to all cases of sickness absence, including pregnancy and disability related absence and absence caused as a result of an accident at work.
- 3.2 This policy applies to the management of both short term sickness (STS) and long term sickness (LTS) absence (which is defined as lasting more than 4 weeks) and details separate processes for each which can be interchangeable allowing managers to move between managing cases under both procedures (as appropriate).
- 3.3 The Bradford Factor scoring (BFS) system is used to measure and monitor attendance and is underpinned by an ethos of improving attendance levels. The BFS is calculated by multiplying the number of sickness episodes by the number of sickness episodes by the total number of working days absent.
- 3.4 A BFS of 150 or more triggers the STS absence management procedure which requires formal sickness absence review (SAR) meetings to be held in order to address unacceptable levels or patterns of absence and for appropriate support to be offered with a view to assisting the employee to improve their attendance.
- 3.5 An employee absence that lasts for a minimum of four weeks triggers the LTS absence management procedure which requires formal sickness absence review (SAR) meetings to be held in order to support and facilitate the employees return to work and assist the employee to maintain their attendance.
- 3.6 Employees should be given 5 working days written notice of formal SAR meetings and are entitled to be accompanied at these meetings by their recognised trade union representative or a Walsall Council work colleague.
- 3.7 This policy is formulated on the assumption that, if the council suspects there to be misconduct, its separate disciplinary policy will apply. For example, the council may take disciplinary action if there is evidence that;
- Absence is not genuine or not for the reason provided;
 - The employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation;

- The correct sickness absence notification and evidence procedure has not been followed.
- 3.8 The council pays occupational sick pay (OSP) for all sickness absence (including pregnancy and disability related absence) in line with an employee's terms and conditions of employment.
- 3.9 OSP may be extended at the discretion of the council in exceptional circumstances.
- 3.10 The council reserves the right to withhold or suspend OSP at its discretion. Circumstances in which OSP may be withheld include;
- Failure to comply with this policy including reporting your absence as required, keeping in touch with your manager as agreed, providing self-certification and/or fit notes as required;
 - The employee refuses to attend a medical examination or OH assessment at the reasonable request of the council or fails to attend without reasonable explanation;
 - The employee makes or produces any misleading or untrue statement or document concerning their fitness to work;
 - The employee's contract is legitimately terminated (this can occur before the expiry of OSP)
- 3.11 The employee will normally be entitled to receive statutory sick pay (SSP) when OSP is withheld or suspended, although the Council can withhold or suspend SSP if it is not satisfied that the employee is ill, and no evidence of sickness is provided.
- 3.12 Employees will be given written notice if their SSP or OSP is being withheld or suspended.
- 3.13 The council reserves the right to cease any other payments during a period of sickness absence e.g. honorarium payments.
- 3.14 Where the sickness absence is due to injuries sustained as a result of a third party and the employee is successfully able to make a claim for compensation or loss of earnings from that third party, Walsall Council is able to recover salary paid during the absence from the person(s) who are held responsible. The employee must notify Payroll of the circumstances of the accident and the persons acting on their behalf, employees should refer to the council's third party accident guidance. Once the legal claim is completed the employee is responsible for ensuring that any monies recovered in respect of the absence are repaid to the council.
- 3.15 Where an employee becomes sick during a period of planned annual leave, they must follow the sickness absence reporting procedure contained in this policy and obtain a fit note (not self-certification) for the full period of sickness in order to reclaim any annual leave. Any medical charges incurred for the provision of the fit note will not be reimbursed by the council.
- 3.16 Where an employee wishes to take annual leave during a period of sickness absence, they must request this via their line manager on their leave card or in writing. The

request must be made prior to the start of the annual leave during the period of sickness absence rather than on the employees return to work.

- 3.17 Where an employee wishes to take annual leave at the end of a period of absence, this will be approved in line with usual considerations based on operational requirements.
- 3.18 This policy and accompanying procedure is underpinned by and should be read in conjunction with the sickness absence guidance which offers further advice and support to employees and managers in the implementation of this policy.

4. Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values;
- Taking responsibility for monitoring and managing their employees' attendance and absence;
- Fully comply with managers' duties under the sickness absence reporting and sickness absence procedures;
- Properly record each employee's sickness absence on the council's HRIS;
- Require the employee to complete a self-certification form for sickness of four to seven calendar days and to provide medical evidence for sickness of more than seven calendar days;
- Conduct a return-to-work interview each time the employee returns from a period of sickness absence;
- Speak to the employee about the absence and the reason for it in a fair and factual way;
- Be supportive towards the employee and, where appropriate, seek to identify ways in which to assist the employee to improve their attendance in the future;
- Be alert to patterns of absence, for example frequent absences on Fridays or Mondays, or immediately before or after bank or public holidays;
- Try to establish any underlying reasons for frequent absence and, where the underlying cause is identified, take steps to help the employee to manage the cause;
- Seek medical advice, if appropriate, to determine whether or not there is any underlying medical cause for the employee's (frequent) absence;
- Show a reasonable degree of tolerance and sympathy towards the employee's sickness absence, while at the same time making clear that continuing frequent absences from work are unacceptable;
- Check whether or not the employee's absences are in any way work related, for example as a result of workplace stress;
- Bear in mind that the council may seek a medical report on an employee, for example from the employee's doctor or OH;
- Keep confidential records of all absences in line with sickness absence and retention guidance, including discussions and medical certificates, and make sure that the records clearly identify the reasons for the employee's various absences;

- Be aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to pregnancy or disability;
- Keep in mind the council's duty to make reasonable adjustments for employees with disabilities when managing absence;
- Use sickness absence data and associated reports to drive managerial actions;
- Ensuring employees are aware of the support mechanisms available to them via the council and emphasise the importance of raising any concerns as soon as possible to seek necessary support;
- Consulting with HR if unsure about anything or special circumstances arise, for example if it appears that the employee may have a disability;
- Understanding the consequences of failing to adopt these standards.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Notify their manager by telephone if they are unable to attend work due to ill health, as soon as reasonably practicable (refer to 5.1);
- Continue to notify and keep in touch with their manager while unable to attend work;
- Be prepared to give their manager a clear reason (i.e. the nature of the illness or injury) why they cannot attend work, and estimate how long they think the absence will last;
- Inform their manager of any urgent work issues and duties that require attention in their absence;
- Inform their respective managers of any other positions they may have within the authority;
- Raise any concerns relating to their health including identifying any disabilities or ongoing/underlying health conditions to their line manager as soon as possible so that appropriate support can be discussed/considered;
- Be open with their manager about the reasons for their absence, to give the manager the opportunity to provide support where possible;
- Tell their manager of any extenuating circumstances, for example personal or family problems or an unmanageable workload;
- Complete a self-certification form for sickness of four to seven calendar days and provide medical evidence for sickness of more than seven calendar days;
- Be available for relevant meetings/contact in relation to their sickness absence, or to make their manager aware of the reasons why they are unavailable;
- Avoid activity which may delay their recovery and affect their eligibility for sick pay;
- Attend a return-to-work interview with their manager each time they return from a period of sickness absence;
- Bear in mind that the council may seek a medical report, for example from the employee's doctor or OH;
- Cooperate with the council with regard to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a doctor;
- Notify the council where they have recovered payments through a third party insurance company as a result of being off sick;

- Take personal responsibility for their own health and wellbeing, maximising their attendance at work;
- Comply with their contractual obligations under this policy and understand the consequences of failing to do so.

5. Procedure

5.1 Sickness absence reporting

- 5.1.1 Employees are required to call their manager to report their sickness absence by 10.00am or at least 2 hours before the start of a shift (or in line with agreed local arrangements). Employees must ensure that they make this call themselves and speak to their manager directly, unless the nature of the absence prevents them from doing so.
- 5.1.2 When an employee reports their sickness absence, the manager should establish the reason for sickness absence, the likely length of absence, whether the employee is intending to seek medical advice, briefly whether there are any work related consequences e.g. meetings that will need to be cancelled, and confirm with the employee an appropriate contact telephone number for use during the period of absence.
- 5.1.4 Managers should consider early referrals to OH and/or physiotherapy particularly in sickness absence cases that are caused by stress or musculo-skeletal in order to fully support the employee and encourage a prompt return to work. Managers should remind employees of the details for EAP if applicable.
- 5.1.5 The manager must record the sickness absence on the absence reporting function of the council's HRIS within 24 hours of notification, as this may affect employee sick pay.

5.2 Sickness certification

- 5.2.1 Once employees have been absent for more than 3 days they are required to complete a self-certification (as part of the return to work process) for their ongoing absence from day 4 onwards, up until and including the 7th calendar day of absence.
- 5.2.2 Once employees have been absent for more than 7 days they are required to submit a fit note (Statement of Fitness for Work) covering their sickness from the 8th day onwards, which must reach their line manager no later than the 11th day of absence. Ongoing absence will require a fit note to be submitted within 3 days of the end date of the previous fit note and must cover the entire period of absence including any non-working days and any weekends.
- 5.2.3 A doctor's fit note may state that the employee:
- is "not fit for work", in which case the employee should remain off work; or
 - "may be fit for work", if the doctor's recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

While there is no legal obligation on the council to follow the recommendations, managers should take what the employee's doctor has written seriously and give fair consideration - in consultation with the employee and HR - as to whether or not any of the changes recommended by the doctor can be accommodated.

5.3 Return to work (RTW)

- 5.3.1 When the employee returns to work the manager must record the date on the absence reporting function of the council's HRIS within 24 hours of their return, as this may affect sick pay.
- 5.3.2 On the employees first day back at work or within 3 days after any period of sickness absence (where this is impracticable as soon as possible thereafter), the manager will conduct a return to work (RTW) meeting to understand the reasons for the absence, establish if there are any underlying medical conditions or additional support required and discuss a reintroduction to work plan if appropriate.
- 5.3.3 The RTW meetings should take place in private and are supportive meetings designed to provide the opportunity for two way communication between the employee and the manager. The manager should discuss the Bradford Factor Score with the employee and take the appropriate action outlined below:
- Record the meeting using the RTW proforma
 - Check the Bradford Factor Score (BFS)
 - **A BFS of 80–149** indicates a point of concern. This concern should be raised with the employee, actions to improve attendance discussed along with any support that may be available, and the employee reminded of possible actions and outcomes under the sickness absence policy.
 - **A BFS of 150+** acts as a 'trigger point' within the sickness absence policy. The employee should be notified of this and informed that they will be invited to attend a formal sickness absence review (SAR) meeting to discuss their attendance and any additional support if considered appropriate.
- 5.3.4 The sickness absence guidance provides further detail on how the BFS is calculated and provides managers with additional advice on conducting supportive RTW meetings.
- 5.3.5 There is no requirement for managers to provide any notification period to conduct the RTW, nor is there any requirement to be accompanied at these meetings.

5.4 Sickness absence review (SAR) meetings (trigger BFS 150+ on RTW)

- 5.4.1 The formal sickness absence review (SAR) meetings provide the opportunity for the manager and employee to discuss the employee's attendance, the consequences of this and to explore what additional support could be considered. Managers should refer to the sickness absence guidance for further advice on conducting SAR's.

5.4.2 SAR stages and the possible outcomes are outlined below;

Current Live Warning Status	Action	Possible Outcomes	Note
If the employee has no active absence warnings (and BFS is 150+ on RTW)	Stage 1 SAR meeting	First Absence Warning*	A First Absence Warning must be confirmed in writing and is active for 12 months from the date the absence ended
If the employee has an active First Absence Warning (and BFS is 150+ on RTW)	Stage 2 SAR meeting	Final Absence Warning* Extend absence review period**	A Final Absence Warning must be confirmed in writing and is active for 12 months from the date the absence ended, and then reverts to a First Absence Warning for a further 12 months
If the employee has an active Final Absence Warning (and BFS is 150+ on RTW)	Stage 3 SAR meeting - Full case review to be held in order to determine whether to proceed to hearing stage	Progress to Sickness absence Hearing Extend absence review period**	The employee should be informed that a decision to progress to a hearing may result in dismissal

*There is no right of appeal against absence warnings issued at stages 1 and 2 or a decision to progress to a hearing at stage 3.

**Extensions to the absence review period can only be actioned once in any live warning period and must be for no longer than 6 months.

5.4.3 In exceptional circumstances managers may decide to take no action at any of the above stages, however this should only be used in extenuating circumstances and the justification must be clearly recorded. If no action is taken the employee retains any current live warning status.

5.4.4 The sickness absence guidance provides further detail on extending absence review periods, taking no action, what might constitute extenuating circumstances, what should be discussed during SAR meetings and the process for confirming and recording SAR meeting discussions and outcomes.

5.4.5 SAR meetings can also be instigated where the manager identifies unacceptable patterns of absence without the BFS trigger point being reached, these meetings will

follow the same 3 stage progressive process outlined above and may result in a sickness absence hearing under this procedure.

5.5 Managing long term sickness (LTS) absence (trigger 4 weeks + continuous absence)

5.5.1 Where an employee is, or will be absent for four weeks or more the LTS absence management procedure is triggered and consists of progressive formal sickness absence review (SAR) meetings in order to support and facilitate the employees return to work.

5.5.2 Managers must complete as a minimum the four stages outlined below:

LTS Stage	Approximate Timeframe	Note
<u>Early contact stage</u> Welfare Visit/Contact	4 weeks into absence – however this can be carried out at any point up to 4 weeks	This contact can be carried out via telephone, by mutual agreement
<u>Stage 1</u> 8 week case review	8 weeks into absence	HR may be in attendance at this meeting
<u>Stage 2</u> 12 week Case Review	12 weeks into absence	HR may be in attendance at this meeting
<u>Stage 3</u> 16 week Final Case Review	16 weeks into absence	HR should be in attendance at this meeting

5.5.3 These stages normally take place over a 16 week period, with 4 week intervals between each stage, however these timeframes are indicative and managers should apply appropriate flexibility in conducting the stages in order to be supportive and practicable e.g. delaying a meeting by a week is reasonable to wait for an occupational health assessment. Meetings can also be brought forward where this is practicable and justified.

5.5.4 Ongoing and regular contact should be maintained with employees while they are on LTS absence and managers may hold additional meetings at any stage in order to provide further support to the employee and progress the management of the absence.

5.5.5 The sickness absence guidance provides further detail on managing LTS absence, including maintaining contact, what should be discussed during case review meetings, the additional support that should be provided to employees, OH referrals/assessments and the process for confirming and recording contact and case review meeting discussions and outcomes.

- 5.5.6 When a RTW from LTS absence is achieved, managers should give consideration to the appropriateness of offering the employee a phased RTW (refer to 5.6).
- 5.5.7 On the employees RTW the normal process for managing attendance in cases where the BFS has been triggered (150+) should be followed (refer to 5.4).
- 5.5.8 If the employee is unable to sustain their RTW, resulting in a further period of LTS absence within 6 months of their RTW date, it may be appropriate to commence the LTS absence management process at the same stage they were at when they returned to work. Alternatively, it may be appropriate to recommence at the beginning of the LTS absence management process. Managers will make such decisions on a case by case basis dependent up on the circumstances of the employee.

5.6 Phased RTW

- 5.6.1 The council recognises that an employee returning to work (usually following a long period of absence) may require a period of time to enable them to settle back into the workplace and their job role. Consideration may be given to adjusting hours worked and/or tasks undertaken or a phased RTW of between 1 to 4 weeks normally based on medical advice (fit notes or OH) may be agreed.
- 5.6.2 A phased return is not an automatic entitlement and the manager will need to make a decision based upon the information available. The nature of the phased return should meet the needs of the employee and the service and any phased RTW arrangement should be regularly reviewed by the manager and adjusted accordingly.
- 5.6.3 Any further extensions beyond a 4 week phased RTW will normally only be agreed on medical advice and in such circumstances, the employee will be required to use annual leave, to supplement the extension. Flexi-hours or TOIL accrued prior to the absence may also be used.
- 5.6.4 At the end of the phased return period, employees are expected to return to work on normal contractual hours and duties. If this is not possible (i.e. based upon medical grounds), then reduced hours may be considered on a temporary or permanent basis (pay will be affected), subject to service delivery, or alternatively other options may be considered under the performance & ill health capability policy.

6. Disability related absence

- 6.1 Employees are encouraged to advise their manager if they have a disability and/or their absence is related to an ongoing/underlying medical condition so that appropriate support can be provided. Managers should consider early OH intervention in order for reasonable adjustments to be considered. While managers should be taking reasonable steps to prevent any substantial disadvantage to an employee with a disability, where reasonable adjustments have been implemented and attendance levels are still unacceptable the employee's absence should continue to be managed in accordance with this policy.

- 6.2 The sickness absence guidance provides further detail on disability related absence and offers advice and guidance for managers regarding further support that can be offered during the sickness absence process.

7. Maternity related absence

- 7.1 Where it is confirmed that absences are related to pregnancy/maternity, such absences will still be included in the BFS but managers should automatically discount these for the purpose of calculating absence triggers.
- 7.2 If the employee is absent from work with a pregnancy-related illness, within 4 weeks of their due date, maternity leave will start automatically. Refer to the council's family friendly policy for further guidance.

8. Stress related absence

- 8.1 Stress is a major cause of sickness absence in the workplace and is most effectively supported in the early stages of absence. Where sickness absence is stress related managers should be making contact with the employee as soon as possible in order to fully support the employee. An immediate referral to OH should also be considered as well as ensuring that the employee is reminded of the councils free confidential Employee Assistance (and counselling) Programme (EAP).
- 8.2 The sickness absence guidance provides further detail on managing stress related absence. Managers should also refer to the Safety Management Standards on the Health and Safety intranet pages to establish the reasons for stress and carry out a stress risk assessment (where applicable).

9.0 Terminal illness

- 9.1 Where the employee is terminally ill careful and sensitive management will be required. Where employees are able and wish to continue working managers will work with them to make adjustments where reasonable and provide all appropriate support.
- 9.2 The council will work to ensure the employees preferred outcome is taken into consideration and will explore all available options including the continuation of work, reviewing ill health retirement (IHR) and death in service benefits, extending OSP and potential termination under this or any other relevant policy.
- 9.3 The sickness absence guidance provides further detail on managing sickness absence due to terminal illness and covers IHR and extended OSP.

10. Ill health retirement (IHR)

- 10.1 Ill health retirement may be considered for employees who are members of the Local Government Pension Scheme (LGPS) where it is anticipated that the employee will not be able to return to work in any capacity for the foreseeable future. Before a decision is taken on applying for IHR, managers must;
- Consider all possible alternatives, where practicable;

- Ensure that the employee is a member of the LGPS;
 - Ensure that they fully consult with the employee and make them aware of the possible pension implications of the outcome so that they can make an informed decision;
 - Ensure that any discussions with employees are handled sensitively, being mindful of the employee's medical condition;
 - Explore this option at an early stage as the process may be lengthy.
- 10.2 IHR can only be determined via an OH assessment and approval. It is likely that OH will request additional medical reports in order to inform their decision.
- 10.3 Following this process, the employee will be notified as to whether IHR has been granted and, if so, the level of pension benefits that will apply.
- 10.4 Where IHR is approved, the employee will be offered the opportunity to attend a sickness absence hearing. However, the employee may choose not to attend if they wish, this does not affect their access to any benefits.

11. Medically enforced absence (medical suspension)

- 11.1 If a manager is concerned about an employee's state of health and believes that their health, safety or welfare, or that of others, may be at risk as a consequence of the employee continuing at work, consideration to suspend them on medical grounds may be an option. Managers must seek HR advice in these circumstances.
- 11.2 Any medical suspensions must be kept under close review (no less than every two weeks) to ascertain the suitability of a return to work or until the employee notifies of their sickness absence.
- 11.3 A referral to OH should also be made, where appropriate, with a meeting arranged following this to discuss the options available. Where it is confirmed by OH or the GP that the employee is not fit to attend work, the employee's absence will start the date the medical suspension began. In such circumstances, sickness absence entitlement will begin to erode and the sickness absence policy will apply, including the calculation of the BFS.

12. Probationers

- 12.1 For all new employees, sickness absence will be monitored under the probation policy with the potential to dismiss. However, the principles of return to work discussions and the application of the BFS mechanism will still apply. Managers should speak to HR if they have concerns about a probationer's attendance record.
- 12.2 In deciding whether these standards are met for employees whose probation was recently completed, the attendance during the whole of the employment is considered, not just from the date that the permanent appointment was confirmed.

13. Appeal process

- 13.1 Employees have the right to appeal against their dismissal and if they wish to exercise this right, they should submit their appeal in writing to the Head of HR within 10 working days of the date of their formal notice letter.
- 13.2 All appeals will be held in accordance with the council's appeals policy. Employees have the right to representation at appeal hearings.