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Ref No: FOI 25_148

13 August 2025

Dear [REDACTED]

Thank you for your email of 21 July 2025 which contained your request for information. The Government Legal Department ("GLD") have processed your request for information under the Freedom of Information Act 2000 ("the Act").

Pursuant to Section 1(1)(a) of the Act, GLD informs you that it holds the information you have requested and responded below each of your questions.

I would like to request copies of all current sick pay policies applicable to employees of your organisation. Specifically, I am seeking:

Copies of any documents, handbooks, or guidance outlining entitlement to sick pay (including occupational sick pay schemes).

The **Supporting and Managing Attending Policy and Procedure** sets out the steps that line managers and employees should take when managing sickness absence, to create an environment that encourages wellbeing and empowers employees to look after their health.

Details of eligibility criteria, rates of pay, and duration of sick pay entitlement.

Leave and Absence

Your occupational sick pay entitlement will be set out in your contract of employment.

If you are on the pre-modernised terms and conditions of employment (normally pre-1 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 6 months' full pay and 6 months' half pay up to a maximum of 12 months' total sick pay in any 4-year rolling period.

If you are on the modernised terms and conditions (normally if you joined the Civil Service or were promoted after 1 July 2013) you will be paid for recorded and certified sickness absences if you expect to recover and return to work and the table below sets out your occupational sick pay entitlement.

This will increase by one month of full pay and one month of half pay for each additional year of service up to a maximum (after 5 years' service) of 5 months' full pay and 5 months' half pay.

You will receive no more than 10 months' total sick pay in any 4-year rolling period.

For employees in their 1st year of service	You are entitled to receive sick pay for a period of up to 2 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 one month (31 days) and half pay for the remaining 31 day period.
For employees in their 2nd year of service	You are entitled to receive sick pay for a period of up to 4 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 3rd year of service	You are entitled to receive sick pay for a period of up to 6 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 4th year of service	You are entitled to receive sick pay for a period of up to 8 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 5th year of service	You are entitled to receive sick pay for a period of up to 10 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).

Any separate policies or variations that apply to different staff groups, grades, or types of employment (e.g., permanent, temporary, agency, or casual workers).

The sick pay aspects of the policy attached are applicable to employees whether permanent or fixed term. We don't have anything separate for agency workers as they are not employed by us.

Your Rights

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted 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,

Freedom of Information Team
Operations, Government Legal Department,
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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	

Contents

Policy

[Definitions](#)

[Sick Pay](#)

[Sick Leave and Annual Leave](#)

[Process Overview](#)

Procedure

[Introduction](#)

[Roles and Responsibilities](#)

[Managing Health at Work](#)

[Workplace Adjustments](#)

[Occupational Health](#)

[Employee Absence Attendance Management](#)

[Sickness Absence during Annual Leave](#)

[Annual Leave during Sickness Absence](#)

[Returning to Work](#)

[Actions for Attendance Concerns](#)

[Health and Attendance Meetings](#)

[Improvement and Sustained Improvement Periods](#)

[Continuous Sickness Absence](#)

[Considering Dismissal or Downgrading](#)

[Appeals](#)

[Confidentiality](#)

[Retention of Documents](#)

[Disability Leave](#)

[Leave Related to Gender Transition or Intersex Variations](#)

[Notifiable Diseases](#)

[Other Health-Related Absences](#)

[Ill Health Retirement](#)

[Returning Part-Time on Medical Grounds \(Phased Return\)](#)

[Third Party Claims](#)

[Annex 1 – Holding a Formal Health and Attendance Meeting](#)

[Annex 2 – Checklist for Discussing the Case with a SCS1 \(or above\)](#)

[Annex 3 – Supporting and Managing Attendance Procedure Process Overview](#)

[Annex 4 – Equality Considerations Report](#)

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.

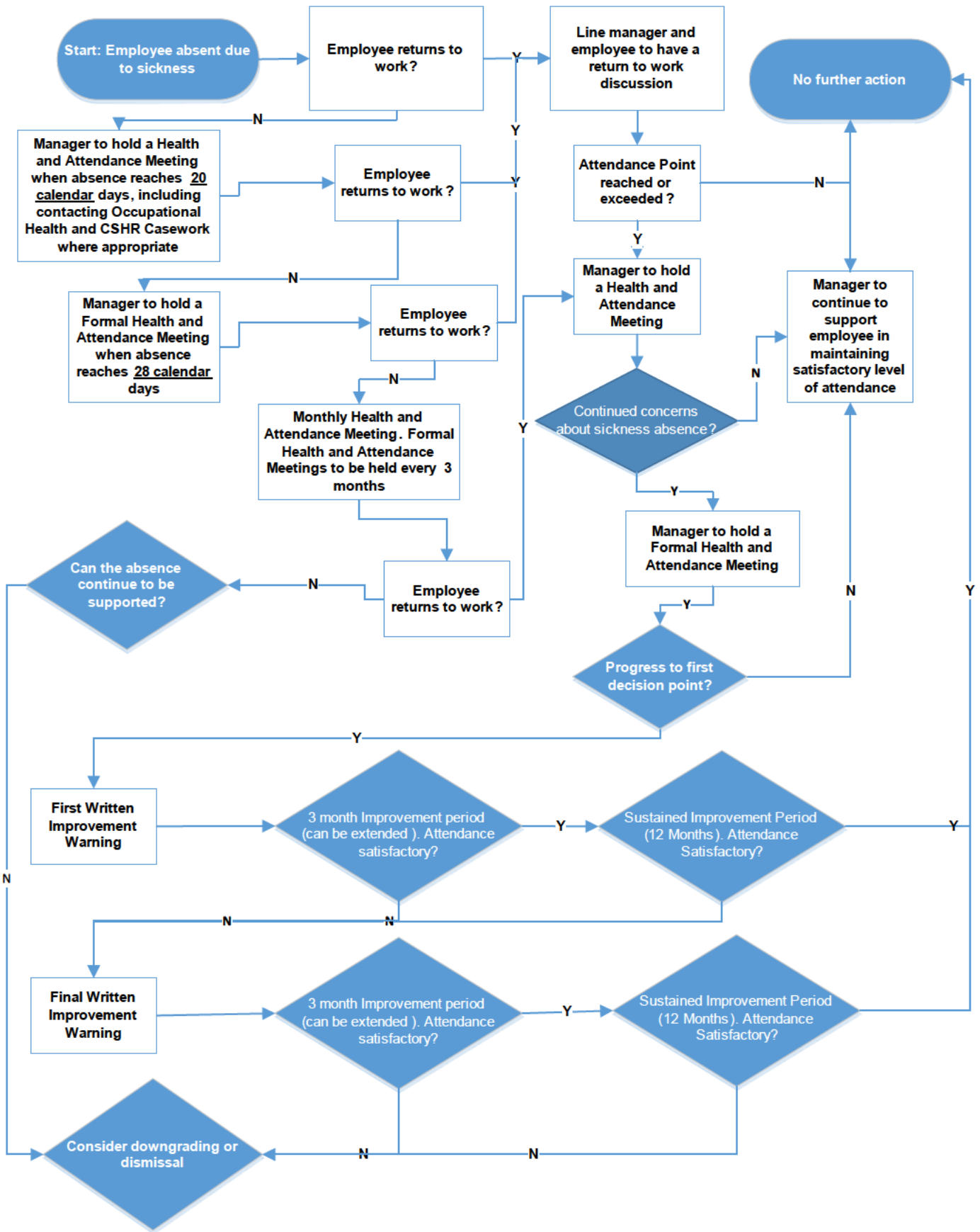
34. Sick leave taken before retirement will be taken into account for re-employed pensioners when calculating sick leave entitlement (except when the pensioner is re-employed as a casual). All sickness absences irrespective of whether pension or sick pay is paid will count against the officer's sickness 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 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 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