

Draft Attendance Policy and Procedure

Introduction

Treating employees fairly and consistently ensures that sickness absence is managed successfully to the benefit of our staff and our customers. Promoting a culture of attendance will encourage improved performance and the delivery of cost effective services.

Our approach

By encouraging a positive and proactive approach to the health and well being of our employees, we aim to prevent and reduce illness due to work or lifestyle. This policy reflects our commitment to improving effectiveness and attendance at work, and helping people who are ill return to work.

Policy statement

Policy summary

Brent's attendance policy helps managers to deal with sickness absence and successfully reduce sickness levels whilst promoting the health, safety and well being of all employees.

Each case of ill health will be assessed and managed according to its particular circumstances and managers are expected to take formal action in accordance with the policy.

This policy is non contractual. Legal representation is not permitted at any stage of the procedure.

Equality duties

Managers should ensure that their application of this policy does not impact unfairly on employees with reference to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

The employer has a duty not to discriminate against disabled people and to make 'reasonable adjustments' as appropriate.

Definitions and general information

Employees

This policy and procedure applies to all Brent employees. It does not apply to new employees during their probationary service where separate monitoring processes apply; temporary employees with less than twelve months continuous employment with the Council; and school-based staff who are subject to separate procedures.

Attendance management policy

There are two types of sickness that lead to absence from the workplace:

- Short-term sickness for the purposes of this policy is either three occasions of sickness in a rolling three month period or two or more occasions of sickness

amounting to nine working days or more in a rolling twelve month period which may be unlinked illnesses.

- Long-term sickness is for a continuous period of time, usually at least three weeks.

Sickness recording

Only working days are recorded. For example, if an employee falls sick on a Friday and does not return to work until Tuesday, then this is recorded as two days sickness.

Annual leave during sickness

Annual leave will accrue during sickness absence. Employees may carry forward to the next leave year up to the statutory maximum of 20 days only. Any leave taken during the relevant leave year will be deducted from the statutory 20 days.

Sickness while on annual leave

Employees who fall sick while on annual leave will only be regarded as being sick where a doctor's medical certificate is supplied on their return. Annual leave will be suspended from the date of the certificate and converted to sickness absence.

If an employee falls ill whilst they are out of the country and is prevented from returning to work, then the same reporting and medical certification requirements will apply as if they were in the country. They must also advise their manager of the anticipated duration of any delay, keep in frequent contact and provide their contact details.

Sickness during working hours

If an employee becomes sick and leaves work before completing half of their contracted hours for that day, they will be recorded as being sick for half a day. If they work more than half of the day, then they will be treated as if at work for the full day and sick leave will not be deemed to start.

Ill health which does not lead to absence from work

There may be occasions where an employee is suffering from ill health, but is not absent from work. If an employee believes that their ill health is impacting on their ability to undertake their job, they should consult their manager, who will discuss with them whether any additional support may be provided. Occupational Health can offer further advice and guidance.

Medical, dentist and optician appointments

All staff should try, whenever possible, to attend appointments outside of their normal working hours. Individuals should be prepared to produce an appointment card or similar record of appointment if required, and discuss with their manager a strategy for reducing appointments if there is cause for concern.

An absence of 3 hours 36 minutes or less (for staff on 36 hour week) (pro-rata for part-time staff) for such appointments, should not be recorded as sickness. An absence of more than 3 hours 36 minutes (for staff on 36 hour week) (pro-rata for

part-time staff), will be recorded as one day's sickness. In the case of staff on a 40 hour week it will be 4 hours.

Medical redeployment

Where changes in hours or work practices have proved unsuccessful or are inappropriate it may be necessary to consider, with advice from Occupational Health, whether alternative employment should be sought. Any search for medical redeployment opportunities should be documented and undertaken for a period of up to one month. By exception this period may be extended with the explicit consent of the Operational Director, Human Resources. The redeployment process is outlined in the Managing Change Policy.

If a redeployment search is unsuccessful then at the end of the one month period, the case will be referred for consideration as to whether the employee should be dismissed on the basis of their incapability to undertake their duties.

Medical suspension

Occasionally it may be necessary to suspend a member of staff on medical grounds, in order to ensure that they do not stay at work, or resume work if there is a risk to themselves, to other members of staff or members of the public. Where this action has been taken, but the manager is still concerned, they should consult Occupational Health for advice, during which time the employee must be paid full pay.

Planning a return to work

In many cases, a phased return to work for someone returning from long-term absence will be appropriate. This recommendation will usually come from Occupational Health but is ultimately the decision of the line manager in line with business needs. This may mean a structured return to work over a number of weeks, working reduced hours, or carrying out fewer/different tasks (or both), gradually building up to normal contractual arrangements. This should usually take no more than four weeks. Service provision must be taken into account when planning a phased return and in some instances it will not be feasible.

The employee will normally receive full pay for up to four weeks during a phased return programme and progress will be reviewed weekly. It should not be assumed that all phased returns should be for a period of four weeks as it may be appropriate for a shorter phased return. By exception a phased return may be in excess of four weeks with full or reduced pay as applicable and subject to the explicit consent of the Operational Director, Human Resources.

At the end of the phasing back to work plan, the manager should meet with the employee to establish whether they are ready to meet the full requirements of their role, if they have not already done so.

If necessary, the manager will take further advice from Occupational Health and, in liaison with Human Resources, consider any alternative options such as redeployment on health grounds.

Pregnant employees

If an employee has a pregnancy-related illness, their manager should consider how this could affect them doing their job. Medical information should still be obtained but

these absences should be recorded as 'pregnancy related' and dealt with carefully in consultation with Human Resources. Such illnesses are of a temporary nature and the law gives extra rights and protection to pregnant employees. In particular, an employee should not be subject to any detriment as a result of sickness that is caused by pregnancy. Illness could also trigger an early start to maternity leave. Please refer to Brent's Maternity Policy for more information.

Managers must complete a New and Expectant Mothers Risk Assessment with the employee to highlight any alterations and/or any control measures that need to be implemented once made aware of the pregnancy.

Gender reassignment

Managers must not treat employees less favourably for being absent from work because they propose to undergo, or are undergoing or have undergone gender reassignment than they would treat them if they were absent for reasons of illness.

Retirement on the grounds of ill health

Where an employee is suffering from chronic or acute illness which may render them permanently unfit to carry out their duties efficiently, ill health retirement may be considered prior to convening a formal meeting to consider dismissal on absence grounds. Ill health retirement involves the termination of the employee's employment by resignation or by mutual agreement. Human Resources can offer further advice.

In order to be entitled to an immediate unreduced pension under the Local Government Pension Scheme, an ill health certificate is required from an independent registered medical practitioner qualified in occupational health medicine. Managers who receive a report from Occupational Health recommending retirement on the grounds of ill health will normally meet with the employee, their representative and Human Resources to discuss the report and its implications.

On 1st April 2008 a new three-tier Ill Health retirement system was introduced. To qualify:

- Employees must have at least three months in the pension scheme, (including any previous pensionable service which has been transferred in to this Authority);
- The employer must decide to terminate the employee's employment on the grounds that the employee's ill health renders them permanently incapable of carrying out efficiently the duties of their job;
- The employer must decide that the employee has a reduced likelihood of obtaining gainful employment before age 65.

Counselling

A free counselling service is available to all employees as part of the Council's employee benefits arrangements. This includes work-related issues, phase of life issues, major life changes, adjustment problems, traumatic experiences, relationship problems and conditions such as anxiety and depression. Contact details can be found on the intranet <http://intranet.brent.gov.uk/intramain.nsf/News/LBB-2852>

Work related injury

If an employee or manager believes that ill health or injury has been caused by work, the employee should complete the Statutory Accident Book (B1510) and the Council's Accident Report form as soon as possible. The latter should be sent to Health and Safety.

If the absence is caused through illness or accident which is reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), Health and Safety must be informed without delay so that the appropriate form can be submitted to the Health and Safety Executive. For more details about the Council's Accident Reporting Procedure please contact Health and Safety.

If an employee has not completed an Accident Report Form and subsequently believes their health or injury has been caused by work, they must report this in writing to their manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury.

All accidents at work and ill health possibly resulting from work activities must be investigated by the employee's line manager or by Health and Safety. Line managers should also inform their Head of Service and discuss the situation with Human Resources. Advice may also be sought from Occupational Health.

Upon completion of the investigation, a report should be sent to the Head of Service, with a copy to the employee and HR Manager.

The Head of Service will determine with the HR Manager whether or not the employee has sustained an injury as a result of what they were required to do at work.

Written confirmation of the decision will be sent to the employee within five working days of the decision. In the event that ill health or injury is attributed to work, the Council does not accept liability that it is responsible, merely that the illness or injury is work related.

Pay during periods of sickness absence

Employees will receive their contractual sick pay during periods of sickness absence. If employees are absent from work during the notice period, the normal sick pay rules apply.

Roles and responsibilities

Employees

Employees must inform their manager or alternative designated contact by telephone before their normal starting time on the first day of absence. Managers should be advised of the nature and likely duration of the illness. A contact number should be left if the manager or alternative designated contact is not available to take the call. Failure to do so may lead to the absence being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

Employees must keep in touch with their manager while they are off sick. If the absence is for more than three working days, then they must contact their manager on the 4th working day. Employees should provide their manager with regular updates on their condition for the duration of their absence.

Employees must complete a self-certification form on the day that they return to work.

Employees must provide a medical certificate to cover absences longer than seven calendar days. The medical certificate must be provided by no later than the eighth calendar day of absence. Employees will also need to complete a self-certification form to cover the first seven days when they return.

Further medical certificates must be submitted as necessary and in advance of expiry of previous medical certificate to cover the total period of absence. Failure to comply with the certification procedures will result in loss of sick pay and retrospective medical certificates will not be accepted.

Line managers

Line managers will normally maintain regular contact with an employee who is absent from work due to sickness to ensure they receive any support which they need and ease their return to work.

The line manager (or alternative designated contact) will also conduct the return to work interview on the day of return or as soon as is practically possible. If the manager has concerns about the level and/or patterns of sickness absence, the interview should be used as an opportunity to raise these.

Occupational Health Service

Occupational Health Service offers the following core services:

- Pre-employment health screening
- Management referrals for sickness absence
- Advice and guidance on fitness to work
- Statutory health surveillance
- Advice to the Council on relevant legislation
- Case conferences
- Assessment for ill-health retirement
- Stress workshops
- Flu Vaccinations
- Fit for Life wellbeing events
- Pay as you go service

Contact with employees who are absent through sickness

Where feasible the manager should maintain regular contact with the employee. If the employee does not want contact with the line manager then Human Resources must be informed. Contact may be made by telephone, by letter, E-mail or (in agreement with the employee) by home visit. Details of all contact should be recorded.

Following each period of sickness absence the employee's manager will meet with the employee as soon as possible after their return to work to discuss the sickness and return to work arrangements. A record of the meeting should be made.

Sickness record is causing concern

Where the level and/or pattern of sickness absence gives cause for concern, or if (including the most recent episode of sickness) the employee has been sick during the past three months for a total of three or more working days, the manager should use the Return to Work interview to:

- Review the employee's sickness record
- Consider any previous relevant medical information which is available
- Explain the impact of the sickness absence on the service and on work colleagues
- Reinforce what is regarded as an acceptable level and/or pattern of sickness
- Explain that they regard the level/pattern of sickness as a cause for concern
- Discuss the reasons for the sickness absence and any explanation the employee has to offer
- Consider whether there is anything that the line manager can do to help the employee to reduce the level of sickness e.g. any reasonable adjustments that can be made if the employee's sickness is caused by a disability
- If the manager considers that medical advice would be helpful, or if the employee would benefit from having access to the counselling service they should be referred to the Occupational Health Service
- Discuss with the employee that continued absence may trigger action under the formal process.

It is advisable for managers to confirm any discussions in writing.

Referral to the Occupational Health Service

A manager may require an employee to seek the advice of Brent's Occupational Health Service, for example:

- If absence levels are high or frequent or a pattern of absence emerges
- To establish whether there is any underlying medical condition or to gather more information about the sickness or prognosis for recovery
- If a manager considers that an employee is unfit for work
- If it appears that the employee's sickness is caused by work-related stress, working conditions, work activities or work equipment.

Managers should forward a completed management referral form to the Occupational Health Service if they identify that an employee needs occupational health support. The employee should be informed that the referral is taking place and the reasons for it.

The Occupational Health Service will assess the referral and determine the appropriate action. This may involve making an appointment for the employee to see

Occupational Health but generally will involve a telephone meeting. The referring manager will be given advance notification in writing of the date and time of the appointment.

Once a consultation has been undertaken the Occupational Health Service will prepare a report containing clear, meaningful, actionable advice to enable managers to progress cases. The advice must provide managers with enough information to make informed decisions on the next steps to manage the absence in a timely manner. The Occupational Health Service will also send a copy of the report to Human Resources.

Managers should arrange for a copy of the report to be passed to the employee concerned, either directly by hand or sent to the employee's home address.

If there is a discrepancy between the views of Occupational Health and the manager on an individual's capability for work which cannot be resolved by additional medical referrals, it is more productive to hold a case conference. Case conferences may also be helpful in looking at proposed phased return arrangements following a period of long term sickness.

The case conference would normally include the employee, the employee's representative, the employee's manager, Human Resources and Occupational Health.

The Council's conditions of service state that an employee must submit to a medical examination by a medical practitioner nominated by the authority subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

Ill health which does not lead to absence from work

An employee who is not absent from work but is unable to perform aspects of their role because of an illness or disability should be referred by their manager to Occupational Health for a Fitness to Work report.

The line manager should meet with the employee to discuss the outcome of the report and any reasonable adjustments that may be required. The review will determine if arrangements are working. If they are not, a formal meeting (with right of representation) may be required under the Attendance Procedure in respect of 'fitness to work' to consider actions to date and their effectiveness.

It may be appropriate to place the employee in the redeployment pool on medical grounds for up to one month. If redeployment is successfully sought, the employee will move to a new post. If redeployment is unsuccessful, the line manager should hold a second formal meeting to consider actions to date and the redeployment pool search. The outcome of this second formal meeting will be for a senior manager to consider dismissal on the grounds of fitness to work. If the outcome is termination then the employee has a right of appeal.

Managing short-term sickness absence

Triggers for action and target setting

Occupational Health advice should be sought at the point of formal action being instigated and thereafter as appropriate.

	Triggers	Actions for Manager & Targets
1.	<p>Either</p> <p>Three occasions of sickness in a rolling three month period</p> <p>Or</p> <p>Two or more occasions of sickness amounting to nine working days or more in a rolling twelve month period</p>	<p>Stage 1 – Line Manager</p> <ul style="list-style-type: none"> • Convene a Stage 1 Review meeting at which set initial target normally no more than three working days of sickness in three months. This would only not take place if the manager was satisfied that this level of absence was out of the ordinary
2.	<p>Failure to meet the target level set at the Stage 1 Review meeting</p> <p>(Stage 2 can be instigated at any time following Stage 1 and a reasonable approach will be taken)</p> <p>(Where circumstances justify stage 3 can be instigated following Stage 1 subject to the agreement of the Operational Director Human Resources</p>	<p>Stage 2 – Line Manager</p> <ul style="list-style-type: none"> • Progress to Stage 2 Review meeting at which set further target normally no more than three working days of sickness in three months unless satisfied levels have improved <p><i>If target met, further target of zero days over next three months to be set</i></p>
3.	<p>Failure to meet target level set at the Stage 2 Review Meeting</p> <p>(Stage 3 can be instigated at any time following Stage 1 and a reasonable approach will be taken)</p>	<p>Stage 3 – Strategic Director, Operational Director or Head of Service</p> <p>Presenting Manager – Line Manager</p> <ul style="list-style-type: none"> • Progression to Stage 3 Review meeting • Consider dismissal <p><i>If target met, further target of zero days over next three months to be set</i></p> <p><i>If target not met but dismissal not recommended a further target of zero days over next three months to be set. If this is not adhered to dismissal will occur, save exceptional circumstances as advised by the Operational Director, Human Resources</i></p>
4.	If employee is dismissed	Right of Appeal

The triggers are a guide; however, managers are expected to manage sickness absence which is causing concern that does not necessarily fit into the above trigger categories. These will include patterns of sickness absence involving Monday and Friday or sickness absence at the front or end of a bank holiday or sickness absence immediately prior to action being instigated under the sickness procedure.

There will be circumstances where triggers have been met but a decision is taken not to instigate formal proceedings. Such decisions will be taken by the Operational Director Human Resources and the circumstances will be exceptional.

At all stages of the formal process the manager must investigate the reason for the sickness levels; the effect of sickness on the service and colleagues; Occupational Health advice (where appropriate); the strategy for reducing the sickness levels; and the consequences of sickness levels not reducing i.e. progressing to the next stage of dismissal.

The attendance arrangements and procedures apply to disability related sickness absence. However, when considering sickness absence involving a disability the scope to make changes to an employee's working conditions in terms of making reasonable adjustments will be explored to ensure that disabled workers are not disadvantaged and are able to continue in the employment of the Council wherever possible. Reasonable adjustments could include changing working hours, adjustments to the working environment and providing specialist equipment.

The employee is entitled to representation at all stages of the formal procedure and should be given reasonable notice of the meeting. The outcome of the meeting will be confirmed in writing.

Improvement during monitoring period

If attendance is satisfactory during the monitoring period managers should advise the employee accordingly in writing at the end of the monitoring period and remind them of the need to sustain the level of improvement. The letter must also advise that if the employee has no sickness absence for a further three month period, then they will come out of the procedure and any future sickness absence will be dealt with separately. The letter should also warn that in the event of further short-term sickness the formal procedure may start at Stage 2.

Relationship between long-term and short term sickness

If an employee returns from a period of long term sickness but is then absent due to short term periods of sickness, the period of long term absence will count as one period of sickness for the purpose of triggers. The sickness will then be managed under the short term sickness procedure.

Where it is decided to convene a Final Stage 3 hearing the presenting manager will prepare a case summary and will write to the employee giving notice of the Final Formal Stage 3 meeting which should be chaired by a Strategic Director; Operational Director; or Head of Service and a Human Resources representative should be present. The letter will outline that a possible outcome is dismissal.

The employee may request a postponement of the hearing of up to five working days to enable their representative to attend the hearing. Any alternative time and date proposed by the employee must be reasonable. The senior manager conducting the

hearing (“the Hearing Officer”) will decide whether the postponement should be allowed.

A letter will be sent to the employee within 5 working days of the meeting to confirm the issues considered, the decision and any right of appeal. Notice or pay in lieu of notice will be payable if an employee is dismissed.

Factors for the Stage 3 Hearing Officer to consider

The Employment Appeal Tribunal has set out the following factors that should be considered before a dismissal decision is taken in a case of persistent short-term sickness absence:

- The nature of the illness
- The likelihood of recurrence, or some other illness arising
- The length of the various absences and the spaces of good health between them
- The need of the employer for the work to be done by the employee
- The impact of the absences on other employees
- Following the correct procedure
- The ability of the employee to give regular and efficient service
- The extent to which the employee has been made fully aware of the employer’s position and when the point of “no return” would be reached.

Medical advice in relation to dismissal

The decision to dismiss is not a medical one, but a managerial one based, among other things, on medical opinion(s), however:

- While the absence of a medical diagnosis or prognosis does not preclude the manager taking action to dismiss an employee, nonetheless without a medical referral an Employment Tribunal could view the dismissal as unfair;
- Managers should not make medical judgements.

Alternative options to dismissal

These may include:

- Reviewing the case after getting more information
- Establishing a further time scale for improvement
- Consideration of alternative employment within the Council if this has not already happened, and in that context to consider whether retraining will be required for the employee to perform effectively in the new role

- Referral to Occupational Health for consideration of ill health retirement or redeployment if this has not been considered previously
- Variation of the employee's hours and/or duties with the employee's agreement
- Making reasonable adjustments to the employee's working conditions where the sick absence is caused by the employee's disability.

Managing long term sickness absence

Triggers for action

	Trigger	Action for Manager
	Three weeks continuous sickness	Stage 1 1. Begin regular contact with the employee if this has not started earlier 2. Refer to Occupational Health Service for assessment
	After two months continuous sickness	Stage 2 Convene a Sickness Review meeting
	No later than three months continuous sickness	Stage 3 Refer case to senior manager (Strategic Director, Operational Director or Head of Service) to consider taking a decision to dismiss
	If employee is dismissed	Employee right of appeal

Case review

Long term sickness is defined as continuous sickness for three weeks or more and where there is no definitive date for the employee to return to work in the near future.

The manager should regularly review long term sickness cases. In order to come to a reasonable judgement the manager will need to have accurate and up to date medical information.

The manager will refer the employee to the Council's Occupational Health Service once the employee has been off continuously for a period of three weeks, and there is no definite indication of an early return to work.

Review meeting

At Stage 2 or Stage 3 the manager will write to the employee and explain the purpose of the meeting. The employee should also be advised in the letter of their rights to be represented.

During the review meeting the manager will discuss with the employee the serious concern that exists about the length of the sickness absence. The employee in turn will be given the opportunity to explain any factors or personal circumstances that they would like taken into account in the overall case assessment.

The manager must tell the employee if they feel that the employee's future employment is potentially at risk, set a deadline for review, and confirm in writing.

A Strategic Director, Operational Director or Head of Service, will chair a Stage 3 hearing to consider dismissal.

When it is appropriate to dismiss on the grounds of long term sickness

An employer can fairly dismiss an employee due to long term absence, based on incapacity to perform the job. When considering whether to dismiss an employee due to long term absence, the need to ensure the efficient operation of the service in the final analysis override the employee's need to remain in employment. In the case of long term sickness, dismissal can take place where an employee has been off sick continually for 3 months and where there is no date for return to work. Sick pay does not need to be exhausted before dismissal can take place.

Appeal against decision to dismiss on the grounds of absence due to ill health

Any employee who is dissatisfied with a decision to dismiss on the grounds of absence due to ill health may appeal to ("the Appeal Hearing Officer"). The Appeal Hearing Officer will be at the level of seniority of Strategic Director, Operational Director or Head of Service who will be at the same level of seniority or at a higher level than the manager who took the decision to dismiss, and will be the manager specified in the letter to the employee confirming the outcome of the hearing. The manager who took the decision to dismiss will normally present the management case at the appeal hearing. The appeal must be lodged within 10 working days of the date of the letter confirming the dismissal decision.

The appeal must be made in writing and must clearly and specifically state in detail the ground or grounds for appeal and the detailed basis for each ground of appeal relied on. The ground(s) for appeal must fall within one or more of the following categories:

- There was a procedural irregularity which had a material effect on the dismissal decision
- The hearing officer came to a conclusion on a material point of fact which no reasonable person could have come to

- The decision to opt for dismissal rather than an alternative option was one that would not have been reached by any reasonable person
- There is new evidence which the employee wishes to introduce for the first time at the appeal which could not reasonably have been raised at the original hearing and the absence of which had a material effect on the dismissal decision.

Where the letter of appeal does not provide the necessary information to allow it to be processed Human Resources will write to the employee seeking clarification.

The Hearing Officer will arrange for the appeal to be heard as soon as reasonably practicable and reasonable notice will be given.

The meeting may be postponed by up to 5 working days to enable the employee's chosen representative to attend.

For the appeal the employee will be asked to attend a hearing where they have the right to be accompanied by a representative (another Brent Council worker, a certified union official or an official employed by a trade union).

The appeal hearing will not constitute a full re-hearing of the case. It will only address the specific grounds of appeal set out in the letter of appeal. The Appeal Hearing Officer can refuse to consider any new evidence if they decide it is unreasonable for it to be raised for the first time at the appeal.

The Hearing Officer and the employee will provide each other with any documents to be used by them and the names of any witnesses to be called by the third working day before the appeal hearing.

The Appeal Hearing Officer will chair the meeting and Human Resources will be in attendance. In all cases the Strategic Director/Operational Director or Head of Service will be assisted by a Human Resources representative. The Appeal Hearing Officer's decision will be final and there shall be no further internal right of appeal.

The Appeal Hearing Officer will have the authority to confirm the dismissal decision or to overturn it. In the latter event, re-instatement or re-engagement with continuous service will apply and the officer will have the authority to decide on an alternative option to dismissal.

Where the Appeal Hearing Officer decides to uphold the appeal in the case of procedural flaw or new evidence they will have the discretion to refer the case back for a rehearing. Where the case is referred back for a rehearing they will decide whether the case should be reheard by the same officer who originally heard the case or by a different hearing officer.

If the appeal is on the grounds of new evidence, referral to the original hearing officer will be for the consideration of the new evidence together with any of the original evidence which is relevant to the new evidence in order to reach a decision.

Managing Alcohol, Drugs and Substance Misuse

The Council is committed to helping employees who are experiencing alcohol, drugs and substance misuse. Misuse can take various forms including inappropriate use, habitual use and excessive use. If there is no evidence of a medical issue and where

performance and/or the Council's reputation is adversely affected, managers will address this through the relevant procedures. Where misuse relates to a medical issue, employees will be supported where possible.

Employees are expected to comply with the Council's Code of Conduct in respect of alcohol usage and must not report to work under the influence of alcohol and inform their line manager of the reason for their non attendance.

Employees are expected to comply with the Council's Code of Conduct in respect of illegal drugs and banned substances.

Employees on prescribed medication that may affect their work performance must notify their line manager who may seek advice from Brent's Occupational Health Service.

Employees can seek advice and assistance on a confidential basis by contacting the Council's Employee Assistance Programme or through Occupational Health. Counselling can be arranged through the employee's GP or by contacting one of the agencies listed on the intranet.

Employees in safety critical/customer facing roles must not consume alcohol whilst at work or during breaks. Where a manager has a concern they may require the employee to undergo an alcohol/drug test.

If a manager suspects misuse or an employee approaches their manager to raise an issue of misuse a confidential discussion should be undertaken with the employee.

If a manager considers an employee unfit to conduct a discussion due to the immediate effect of alcohol, drug or substance misuse, they should arrange for the employee to return home safely. The line manager should discuss the matter with the employee at the next available opportunity to explore with the employee the issues of concern relating to the employee's work performance, conduct, health, attendance at work or effect on the Council's reputation and any underlying causes.

Occupational Health Service

When dealing with problems caused by suspected misuse, managers should arrange appropriate assessment through Brent's Occupational Health Service and fully investigate all the circumstances before deciding on the appropriate action.

Involvement of Occupational Health is particularly important where work related stress is identified as a trigger for the employee's problematic use of alcohol, drugs or other substances, or where the manager considers the employee's problematic use of alcohol, drugs or other substances may be caused by or constitute a medical condition.

Employees are required to attend appointments with the Council's Occupational Health Service.

Recovery action plan

The manager in consultation with the employee should put in place an action plan with timescales to address the alcohol, drugs or substance misuse. This should be documented and kept by both parties. The plan will include arrangements for monitoring and review.

Dealing with relapses

If any employee relapses during or after treatment, this should not be seen as failure or lack of commitment by the employee to tackle the problem as this is common in managing substance misuse problems. Managers should be prepared for this and be willing to support the employee in trying again on at least one more occasion.

In the case of the first relapse, a further interview and assessment, through Occupational Health Service, should be arranged.

While the manager's co-operation and flexibility is essential to enable an employee to be successfully treated, there may come a point when the Council is no longer able to support an employee because the risk to health and safety is unacceptable or because the employee:

- Refuses to admit they have an alcohol, drug or substance misuse problem; or
- Has relapsed on more than one occasion or
- Refuses to attend or continue counselling/treatment

In such circumstances consideration should be given to dealing with the matter under the Council's disciplinary, capability or attendance procedures and the most likely outcome will be dismissal.

Time off to attend counselling/rehabilitation

Any time off to attend counselling/rehabilitation sessions will be treated in the same way as absence due to sickness. Such time off must not be taken without prior agreement of the employee's manager, and the manager may refuse time off on a particular day if he/she considers this is inconsistent with service delivery requirements. Brent will only pay for counselling available through its existing employee benefits offer.