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[REDACTED]

Ref No: FOI 25_257

16th December 2025

Dear [REDACTED]

Thank you for your email of 9th December 2025 containing your request for information. The Government Legal Department ("GLD") have considered your request under the Freedom of Information Act 2000 ("the Act", "FOIA")

Request

Could you please provide me with your contractual terms & conditions/policies for contractual maternity pay, contractual paternity pay, sick pay, career breaks and the interaction between career breaks and the other aforementioned policies please.

Response

Pursuant to Section 1(1)(a) of the Act, please find attached the information you have requested.

Your Rights

If you are dissatisfied with the handling of your request, you have the right to ask GLD for an internal review. Internal review requests should be submitted to GLD within two months of the date of receipt of the response to your original correspondence. Please use the contact details provided at the top of this letter in order to request an internal review relating to your original request.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ICO.org.uk

Yours sincerely,

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Career Break Policy

Issue Date	Effective Date <small>Implementation Date</small>	Next Review
	March 2017	August 2023
For action by	HR departments Line managers	
For information	All staff directly employed by GLD	
Contact	HRhelp@governmentlegal.gov.uk	
Associated documents	Flexible Working Policy Maternity Policy Adoption Policy Partner's (Paternity) Policy Shared Parental Leave Policy Special Leave Policy	
Additional to the Staff Handbook section 5.2 Updated October 2022		



Introduction

1. GLD is committed to investing in and developing its employees. The opportunity to apply for and take a career break represents one of the ways in which GLD attempts to retain its skilled and experienced employees. It promotes and accords with one of GLD's core values, that 'We value and respect each other'.
2. A career break is a '2-way' arrangement which places obligations on both the individual and GLD from the application stage through to the individual's return to work. It is a form of unpaid special leave that can enable employees to balance their career and personal lives whilst preserving some aspects of continuity of employment. All requests will be considered against current and forecast business needs at the time of the request.
3. There is no right to a career break. Both the granting of a career break and the length of it are discretionary and each application will be considered on its own merits. In appropriate circumstances GLD will allow a career break of up to 5 years, and may consider, in exceptional circumstances, a request for a further period of time. To be eligible for a career break an employee is normally required to have successfully completed probation.
4. Normally permission will not be given to any individual that is currently subject to formal disciplinary, attendance or poor performance proceedings or that has a live warning in place.
5. Employees are not expected to take career breaks in order to undertake different paid employment. However, in some circumstances they may need or wish to undertake some alternative paid employment during their career break. In this situation, they should seek and receive written consent from their line manager and the Head of HR prior to entering into any employment contract. Requests are considered in accordance with the Civil Service Code, conflict of interest and departmental policies on working for other employers.

Considerations

6. To help make a decision about whether a career break is the right choice for them, employees should consider:
 - How long they will need to be away from work and whether they can fit what they need to do around work. For example employees may first want to discuss flexible working options with their line managers as changing their working pattern may be more suitable and have less impact financially and on personal and career development
 - Whether the business can sustain the loss of their skills; this will be a key consideration for the line manager in deciding whether to agree to a career break
7. It is also important that employees consider the impact of a career break on their terms and conditions of employment. A career break is a period of unpaid leave and will not be regarded as a break in service. However note that the period of the career break will **not** count:



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- As effective service for the purpose of pensions. As the duration of a career break will count as non-reckonable service for pensions employees may find it helpful to contact My CSP for advice on the impact and any options available to them.
- Towards any contractual benefits accrued based on length of service for example annual leave, redundancy and sick pay entitlement

Roles and responsibilities

The employee

8. The employee must complete the first part of the career break application form and pass it to their line manager and give 3 months' notice before the requested start date. It should be noted that the longer the period of notice given, the easier it will be for GLD to make arrangements so that the terms requested by the employee can be met.
9. If circumstances arise which make it impossible to give 3 months' notice, the employee should give as much notice as they can. GLD's ability to facilitate a career break may be affected in circumstances where a short period of notice is given.

The line manager

10. The line manager must confirm that the employee meets the eligibility criteria set out above. They should additionally consider whether:
 - the business needs in their area can still be met if the request is granted
 - it is necessary to fill the post during the career break and, if so, how the post should be filled.
11. The decision as to whether to support the application must be based on these factors. The line manager must ensure that the Deputy Director is aware of the application and discuss it with them before ensuring that the Division Head (Deputy Legal Director or Director) is content with the decision. All applications for a career break, including those which are not supported by line management, must be sent to HR.

The Division Head

12. The Division Head will consider the information set out in the application form and ensure that the view of line management is fair and reasonable before endorsing it.

Decisions



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13. When a career break is granted, the employee will receive a notification letter from HR which will set out:
 - the purpose of the career break
 - its commencement date and duration
 - the agreed terms on which the career break has been granted
 - the date upon which the employee is expected to return to work ('the stated return date')
14. The employee must formally acknowledge receipt of the letter and confirm that they accept its terms and the career break arrangements generally.
15. Once a career break has been granted and prior to commencement, the **line manager** must:
 - ensure any accrued annual leave is planned and taken (for a career break of more than 3 months) (HR will provide the leave calculation on request and the employee will be required to repay any excess from their final salary payment prior to commencing the career break if necessary)
 - agree how keeping in touch arrangements and contact will be maintained during the career break to ensure the employee is kept up to date with developments in GLD and the wider Civil Service
16. Once a career break has been granted and prior to commencement, **the employee** must:
 - Return relevant equipment and security items
 - Pay the outstanding balance of any salary advances/loans
 - Ensure any accrued annual leave is planned and taken (for a career break of more than 3 months) (HR will provide the leave calculation on request and the employee will be required to repay any excess from their final salary payment prior to commencing the career break if necessary)
 - Clear the balance of any flexi leave owing or outstanding
17. When an application for a career break is refused, the line manager should discuss the reasons with the individual and confirm the decision in writing.
18. An employee who is aggrieved by any decision of GLD in relation to a career break can use GLD's dispute resolution procedure if the dispute cannot be resolved informally.

Parental-related leave and career breaks

19. Employees should note that as career breaks are unpaid this may impact on eligibility and calculations for the purposes of occupational and statutory maternity/adoption and shared parental pay.



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20. Employees can apply to take parental-related leave (i.e. maternity, adoption, shared parental or partner's (paternity) leave while on a career break as the employment relationship continues and continuity of service is not affected. This is provided they meet the eligibility criteria and give the notice required by the relevant policy. In such circumstances the total length of absence from work will need to be varied by agreement between the individual and GLD.
21. A career break period and parental-related leave cannot run concurrently. Therefore an employee that is on career break and applies for maternity, adoption, shared parental leave or partner's (paternity) leave can choose (i) to end their career break early and return to work before taking the parental-related leave (2) pause the career break and then take resume it after the family-related leave (3) end the career break and return to work at the end of the family-related leave or (4) decide not to take the family related leave but instead remain on the career break.
22. Employees who decide that they wish to take a career break immediately following a period of parental-related leave should contact HR who will then issue the application form. The application form should then be completed by the individual and returned to their line manager. Where a career break is granted in such circumstances the employee will be required to repay any contractual parental pay provisions if they do not return to work at GLD or elsewhere in the Civil Service at the end of the career break.

During a career break

23. In the course of the career break, most of the terms of the employee's contract of employment will be suspended. However, the employee:
 - will be able to use GLD's dispute resolution procedure should any dispute arise from their career break arrangements
 - will be subject to GLD's disciplinary procedures if their conduct during their career break warrants such action
 - will maintain confidentiality in relation to work-related information in the same way as if they were in post
 - will comply with GLD's social media policy
 - will, on their return to work, have the benefit of the applicable pay increases which occur during their career break, but none which are performance related
 - will have their death in service benefit calculated at the salary level that they were on at the commencement of their career break
 - will be entitled to request a change to their working pattern in relation to their return to work
 - will be entitled to attend in-house training courses, All Staff Events and any update or briefing sessions that are relevant to them as members of GLD (although they will not be entitled to be paid for any such attendance other than for mandatory training agreed by their line manager)
 - will be required to comply with the requirements of their professional bodies
24. In the course of their career break, the employee will not:



- receive any pay from GLD
- accrue service for the purpose of pensions or any contractual benefits based on length of service for example annual leave, pay in lieu of holiday, redundancy or sick pay entitlement (in other words entitlement to these benefits will be based on accrued service *before* the career break combined with any service accrued afterwards assuming there is no break in service)
- be entitled to paid annual leave or paid sick leave
- be entitled to have any fees relating to the requirements of their professional bodies paid for
- undertake any paid work without the prior approval of the Head of HR (all reasonable requests will be considered subject to considerations outlined in paragraph 5.)

Keeping in touch – managers and employee

25. At the mid-point of the career break GLD will write formally to the employee asking them to confirm:
 - that they still live at the same address
 - it is still their intention to return on the stated return date
 - any material change in their circumstances which might affect their ability to be contacted, or their stated return date
26. It is expected that the employee will reply to this communication as soon as practicable and will, in any event, provide GLD with an update regarding any of these matters as they arise at any other time during the career break.
27. How and when managers and employees keep in touch is a key consideration. Some employees will want regular communications and 'keep in touch' days, whilst others will want minimal contact. The key is agreeing an approach and re-visiting these plans if things change or it doesn't work well.
28. Effective communication during a career break has real benefits; such as a feeling of being connected with the workplace, which makes for an easier return and integration back into work.
29. Changing plans or wanting minimum contact with work, does not in any way link to how committed an employee is.
30. During the career break the line manager will issue communication and updates as per the agreement on the 'Keeping in Touch' proforma.

Key questions to answer for managers:

- How will you ensure you maintain the contact you have agreed?



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- Is there anything that needs to be put in place to ensure effective communication? For example, update of distribution lists, diary reminders, ensuring correct contact details.
 - How will you work with any other parties for example, HR involved with 'keep in touch'?
 - Can you use existing staff communication channels? For example, sending the team newsletter to your employee's home email.
 - What information technology (IT) can you enable to support 'keep in touch'?
 - Who will you handover to if you move on during the career break period?
 - What are the things you must communicate? For example, organisational changes, changes that may impact the employee's job, internal/team career development opportunities.
31. During the career break GLD will send 'This Week in Brief' (TWIB) to the individual as long as a home e-mail address is supplied. The individual should input the address onto Trent before going on their career break.
32. It is the line manager's responsibility to continue keeping in touch arrangements even if there is no guarantee that the employee will return to their original post at the end of the career break. If on return an alternative post is agreed, the previous line manager will retain responsibility until the new line manager takes over.

Changes during a career break

33. If at any point during the career break, the employee:
- decides that they will not be returning to GLD, they should inform HR and tender their letter of resignation
 - requests a change in their work pattern from that which they worked prior to their career break, such notification will be treated as a request for flexible working and will be addressed accordingly (It should be noted that such a request may for business reasons give rise to the return to work (and therefore commencement of pay) being delayed, but GLD will do everything that is reasonably possible to prevent this from happening)

Returning from a career break

34. The individual must contact their line manager to confirm their return to work at least 4 months prior to the end of the career break. Failure to get in touch or confirm plans by this date may result in the return to work (and therefore commencement of pay) being delayed. The manager should then:
- Confirm the return posting within the team, return date and working pattern with the employee and submit a change form via Service Now or to HRhelp@governmentlegal.gov.uk



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OR

- If both the team and employee agree the employee should move on from the team for development reasons, the line manager should confirm the return date with the employee and email recruitment@governmentlegal.gov.uk confirming a move request. The Resourcing team must be informed of a requested move no later than 4 months prior to return date.

OR

- If the employee requests an extension to the career break the manager should consult with the Deputy Director before letting HRhelp@governmentlegal.gov.uk.

35. For career breaks of up to 5 years the employee is entitled to return to work in GLD at the same grade and where practicable this will be to the same or a similar job. In these circumstances:

- A suitable post is one where the work is suitable in relation to the employee and appropriate for the employee to do and the terms and conditions are not substantially less favourable than the employee's old terms and conditions. When assessing whether a post is suitable the following factors are likely to be relevant: hours, duties, grade, salary, responsibility level, skills needed, location, duration and the employee's personal circumstances.
- If a move is requested or if exceptional circumstances mean an employee cannot return to their previous team, the employee will be able to express their preferences for return postings which will be taken into account. However, the current needs of GLD's business will be the overriding factor in determining which post is offered, which may be in an area of work that is different from that which the employee is used to or may prefer.
- Once the individual has been offered a suitable post to return to, GLD is not obliged to offer any alternative post. If however, the individual does not wish to accept the first post offered, whenever possible, up to 2 more suitable posts will be offered. This may not be possible if the individual has been employed for their specialist skills, or if they lack the necessary skills, knowledge and experience to perform effectively in certain posts. If an individual rejects the post(s) offered and GLD judge this to be without good cause they will be regarded (by virtue of their conduct) as having resigned from GLD on the date upon which their notice of rejection of the last post is received.

36. In the event that there are no suitable posts at the same grade available on or around the stated date of return, GLD may offer a post at a lower grade. In these circumstances the individual will be paid at the rate of their substantive grade. This pay will be on a marked time basis for no more than 12 months from the return date. The individual is not obliged to accept such a post but this may result in the return to work (and therefore the commencement of pay) being delayed. If the return to work is delayed in such circumstances, any suitable post at the substantive grade which becomes available will be offered to the individual, and the individual will be expected to accept the post.



37. In the event that no suitable post at the same grade or a lower grade is available the employee's return will be delayed and no pay will be due. In such circumstances GLD may enter into consultation with the employee and TUS if the employee is at risk of redundancy.
38. The individual will be treated as having resigned if they fail to return to work on the stated date without good reason in circumstances where GLD has made arrangements for them to take up a post on that date, or on an alternative date reasonably requested by GLD.
39. If an employee fails to contact GLD to arrange their return to work by the 4 month mark GLD will make reasonable attempts to contact them. If there is no response from the individual by the stated date of return, GLD will have no further obligations in respect of the individual returning to GLD and the individual will be regarded (by virtue of their conduct) as having resigned from GLD, with their employment ending on the day before the stated date of return.

Returning from a career break – manager responsibilities

40. As a manager, you should support your employee towards the end of their career break.
41. If the employee does not contact you 4 months prior to returning, you will need to make reasonable attempts to contact them, keeping records of all attempts. This is particularly important towards the end of the career break.
42. You can assume that the employee does not wish to return to work if you receive no written contact by the required date. The employment contract will expire at the end of the career break and end by mutual agreement.
43. Otherwise, you should support the employee's search for a job prior to their return by keeping in regular contact with them, providing support and keeping them updated of any job opportunities. You should keep a record of any support offered during this period.
44. If the employee wishes to return to work and there is no role immediately available, this can be an uncertain time for them. Some actions you can take to help include:
 - informing them of any suitable vacancies that arise such as internal vacancies and temporary promotion opportunities
 - ensuring they are aware of the Civil Service Success Profile Framework and how this links into the vacancy filling and application process
 - coaching them through the application and interview process
 - signposting them to products available through the CS Learning portal.



Returning from a career break – employee responsibilities

45. As an employee, you should keep in touch as agreed, particularly towards the end of the career break.
46. If you do not contact your manager 4 months prior to returning to give written notice of when you intend to return, the career break will expire and the employment contract will terminate by mutual agreement.
47. You will need to confirm to your manager that you intend to return to work on the date agreed in your Career Break Agreement. If this is no longer your plan, you must contact your manager at the earliest opportunity or by no later than the date agreed.
48. You must proactively search for a suitable post in the Department or wider Civil Service, if no post is immediately available. This is particularly important for longer career breaks.
49. You should consider how to find and secure a position and discuss this with your manager. Some steps to take include:
 - ensuring you understand the latest vacancy filling guidance and how to apply for vacancies
 - registering on Civil Service Jobs to receive job alerts and regularly accessing the site to review job adverts
 - considering how to demonstrate that your knowledge and skills are up to date and relevant
 - familiarising yourself with the Civil Service Success Profile Framework
 - discussing career aspirations and development needs with your manager and exploring opportunities to return to work
 - updating your CV, gathering evidence and recording key achievements.

Additional support

As well as the support already mentioned within this guide, you may find it helpful to consider what other support is available to you. Some further examples are provided below, although this is not an exhaustive list:

- The department provides all employees with access to an Employee Assistance Programme. You can use this service to access professional support and advice on a range of issues, including work, health, debt, emotional, personal, family and legal issues.
- Civil Service Pensions can provide guidance on the impact of unpaid leave on your pension.



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- There may also be support available through [The Charity for Civil Servants](#). The charity provides a professional help and advisory service to those facing a change in their circumstances.
- There may be other support available depending on your particular circumstances, for example, your GP may be a source of information such as on support available for carers.
- Remember your manager is also there to help you with issues that affect your work, so speak to them if you need further information.
- If your questions have not been answered on the intranet, please contact HRHelp@governmentlegal.gov.uk or call [REDACTED], option 2.



Maternity Leave policy and procedure

Issue date	Effective date Implementation Date	Next review
31 May 2018	31 May 2018	31 May 2024
For information and action by	HR, Employees and Line Managers	
Contact	HRhelp@governmentlegal.gov.uk	
Associated documents	Partner's (Paternity) Leave and pay Shared Parental Leave guidance Adoption leave and pay Annual and Public/privilege leave Career Break Policy Flexible Working Policy Parental Bereavement Leave and Pay Planning the Parental Journey: A toolkit for employees and managers	
Policy owner	HR Director	
Policy author	Agreed with Trade Union Side	
Replaces	Staff Handbook 5.2.86 to 5.2.92 (June 2021)	
Revision history	Reviewed August 2021 Updated September 2022 Updated April 2024 in line with redundancy protection legislation	

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Policy

Policy statement

1. Eligibility for maternity leave and pay is contained within this policy.

Scope

2. This policy applies to all eligible employees on GLDs terms and conditions including fixed term appointments. It also applies to those on loan and secondment who are subject to GLD's terms and conditions. It does not apply to agency workers or contractors. GLD employees on legacy terms and conditions should refer to the legacy policy. Employees on career break may apply for maternity leave and or pay however note that a career break and maternity leave may not run concurrently and that unpaid leave may affect eligibility to and rates of SMP or OMP. See below and Career Break policy for further information.

Policy Principles

3. This policy aims to outline the various responsibilities of line managers, employees and HR before, during, and after the maternity leave process. It aims to support employees to make choices and encourage them to return to work in a pattern that suits their needs and those of GLD. It should be read in conjunction with other relevant GLD policies.
4. Pregnant employees are allowed time off for antenatal care – see paragraphs 50 - 56.
5. GLD will meet its obligation under Health and Safety legislation. Employees who are pregnant, have given birth within the last six months or who are breastfeeding are entitled to a risk assessment – see paragraphs 48 - 49.
6. Eligible pregnant employees are allowed to take up to 52 weeks maternity leave subject to providing the required notice. Depending on meeting the qualifying criteria, a number of these weeks may be paid. This could be in the form of Statutory Maternity Pay, (SMP), Occupational Maternity Pay (OMP) or Maternity Allowance.
7. GLD will pay Occupational Maternity Pay (OMP) to eligible employees who have one year's paid continuous service, full or part time, in the Civil Service immediately before the beginning of the 15th week prior to the expected week of childbirth (EWC).
8. Maternity leave and pay arrangements are the same for multiple births as for single births.
9. Statutory and contractual rights will apply if the employee gives birth to a living child, however premature or has a still birth after the 24th week of pregnancy.
10. Eligible employees, or their partners, who end maternity leave early may consider opting into a period of Shared Parental Leave. More information can be found in the shared

parental leave guidance. During maternity leave an employee and line manager can agree up to 10 paid keeping in touch (KIT) days.

11. Personal data collected as part of this policy will be processed in accordance with the department's [Data Protection Policy and Privacy Notice](#). The Privacy Notice explains what personal data the Department holds about you, how we collect it, and how we will use and may share information about you. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the department's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Department's disciplinary procedure.

Entitlement

Maternity Leave

12. Employees are entitled to up to 52 weeks' maternity leave regardless of the length of their service. This leave is made up of:
 - Ordinary Maternity Leave (OML) for the first 26 weeks
 - followed immediately by Additional Maternity Leave (AML) of up to 26 weeks (weeks 27 to 52). There can be no break between OML and AML.

Statutory Maternity Pay (SMP)

13. Provided employees meet the eligibility criteria SMP is payable commencing on the first day of Maternity Leave for up to **39 weeks** as follows:
 - first 6 weeks paid at the rate of 90% of the employee's normal weekly earnings
 - followed by 33 weeks paid at **the lesser of** the standard weekly rate of SMP or 90% of the employee's normal weekly earnings.
14. The current rate of SMP can be found on www.gov.uk.

Occupational Maternity Pay (OMP)

15. Provided employees meet the eligibility criteria GLD will pay OMP to eligible employees for up to 39 weeks as follows:
 - the first 26 weeks at full contractual pay including SMP. This includes any pay rises which were awarded between the beginning of the relevant period for calculating SMP and the end of their maternity leave
 - followed by 13 weeks of the lower of the standard weekly rate of SMP (see www.gov.uk for the current rates) or 90% of the employee's normal weekly earnings.

16. SMP is included in OMP and is administered and paid by GLD. It is classed as earnings and so is subject to tax and National Insurance. Employees do not need to apply separately to the DWP. Employees will not receive SMP in addition to their OMP.

Eligibility criteria

Statutory Maternity Pay (SMP)

17. In order to be eligible to receive SMP, employees must:
- have at least 26 weeks continuous service prior the 15th week before the expected week of childbirth (EWC). This week is known as the “qualifying week”
 - have received earnings equal to or in excess of Lower Earnings Limit of National Insurance in force at the time of payment for a period of 8 weeks prior to the “qualifying week”. This is known as the “qualifying period”.
 - be employed in the “qualifying week”
 - still be pregnant at the 11th week before the EWC or have already given birth to the baby
 - have given at least 28 calendar days’ notice of the date on which they want to start receiving SMP (or as soon as is reasonably practicable), and that they will be, or are, absent from work because of the pregnancy or childbirth
 - by the beginning of the 15th week before the EWC or as soon as it is reasonably practicable to do so produce a MATB1 form or other statement from a registered Medical Practitioner or certified Midwife which gives the EWC
 - notify their line manager of the pregnancy no later than the end of the 15th week before the EWC or as soon as it is reasonably practicable to do so.

Maternity Allowance

18. Employees who are not eligible to receive SMP may be able to claim Maternity Allowance for up to 39 weeks from Jobcentre Plus. More information on Maternity Allowance is available at www.gov.uk.

Occupational Maternity Pay (OMP)

19. In order to be eligible to receive OMP an employee must:
- fulfil all of the qualifying criteria for SMP.
 - have at least one year’s paid continuous service immediately before the 15th week before the EWC. The one year’s paid qualifying service includes OML, AML, Adoption

Leave, SPL and Unpaid Parental Leave. The unpaid elements may impact on employees earnings during the qualifying period and their eligibility to SMP and OMP. It excludes Unpaid Special Leave, Unpaid Sickness Absences, Career Breaks and Unauthorised Leave

- notify their line manager of the pregnancy no later than the **end of the 15th** week before the EWC or as soon as is reasonably practicable
 - state their intention to return to work and agree to repay any occupational pay received (less SMP) if they do not return to work in the Civil Service
 - produce a maternity certificate, form MATB1, or other statement from a registered Medical Practitioner or a certified Midwife specifying the EWC, or, in the event of a premature birth, a birth certificate by the beginning of the 15th week before the EWC or as soon as it is reasonably practicable to do so.
20. If an employee becomes pregnant while on maternity leave they may be eligible for a further period of maternity leave. If they do not return to work they will not be eligible for a further period of OMP. They may also not be eligible for SMP.
21. Employees who do not qualify for OMP may be eligible to receive SMP or Maternity Allowance.
22. Employees who are entitled to OMP but do not intend to return to work at the end of their maternity leave will only be entitled to SMP.

Continuous employment

23. Employees who transfer to GLD from another Government Department with no break in service may use their service with their previous department to meet the qualifying criteria for both SMP and OMP.

Maternity leave and pay procedure

Roles and Responsibilities

Employee

24. Must understand and follow the procedures, including timelines, contained in this document.
25. Are encouraged to provide early notification of their pregnancy to their line manager so the appropriate health and safety risk assessments can be undertaken. These protect their health and wellbeing, as well as that of their baby.
26. Must ensure HR Employee Services are notified, via completion of the necessary forms, of the intention to take maternity leave, the proposed maternity leave start date and any

subsequent change to that date. Notification must be given to HR by the 15th week prior to the EWC or as soon as it is reasonably practicable to do so, although it may be appropriate to inform their line manager earlier in order to access the appropriate support.

27. Must provide HR Employee Services with MAT B1 certificate no later than 15th week prior to the EWC, or as soon as reasonably practicable.
28. Must agree arrangements for keeping in touch with their line manager throughout their maternity leave period.
29. May, if they wish, work for up to 10 'keeping in touch' days throughout the period of their maternity leave, with the agreement of their line manager.

Line Manager

30. Retains full managerial responsibility for the employee before and during their maternity leave.
31. Must ensure that a risk assessment is conducted and that any changes highlighted are implemented and reviewed as necessary.
32. Must allow employees to attend antenatal appointments.
33. Must, before maternity leave commences, discuss and agree with the employee the arrangements for keeping in touch during maternity leave.
34. Must notify Employee Services when the employee has worked either a half day or a full day as part of their KIT. This can be done by email to HRhelp@governmentlegal.gov.uk or via service now using HR General Enquiry box.
35. Must discuss and agree with the employee arrangements for their return to work including the role they will return to, flexible working arrangements, training etc. If the line manager leaves/no longer has line management responsibility for the person on maternity leave, they should discuss with their own line manager the appropriate handover arrangements so as to ensure there is a named contact person for the person on maternity leave.

Director

36. Is responsible for ensuring that the return to work process set out in paragraphs 93-96 is followed.

HR

37. Will support line managers and employees on the application of the policy.
38. Will promptly process maternity leave forms and within 28 days will confirm in writing to the employee and their line manager the leave and pay arrangements.

39. Will liaise with HR Employee Services to ensure OMP and/or SMP is paid accordingly.
40. Will forward central communications, such as TWIB and recruitment notices, in a timely manner to employees on maternity leave, provided an email address is provided for this purpose.

Maintaining Confidentiality

41. Managers, employees and all parties involved in operating the maternity policy are expected to maintain confidentiality where appropriate to do so. If an employee breaches another employee's right to confidentiality, this may be treated as a disciplinary offence, depending on the circumstances.

Maternity leave journey

42. The responsibility for managing the maternity leave journey lies with the line manager, the employee and the division in which the employee is employed when they notify GLD of their pregnancy.
43. There is a list of useful terms and abbreviations in Annex A. Annex B contains a high level maternity timeline.
44. To assist employees and their line managers annexes C and D contain checklists.

Notification of pregnancy

45. Employees are encouraged to tell their line manager they are pregnant as soon as they are comfortable to do so. This is so line managers can arrange a risk assessment.
46. The latest date an employee can tell their line manager and apply for maternity leave is the end of the 15th week before their expected week of childbirth (EWC) or as soon as is reasonably practicable.
47. Line managers should initiate early discussions about potential plans for maternity leave, keeping in touch and return to work.

Risk assessments

48. Employees are required by law to have a risk assessment while they are pregnant, breastfeeding or if they return to working within six months of giving birth. As soon as a line manager is notified an employee is pregnant they must arrange a risk assessment. This forms part of GLD's and line manager's duty of care for its employees.
49. This can be done via the Service Now portal: Operations > Request Something New > Facilities Management and request a 'Workstation Assessment'. For client based teams

who do not have access to Service Now please contact GLD Operations (Operations@governmentlegal.gov.uk) facilities as well as your client department's facilities team.

50. Pregnant workers and new mothers are provided with spaces to rest in each of the main GLD buildings (Petty France, Croydon, Leeds, Bristol and Salford). Details of the provisions in each of these offices can be found on [Eagle](#). Colleagues based in client offices should speak to the facilities team in their building.

Antenatal Care

51. Employees are entitled to paid time off for antenatal care on the advice of a registered medical practitioner. This may include relaxation classes and parenting classes. It includes the time spent travelling and waiting for the appointment. There is no qualifying length of service required in order to exercise this right.
52. Employees and their line manager should discuss whether working from home or flexibly around appointments e.g. before and after an appointment, would help minimise absence from work. Employees are not expected to make up the time taken to attend the appointment however your manager may refuse time off if you can reasonably make arrangements outside your normal working hours.
53. Except for the first appointment, a line manager may request to see an employee's appointment card or other documents showing that an appointment has been made.
54. Where a whole day is required this must be recorded as special leave with pay.
55. If an employee chooses to take additional classes or activities which are not specifically recommended by a registered medical practitioner, they are expected to take these as annual leave or through flexible working arrangements.
56. An employee whose partner is pregnant or who will be a biological parent (other than the pregnant employee) has the right to take time off to go to two antenatal appointments. There is no statutory entitlement for this leave to be paid, however GLD will pay normal contractual pay to support partners to attend. This covers the actual time needed to attend the appointments up to a limit of six and half hours per appointment. Employees should advise their line manager of the appointment dates and times as early as possible. See Special Leave Policy.
57. In some situations e.g. if you have become pregnant following infertility treatment, or if you have certain medical conditions, you will be more closely monitored during your pregnancy and you may have more appointments. Your manager should accommodate these appointments wherever possible (see also Fertility Policy).

15th week before the baby is due

58. This is the latest date an employee can notify their employer they are pregnant and be eligible for maternity leave and pay (unless it is not reasonably practicable to do so in which case notification must be as soon as reasonably practicable). The notification must include:
- that they are pregnant
 - the expected week of childbirth (EWC); and
 - when they intend to start maternity leave. This is no earlier than the 11th week before the EWC.
59. The application must be on the form which is available on the intranet. Home > How do I? Human Resources > Leave and absence > Parental leave

Before starting maternity leave

60. Employees and their line manager must jointly agree arrangements for keeping in touch during the period of maternity leave. This is separate from agreeing KIT days.
61. Arrangements for maternity cover and handover of work must also be discussed and agreed.
62. Employees and their line manager should commence discussions about return to work preferences. See paragraphs 93 - 100.
63. The “Keep in touch” template in Annex A of Planning the Parental Leave Journey may be used to record the outcome of discussions.

Start of maternity leave

64. Employees may start maternity leave on any day of the week.

Start date

65. The earliest that maternity leave and pay may start is the beginning of the 11th week before the EWC.
66. The latest that maternity leave and pay may start is the beginning of the EWC.
67. If the baby is born early and before maternity leave was due to start, maternity leave and pay will start on the day immediately following the baby’s birth. The employee must notify their line manager and HR as soon as is reasonably practical after the birth.
68. Employees who are off work with a pregnancy related illness in the four weeks before their EWC will automatically start their maternity leave and pay the day after the first day of absence.

69. It is mandatory for all pregnant employees to take as maternity leave the two week period commencing with the day on which childbirth occurs. This period is referred to as compulsory maternity leave.
70. An employee may change their maternity leave start date provided they advise their line manager and HRHelp@governmentlegal.gov.uk at least 28 days before the new start date or before the original proposed start date, which ever is the earlier, or as soon as reasonably practical.

Early births or if a baby is stillborn or dies after being born

71. Employees are entitled to maternity leave and, provided they meet the eligibility criteria, SMP and OMP, if the baby:
- is born early
 - is stillborn after the start of the 24th week of pregnancy
 - dies after being born.
72. Employees must notify HR as soon as practical and provide:
- birth certificate
 - death certificate.
73. In addition to maternity leave, employees will also be entitled to parental bereavement leave. This consists of two weeks' leave which can be taken up to 56 weeks from the date of the stillbirth or the baby's death. These two weeks can be taken together or in two separate blocks of one week.
74. Parental bereavement pay, where eligible, will be paid at full contractual pay. If an employee takes parental bereavement leave whilst still receiving occupational or statutory maternity pay they will not be eligible for parental bereavement pay in addition to this.
75. GLD will not routinely request evidence of employees' entitlement to parental bereavement leave but reserves the right to ask for it.

Miscarriage

76. Employees who suffer a miscarriage during the first 24 weeks of pregnancy are not entitled to maternity leave and pay. However, if they are unwell they should follow the normal sickness policies – see Supporting and Managing Attendance on Eagle. A separate support guide for managers and colleagues on pregnancy loss and the death of a baby can be found [here](#).

Sick absence

77. Employees who are sick will normally be able to take sick leave until their maternity leave starts on the agreed date; provided this is more than four weeks before the EWC.
78. Employees who are sick wholly or partly due to pregnancy on or after the beginning of the fourth week before the EWC will automatically start their maternity leave the day after the first day of absence.
79. Employees must tell their line manager and HR on the first day of sick absence and whether it is wholly or partly pregnancy related.
80. Employees who are sick for non-pregnancy related reasons can remain on sick leave up to the date the baby is born or their maternity leave start date.
81. Employees are not eligible for sick leave once maternity leave starts.

During maternity leave

Effect of maternity leave on other conditions of service

82. During maternity leave employees will continue to receive all contractual benefits except contractual wages or salary. However, employees who meet the eligibility requirements will be entitled to maternity pay as outlined in the paragraphs above. Childcare vouchers and other salary sacrifice benefits will continue to be paid.
83. Depending on the pension scheme maternity leave may impact on an employee's pension. Further information may be found at <https://www.civilservicepensionscheme.org.uk>

Probation

84. Probation will be suspended if maternity leave is for more than one tenth of the probation period. Probation will resume on the employees return to work.

Annual leave

85. Employees will continue to accrue annual leave, including public and privilege leave, during maternity leave. If an employee's leave year ends part way through their maternity leave any remaining leave entitlement will carry over to the next leave year.
86. Employees may take annual leave after maternity leave and before they return to work. Alternatively they can use their annual leave to achieve a phased or staggered return to work.
87. Annual leave will count towards the time employees are required to work after their maternity leave so they do not have to repay OMP.
88. Where possible employees should apply for annual leave at the same time as maternity leave.

Redundancy during your maternity leave

89. You will not be selected for redundancy on the grounds of pregnancy, pregnancy-related sickness or maternity leave. However, you will not be exempt from fair consideration for redundancy, including during your protected period. If you are selected for redundancy during your protected period, where there is a suitable alternative vacancy, you must be offered the role. You can choose whether or not to accept the role offered. However, if you do not accept it, this may lead to your redundancy.
90. Your protected period will start from when you have told your manager you are pregnant. It will end 18 months after the day your baby was born. If you do not notify your manager of the date your baby was born, it will end 18 months after the first day in the week your baby was due. If you suffer a miscarriage, your protected period will start from when you have told your manager you are pregnant and will end two weeks after your pregnancy has ended.
91. Where there is no suitable alternative vacancy, this may lead to your redundancy.

Keeping in Touch (KIT) days

92. Employees can work up to **10 KIT days** during maternity leave. **KIT days** are optional - both the employee and employer need to agree to them. This entitlement is not pro-rated. For example if you work 3 days per week you will still be entitled to 10 KIT days. It still counts as a full keeping in touch day even if you only work part of it, for example an hour or a half day.
93. Employees and their line manager must agree the type of work and pay they will receive before they come into work. The type of work can include team meetings, meetings with clients, appraisal discussions, training and arrangements for return to work or employee catch ups.
94. Line managers must notify HR of employees' keeping in touch (KIT) days. This can be done by email to HRhelp@governmentlegal.gov.uk or via service now using HR General Enquiry box.
95. GLD will pay KIT days to the nearest half or whole day, depending on the number of hours attended. It is not mandatory for employees to work KIT days, however, these are an opportunity to keep up to date and feel included whilst on maternity leave.
96. Employees who choose to take a KIT day whilst they are receiving OMP will not receive any additional payment as they are already being paid for that day.

Return to work

Agreeing the role the employee will return to

97. You have a right to return to:

- The same job after ordinary maternity leave (the first 26 weeks), or
 - The same job after additional maternity leave (weeks 27 to 52), or, if it is not reasonably practicable, to another job which is both suitable and appropriate for you
98. Employees should return to the team ('team' being a group of colleagues headed by a Deputy Director) that they were employed in before their leave. If it is considered there are exceptional circumstances which mean it is not reasonably practicable to hold the employee's own job open for their return after additional maternity leave, or make it impossible for them to return to their previous team, or if an employee prefers to move teams on return, a discussion should take place about what other suitable roles are available (or anticipated to become available) within the division by, at the latest, four months before they are due to return.
99. This is important so that the employee is not left uncertain about the job to which they will return and to facilitate a discussion about what work would suit their needs best on return. These discussions should take into account any immediate thoughts the employee may have about alternative working patterns and career development plans, as well as any preference for how they use their "keeping in touch" days prior to their return. Only in exceptional circumstances would the returner be asked to join a different division to the one in which they were working before they went on maternity leave.
100. Employees who prefer to move teams on return for development should let the Line Manager know four months before the return date. The Line Manager will then inform HR Resourcing Team via recruitment@governmentlegal.gov.uk who will contact the employee directly to discuss options and progress the development move.

Return date

101. Employees who intend to return to work at the end of maternity leave on the expected return date do not have to give further notice of their return. They are expected to return on that date.
102. Employees who wish to end maternity leave and return to work earlier than previously notified must give their line manager and HR at least **eight weeks'** notice. The exception is if HR did not notify the employee of their return to work date. Employees who attempt to return to work without giving such notice may find HR postpones their return until either eight weeks' notice has been given or the previously agreed return date. You cannot return to work during the two-week compulsory maternity leave immediately following the birth of your baby. This is increased to four weeks if you are a manual worker.
103. Once an employee has ended maternity leave it is not possible to restart it even if they have not taken 52 weeks leave.
104. Employees who do not wish to return to work after maternity leave must give their line manager and HR the required notice of resignation, in accordance with the terms of their

contract of employment. Employees who do not return to work in the Civil Service must repay any occupational pay received (less SMP).

Sick absence

105. Employees who are unable to attend work at the end of maternity leave due to sickness, should follow the normal arrangements for sickness absence.

Career Break

106. Employees who wish to take a career break immediately after maternity leave must initially discuss this with their line manager. A career break application must be made no later than three months before the intended career break start date. If a career break is agreed you should take any outstanding or accrued annual leave including public and privilege leave as you will not be able to carry it forward to take when you return from career break. See Career Break policy for further details.
107. Employees will be entitled to apply for maternity leave whilst on a career break provided they give the required notice as detailed above. Note that career break and maternity leave cannot run concurrently. However, employees may not meet the qualifying criteria for OMP and SMP as set out above.

Alternative Formats

If you cannot easily get access to the internet, ask your line manager for a hard copy of the policy and/or forms. For other formats or further advice contact HRHelp@governmentlegal.gov.uk or [REDACTED] Option 2.

Further Information

If your questions have not been answered on the Intranet and/or Service Now, please contact HRHelp@governmentlegal.gov.uk or call [REDACTED] option 2.

Annex A - Useful terms and abbreviations

Additional Maternity Leave (AML) - This is an additional 26 weeks maternity leave, which must, if taken, directly follow OML without a break. This, when added to OML means that a pregnant employee can take up to 52 weeks leave around the birth of a child. Provided the eligibility criteria are met SMP is paid for 13 weeks of this leave.

Compulsory Maternity Leave – This is a period where the employee **must** take two weeks' leave after the birth of their child.

Expected Week of Childbirth (EWC) - This is the week in which the baby is expected to be born. It always starts from the Sunday on or before the date the baby is due.

Occupational Maternity Pay (OMP) – Also known as contractual maternity pay. Provided the eligibility criteria are met an employee is entitled to occupational maternity pay (OMP), this tops up SMP.

Ordinary Maternity Leave (OML) – Regardless of length of service this is the first 26 weeks of maternity leave. OML can commence on any day of the week. Provided the eligibility criteria for OMP and SMP are met this leave may be paid.

Maternity Allowance (MA) - This is a social security payment and employees need to apply direct to their local benefit office. See [gov.uk](https://www.gov.uk) for eligibility criteria and further details.

MATB1 - A certificate issued after the 20th week of pregnancy by a certified Midwife or registered Medical Practitioner confirming the EWC.

Miscarriage – Is the loss of a pregnancy during the first 24 weeks of pregnancy.

Protected period – Pregnant employees are protected against less favourable treatment on the grounds of their pregnancy. This protection applies from the beginning of the pregnancy until the earliest of either:

- the end of Statutory Maternity Leave which comprises OML and AML
- the date the employee returns to work
- two weeks after the end of the pregnancy if there is no entitlement to Maternity Leave.

Qualifying Week (QW) - This is the 15th week before the EWC. The QW is calculated by counting back 15 weeks from the start of the week the baby is due. The EWC is found on the MATB1 certificate.

Qualifying period - This is the eight week period prior to the QW. This period is used to calculate an employee's average weekly earnings.

Shared Parental Leave (SPL) – If an employee wishes to end their OML or AML early and return to work they can transfer up to 26 weeks of their outstanding leave entitlement to their partner,

providing certain qualifying conditions are met. Please see the Shared Parental Leave Policy for more information.

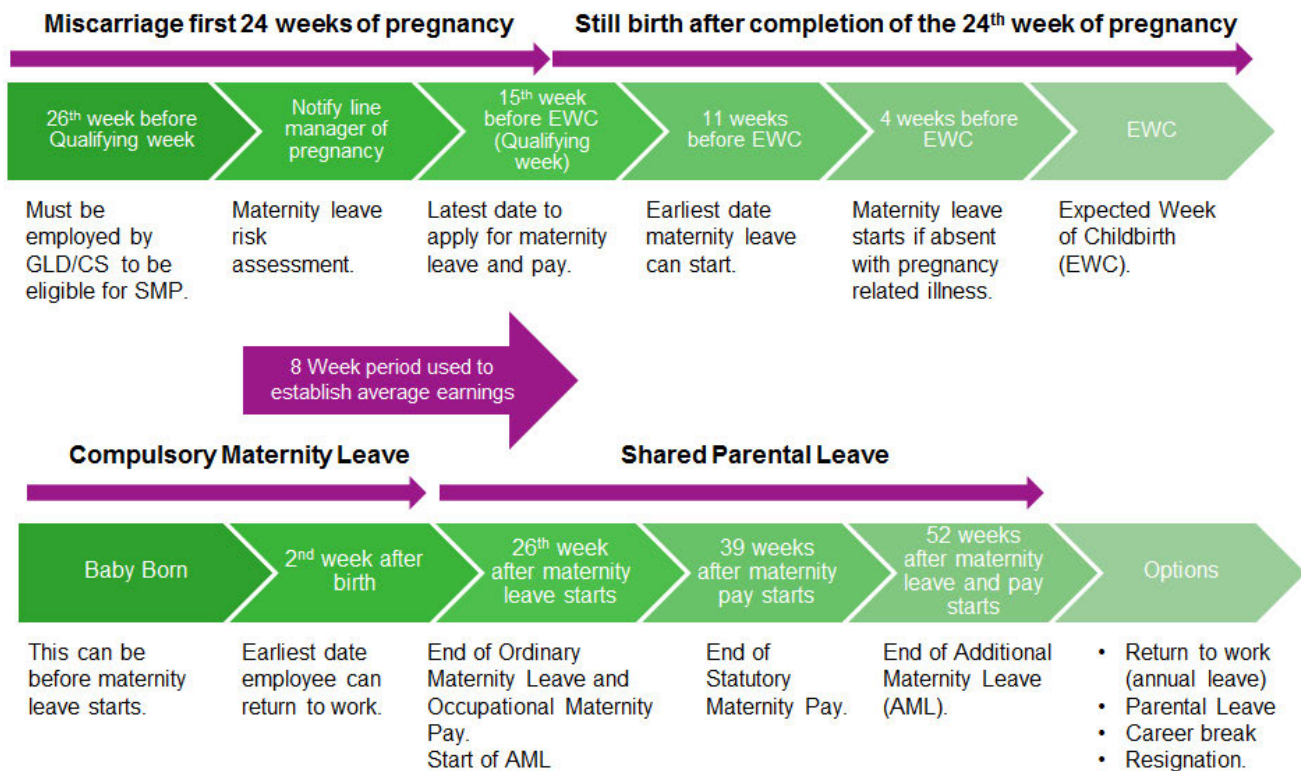
Statutory Maternity Pay (SMP) – Provided the eligibility criteria are met pregnant employees are entitled to 39 weeks SMP.

Stillbirth – A stillborn baby born after completion of the 24th week of pregnancy.

Statutory Parental Bereavement Leave – Leave in the event of the death of child up to the age of 18

Statutory Parental Bereavement Pay – Provided eligibility criteria are met, parents may be entitled to Occupational Pay for the duration of the bereavement leave

Annex B – Maternity timeline



Annex C – Employee checklist

This checklist sets out actions for employees before, during and after maternity leave.

Notification of pregnancy	
Tell your line manager you are pregnant as soon as you are able and comfortable to do so.	
Read “Planning the Parental Leave Journey” a Civil Service Toolkit, GLDs maternity leave policy along with other relevant policies e.g. Shared Parental Leave, Parental Leave, Flexible Working, Career Break.	
Talk to your manager about your potential plans for maternity leave, keeping in touch and your return to work.	
Risk assessment: Work with your manager and Operations who will undertake a risk assessment and put in place any reasonable adjustments you may need. Review as your pregnancy progresses	
Antenatal Care: Tell your line manager when your appointments are and be prepared to show them your appointment notice if requested. Consider if working from home or working flexibly would help minimise your absence from work.	
No later than the 15th week before your due date	
Obtain your MATB1 from your midwife/doctor etc.	
Submit your application form for maternity leave and pay and email to HRHelp@governmentlegal.gov.uk with your MATB1. Deadline 15th week before your due date or as soon as practicable.	
Before your maternity leave commences	
You and your line manager should finalise your preferences for keeping in touch with the department during your maternity leave. Your line manager will tell you about the arrangements for maternity cover. The “Keep in touch” template in Annex A of Planning the Parental Leave Journey may be used to record the outcome of your discussions.	
Print out Trent holiday entitlement in case of difficulties accessing entitlement on return.	
Discuss with your manager any plans you may have regarding your return to work e.g. working pattern, do you want to come back to the same team or move to a new posting. You may also be considered for promotion while on maternity leave. Work with your line manager and Deputy Director to find a solution that works for you and the team.	
Note that there is no requirement for this to be settled prior to commencing maternity leave	
Handover to your maternity cover.	

Hand in laptop, phone etc. unless you have agreed to retain them during your maternity leave.	
During maternity leave	
Keep your line manager updated on your preferences for returning to work whilst on maternity leave, including work patterns, return dates, preferences for returning to the same team or moving to a new posting.	
Contact your line manager to arrange KIT days to attend trainings, team meetings, meet with other departments to arrange new posting etc.	
Four months or an appropriate period before maternity leave ends	
Your line manager will contact you to discuss the job you will return to, working patterns, career development plans and KIT days.	
If you want to change your working pattern complete the flexible working application form.	
First day back at work	
Familiarise yourself with any new policies, practices etc. Collect any IT equipment e.g. laptop, phone, security pass.	
First month after return to work	
Resume regular 1:2:1s with your line manager including: <ul style="list-style-type: none"> • Review of return to work and how you have settled back in • Assessing how any new working arrangements are working in practice • Identify and, if appropriate, address any outstanding technical or practical issues • Develop and agree objectives for the current appraisal year. 	

Annex D – Manager Checklist

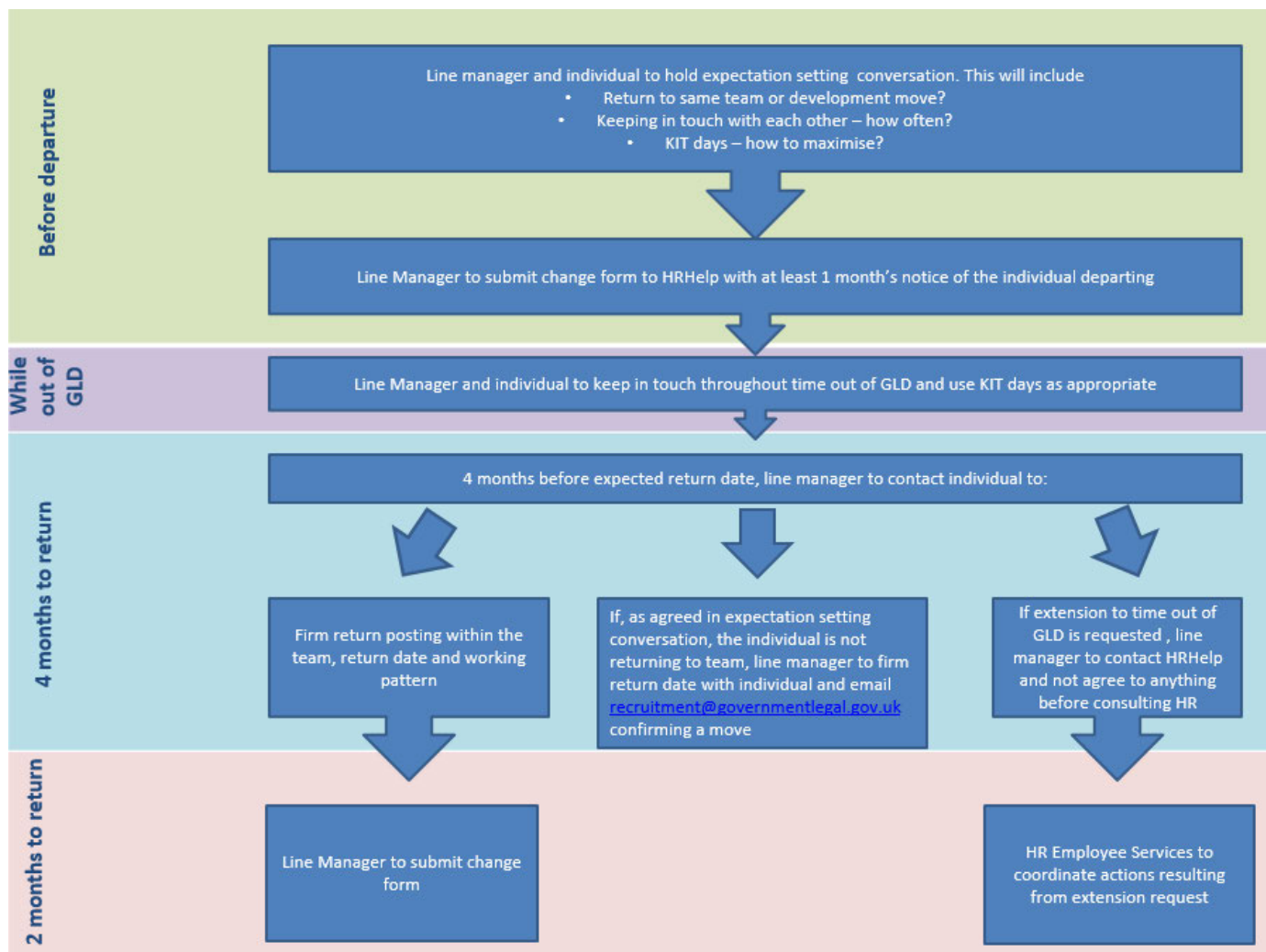
This checklist sets out the responsibilities and actions for line managers of pregnant employees before, during and after maternity leave.

<p>Notification of pregnancy</p>	
<p>Risk assessment: As soon as an employee tells you they are pregnant contact Operations to undertake a risk assessment and put in place any reasonable adjustments they may need. Review as the pregnancy progresses.</p>	
<p>Talk to the employee about any adjustments to working environment and working pattern they need during their pregnancy e.g. increase remote working/ varying hours to avoid rush hour, special leave for ante-natal appointments etc.</p>	
<p>Advise your employee that pregnant workers and new mothers are provided with spaces to rest in each of the main GLD buildings (Petty France, Croydon, Leeds, Bristol and Salford). Details of the provisions in each of these offices can be found on Eagle. Colleagues based in client offices should speak to the facilities team in their building.</p>	
<p>Read “Planning the Parental Leave Journey” a Civil Service Toolkit. This will help you to frame discussions. Also read GLDs maternity leave policy and procedure.</p>	
<p>Initiate discussions with the employee about their maternity leave and, if appropriate, their initial thoughts about their return to work. The employee may have preferences with respect to managed moves or promotion considerations during or on return from maternity leave which they wish to be considered prior to going on maternity leave. However, note that the default position is that employees will return to the same team as per paragraphs 93 and 95 of the GLD Maternity Policy.</p>	
<p>Notify your Deputy Director and discuss arrangements for maternity cover and if appropriate, any initial thoughts they employee may have about their return to work. If you have one, involve Business Support/Admin team etc. so they are aware of the changes.</p>	
<p>Antenatal Care: Enable the employee to attend appointments. Consider if working from home or working flexibly would help minimise their absence from work.</p>	
<p>No later than the 15th week before employee’s due date</p>	
<p>Initiate a conversation with the employee about how they would like you to keep in touch whilst they are on maternity leave.</p> <p>If you have not already done so initiate discussions on any thoughts the employee may have about their return to work.</p>	
<p>Consider any applications for a career break, flexible working etc.</p>	

Before maternity leave commences	
Finalise maternity cover and inform the employee about the arrangements. Where appropriate, facilitate/arrange handover to the maternity cover.	
Finalise KIT arrangements and ensure the employee has received the appropriate HR documentation including letter confirming maternity leave and return date.	
Collect any IT equipment e.g. laptop/phone and return to IT.	
Confirm employees outstanding annual leave balance at the start of maternity leave and notify HR of any changes.	
During maternity leave	
Keep in contact with employee as previously agreed.	
If you move on to a new role, identify a named replacement and inform the employee of the change. Update your replacement of the employee's plans and their responsibilities regarding KIT etc.	
If the employee wishes to attend training, team meetings, meet with other departments to arrange new posting etc. arrange KIT days. Input details to Trent to ensure employee is paid.	
Four months, or an appropriate time, prior to indicative return date	
<p>Contact employee to.</p> <ul style="list-style-type: none"> • Confirm return date. Notify HR of any changes to return date. • Annual leave - if not already agreed finalise dates of annual leave and notify HR. Employee will have accrued leave whilst on maternity leave and may wish to use this either before they return or to phase their return to work. <p>Talk to your employee about their plans to return to work:</p> <ul style="list-style-type: none"> • job preferences - do they want to return to the same job/ same team or a new posting • development goals • working patterns that could be accommodated within the team (consider requests for flexible working) • KIT preferences - discussion on how KIT days might be used e.g. attending training, team meetings, meeting other departments regarding potential new posting etc. <p>Work with employee and Deputy Director to find a solution that works for the team and the employee.</p>	

<ul style="list-style-type: none"> • Make sure Security Pass and IT arrangements are in place. • Ensure employee has access to a private area for expressing milk as required. 	
Finalise and confirm in writing details of the post the employee will return to. This may include a new location etc. Notify HR by completing the Staff change form.	
1-2 weeks prior to return	
Contact employee and agree practical arrangements for their first day back. Tell them about any changes to working arrangements/team/duties etc.	
Remind your employee about the on-site facilities available, i.e. breastfeeding rooms, and facilitate any adjustments that may need to be arrangements for employee's return.	
Make sure your team and wider department are aware of employee's return date. Arrange for IT, security pass, phones, access to shared drives etc. and update circulation lists etc. If appropriate pass details on to business support.	
First day back at work	
Arrange a handover either from the maternity cover or if a new role the current job holder.	
First month after return	
Resume regular 1:2:1s including: <ul style="list-style-type: none"> • Review of return to work to ensure employee has settled back in. • Assess how any new working arrangements are working in practice. • Identify and, if appropriate, address any outstanding technical or practical issues • Develop and agree objectives for the current appraisal year. 	

Annex E - Return to work flowchart



Annex F – Accessible return to work flowchart

Before departure

Step 1: Line manager and individual to hold expectation setting conversation. This will include:

- return to same team or development move?
- keeping in touch with each other – how often?
- KIT days – how to maximise?

Step 2: Line Manager to submit change form to HRHelp@governmentlegal.gov.uk with at least 1 month's notice of the individual departing.

Whilst on Maternity Leave

Step 3: Line Manager and individual to keep in touch throughout time out of GLD and use KIT days as appropriate.

Four months before return date or if employee requests an earlier return date

Step 4: Line manager to contact individual to discuss and agree whether:

- a) they will return to a posting within the team along with return date and working pattern (Go to Step 5)
- b) move teams as previously agreed in expectation setting conversation. Line manager to confirm return date and email recruitment@governmentlegal.gov.uk confirming a move has been requested (Go to Step 8)
- c) they request an extension to time out of GLD is requested e.g. career break or parental leave. (Go to Step 6)

Two months before return date

Step 5: Employee is returning to the same team so their Line Manager should submit change form. (Go to Step 8).

Step 6: Line manager must contact HRHelp@governmentlegal.gov.uk for advice, they must not agree to anything before consulting HR.

Step 7: HR Employee Services to coordinate actions resulting from extension request. Step 8: Employee either returns to work or starts further period of absence.

Step 9: End.



Partner's (Paternity) Leave policy and procedure

Issue date	Effective date Implementation Date	Next review
	6 April 2024	April 2027
For information and action by	HR, Employees and Line Managers	
Contact	HRhelp@governmentlegal.gov.uk	
Associated documents	Maternity Leave and pay Shared Parental Leave guidance Adoption leave and pay Annual and Public/privilege leave Career Break Policy Flexible Working Policy Parental Bereavement Leave and Pay	
Policy owner	HR Director	
Policy author	Agreed with Trade Union Side	
Replaces	Partner's (Paternity) Leave policy and procedure dated August 2021	
Revision history	Partner's (Paternity) Leave policy and procedure issue dated August 2021 will remain in effect until 5 April 2024 inclusive. There will be a transitional period after 6 April 2024 where some parents will continue to be covered by the regulations as they existed before these amendments.	

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Policy

Policy Statement

1. The Government Legal Department is committed to supporting employees to understand the choices available to them when planning for the birth (including by a surrogacy arrangement) or adoption of a child. Families now have additional options open to them about how they can manage time off during the first year after their child's birth or adoption. This policy should be read in conjunction with the GLD's policies on maternity leave, adoption leave and shared parental leave to ensure that employees are fully aware of all the options available to them and their family.
2. This policy has been updated to reflect the Statutory Paternity Pay (Amendment) Regulations 2024, which came into force on 8 March 2024. This policy sets out the entitlement and associated processes that apply to partner's (paternity) leave and pay. This policy applies equally to prospective fathers and same-sex partners.
3. The policy applies to employees whose baby is due to be born after 6 April 2024, including intended parents who are having baby via a surrogacy arrangement. The guidance also applies to employees who are expecting to adopt a child on or after 6 April 2024. If they are adopting a child from overseas, it will apply if the child is expected to enter Great Britain on or after 6 April 2024.
4. This policy is non-contractual and will be regularly reviewed and may be amended at any time following appropriate consultation.

Scope

5. The provisions of this policy apply to all eligible employees on GLD terms and conditions including fixed term appointments. It also applies to those on loan or secondment who are subject to GLD's terms and conditions. It does not apply to agency workers or contractors.
6. The policy is divided into three sections, one for parents having a baby (including via a surrogacy arrangement), the second for parents adopting a child and the third includes information applicable to all scenarios.

Policy Principles

7. GLD offers enhanced partner's (paternity) pay to eligible employees which exceeds the statutory provision by providing full contractual pay for the full two weeks of partner's (paternity) leave. GLD's occupational pay includes (is not additional to) statutory provisions.
8. If you meet the qualifying conditions, you can choose to take either one or two weeks' statutory partner's (paternity) leave. If you choose to take two weeks, you can take them together or split them and take two separate blocks of one week each.

9. A partner's (paternity) leave week is the same number of days that you normally work in a week. For example, a partner's (paternity) leave week will be two days if you only work on Mondays and Tuesdays.
10. The entitlement to leave and pay is the same even if more than one child is born e.g., twins or adoption placement of more than one child.
11. Employees who transfer to GLD from another Government Department with no break in service may use their service with their previous department to meet the qualifying criteria for partner's (paternity) leave.

Parents having a baby - including via a surrogacy arrangement

Eligibility for partner's (paternity) leave

12. If your partner is having a baby, or you are the intended parent of a baby to be born to a surrogate mother, you may be entitled to partner's (paternity) leave. This is a legal entitlement that employees can take if they meet the qualifying conditions.
13. To be eligible for partner's (paternity) leave, you must be one of the following:
 - the biological father
 - the spouse or partner of the mother - this includes those who are in a same-sex relationship
 - the intended parent if you are having a baby via a surrogacy arrangement.
14. You must also:
 - have worked continuously for the Civil Service for at least 26 weeks by the 15th week before your baby is due
 - have, or expect to have, caring responsibilities for your baby
 - be taking time off to support your partner or to care for your baby
 - not be taking statutory adoption leave (if you are the intended parent having a baby via a surrogacy arrangement)
 - give the correct **notice**.
15. If you meet the qualifying conditions, you can choose to take either one or two weeks' statutory partner's (paternity) leave. If you choose to take two weeks, you can take them together or you can split them and take two separate blocks of one week each. You do not qualify for any extra time if more than one child is born as a result of the same pregnancy, for example if you have twins.

16. A partner's (paternity) leave week is the same number of days that you normally work in a week. For example, a partner's (paternity) leave week will be two days if you only work on Mondays and Tuesdays.
17. You cannot start your partner's (paternity) leave until your baby is born and it must be taken within 52 weeks of this date.
18. You must take your partner's (paternity) leave before taking any shared parental leave. You cannot take any partner's (paternity) leave once you have taken shared parental leave.

Partner's (paternity) pay

19. If you are eligible for partner's (paternity) leave your partner's (paternity) pay will start when you take your partner's (paternity) leave.

Notice to take partner's (paternity) leave

20. It is recognised that the timing of partner's (paternity) leave cannot be fully predicted. Employees should therefore give as much notice as possible to their manager of the likely or actual dates to be taken.
21. At least 15 weeks before your baby is due, or as soon as reasonably practicable you should:
 - notify your manager, in writing that your partner is having a baby and when your baby is due, or when the surrogate mother of the baby for which you are the intended parent is due to give birth.
 - state that you are entitled to and intend to take partner's (paternity) leave. If you are the intended parent having a baby via a surrogacy arrangement, you will also need to confirm that you will not be taking statutory adoption leave.
22. At least 28 days before your baby is due or as soon as reasonably practicable you should notify your manager in writing about whether you want to take your leave:
 - On the day the baby is born
 - A number of days you specify after your baby is born
 - On a later date of your choosingand
 - Whether you want to take one or two weeks up to a total of two weeks. If you want to take your two weeks separately but only know the dates of the first week, you should include this and notify your manager later with the date of the second week.
23. If you have notified your manager that you intend to take your partner's (paternity) leave on the day your baby is born but you are at work on this day, you can start your partner's (paternity) leave the following day.

24. You may wish to change the start date of your partner's (paternity) leave or to cancel leave which you have booked. If possible, you should let your manager know at least 28 days before your original partner's (paternity) leave was due to start or 28 days before the date you now plan to start your partner's (paternity) leave, whichever is the earlier. Where you are not able to do this, you should let your manager know as soon as you reasonably can.
25. Employees should notify Employee Services by completing the Application for Partner's (Paternity) Leave and Pay and returning it as soon as possible. The employee will be required to provide the following information:
 - Expected week of childbirth
 - Dates of leave and whether they wish to take one or two weeks
 - MAT B1 certificate or statement to confirm application for parental order (surrogacy arrangement)
26. You do not have to provide proof of the pregnancy or birth but, as soon as you reasonably can, you must let your manager know when your baby has been born.
27. Employees will remain eligible for partner's (paternity) leave (and/or pay) if their baby is stillborn after the start of the 24th week of pregnancy, or if their baby dies after being born. In such circumstances, employees may also be eligible for **parental bereavement** leave and pay.

Parents adopting a child

Adopting a child via a surrogacy arrangement

28. If you are adopting your child via a surrogacy arrangement, partner's (paternity) leave and pay arrangements are covered in the section above for **parents having a baby**.

Eligibility for partner's (paternity) leave

29. You may be entitled to partner's (paternity) leave if your partner is adopting a child, or if you are jointly adopting a child. This is a legal entitlement that employees can take if they meet the qualifying conditions.
30. To be eligible for partner's (paternity) leave, you must be one of the following:
 - the child's co-adopter
 - the spouse or partner of the adopter. This includes those who are in a same-sex relationship.
31. You must also:

- have worked continuously for the Civil Service for at least 26 weeks up to the week you and/or your partner are matched with your child for adoption. For overseas adoptions, you must have worked continuously for the Civil Service for at least 26 weeks.
 - have, or expect to have caring responsibility for your child
 - be taking time off to support your partner or care for your child
 - not be taking statutory adoption leave
 - give the correct **notice**.
32. If you are jointly adopting a child, you will need to decide who will take statutory adoption leave and who will take statutory partner's (paternity) leave.
33. If you meet the qualifying conditions, you can choose to take either one or two weeks' statutory partner's (paternity) leave. If you choose to take two weeks, you can take them together, or you can split them and take two separate blocks of one week each. You do not qualify for any extra time if more than one child is placed for adoption with you at the same time.
34. A partner's (paternity) leave week is the same number of days that you normally work in a week. For example, a partner's (paternity) leave week will be two days if you only work on Mondays and Tuesdays.
35. If you are adopting your child in Great Britain, you cannot start your partner's (paternity) leave until your child comes to live with you and it must be taken within 52 weeks of this date.
36. For overseas adoption, you cannot start your partner's (paternity) leave until your child enters Great Britain and it must be taken within 52 weeks of this date.
37. You must take all your partner's (paternity) leave before taking any shared parental leave. You cannot take any partner's (paternity) leave once you have taken shared parental leave.

Partner's (paternity) pay

38. If you are eligible for partner's (paternity) leave your partner's (paternity) pay will start when you take your partner's (paternity) leave.

Notice to take partner's (paternity) leave and pay

39. There are different notification requirements depending on whether the adoption is from within Great Britain or overseas.

Adoptions in Great Britain

40. Within seven days of you and/or your partner being matched with your child or as soon as reasonably practicable you should provide your manager with the following information:

- the date you were matched with your child and the date you expect your child to come to live with you. If your child has already been placed with you, you should give the date they came to live with you
 - that you are entitled to and intend to take partner's (paternity) leave. If you are jointly adopting your child, you must confirm that you have chosen to take statutory partner's (paternity) leave and pay rather than statutory adoption leave and pay.
 - proof of the adoption, for example, a letter from your adoption agency or the matching certificate
 - the date or dates you want your partner's (paternity) leave to start. If you are taking your two weeks separately, you should let your manager know the start dates for both periods of leave. If you only know the dates of the first week, you should include this and notify your manager later with the date of the second week. You can ask for your partner's (paternity) leave to start:
 - on the day your child is placed with you
 - a number of days after your child is placed with you
 - on a later date of your choosing.
41. If you notified your manager that you intended to take your partner's (paternity) leave on the day your child came to live with you but you are at work, you can start your partner's (paternity) leave the following day.
42. You may wish to change the start date of your partner's (paternity) leave or cancel a period you have already booked. If possible, you should let your manager know at least 28 days before your original partner's (paternity) leave was due to start or 28 days before the date you now plan to start your partner's (paternity) leave, whichever is the earlier. Where you are not able to do this, you should let your manager know as soon as you reasonably can.
43. Employees should notify Employee Services by completing the Application for Partner's (Paternity) Leave and Pay and returning it as soon as possible. The employee will be required to provide the following information:
- Expected date of placement and match date
 - Dates of leave and whether they wish to take one or two weeks
 - Letter from adoption agency
44. You will need to confirm, as soon as you reasonably can, the date your child comes to live with you.

Overseas adoptions

45. Within 28 days of receiving the official notification or as soon as reasonably practicable you should provide your manager with the following information:
- the date on which you received your official notification, and the date on which your child is expected to come and live in Great Britain or, where your child has already entered Great Britain, the date of entry
 - that you are entitled to and intend to take partner's (paternity) leave. If you are jointly adopting your child, you must confirm that you have chosen to take statutory partner's (paternity) leave and pay rather than statutory adoption leave and pay
 - proof of the adoption in the form of your official notification
 - the date or dates you want your partner's (paternity) leave to start. If you are taking your two weeks separately, you should let your manager know the start dates for both periods of leave. If you only know the dates of the first week, you should include this and notify your manager later with the date of the second week. You can ask for your partner's (paternity) leave to start:
 - on the day your child enters Great Britain
 - on a later date of your choosing.
46. Employees should notify Employee Services by completing the application form and returning it as soon as possible. The employee will be required to provide the following information:
- Expected date of placement and match date
 - Dates of leave and whether they wish to take one or two weeks
 - Letter from adoption agency
47. If you notified your manager that you intended to take your partner's (paternity) leave on the day your child entered Great Britain but you are at work, you can start your partner's (paternity) leave the following day.
48. You may wish to change the start date of your partner's (paternity) leave or cancel a period you have already booked. If possible, you should let your manager know at least 28 days before your original partner's (paternity) leave was due to start or 28 days before the date you now plan to start your partner's (paternity) leave, whichever is the earlier. Where you are not able to do this, you should let your manager know as soon as you reasonably can.
49. You will need to confirm, as soon as you reasonably can, the date your child comes to live with you.

Change of circumstances

50. If there is a change of circumstances, for example you are notified that the placement will not go ahead, your child ceases to live with you or returns to the adoption agency after being placed with you, you should let your manager and Human Resources know as soon as you reasonably can. Your right to apply for and take any new partner's (paternity) leave ends eight weeks after your change of circumstances but you can take any partner's (paternity) leave which you had already booked.
51. You should also let your manager know if your child sadly dies. More information on what you are entitled to and the support available to you and your partner during this difficult time can be found in the departmental [parental bereavement leave](#) policy.

Additional Information

52. During periods of partner's (paternity) leave, employees are entitled to all relevant terms and conditions of employment which would have applied had they not been absent.
53. Any period of partner's (paternity) leave does not affect continuous service with the GLD.
54. Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme, providing that these provisions do not conflict with any statutory requirements that may apply at the time.

Other Provisions

Returning to work

55. You have the right to return to the same job with the same terms and conditions following your partner's (paternity) leave.
56. If you are taking shared parental leave immediately following your partner's (paternity) leave, you have the right to return to the same job if your partner's (paternity) and shared parental leave combined do not exceed 26 weeks.
57. When your partner's (paternity) and shared parental leave exceed 26 weeks, if it is not reasonably practicable to return to the same job, you have the right to return to another job that is both suitable and appropriate for you.

Considering shared parental leave

58. Shared parental leave allows eligible parents to convert maternity, adoption and partner's (paternity) leave into shared parental leave, which can then be shared between both parents as they wish in order to share the care of their child during the first year. Full details can be found in GLD's [shared parental leave](#) policy. You may also find it useful to look at the SPL booklet on [GOV.UK](#). This provides scenarios to help parents decide the best option for them.

59. If you wish to take shared parental leave, you must take your partner's (paternity) leave first. If you are taking your partner's (paternity) leave in two separate blocks, shared parental leave can be taken after you have taken your second week of partner's (paternity) leave.

Unpaid parental leave

60. You may also be entitled to unpaid parental leave which can be taken immediately following the adoption of your child, or at any time until the child's 18th birthday. You can take up to 4 weeks' unpaid parental leave per year, per child. You will need to refer to the departmental [unpaid parental leave](#) policy for more information.


Annual leave

61. Annual leave, privilege leave and bank holidays continue to accrue during your partner's (paternity) leave. This means that if a bank holiday occurs during your partner's (paternity) leave, you will be entitled to take this at a later date.

Antenatal/Adoption Appointments

62. GLD employees that are eligible for partner's (paternity) leave have a right to take time off during working hours to accompany their partner to up to two antenatal appointments made on the advice of a Medical Practitioner. In the case of adoption partners have the right to attend two adoption appointments after they have been matched with a child. There is no statutory right for time off for antenatal/adoption appointments to be paid; however, GLD will pay normal contractual pay to support partners to attend.
63. The employee taking partner's (paternity) leave may be asked to provide evidence of any appointments to their line manager by declaring the following:
- The date and time of the appointment;
 - That they qualify for the time off through their relationship to the mother or child;
 - That the time off is for the purpose of attending an appropriate appointment with the expectant mother or primary adopter
64. This covers the actual time need to attend the appointments up to a limit of six and a half hours per appointment. Where possible, appointments should be made at times which cause minimal disruption to the working day. See [special leave policy](#).

Alternative Formats

If you cannot easily get access to the internet, ask your line manager for a hard copy of the policy and/or forms. For other formats or further advice contact HRHelp@governmentlegal.gov.uk or 

Further Information

If your questions have not been answered on the Intranet and/or Service Now, please contact HRHelp@governmentlegal.gov.uk or call [REDACTED] [REDACTED]



Supporting & Managing Attendance Policy and Procedure (Sick Leave)		
Issue date	Effective date Implementation Date	Next review
March 2021	18 March 2021	March 2023
For action by	All staff directly employed by GLD	
For information	All staff directly employed by GLD	
Contact	HRhelp@governmentlegal.gov.uk	
Associated documents	Supporting and Managing Attendance Letters Occupational Health Referral Guidance GLD Probation Policy GLD Maternity Leave Policy	
Policy owner	HR	
Policy author	PPER	
Replaces	The following areas of the Staff Handbook have been replaced and incorporated within this policy: <ul style="list-style-type: none"> • Sickness Absence (5.2.24-5.2.85) • Dental, Medical and Other Appointments (6.3.13-6.3.16) • Poor Attenders (6.4.1-6.4.10) 	
Revision history	Minor update April 2024 – paragraphs 50 and 75 Minor updates November 2024 – paragraphs 49, 193, 195 and 197	

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Supporting and Managing Attendance Policy

Policy purpose

1. The purpose of supporting and managing attendance is to create an environment that encourages wellbeing and empowers employees to look after their health. The policy supports managers in managing attendance, working in partnership with the employee to identify pro-active means of reducing sickness absence.
2. GLD acknowledges its duty of care to each employee and will support those who are away from the office due to sickness or injury. It also has a duty of care to those employees who are working and who may be covering for colleagues' work whilst they are away. GLD has a legal duty to provide a safe place of work and will support staff when they are ill, whether or not the illness is work related.

Scope

3. This policy applies to all employees including fixed term appointments, with the exception of probationers, agency workers and contractors. It also applies to those on loan and secondment who are subject to GLD's terms and conditions.
4. The Probation Policy and Procedures should be used to support and manage attendance for probationers.

Policy Principles

5. GLD understands that people will sometimes be unwell and respect that employees will need to be absent when they are not well enough to work. Sickness absence from work is treated with understanding and sympathy but cannot continue indefinitely.
6. This policy outlines GLD's commitment to supporting attendance, by creating and maintaining a supportive and enabling working environment/culture that promotes the physical and mental wellbeing of all employees. It should be applied reasonably and aims to support line managers and employees in taking a pro-active approach to managing sickness absence, focusing on wellbeing and on the sensitive needs of the employee. Sickness absence will be managed consistently and effectively, in a fair and transparent way. It should be read in conjunction with GLD's [Probation](#), [Special Leave](#) and [Workplace Adjustments](#) policies and guidance.
7. High levels of sickness absence can make it difficult to deliver our services and meet our business priorities. This policy aims to reduce sickness absence wherever possible, helping

to support health problems through a culture that proactively promotes health and wellbeing, including prevention and early intervention.

8. GLD is committed to supporting people with a disability and long-term health conditions to stay at work or return to work, by adopting a people and work-focused approach. We will do this through:
 - Promoting a greater emphasis on the need for managers and employees to work together to identify barriers
 - Promoting early action in the provision of support and workplace adjustments that may be required
9. During periods of sickness absence, managers will keep in touch with employees to identify areas that can best support a return to work. In circumstances where the line manager may be a contributing factor for sickness absence, it may be appropriate for the countersigning manager or another trusted manager to assume this role. This also applies to periods of continuous sickness absence (defined in paragraph 16), in which review meetings will be held to help the employee return to work as soon as they are able.
10. Where a manager is concerned about levels of sickness absence, they will provide support and take steps to improve attendance. If sickness absence continues to an unsatisfactory level, managers may then decide to take formal action in line with the procedures set out in this policy document.
11. Dismissal or downgrading will only be considered as a final option, when the level of sickness absence can no longer be sustained by the business and appropriate medical advice has been obtained.
12. Attendance is generally considered to be below the expected level, the Attendance Point, when an employee has:
 - A total of four or more periods of sickness absences in a rolling period of 12 months, or
 - 14 calendar days' sick leave in a rolling 12 month period.
13. Absences related to pregnancy will not count towards the Attendance Point, but will count towards sick pay calculations. For further information in relation to pregnancy-related sickness absence in the four weeks prior to the expected week of childbirth, employees should refer to the [GLD Maternity Leave Policy and Procedure](#).
14. Paid special leave will be considered for absences from work that are directly related to transgender and intersex variations. Where absences are given for special leave, these are not treated or recorded as sickness absences. They are also not counted towards the Attendance Point See [Leave related to Gender Transition or Intersex Variations](#) for further details.

15. Managers should follow the Supporting and Managing Attendance Procedure if their employee's absence reaches or exceeds the Attendance Point. Prompt intervention is important in ensuring support is put in place for the employee to remain in or return to work.
16. For any COVID-19 related absence, also see the [COVID-19 guidance on Eagle](#).

Definitions

17. **Continuous sickness absence:** Continuous sickness absence (also known as long-term sickness absence) is defined as 20 consecutive calendar days or more sickness absence from work.
18. **Health and Attendance Meeting:** A Health and Attendance Meeting is where the manager and employee will address initial concerns around sickness absence, with a focus on working together to find proactive solutions to improve attendance. A Health and Attendance Meeting must be held when an employee reaches or exceeds the Attendance Point.
19. **Formal Health and Attendance Meeting:** A Formal Health and Attendance Meeting takes the same approach as a Health and Attendance Meeting and must first be held when an employee reaches or exceeds the Attendance Point, following a Health and Attendance Meeting. There is an expectation that managers will hold Formal Health and Attendance meetings. There may be occasions when it is not appropriate to do so (outlined in paragraph 101) and managers have the discretion to make this determination. Formal Health and Attendance Meetings will be held at each decision point. Formal action for unsatisfactory attendance consists of the decision points listed in paragraph 94 and these decision points can only be taken following a Formal Health and Attendance Meeting.
20. **Attendance Point:** The Attendance Point is the point at which attendance is considered to be below the expected level and is set out in paragraph 12.
21. **Actions for Managing Attendance Concerns:** If a manager has concerns about an employee's attendance, they should follow the actions for managing attendance concerns. There should be a focus on supporting the employee to enable a satisfactory level of attendance with appropriate support where necessary, with subsequent formal actions if appropriate.
22. **Improvement Period:** Employees will enter an Improvement Period when issued with a First Written Improvement Warning and will be informed of the attendance standard they are expected to meet during the Improvement Period. An Improvement Period typically lasts for 3 months, but can be extended up to 6 months, if appropriate.
23. **Sustained Improvement Period:** Employees will enter a Sustained Improvement Period if their attendance is satisfactory upon completion of the Improvement Period. Employees will be informed of the attendance standard they are expected to meet during the Sustained Improvement Period. The Sustained Improvement Period will last for 12 months and starts immediately following the end of the Improvement Period.

24. **Fit Note:** The Fit Note is provided by the employee’s healthcare professional (GP or hospital doctor, registered nurse, occupational therapist, pharmacist or physiotherapist) and will specify either that the employee is ‘unfit for work’ (and specify the cause of incapacity and probable duration of absence) or that they ‘may be fit for work’ if they believe that the employee’s health condition may allow them to work if they get suitable support from their employer. The Fit Note certificate may include narrative suggesting changes at work which might support the employee’s return to work. In cases where ‘may be fit for work’ is included on the Fit Note, employees should be prepared to discuss with their line manager whether suggested changes can be implemented to assist return to work. In circumstances where the line manager may be a contributing factor for sickness absence, it may be appropriate for the countersigning manager or another trusted manager to assume this role. Weekends, Bank holidays and privilege holidays, and, for those working part time, non-working days occurring within any period of absence, count towards the total number of days that determine whether a ‘Fit Note’ will be required.

Sick Pay

25. Your employment particulars and any subsequent amendments will specify your entitlement to occupational sick pay.
26. If you are on the pre-modernised terms and conditions (normally pre-July 2013), you will be paid for recorded and certified sickness absences if you expect to recover and return to work. You will be allowed a maximum of six months’ full pay and six months’ half pay, up to a maximum of 12 months’ total sick pay in any 4-year rolling period.
27. If you are on the modernised terms and conditions (normally post-July 2013), you will be paid for recorded and certified sickness absences if you expect to recover and return to work. The table below sets out your occupational sick pay entitlement, which will increase one month of full pay and one month of half pay for each additional year of service up to a maximum (after five years’ service) of five months’ full pay and five months’ half pay. You will receive no more than 10 months’ total sick pay in any 4-year rolling period.

For employees in their 1 st year of service	You are entitled to receive sick pay for a period of up two months (62 days). Any paid sick leave that you have taken in previous years will count towards the 62 days maximum. You will receive full pay for up to 1 month (31 days) and half pay for the remaining 31 day period.
For employees in their 2 nd year of service	You are entitled to receive sick pay for a period of up four months (122 days). Any paid sick leave that you have taken in previous years will count towards the 122 day maximum. You will receive full pay for up to 2 months (61 days) and half pay for the remaining period (61 days).
For employees in their 3 rd year of service	You are entitled to receive sick pay for a period of up six months (182 days). Any paid sick leave that you have taken in previous years will count towards the 182 days maximum. You will receive full pay for up to 3 months (91 days) and half pay for the remaining period (91 days).

For employees in their 4 th year of service	You are entitled to receive sick pay for a period of up to eight months (244 days) in any 4-year rolling period. This means any paid sick leave that you have taken in the previous 4 years will count towards the 244 day maximum. You will receive full pay for up to 4 months (122 days) and half pay for the remaining period (122 days).
For employees in their 5 th year of service	You are entitled to receive sick pay for a period of up to ten months (304 days) in any 4-year rolling period. This means any paid sick leave that you have taken in the previous 4 years will count towards the 304 day maximum. You will receive full pay for up to 5 months (152 days) and half pay for the remaining period (152 days).

28. Time spent on secondment or special leave without pay does not count towards re-qualifying service for sick pay when entitlement to maximum sick pay in the periods mentioned above has been exhausted. When full or half pay has ceased, it may not be restored during the same sickness absence.
29. Staff completing their recovery from sickness may be allowed to work reduced hours, if this is recommended by the Occupational Health adviser. The aim is throughout the period of part time attendance to progressively increase the hours being worked, known as returning Part-Time on Medical Grounds (PTMG) or phased return. If a return for a period of PTMG is agreed, you will receive your normal rate of pay for the days/hours in which you are at work. For the agreed hours that you are not working, you will receive the appropriate level of Occupational Sick Pay (OSP) which may be full pay, half pay or zero pay depending on your entitlement and the levels of OSP previously received. Where you are eligible for Statutory Sick Pay (SSP) this will be included within the OSP amount. If you take sickness absence during the agreed hours of attendance, this will be paid at the appropriate sick pay rate. Where annual leave is taken during periods of PTMG, you will receive your normal rate of pay.
30. When an employee receives paid sick leave, GLD is responsible for the administration of SSP and there will normally be no effect on pay. Employees will be advised by HR if SSP rules have any effect on them.
31. Tax and National Insurance Contributions are deducted from pay during sick leave on exactly the same basis as when staff are at work, including any element made up by SSP.
32. All sickness absences are calculated using calendar days, with the start and end date of sickness absences recorded on MyHR. This calculation applies to all working patterns, including full-time, part-time and annualised hours. Sick pay for all staff is calculated on their normal rate of pay.
33. If an employee is absent due to sick leave at the point of serving or being served notice, and they are in receipt of half pay or nil pay, they will continue to receive half pay or nil pay during the notice period until such time as this is exhausted in line with their contractual rights under the relevant sick pay policy. The exception to this is in the case of someone with less than six months' service, sick pay may be withheld from the date notice is received.

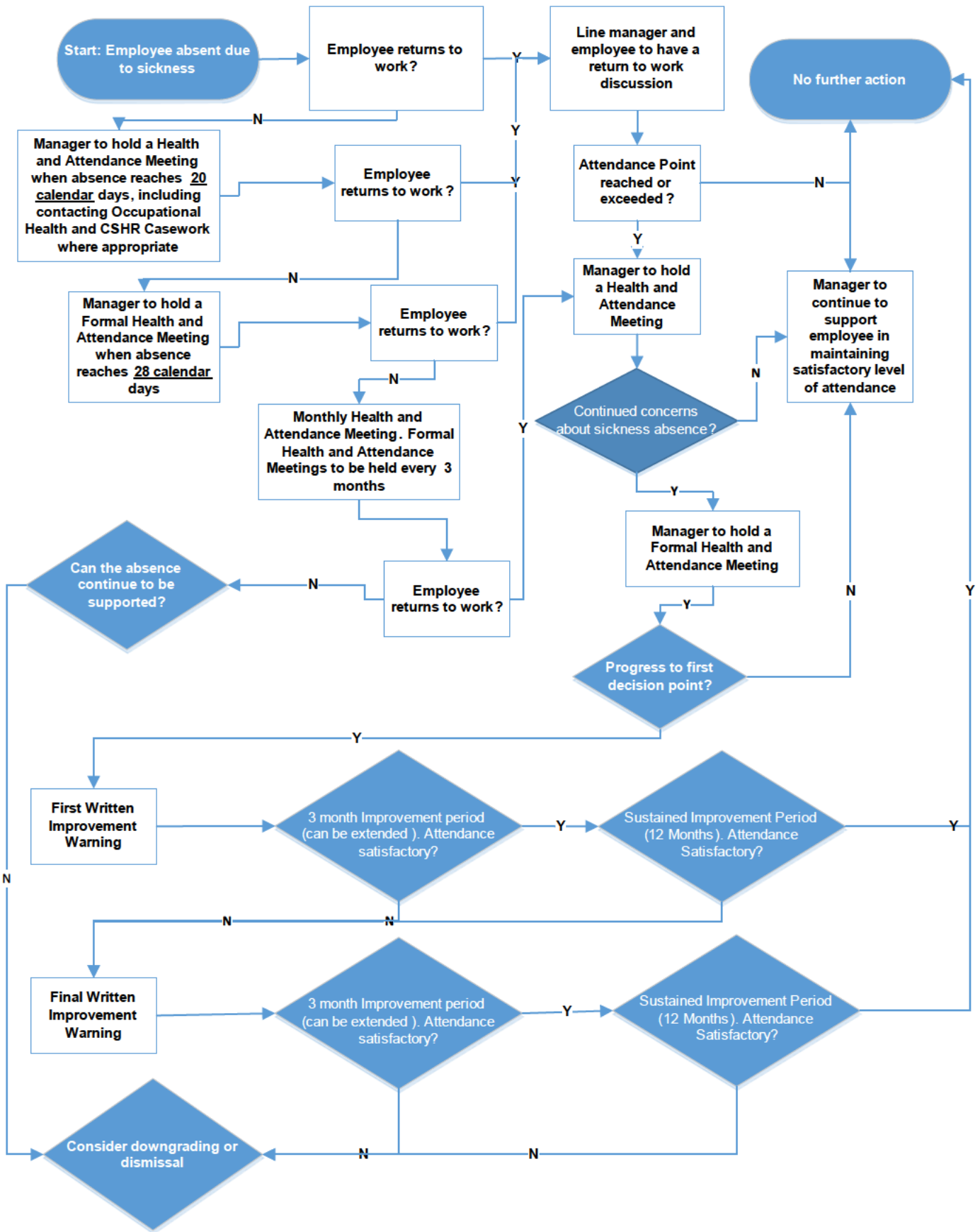
34. Sick leave taken before retirement will be taken into account for re-employed pensioners when calculating sick leave entitlement (except when the pensioner is re-employed as a casual). All sickness absences irrespective of whether pension or sick pay is paid will count against the officer's sickness absence allowance. In addition:
- Minimum sick pay will be no less than pension had pension been re-assessed on the first day of sickness absence;
 - Pension will continue to be paid during sickness absence at the rate already in issue.
 - The detailed rules as to sick pay for re-employed pensioners in employee cases will be provided by HR on request.
35. If an employee has exhausted their entitlement to full and half pay through absence due to one long illness or injury, and falls sick again after returning to work, the limit of 12 months paid sick leave in any 4 year rolling period may be extended by up to 40 days for continuing treatment of the original illness or injury, for recovery from debilitating side effects, or for minor ailments unrelated to the original condition. In addition to the 40 days, up to a further 20 days may, at GLD discretion, be allowed for continuing treatment of the original condition.
36. If the medical adviser agrees that there is a reasonable prospect of recovery, sick pay may be paid at pension rate for an initial 3 month period, reviewed every 3 months to a maximum of a further 12 months beyond the normal maximum of 12 months in 4 years. The rate of pay is the rate of pension, calculated by MyCSP, that the employee would have been entitled to had they retired on medical grounds on the day normal sick pay entitlement was exhausted. Sick pay at pension rate is increased in line with pension increase legislation but does not reckon towards Principal Civil Service Pension Scheme benefits.
37. GLD may recommend paid sickness absence in addition to that normally allowed when an officer is covered by a scheme other than the Principal Civil Service Pension Scheme (PCSPS) which provides for regular and continuing payment on medical grounds and does not provide for sickness absence paid at pension rate to be retainable for pension purposes.
38. Failure to provide a timely report of the reasons for absence, or proper certification of evidence of incapacity, is likely to result in pay being withheld and the absence being recorded as unauthorised.

Sick Leave and Annual Leave

39. An employee who is absent due to sickness has the right to annual leave during their absence. During periods of paid sickness absence, annual leave allowances continue to accrue at the rate specified in your employment particulars and any subsequent amendments. During periods of unpaid sickness absence, annual leave accrues at the statutory rate of 28 days, which includes Public and Privilege Holidays.
40. GLD is entitled to refuse a request from an employee to take annual leave at a time of the employee's choosing after their return to work from sickness absence if there are overriding business reasons, and sufficient notice of the request has not been given to allow for cover.

41. If an employee does not wish to take paid annual leave during their sickness absence, then it accrues to be taken on return to work. If it is not possible for this to be taken in the remainder of the existing leave year (whether because of insufficient time or for overriding reasons related to the interests of GLD), the employee is permitted to carry forward their balance of annual leave to the next or subsequent leave years. This includes contractual annual leave which has been accrued during periods of paid sickness absence and statutory annual leave which has been accrued during periods of unpaid sickness absence. This right will continue until the employee has the opportunity to take that leave.
42. Inefficiency proceedings are unaffected by any period of annual leave taken during sickness absence. However, an employee taking annual leave during sickness absence will only be entitled to receive pay for their annual leave and will not be entitled to any sick pay during the period of annual leave.
43. If employment is terminated, a payment in lieu of untaken leave will be made to the employee in respect of their balance of annual leave, even if accrued in an earlier leave year but only where the reason the employee was unable to take the leave was as a result of sickness. This includes contractual annual leave which has been accrued during periods of paid sickness absence and statutory annual leave which has been accrued during periods of unpaid sickness absence. Payment will be made at the contractual rate applicable in the leave years in which the leave accrued.

Procedure



Privacy Notice

44. Personal data collected as part of this policy will be processed in accordance with GLD's [Data Protection Policy and Privacy Notice](#). The Privacy Notice explains what personal data GLD holds about you, how we collect it, and how we will use and may share information about you. Given that information about an employee's health is personal sensitive data, this should be handled particularly carefully. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with GLD's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under GLD's disciplinary procedure.
45. As information gathered under this policy is likely to be of a sensitive nature, extra caution should be taken when handling this data.

Introduction

46. This procedure should be used when supporting and managing attendance.
47. The Supporting and Managing Attendance Procedure contains guidance for managers and employees. This guidance provides support to managers in managing attendance issues. Early intervention is encouraged, and managers should consult [CSHR Casework](#) for advice, where necessary, as early as possible in the process.
48. A summary of this procedure can be found in the process overview.

Roles and Responsibilities

Managers

49. Managers should:
 - act early to address health issues which may affect the employee and their attendance or performance, which may include seeking medical advice from [Occupational Health](#)
 - consult [CSHR Casework](#) for advice in supporting and managing attendance
 - support employees when they experience ill-health, where appropriate and depending on medical advice
 - be sympathetic to requests for varying work patterns and/or requests for special leave which meet personal needs, if they can be accommodated within existing resources without detriment to GLD

- support employees to return to work as soon as possible following a period of sickness absence
- refer to this Supporting and Managing Attendance Policy and Procedure when managing attendance concerns
- In cases of continuous (long term) absence, consult [CSHR Casework](#), make keeping in touch arrangements, and explore all available options (including Ill Health Retirement, if appropriate)
- With CSHR Casework support, act as the decision maker for any action
- Accurately record sickness absence via MyHR. Where an employee returns for a period of Part-Time on Medical Grounds (PTMG) the manager should complete the [Phased Return to Work Form](#) and return it to [HRHelp](#) by the pay cut-off date each month.
- Make every effort to contact the employee to ensure that a fit note is provided for absences of 8 days or more in line with the legal requirement to do so, and to record this fit note in MyHR.

50. Managers must not:

- Apply pressure to an employee to coerce them to return to work before a complete recovery
- Divulge the nature of someone's illness against their wishes
- Imply in any way to the employee, colleagues, senior management or HR that the absence is unwarranted or the illness is not genuine if there is no evidence to support this view

Employees

51. Employees should:

- attend work unless they are not well enough to do so, or on another authorised absence, and return to work as soon as they are able
- talk to their manager as soon as they experience any health issues which might affect their attendance or performance
- understand GLD Policy relating to sickness absence and the level of attendance that is expected of them
- provide a Fit Note for sickness absences of 8 calendar days or more
- maintain contact with their manager during periods of sickness absence, ensuring an up-to-date record of their address and contact details on MyHR
- work with their manager to look for ways of continuing to work, subject to medical advice, or of returning to work as soon as possible following a period of absence

- agree and maintain a Workplace Adjustment Passport in regards to any recommendations

HR

52. HR will:

- Complete transactional processes based on line manager input into MyHR

Managing Health at Work

53. It is important to act quickly to minimise the impact of ill health on attendance.

54. The manager and employee should work together and adopt a people and work-focused approach, to support the employee's health and wellbeing. They should explore what the employee can do, or might be capable of doing with help and support, taking into account medical advice.

55. Managers should encourage employees to go home, or cease work if they are working from home, if they are not well enough to remain in work. The manager should speak with the employee about how they are feeling and whether any medical support is required. After this discussion, the manager should decide whether the employee should go home, or cease working, and whether they can get there safely. If appropriate, the manager should suggest that the employee contacts their Doctor or a family member, and remind the employee of the services provided by the [Employee Assistance Programme](#).

56. Managers should also encourage employees to not work from home if they are not well enough to do so. The manager should speak with the employee about how they are feeling and whether any medical advice has been received. They should determine whether it is practical for the employee to work from home and agree what they will do, along with arrangements for keeping in touch to support them. The manager should inform the employee that if their symptoms worsen, they cannot continue to work. If an employee's absence prevents them from working from home, this must be recorded as a sickness absence in MyHR.

Workplace Adjustments

57. Employers are required under the Equality Act 2010 to make reasonable adjustments to enable employees with disabilities to attend work and carry out their roles effectively. Reasonable adjustments can be described as steps taken to remove, reduce or prevent barriers faced by disabled employees in the workplace.

58. In addition to adjustments that employers are legally obliged to make for staff with a disability, it is good practice to consider all requests for adjustments to enable an employee to carry out their role and maintain a satisfactory level of attendance. This can positively impact the engagement, productivity and morale of employees who do not have a disability.

For this reason, we refer to workplace adjustments in the wider sense and specify where the action is only applicable to employees with a disability.

59. Any workplace adjustments should be regularly reviewed to ensure they continue to be effective or to identify whether further adjustments are needed. It is recommended that adjustments are recorded on a [Workplace Adjustment Passport](#) and reviewed regularly to ensure recommendations continue to support the employee. The purpose of the Passport is to capture all agreed workplace adjustment requirements (physical and non-physical). This minimises the need to renegotiate workplace adjustments every time an employee moves post/moves between departments or is assigned a new line manager.
60. Further guidance on workplace adjustments can be found [here](#).

Occupational Health

61. Occupational Health gives specialist advice on health problems, to support the employee's ability to carry out their job effectively.
62. Managers and Employees are able to find further information about how to make a referral [here](#).
63. A manager can make a referral to [Occupational Health](#) at any time they are concerned that the employee's health is affecting their attendance, conduct or performance, to obtain specialist advice to support the employee. An early referral is strongly recommended, particularly if concerns about an employee's health are directly linked to work. The manager should consult [CSHR Casework](#) for further advice.
64. If it is not appropriate for the line manager to make the Occupational Health referral, this should instead be made by the Countersigning Manager. Employees are not able to self-refer to Occupational Health.
65. The manager must seek an employee's consent to make a referral and must discuss the basis of the referral, including questions to be submitted, prior to making the referral. It is in the employee's interest to participate. The employee can decide to receive a copy of the Occupational Health report, following the Occupational Health assessment, in advance of their manager and can decide at this point whether it will be shared. If the employee does not consent, the manager should decide what action to take based on the information available and meetings to date.

Employee Absence

Notifying Absence

66. The employee should telephone their manager to report their absence from work by 10am on the first day of their sickness absence. Where the employee's manager is unavailable, another manager of the same or higher grade should be contacted. If the employee is too

unwell to contact the line manager or another manager directly, it is important they ask someone else to call on their behalf.

67. Text messages or emails should only be used by the employee if a telephone call is not possible or received. The manager may make a follow-up telephone call to the employee, as a welfare check for the employee.
68. During the telephone call, the manager and employee should establish the reason for absence (without going into any sensitive details, but mentioning if the illness is contagious) and whether it is acceptable for colleagues to be notified of this, adopting a work-focused approach and agree keeping in touch arrangements with the employee during the first conversation. This should also include whether the employee has seen or plans to see a Doctor, and outlining the steps taken to aid recovery. If this is not appropriate, for example if the employee is in hospital or suffering from a work-related illness, that approach should be delayed until a more appropriate stage in their recovery.
69. Following the initial contact with the employee, the manager should:
 - Record the sickness absence and the reason on MyHR on the first day of absence
 - Make a note if the absence is related to disability on MyHR. Managers are able to select 'disability related leave', as an option when recording the sickness absence, under the 'other' drop-down menu when listing the reason for sickness absence
 - Consider a referral to [Occupational Health](#)
70. It is best practice for the manager to make a note of the conversation and share this with the employee following the call.

Possible Unauthorised Absence

71. If the employee does not attend work and does not make contact with the manager, the manager should try to get in touch using the most appropriate means. This may mean contacting HR, who in turn will contact their next of kin.
72. If the manager is still unable to contact the employee, this may be recorded as unauthorised absence (see paragraph 37).

Certifying the Sickness Absence

73. For sickness absences of 8 calendar days or more, the employee must provide a Fit Note from their healthcare professional (GP or hospital doctor, registered nurse, occupational therapist, pharmacist or physiotherapist). This should be sent to the line manager, either via an electronic version or by post. If sending an electronic version, the employee must ensure that all details are fully visible for the line manager. During longer periods of sickness absence, the employee should send their manager Fit Notes they receive covering their whole sickness absence.

74. The manager should use the Fit Note to continue the sickness absence record on MyHR, and upload the Fit Note to MyHR as per the [guidance](#).

During Sickness Absence

75. The manager should keep in touch with the employee during their sickness absence, in line with the agreed keeping in touch arrangements.

76. The manager should adopt a work-focused approach during all discussions with the employee throughout their absence and ensure work is reassigned, as far as possible, based on the likely length and reasons for absence.

77. If the absence reaches 20 consecutive calendar days, the manager should follow the guidance on [continuous sickness absence](#).

Part-day Absences

78. A part-day sickness absence is where an employee attends (either in the office or working from home) work for part of the day before going home or ceasing work due to illness or injury. The manager must record a part-day sickness absence on MyHR on the first day of absence. This will count towards the Attendance Point and towards calculations for sick pay purposes, including half or nil sick pay.

Attendance Management

79. For attendance management purposes, where an employee works for:

- One hour or less; this will count as one day's sickness absence and will count towards the Attendance Point. Managers must record a full-day sickness absence on MyHR
- More than one hour but less than half of their daily contracted hours; this will count as a half-day sickness absence towards the Attendance Point. Managers must record a half-day sickness absence on MyHR
- More than half of their daily contracted hours; this should be treated as a full day's attendance and not recorded as a sickness absence. Therefore, it will not count towards the Attendance Point

Sickness Absence during Annual Leave

80. If an employee is ill whilst on annual leave, they can choose whether to have the days which they are unwell treated as annual leave or sickness absence.

81. If an employee chooses to have them treated as sickness absence, they must follow the rules on notifying their manager, keeping in touch and providing medical evidence. Annual

leave cannot be converted into sickness absence retrospectively. The manager must record the sickness absence on MyHR.

82. If circumstances such as being abroad prevent the employee from notifying their manager on the first day of illness, they must obtain translated documentary evidence of their illness from a local medical practitioner. A Fit Note supplied retrospectively by an employee's own healthcare professional (GP or hospital doctor, registered nurse, occupational therapist, pharmacist or physiotherapist) cannot be accepted as proof of illness.
83. No deduction should be made from the employee's annual leave entitlement for the period covered by medical evidence. This means annual leave can be taken at another time.

Annual Leave during Sickness Absence

84. An employee can take annual leave during a period of sickness absence, by submitting their request to their line manager in advance of the proposed leave.
85. This means an employee will receive full pay for any annual leave taken regardless of their entitlement to sick pay.
86. Annual leave breaks the total length of sickness absence for Occupational Sick Pay purposes and will not count towards half and nil pay calculations (see paragraphs 127-128). If annual leave is taken during sickness absence, the manager must close the sickness absence on MyHR on the day before annual leave is due to begin. If the employee is still absent with sickness absence following their annual leave, the manager must then re-open the sickness absence on MyHR on the day after annual leave finishes. The manager is responsible for ensuring that annual leave and sickness absence is accurately recorded on MyHR.

Returning to Work

87. The manager should hold a return to work discussion after every period of sickness absence, on the day the employee returns to work. This discussion should include a review of all sickness absences in the rolling 12 month period. This should be conducted with sensitivity and in confidence.
88. During the return to work discussion, the manager should:
 - Check the health and wellbeing of the employee
 - Make sure the employee is ready to return to work by reviewing the Fit Note issued by the employee's healthcare professional (GP or hospital doctor, registered nurse, occupational therapist, pharmacist or physiotherapist), where applicable
 - Discuss and consider any support or workplace adjustments, making a note of the agreed actions
 - Discuss any workplace updates that happened whilst the employee was absent

- Arrange to carry out an individual stress risk assessment if the absence was stress-related, or arrange for this to take place with the countersigning manager or other trusted manager in circumstances where the line manager is a contributing factor to the sickness absence. Managers should contact [CSHR Casework](#), who will share the individual stress risk assessment and accompanying guidance, to ensure support is provided.
 - Following the return to work discussion, the manager should close the sickness absence on MyHR. It is also good practice to note any agreed actions in an email and share this with the employee.
89. If a Fit Note is provided indicating the employee may be fit for work, the manager should discuss any recommendations and/or workplace adjustments with the employee to support their return.

Actions for Managing Attendance Concerns

90. Managers in all cases will support an employee in maintaining a satisfactory level of attendance.
91. Managers should meet regularly with employees where there are concerns about their sickness absence, with a focus on supporting the employee to maintain a satisfactory level of attendance, subject to their capacity to do so (including medical advice where necessary).
92. Once sickness absence reaches or exceeds the Attendance Point, then managers may decide to progress to formal action. Managers should consult [CSHR Casework](#) for further advice. Managers are able to access all details of sickness absence for the people they manage via MyHR.
93. The procedure for managing attendance concerns is different for employees taking frequent, short-term absences, and for employees on long-term, continuous sickness absence.
- For concerns about frequent, shorter term absences, managers should follow the steps listed in paragraphs 96 – 111
 - For concerns about long-term, continuous absence, managers should follow the steps listed in paragraphs 125 – 140. If an employee returns to work following continuous sickness absence, the short-term absence process (above bullet point) should be followed
94. Formal action for unsatisfactory attendance consists of the following decision points:
- First Written Improvement Warning; when the employee reaches or exceeds the Attendance Point
 - Final Written Improvement Warning; when the employee reaches or exceeds the Attendance Point during an Improvement Period or Sustained Improvement Period

- Consideration of dismissal/downgrading; when the employee reaches or exceeds the Attendance Point following a Final Written Improvement Warning or when a continuous absence can no longer be supported

95. The employee has the right of appeal at each decision point listed above.

Health and Attendance Meetings

96. The manager should meet regularly with an employee where there are concerns about their sickness absence, with a focus on supporting the employee to maintain a satisfactory level of attendance. Managers should consult [CSHR Casework](#), for further advice.

97. If the employee reaches or exceeds the Attendance Point, the manager must hold a Health and Attendance Meeting with the employee and:

- Tell the employee that they are concerned about their level of sickness absence and remind them of the attendance standard expected of them
- Give the employee the opportunity to discuss any new issues which they feel are affecting or may affect their attendance, including any medical advice
- Work with the employee to identify support that could help achieve improved attendance. If the absence is related to a disability, managers should work with the employee to ensure all workplace adjustments are in place
- Make a note of the agreed actions with the employee
- Remind the employee about the support available through the [Employee Assistance Programme](#) and through [Mental Health First Aiders](#).

98. It is recommended that the employee completes a [Workplace Adjustment Passport](#) if an adjustment is required on their return to work.

99. Where an employee reaches or exceeds the Attendance Point and a Health and Attendance Meeting is held, the manager needs to make a decision about the course of action following the meeting.

100. If, following the Health and Attendance Meeting, the manager has concerns about the employee's sickness absence level they should hold a Formal Health and Attendance Meeting, but if under exceptional circumstances they decide it is not appropriate at this stage, they should continue to meet regularly with the employee and support them in maintaining a satisfactory level of attendance. When making this decision, managers should consider the available medical advice, whilst also considering absences that are disproportionate towards any of the protected groups.

101. The manager must not hold a Formal Health and Attendance Meeting if the sickness absence:

- Is related to pregnancy
- Is due to injury entirely caused by negligence of the Crown. If the absence is due to injury caused by the Crown and the employee's negligence, then an appropriate proportion of the absence can count towards the Attendance Point and may lead to a warning
- If the employee was absent because they were assaulted either in the course of duty, or for a reason clearly connected with duty

102. If the manager decides that holding a Formal Health and Attendance Meeting is appropriate, they should follow the steps in [Annex 1](#). In particular, before the meeting the manager must:

- Write to the employee inviting them to a meeting to discuss their attendance, giving 5 days' notice (template letter 3)
- Advise the employee they have a right to be accompanied by a trade union representative, trade union official or work colleague
- Advise the employee that a note taker will be present, unless it is agreed between the manager and the employee that the manager will take notes as sensitive health and medical information will be discussed

103. During the Formal Health and Attendance Meeting, the manager should follow the steps in paragraph 97 and:

- Allow the employee to present any new information that is relevant to their sickness absence

104. The covert electronic recording of meetings by means of any device is strictly prohibited. Covert recording of meetings or hearings conducted under this procedure will amount to misconduct resulting in disciplinary action. If you have a disability/illness, consideration will be given to electronic recording upon receipt of a request for this to be a 'reasonable adjustment'. The employee should provide full justification for the request. This request must be received, and the decision made, in advance of the meeting.

105. Following the Formal Health and Attendance Meeting, the manager must decide whether a First Written Improvement Warning should be issued. The manager is able to exercise discretion and should take into account the employee's sickness absence history over the previous rolling 12 month period, as well as the reason for the absence. Below are some examples of when a First Written Improvement Warning may be appropriate:

- An employee takes frequent sickness absences and reaches/exceeds the Attendance Point, over a short period of time.

- The manager recognises a pattern with the employee's sickness absence. For example, the employee takes frequent sickness absences on particular days or after periods of annual leave/non-working days. This can also include part-day absences.
106. Managers should ensure a consistent approach is applied and should contact [CSHR Casework](#) for advice. For example, sickness absence following a bereavement should be dealt with sensitively.
107. The First Written Improvement Warning is meant to remind the employee of the attendance standard expected of them. The manager should continue to work with the employee to identify any support that may be needed to help them achieve this.
108. When sickness absence is related to disability, managers should consider and put in place all reasonable adjustments before issuing a warning. They should also factor in absences that were required due to delay in implementing reasonable adjustments.
109. Given that each case of sickness absence is unique, the manager may use their discretion and decide not to give a First Written Improvement Warning when an employee reaches or exceeds the Attendance Point. The manager should consider the circumstances of the sickness absence and the employee's absence history over a 12 month rolling period to arrive at a fair and reasonable decision. Below are some examples of when a First Written Improvement Warning may not be appropriate:
- An employee is off for two weeks (therefore reaching the Attendance Point) with flu (or similar type of illness), but they are now fully recovered, back at work and their general attendance record causes no concern
 - An employee takes infrequent sickness absences over a longer period of time, but their general attendance record causes no concern.
 - An employee spends 14 calendar days in hospital with a one-off sickness (therefore reaching the Attendance Point), but they return to work and their general attendance record causes no concern
 - An employee exceeds the Attendance Point when surgery is carried out to remedy an underlying medical condition that was the cause of previous sickness absences
110. In cases where an employee reaches or exceeds the Attendance Point and a First Written Improvement Warning is not given, the manager should continue to meet with the employee and review their sickness absence. If future sickness absences cause concern, the manager should hold another Formal Health and Attendance Meeting with the employee at any time and may then decide to issue a First Written Improvement Warning.
111. Receiving a First Written Improvement Warning means that an employee will be placed onto formal attendance action, which may prevent the employee from applying for roles across the Civil Service.

Improvement and Sustained Improvement Periods

112. An employee who receives a First Written Improvement Warning enters a 3 month Improvement Period, during which they should aim to meet the attendance standard expected of them. This can be extended up to 6 months, if appropriate.
113. The manager should tell the employee of the attendance standard they are expected to meet during the Improvement Period. This will be a proportion of the normal Attendance Point, dividing the Attendance Point (number of calendar days) by the length of the Improvement Period. For example, during a 3 month Improvement Period, the Attendance Point will be 4 calendar days without any reference to the number of absences, for all employees irrespective of working patterns.
114. Managers should continue to support employees through the Improvement Period, working with the employee to improve attendance levels.

Attendance is Satisfactory at the end of the Improvement Period

115. If attendance is satisfactory on completion of the Improvement Period, the manager should arrange a Formal Health and Attendance Meeting (using template letter 9) with the employee to tell them they have met the attendance standard expected of them, following the steps in [Annex 1](#).
116. During the meeting, the manager should:
- Acknowledge that the employee's attendance has improved
 - Inform the employee they are expected to sustain the improvement for 12 months. The Sustained Improvement Period starts immediately following the end of the Improvement Period
 - Inform the employee their attendance is likely to be considered unsatisfactory if their absence level reaches or exceeds the normal Attendance Point (paragraph 12) before the end of the Sustained Improvement Period, unless in exceptional circumstances. For example, an employee has been absent due to an illness that may reoccur.
 - Explain to the employee that absences are monitored during the Sustained Improvement Period over a rolling 12 month period. Reassure the employee that only absences taken during the Improvement Period or Sustained Improvement Period will be included

Attendance remains Satisfactory at the end of the Sustained Improvement Period

117. If the employee maintains a satisfactory level of attendance throughout the Sustained Improvement Period, the manager should arrange a Formal Health and Attendance Meeting (using template letter 6) with the employee to tell them they have met the attendance standard expected of them. Managers should refer to the steps listed in [Annex 1](#).

Attendance is Unsatisfactory during the Improvement Period or Sustained Improvement Period

118. If attendance is unsatisfactory during the Improvement Period or Sustained Improvement Period, formal action may progress when further sickness absences occur. The manager does not need to wait until the employee has completed the Improvement Period or Sustained Improvement Period before taking formal action. The manager should consult [CSHR Casework](#) for further advice.
119. The manager should arrange a Formal Health and Attendance Meeting with the employee, following the steps in [Annex 1](#). In particular, before the meeting the manager must:
- Write to the employee inviting them to a meeting to discuss their attendance (template letter 7)
 - Advise the employee they have a right to be accompanied by a trade union representative, trade union official or work colleague
 - Inform the employee that a note taker will be present
120. During the meeting, the manager should:
- Tell the employee that their attendance has been unsatisfactory during the Improvement Period or Sustained Improvement Period
 - Allow the employee to present any new information
 - Consider whether, in light of all available evidence, to progress formal action to the next decision point
121. After the meeting, the manager should inform the employee of their decision to either:
- Move to the next decision point of formal action and issue a Final Written Improvement Warning, or
 - Take no further action at this point. In this case, their Improvement Period or Sustained Improvement Period continues to its original end date
122. The manager should continue to support the employee in improving their attendance to a satisfactory level.
123. If the employee does not meet the attendance level expected of them following a Final Written Improvement Warning, the manager should consider [dismissal or downgrading](#).
124. Downgrading should be considered as an alternative to dismissal only if the pressure of duties of a higher grade is likely to have been the major reason for the unsatisfactory attendance and there is a suitable, available post and if appropriate for that grade. Downgrading represents a permanent change to an employee's terms and conditions, and

can therefore only be considered if the employee agrees to a change in their terms and conditions of employment.

Continuous Sickness Absence

125. A continuous period of sickness absence is one which reaches 20 consecutive calendar days.
126. During any continuous sickness absence, the manager and employee should work together to explore what the employee can do, or might be capable of doing with help and support, to return to work as soon as they are able. The manager should consult [CSHR Casework](#) for further advice and keep a record of the conversations and send to the CSHR Caseworker.

Linking Periods of Continuous Sickness Absence

127. Two periods of continuous sickness absence can be linked and treated as a single absence. This allows the manager to continue the attendance monitoring action from the point they had previously reached. This would only happen if:
- the sickness absence is for the same reason. The manager should consider how long the employee was back at work relative to the length of the absence;
 - the sickness absences are for different, unrelated reasons but the gap between the sickness absences is 2 weeks or less;
 - a particularly long or serious illness is followed by another unrelated absence within a period of 2 months;
 - the employee returns to work for a period of Part-Time on Medical Grounds and cannot sustain the increase in their hours and is absent due to sickness again.
128. Where annual leave is taken during an ongoing period of sickness absence, these periods will be linked and treated as a single absence. However, for recording purposes, the sickness absence will be broken by the period of annual leave.

Meetings during Continuous Sickness Absence

129. During a continuous sickness absence, the manager and employee will keep in touch in line with the agreed keeping in touch arrangements. The manager should consult [CSHR Casework](#) for further advice.
130. When the absence reaches 20 calendar days, the manager should contact the employee to hold a Health and Attendance Meeting. The purpose of the Health and Attendance meeting is an informal discussion to explore the support needed to help the employee return to work. This should take place over the phone, and the manager should:
- Ask the employee how they are feeling and where they are in their recovery

- Recommend referring to [Occupational Health](#) if this has not already happened
- Discuss any medical advice, for example from the Doctor, a consultant or Occupational Health
- Consider whether workplace adjustments are appropriate
- Ask the employee when they think they may be able to return to work and what support is needed to achieve this
- Remind the employee of the attendance standard expected of them and inform them if they have exceeded their Attendance Point
- Bring the employee up-to-date with any key developments in their work area and/or the organisation
- The manager should document the conversation and send a copy to the employee

131. When the absence reaches 28 calendar days, the first Formal Health and Attendance Meeting should take place.

132. The Formal Health and Attendance Meeting must be a face-to-face meeting (which may include video conferencing in appropriate circumstances, if agreed by both parties) between the manager and the employee, to check on the employee's wellbeing. If the employee is unable to attend a face-to-face meeting at the place of work, then this may take place at a mutually agreed location. The employee still has the right to be accompanied to the meeting. If it is not appropriate for a face-to-face meeting to take place at this time, for example the employee's condition prevents them from attending the meeting, this should be re-arranged for an alternative date. Only in exceptional circumstances, may the first Formal Health and Attendance Meeting take place via an alternative means of communication (i.e. telephone).

133. Further Formal Health and Attendance Meetings should be held:

- When an employee has been absent for 3 months and then at least every 3 months after this point
- Following the monthly Health and Attendance Meeting if a manager considers they cannot continue supporting an absence, except when the sickness absence is pregnancy-related

134. If the employee is likely to return to work within a reasonable timeframe and/or the business can continue to support their absence, the manager should arrange a Health and Attendance Meeting with the employee in a month's time.

135. The employee is able to request that the manager shares any items of interest during periods of continuous sickness absence.

136. The manager should continue to hold Health and Attendance Meetings on a monthly basis to continue to explore the support required for the employee to return to work.

137. In some circumstances, the manager may use their discretion to decide not to progress to a first Formal Health and Attendance Meeting, as each case of sickness absence is unique. Below are some examples of when progressing to a first Formal Health and Attendance Meeting during a period of continuous sickness absence may not be appropriate:

- An employee is recovering from a surgical procedure and their previous sickness absence record causes no concern
- An employee has a significant long-term underlying condition and their previous sickness absence record causes no concern
- An employee has a progressive illness with no known cure

138. Should the manager decide to hold a Formal Health and Attendance meeting with the employee, they should follow the steps in [Annex 1](#). In particular, before the meeting the manager must:

- Write to the employee inviting them to a meeting to discuss their attendance, giving 5 working days' notice (using template letter 1)
- Advise the employee they have a right to be accompanied by a trade union representative, trade union official or work colleague
- Advise the employee that a note taker will be present, unless it is agreed between the manager and the employee that the manager will take notes as sensitive health and medical information will be discussed

139. During a Formal Health and Attendance Meeting, the manager should:

- Undertake the same actions as in the Health and Attendance Meeting. Managers must also follow the steps listed in [Annex 1](#).
- Discuss with the employee whether they are likely to return to work within a reasonable timeframe
- Consider whether there may be underlying disability and if any workplace adjustments may be appropriate
- Consider whether a career break could be appropriate, particularly in circumstances where periods of recovery are required or for any surgery to take place
- Consider whether the business can continue supporting their absence. Explain that downgrading/dismissal may be considered if the business cannot continue to support their absence

140. After the meeting, the manager should inform the employee of their decision to either:
- Continue supporting their sickness absence and continue monitoring attendance through monthly Health and Attendance Meetings, or
 - Move to the next decision point and consider whether the employee meets the criteria for Ill Health Retirement, or whether downgrading or dismissal is appropriate, if a return to work is not likely within a reasonable timeframe and the business cannot continue to support the absence

Considering Dismissal or Downgrading

141. The decision to dismiss or downgrade must be supported by a manager of at least SCS1 grade and these discussions must involve the relevant HR Business Partner. The manager should use the checklist in [Annex 2](#) and consult [CSHR Casework](#) for further advice.
142. The manager should consider dismissal or downgrading when the Supporting and Managing Attendance Procedure has been followed, all appropriate and relevant medical advice taken into account, and:
- Attendance has not improved to a satisfactory level following a Final Written Improvement Warning, or
 - Ill Health Retirement has been explored, if appropriate, and the employee has been given an opportunity to apply if deemed eligible by Occupational Health
 - They do not expect an employee who is on a period of continuous sickness absence to return to work within a reasonable timeframe, and
 - In any case, where the absence is for a reason related to disability, the department has explored all options to make reasonable adjustments which would enable an employee to return to work
143. Managers below SCS1 should involve their SCS1 (or above) and relevant HR Business Partner in decisions and meetings with the employee where dismissal/downgrading are being discussed.
144. The manager and SCS1 (or above) should conduct a Formal Health and Attendance Meeting with the employee before making a decision about dismissal or downgrading.
145. At the meeting, the manager or SCS1 (or above) should:
- Explain why they are considering dismissal or downgrading, and

- Allow the employee to present any new information which might affect their decision
146. After the meeting, the manager and SCS1 (or above) should consider the information and make the decision.

Decision is Downgrading

147. Wherever possible, the manager or SCS1 (or above) should consider downgrading in the first instance with employee agreement, and:
- They are not expected to return to their current post within a reasonable timeframe
 - The duties of a higher grade is deemed by Occupational Health likely to have been the major reason for the unsatisfactory attendance
 - Occupational Health advice is that the employee will achieve the required level of attendance again in the lower grade, and
 - A recognised and open vacancy is available, where there is a tangible link in terms of the required skills and responsibilities following consultation with the relevant HR Business Partner and HR

Decision is Dismissal

148. The manager or SCS1 (or above) should dismiss the employee if **all** of the following apply:
- The business can no longer support the employee's level of sickness absence
 - Downgrading is not appropriate or the employee declines this option
 - Where appropriate, there are no further reasonable adjustments which can be made which will help the employee return to satisfactory attendance
 - Occupational Health advice has been received within the last 3 months, unless the employee withheld their consent to an Occupational Health referral
 - An application for [Ill Health Retirement](#) would not be appropriate as advised by Occupational Health or has been refused by the employee
149. The manager and SCS1 (or above) should consider an Efficiency Dismissal and whether compensation is appropriate, in accordance with the [Civil Service Compensation Scheme](#). The HR Director must authorise the final inefficiency compensation payment.

Decision is No Further Action

150. If the manager or SCS1 (or above) decides not to dismiss or downgrade, the Supporting and Managing Attendance Procedure will continue. This means that:
- The Improvement Period or Sustained Improvement Period will continue to the original end date. Any additional absences may lead to dismissal or downgrading being reconsidered

- Formal Health and Attendance Meetings will continue during a period of continuous sickness absence. The manager may reconsider the decision to dismiss or downgrade if in the future, they decide the business can no longer support the absence

Following the Decision

151. After making their decision, the manager or SCS1 (or above) should:
- Make a full written record of the discussion, the outcome and the reasons for the decision
 - Write to the employee within 5 working days of the meeting to advise them of the decision taken and the reasons for it. This should include a summary of the key points from the meeting. If the decision is to dismiss, the letter should include the effective date of dismissal, details of the notice period and any compensation payment.
 - Inform the employee that they have the right to appeal against their dismissal within 10 working days of receiving the letter
 - Inform the employee of their right of appeal to [Civil Service Appeal Board](#) regarding the amount of compensation paid on dismissal on efficiency grounds for unsatisfactory attendance
 - Send a copy of the letter and the completed Compensation Certificate to MyCSP if the decision is to dismiss
 - Update the employee's absence record on MyHR
 - Wherever possible, employees should be informed of the decision to dismiss either at a face-to-face meeting or via a telephone call prior to written notification of dismissal. If that is not possible, the written outcome should be sent by recorded delivery and the delivery receipt retained

Appeals

152. There is one right of appeal at each of the three decision points in the Supporting and Managing Attendance Procedure.
153. The employee has 10 working days from the date of receipt of the decision to submit their appeal to the Appeal Manager. The appeal should clearly state the grounds for the employee's appeal and their desired outcome. The Appeal Manager should write to the employee normally within 5 working days of receiving the written appeal and invite them to a meeting, giving the employee a minimum of 5 working days' notice of the appeal hearing
154. The employee has the right to be accompanied and for the meeting to be delayed if the companion is not available for the original meeting date.

155. Appeals will be heard by someone with sufficient authority and impartiality. Generally, appeal managers will be either the same grade or more senior than the decision maker. However, equal or greater seniority than the decision maker is not a compulsory requirement for an appeal manager and may not always be possible due to operational challenges.
156. The appeal manager must be impartial and independent, have no prior involvement in the original decision or meeting and have no vested interest in the outcome of the appeal. The appeal manager would therefore not normally be from within the same line management chain and would ideally be someone from a different part of the organisation. HR Business Partners and/or CSHR Casework will be able to provide effective guidance on identifying a suitable appeal manager, with a senior member of the relevant decision making the final decision.
157. It is important that matters are dealt with fairly, impartially and objectively. If the employee has a genuine and reasonable concern about the integrity or impartiality of the appeal manager, they should raise this with their HR Business Partner (via a Service Now case). Every effort should be made to allay or address their concerns, but this does not mean they can choose who deals with the matter.
158. The role of the appeal manager is vital in ensuring that all employees are treated with dignity and respect and that the outcome is transparent and fair. Anyone acting as an appeal manager should also have read and understood this Policy, Procedure and related products, along with completing Diversity and Inclusion and Unconscious Bias training
159. There are three grounds of appeal:
- Procedural error where there is evidence the process was incorrectly followed or relevant evidence disregarded
 - New evidence has come to light that may change the outcome of the original decision
 - The sanction imposed was too severe or disproportionate
160. If the appeal does not satisfy the above grounds of appeal, the Appeal Manager should reject it and notify the employee in writing.
161. Employees may not raise a grievance where a right of appeal exists under this or any other departmental procedure which is able to address the issues raised.
162. The appeal process should continue alongside any on-going action under the Supporting and Managing Attendance Procedure, including the start of any notice period.
163. If the appeal meets the criteria, the Appeal Manager should conduct a formal meeting with the employee before making a decision.
164. Before the meeting, the Appeal Manager should:

- Check they have all the papers relating to the decision
- Check that the procedure has been followed correctly. To note, minor procedural errors that cannot have impacted on the substantive decision alone are unlikely to mean that an appeal is upheld
- Ensure they understand the grounds of appeal
- Fully consider all the points raised by the employee in their appeal
- Consider the original decision and any new evidence provided by the employee

165. Depending on the grounds, the Appeal Manager may restrict their consideration to a review of specific matters, such as whether the original decision was made in accordance with the procedure. However, this only applies where dismissal/downgrading is **not** being considered. If dismissal or downgrading is being considered, an appeal hearing will require a full re-hearing of the case. Appeal Managers should [consult CSHR Casework](#) when establishing the remit of their role.

166. Following the meeting, the Appeal Manager should decide whether or not to uphold the appeal. They should write to the employee notifying them of their decision within 5 working days of the meeting.

167. The decision letter should include:

- Whether the appeal is upheld or rejected and the reasons for this decision
- Recommended actions such as the [Dispute Resolution Policy](#), further supporting and managing attendance meetings with the employee and workplace adjustments

168. The Appeal Manager's decision is final.

Other Considerations

Confidentiality

169. Sickness absence records are confidential and should only be viewed by, or communicated to, other managers where appropriate, CSHR Casework or Occupational Health providers. This should be done in accordance with departmental data protection policies (paragraph 43). Disciplinary action may be taken for any inappropriate handling or processing of personal data.

Retention of Documents

170. When keeping records relating to an employee's health, the manager should refer to the [Records Management Retention Scheduling](#).

Disability Leave

171. Disability Leave is a form of paid special leave that may be offered as a reasonable adjustment under the Equality Act 2010.
172. Employees with a disability can apply for disability leave **if they are fit for work** but need time off to attend appointments for treatment, rehabilitation or assessment relating to their disability. Managers are able to grant 5 days' disability leave a year, and should consult [Occupational Health](#), [CSHR Casework](#), and the relevant HR Business Partner (via a Service Now case) if additional leave is requested.
173. There may be some cases where an employee with a disability is fit to work but is not able to work safely or effectively until workplace adjustments are put in place. The manager should discuss with the employee whether any temporary changes would enable them to continue to work while the adjustments are implemented, which may include increasing the Attendance Point. Where temporary changes have been considered but not deemed sufficiently effective, disability leave may be applied until the adjustments are implemented. Managers should refer to further information on [Work Place Adjustments](#).
174. The manager should not apply disability leave if the employee is absent because they are not fit for work. Disability leave must not be used to cover periods of sickness absence, regardless of whether the ill health is directly related to the employee's disability.
175. Disability leave is recorded separately to sickness absence on MyHR and does not count towards attendance management or sick pay calculations. Employees should request any periods of agreed disability leave via MyHR, for the line manager to approve via their MyHR account.

Leave Related to Gender Transition or Intersex Variations

176. Absences that are directly related to gender transition or intersex variations are not treated or recorded as sickness absences. Up to 13 weeks' special leave with pay may be considered for absences directly related to gender transition or intersex variations, in any 12 month rolling period. The manager should consult [CSHR Casework](#) for further advice.
177. If the absence is likely to exceed 13 weeks, managers should seek advice from [CSHR Casework](#). The Manager should holding a meeting with the employee if sickness absence for gender reassignment lasts, or is likely to last, more than 13 weeks and refer to Occupational Health as appropriate.
178. For any absences relating to gender transition or intersex variations, please refer to the [Interim Transitioning and Non-Binary Guidance](#).
179. Absences that are not directly related to gender transition or intersex variations are handled under the Supporting and Managing Attendance Procedure.

Notifiable Diseases

180. Employees suffering from a notable disease must notify their line manager and stay away from the office until certified by their healthcare professional to be fit to return and no longer a source of infection.
181. Employees who have been in contact with a notifiable disease may not need to stay away from the office, however, this should be guided by their healthcare professional. They must also notify their line manager.
182. If there is any possibility that work colleagues may have been infected, GLD will be notified and appropriate action taken.
183. A list of notifiable diseases can be found on the [government website](#) (although in tracked changes, this does link to gov.uk website).
184. In cases of national pandemics, separate GLD guidance will be provided aligning with government and Public Health England advice.

Other Health-Related Absences

185. Employees may occasionally need to take time off from work to deal with health-related issues. For example:
- to attend doctors/dentists/hospital appointments
 - to receive treatment locally, for example kidney dialysis, infertility treatment
 - rehabilitation after an injury, for example physiotherapy, hydrotherapy
 - where the employee has medical advice that they should not work following contact with a notifiable communicable disease
186. Where possible, employees should make every effort to arrange appointments for routine dental or medical examinations and treatment so they do not take place in normal working hours. This means that they should, as far as possible, arrange any appointments to take place either early or late in the working day. The employee should give their manager as much notice as possible.
187. Where the employee has been unable to arrange an appointment in their own time, managers are able to allow up to two hours paid time off to attend the appointment, but, where work requires it, may ask the employee to make up the lost time. Managers may, at their discretion, also allow an employee to take up to half a day or more to attend a medical or dental appointment but where half a day or more is taken, this should be recorded as a half day's sickness absence on MyHR, unless it has been agreed that the time is to be made up.
188. The manager can consider awarding special leave to enable employees to attend personal medical appointments where the employee has no flexibility about the timing. Paid time off or special leave should only be given where the employee would otherwise be fit to

attend work. If the employee is unfit to attend work, the manager should record a sickness absence on MyHR on the first day of absence.

Ill Health Retirement

189. An employee can apply for [Ill Health Retirement](#) if their health prevents them from carrying out their duties and there is advice from Occupational Health that they are likely to meet the criteria.
190. The employee should talk to their manager if they want to apply for Ill Health Retirement.
191. The Department can also, with the employee's consent make an application for Ill Health Retirement. If all other Supporting Attendance procedures have been followed and the employee does not consent to an Ill Health Retirement application then the manager should consider dismissal/downgrading.
192. The Department may also consider [Efficiency Departures](#) with compensation, if appropriate.

Returning Part-Time on Medical Grounds – also known as Phased Return

193. Returning to work for a period of Part-Time on Medical Grounds (PTMG) is a formal arrangement to help the employee return to work gradually, usually after a long or severe illness. The employee returns to work for some of their usual working hours and the remainder are recorded as sickness absence on MyHR, either in half or full day intervals. Line Managers are responsible for completing the [Phased Return to Work Form](#) and returning this to [HRHelp](#) by the pay cut-off date each month . The number of hours worked will increase over a period of time (usually a maximum of 13 weeks) until the employee resumes their normal working pattern.
194. On returning from long-term sickness, a Health and Attendance Improvement meeting would be held. Where an employee returns to work for a period of PTMG, any Formal Health and Attendance Improvement Meeting should be held at the end of the period of PTMG.
195. The usual rules on sick pay (paragraph 26) will apply to the periods of sickness absence agreed as part of the PTMG arrangement. If the employee takes sickness absence during the agreed hours of attendance this will count towards the Attendance Point and any formal action for unsatisfactory attendance. The manager should seek timely advice from [HRHelp](#) about recording sick absence during a period of PTMG.
196. Agreed absence as part of returning to work PTMG must be in full or half day periods of the employee's contracted hours. Line managers can exercise discretion as to the pattern for returning to work for a period of PTMG, in accordance with the employee's needs. The manager should seek timely advice from [HRHelp](#) about recording annual leave during a period of PTMG.

197. The employee can ask to take annual leave whilst working for a period of PTMG. Leave during a period of agreed sickness absence should be recorded as annual leave on MyHR, breaking the sickness absence (see paragraphs 127-128).

Third Party Claims

198. In accordance with Chapter 9 of the [Civil Service Management Code](#), employees should include an amount for loss of earnings where they make a claim for damages against a third party. Departments should provide an advance of salary where appropriate and require staff to repay proportionately the advance where the claim for damages is wholly or partly successful. Departments must also ensure that where all or part of the advance is repaid, a period representing the repaid advance does not reckon towards the Attendance Point as defined in this Policy. Further information about the Civil Service Injury Benefit Scheme (CSIBS) can be found [here](#).

199. In cases where the third party was a servant of the Crown acting in the course of duty, or where there was a breach of duty on the part of the Crown, the injured party will not normally be allowed to claim loss of earnings but must be allowed to claim damages for the amount which would bring their remuneration up to full pay.

Injury and Assault

200. The CSIBS pays benefits to bring income up to a guaranteed level if employees are injured or killed while on duty, including service overseas. It may be paid to the employees or their dependents. Further information about CSIBS can be found [here](#).

201. An employee absent because of injury sustained or a disease contracted at work under conditions which qualify for injury benefits under the CSIBS will normally be allowed to take up to 6 months' injury absence on full pay, before sick pay is payable. Entitlement to injury benefit and additional injury absence will be decided by the Cabinet Office.

202. No deduction will be made from sick pay or from normal pay or return to duty for:

- Disablement benefits awarded under the Social Security Acts in respect of an injury sustained at work
- An increase in disablement benefit or disability pension during approved hospital treatment

203. An employee absent due to injury as a result of an assault incurred while on duty; or clearly connected with that duty, is entitled to full pay less any social security benefits received if no claim for damages is to be made

204. Absence due to assault on duty is not reckoned in calculating sick pay or leave allowances.

205. Any employee pursuing a claim for damages against a third party must include a specific amount for loss of earnings (except where the third party was a servant of the Crown acting in the course of duty, or where a breach of duty on the part of the Crown caused the accident). In these circumstances an advance of salary equivalent to sick pay may be made.

206. If a claim for damages is wholly or partly successful, the injured employee will be required to repay the advance of salary in whole or in part. If a claim is not made, or fails, there is no requirement to repay the advance.
207. Where an advance of salary is required, the period of absence for which the advance was required does not reckon towards calculating sickness absence.
208. Where it is established that an injury absence is due in whole or in part to the negligence of the Crown, the proportion of the absence due to such negligence will not reckon in calculating sickness absence.
209. Employees will not be required to refund any pay issued during sickness absence due to injury after the claim is settled, and which was consequently not included in, special damages claimed

Annex 1 – Holding a Formal Health and Attendance Meeting

The following steps apply to all formal meetings regarding attendance and should be followed carefully. Any additional steps relating to a specific meeting are set out in the relevant part of the procedure.

Before the Meeting

If the employee has not been asked to consent to an OH referral which is warranted under the referral guidance, the manager should initiate this first and the OH referral should take place to advise the manager. Only then should, the manager write to the employee, providing a minimum of 5 working days' notice, inviting them to a meeting to discuss their attendance. Where possible the meeting should be face-to-face at their usual workplace. The letters should:

- Inform the employee they are expected to attend the meeting unless there are exceptional circumstances why they cannot. In this case, they should inform the manager as soon as possible
- Inform the employee a note taker will attend to keep a written record of the meeting. Make sure they are comfortable with that person taking notes. Managers are able to exercise discretion and take notes in certain circumstances, particularly when discussing sensitive medical and health data, with the employee's consent
- Advise the employee they have the right to be accompanied by a trade union representative, trade union official or work colleague
- Explain the reason for the meeting, what issues will be discussed and what the possible outcome could be
- Enclose copies of any correspondence relating to the employee's sickness absence which will be referred to during the meeting. If the employee is on a continuous period of sickness absence, send them a copy of the Supporting and Managing Attendance Policy and Procedure
- For appeals, correspondence be sent within 5 working days of receiving the written appeal, giving a minimum of 5 working days' notice of the appeal meeting

The manager should also:

- Read the Supporting and Managing Attendance Policy and Procedure and make sure they understand what decisions or actions they will need to take following the meeting
- Make any reasonable workplace adjustments which are necessary to enable an employee, or their companion, to attend a formal meeting

- Postpone the meeting once if the trade union representative, trade union or work colleague the employee has chosen cannot attend. The meeting must be held within 5 working days of the original scheduled date, unless in exceptional circumstances. If this is not possible, the manager should make a decision about the case taking into account all the available evidence
- Review all the available information about the employee's sickness absence history and consider the possible outcomes, in consultation with [CSHR Casework](#)
- Consider whether Occupational Health advice, including other medical advice, is needed to enable them to make a decision about next steps and discuss this with the employee

In the Meeting

The manager should take the following actions for all meetings:

- Remind the employee about the support available from the Employee Assistance provider and through Mental Health First Aiders
- Ensure notes of the meeting are taken
- Notify the employee of the potential outcomes including dismissal/downgrading
- Give the employee the opportunity to raise anything they think is relevant prior to the manager making a decision about next steps
- Inform the employee about next steps

The following actions are not always applicable for Appeals Meetings, depending on the grounds of appeal and whether the appeal is being conducted as a re-hearing. However, the manager should take these actions for all other meetings:

- Review the employee's absence history over a rolling 12 month period
- Explain the purpose of the meeting i.e. to help the employee to return to a satisfactory level of attendance, support them in their return to work or to determine whether the sickness absence can be supported
- Ask the employee what steps they are taking to help themselves return to a satisfactory level of attendance
- Explore whether there are any temporary workplace adjustments or workplace adjustments which might enable the employee to achieve a satisfactory level of attendance
- Review any workplace adjustments which are already in place for employees with a disability and check whether they continue to be effective or necessary. The manager should also consider whether any further adjustments are needed to support the employee

After the Meeting

The manager should take the following actions for all meetings:

- Consider all of the available information and make a decision
- Write to the employee within 5 working days of the meeting. Advise the employee of the decision taken and the reasons for it. Include the record of the discussion; this should be shared with and signed by the employee, who must be afforded the opportunity to comment
- Take forward any agreed actions and update the employee on progress

The following actions are not always applicable for Appeals Meetings, depending on the grounds of appeal and whether the appeal is being conducted as a re-hearing. However, the manager should take these actions for all other meetings:

- Talk to the employee about Occupational Health advice received. Consider any reasonable recommendations and how they can be implemented
- Update the employee's sickness absence record on MyHR

Annex 2 – Checklist for discussing the case with a SCS1 (or above)

The manager should provide the SCS1 (or above) with the information to enable them to support a decision. This should include:

The reasons why the business can no longer support the sickness absence	
A written summary of the case so far including all action taken to date, copies of any letters issued and notes of all discussions with the employee relating to their sickness absence	
A copy of all relevant Occupational Health advice and other relevant medical advice, or details of when consent for an Occupational Health referral was asked for and refused	
Information on any workplace adjustments which have been considered and made. If these have not been implemented, the manager should include an explanation of the reasons	
A copy of the Stress Risk Assessment if appropriate	
The employee's sickness absence records for the last 12 months	
Any advice received from CSHR Casework	
A copy of the employee's job description	
Evidence that Ill Health Retirement has been considered in appropriate cases	
Evidence that an Efficiency Dismissal with compensation has been considered	

Annex 3 – Supporting and Managing Attendance Procedure process overview

Step 1: An employee is absent due to sickness

- If an employee returns, go to Step 2.
- If the employee does not return to work within 20 calendar days, go to Step 3.

Step 2: An employee is absent due to sickness and returns to work

- Hold a return to work discussion.
- Consider if the Attendance Point has been reached or exceeded.
- If the Attendance Point has been reached or exceeded, hold a Health and Attendance Meeting.
- If the manager still has concerns about an employee's absence following the Health and Attendance Meeting, they should hold a Formal Health and Attendance Meeting.
- If the Attendance Point has been reached or exceeded and the manager does not issue a First Written Improvement Warning, following a Formal Health and Attendance Meeting, the manager will continue to monitor the employee's attendance and can hold another Formal Health and Attendance Meeting and issue a First Written Improvement Warning at any time they deem appropriate. If a First Written Improvement Warning is given, the employee will begin their Improvement Period.
- If attendance is satisfactory during the Improvement Period, the employee will then enter a Sustained Improvement Period.
- If attendance is satisfactory during the Sustained Improvement Period, take no further action.
- If attendance is not satisfactory during the Improvement Period, go to Step 5.
- If attendance is not satisfactory during the Sustained Improvement Period, go to Step 5.

Step 3: Employee is absent due to sickness and does not return within 20 calendar days

- Hold a Health and Attendance Meeting when the sickness absence reaches 20 calendar days.
- If the employee returns to work, go back to Step 2.
- If the employee does not return to work, hold a Formal Health and Attendance Meeting when the sickness absence exceeds 28 days.
- If the employee returns to work, go back to Step 2.
- If the employee does not return to work, go to Step 4.

Step 4: Employee is absent for more than 28 days

- If the employee does not return to work, hold monthly Health and Attendance Meetings via telephone.
- If the employee returns to work, go back to Step 2.
- If the employee does not return to work, a decision must be made as to whether the sickness absence can continue to be supported.
- If the absence can continue to be supported, return to the start of Step 4.
- If the absence cannot continue to be supported, consider dismissal or downgrading.

Step 5: attendance is not satisfactory during the improvement period or sustained improvement period

- If attendance is unsatisfactory during the Improvement Period or Sustained Improvement Period, hold a Formal Health and Attendance Meeting and consider issuing a Final Written Improvement Warning.
- If attendance is satisfactory following the Final Written Improvement Warning, take no further action.
- If attendance is not satisfactory following the Final Written Improvement Warning, consider dismissal or downgrading.

Annex 4 – Equality Considerations Report

Supporting and Managing Attendance

Introduction

1. The purpose of this report is to show how Government Legal Department (GLD) has demonstrated it has given “due regard” to the three aims of the Equality Duty when developing its Supporting and Managing Attendance Policy and Procedure.

Context

2. GLD recognises that motivated, loyal and committed employees are vital to the success of the organisation and wants to retain its highly valued and skilled employees.
3. GLD is issuing a Supporting and Managing Attendance Policy and Procedure to ensure that it supports employees by creating an environment that encourages wellbeing and empowers employees to look after their health. The policy supports managers in managing attendance, working in partnership with the employee to identify pro-active means of reducing sickness absence.
4. The policy and guidance will sit alongside and integrate with other GLD policies such as Probation, Workplace Adjustments and Special Leave.
5. The key policy aims are to:
 - create and maintain a culture that promotes the physical and mental wellbeing of all employees
 - support line managers and employees in taking a pro-active approach to managing sickness absence
 - manage sickness absence consistently and effectively, in a fair and transparent way
6. The following principles and values underpin the Supporting and Managing Attendance Policy and Procedure:
 - **support** – in maintaining attendance levels and a return to work following periods of sickness absence, by identifying help and support that may be needed at an early stage
 - **consistency and fairness** – straight-forward and transparent approach to managing sickness absence.

Consultation

7. In developing the model products Civil Service Employee Policy (CSEP) invited feedback from government departments across the Civil Service and GLD lawyers to identify any areas of concern and/or impact on protected groups and compliance with legislation.
8. In particular the key principles for the Supporting and Managing Attendance Policy and Procedure were agreed by CS Attendance Management Group.

9. CSEP also liaised with representatives from DWP and HMRC with an interest in and experience in developing the Supporting and Managing Attendance Management Policy and to invite feedback. The Disability Network, Rainbow Alliance, a: gender, and the Ethnic Minority Employment Task Force have been consulted.
10. Feedback from consultation with the Disability Advisory Group and the Civil Service Disability Network has been used to strengthen the Supporting and Managing Attendance Policy and Procedure to help mitigate against any potential areas of adverse impact.
11. GLD reviewed the CSEP model products and made appropriate changes to ensure they met GLDs Business and employees' needs. This included engagement with all network groups and our Trade Unions partners.

Impact on those with protected characteristics

12. The nine protected characteristics are as follows:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

Statistics provided as part of the impact analysis are accurate as of 30 November 2020, unless otherwise stated.

Disability

13. Of GLD's total workforce, 7.8% of employees declare themselves to be disabled, whilst 18.9% do not report or declare their disability status. The Supporting and Managing Attendance Policy and Procedure is designed to support employees with a disability to maintain attendance.
14. Employers are required under the Equality Act 2010 to make reasonable adjustments to enable employees with disabilities to attend work and carry out their roles effectively. Reasonable adjustments can be described as steps taken to remove, reduce or prevent obstacles faced by disabled employees in the workplace. There is an emphasis on early intervention and managers are strongly encouraged to use the five step process in the

Workplace Adjustments Best Practice Guide including making an Occupational Health referral to further support employees.

15. In addition to adjustments that employers are legally obliged to make for disabled staff, it is good practice to consider all requests for adjustments. This can positively impact the engagement, productivity and morale of employees who do not have a disability. For this reason, we refer to workplace adjustments in the wider sense and specify where the action is only applicable to employees with a disability.
16. Attendance Points, the point at which attendances is deemed to fall below the expected level, can be increased as a reasonable adjustment for employees with a disability.
17. GLD allows managers to grant up to five days of disability leave for employees with a disability that are fit to work, to attend appointments for treatment, rehabilitation or assessment relating to their disability. HR will consider requests for longer periods of disability leave.
18. Each disability will affect an individual in different ways, in recognition that each case of sickness absence will be different and unique to the individual. Therefore, managers are able to exercise discretion when managing sickness absence to ensure that a consistent and fair approach is taken, based on the available medical advice. This includes when an employee reaches or exceeds the Attendance Point, where a manager can make a judgement as to whether formal or informal action is taken based on the circumstances of each individual case, taking into account health issues concerning those with a disability. Downgrading and/or dismissal will only considered as the final option, once all other avenues have been investigated, and will be assessed on a case by case basis, to ensure this is proportionately applied to those with a disability.

Sex

19. GLD reports that as at 30 November 2020, 1548 of employees declare themselves as female, with 866 employees declaring themselves as male. This equates to 64.1% of the workplace identifying as female, with 35.8% identifying as male.
20. The Civil Service Quarterly Dashboard for 2019/2020 states that absence levels for women are higher than absence levels for men equating to; 8.3 and 6.5 average working days lost per year respectively.
21. The evidence shows a greater incidence of sickness absence among women, as there are certain health issues concerning only women and these may impact on their attendance. The Supporting and Managing Attendance Policy and Procedure places an emphasis on early intervention, whilst encouraging managers and employees to engage with CSHR Casework and Occupational Health to provide additional support. It is recognised that each case of sickness absence will be different and unique to the individual, so managers are able to exercise discretion when managing sickness absence to ensure that a consistent and fair approach is taken, based on the available medical advice. This includes when an employee reaches or exceeds the Attendance Point, where a manager can make a judgement as to whether formal or informal action is taken based on the circumstances of each individual case, taking into account health issues concerning only women. Downgrading and/or

dismissal will only be considered as the final option, once all other avenues have been investigated, and will be assessed on a case by case basis, to ensure this is proportionately applied to women.

Pregnancy and maternity

22. The Supporting and Managing Attendance Policy and Procedure advocates that absences related to pregnancy do not count for attendance management purposes, in order to avoid less favourable treatment for pregnant employees. Although sickness absence following a period of maternity leave will be treated under this procedure, managers are able to exercise discretion depending on the individual circumstances of each employee, based on available medical advice. Throughout the policy, there is an emphasis on early intervention to introduce supportive measures.

Marriage and civil partnership

23. There is no evidence to suggest that the Supporting and Managing Attendance Policy and Procedure will have an adverse impact on absence levels.

Sexual orientation

24. There is no evidence to suggest that the Supporting and Managing Attendance Policy and Procedure will have an adverse impact on absence levels.

Gender reassignment

25. The Supporting and Managing Attendance Policy and Procedure advocates that absences directly related to gender transition or intersex variations are not treated or recorded as sickness absence. Up to 13 weeks' special leave with pay may be considered for absences directly relating to gender transition or intersex variations, in any 12 month rolling period. There is also transitioning and non-binary guidance to assist employees and managers.

Race

26. There is evidence to suggest that particular conditions are disproportionately prevalent for particular employees from a minority ethnic background, which may impact on attendance. The Supporting and Managing Attendance Policy and Procedure places an emphasis on early intervention, whilst encouraging managers and employees to engage with CSHR Casework and Occupational Health to provide additional support. It is recognised that each case of sickness absence will be different and unique to the individual, so managers are able to exercise discretion when managing sickness absence to ensure that a consistent and fair approach is taken, based on the available medical advice. This includes when an employee reaches or exceeds the Attendance Point, where a manager can make a judgement as to whether formal or informal action is taken based on the circumstances of each individual case. Downgrading and/or dismissal will only be considered as the final option, once all other avenues have been investigated, and will be assessed on a case by case basis, to ensure this is proportionately applied to all members of staff.

Age

27. As at 30 November 2020, GLD reports the following breakdown of ages across the department:
- 20-29: 13.7%
 - 30-39: 31.5%
 - 40-49: 28.7%
 - 50-59: 20.9%
 - 60-64: 3.9%
 - 65+: 1.2%
 - Unknown: 0.1%
28. Civil Service Sickness Absence Quarterly Dashboard for 2019/20 states that older workers have higher levels of sickness absence. The average working days lost for employees in their 60s rises to 10.9. In contrast the average working days lost for staff below the age of 44 is 6.8, decreasing to 6.0, below the Civil Service average of 7.4.
29. GLD has 5.1% of employees aged 60 and above, which based on the Civil Service Sickness Absence Quarterly Dashboard for 2019/20, indicates this group are likely to have an increased number of working days lost in comparison to workers of a lower age.
30. The Supporting and Managing Attendance Policy and Procedure places an emphasis on early intervention, whilst encouraging managers and employees to engage with CSHR Casework and Occupational Health to provide additional support. It is recognised that each case of sickness absence will be different and unique to the individual, so managers are able to exercise discretion when managing sickness absence to ensure that a consistent and fair approach is taken, based on the available medical advice. This includes when an employee reaches or exceeds the Attendance Point, where a manager can make a judgement as to whether formal or informal action is taken based on the circumstances of each individual case. Downgrading and/or dismissal will only be considered as the final option, once all other avenues have been investigated, and will be assessed on a case by case basis, to ensure this is proportionately applied to older members of staff.

Religion or Belief

31. There is no evidence to suggest that the Supporting and Managing Attendance Policy and Procedure will have an adverse impact on absence levels.

Ongoing monitoring

32. The Public Sector Equality Duty is a continuing duty. GLD will monitor the impact of the Supporting and Managing Attendance Policy and Procedure and the possible effect on members of the protected groups in their workforce. The monitoring process will take place on an ongoing basis, with a review on an annual basis. This date for review is in accordance with the timeframes for managing sickness absence actions.

33. If, during the monitoring process, the results identify additional and/or greater impact than originally anticipated, GLD will raise this with CS Employee Policy's Equality and Diversity team to discuss how best to revise the policy to achieve positive outcomes for the protected groups.

Sign off:

I am satisfied that due regard has been given to the three equality goals as described in Section 149 of the Equality Act 2010.

██████████ – 16/03/2021

HR Policy, Pay and Employee Relations