

ATTENDANCE MANAGEMENT POLICY

This Policy sets out the Council's expectations of both managers and employees in the management of attendance at work, particularly with regard to sickness absence. The aim is to establish good management practice and provide a framework within which managers can balance the needs of individual employees with the need to provide services. Poor employee attendance has a damaging affect on the Councils ability to provide quality services.

The Council is concerned for the well being of its employees and seeks to protect the health and safety of the workforce by creating a sound-working environment free from danger. In particular, the Council recognises its duty to make reasonable adjustments to an employee's working arrangements or environment where a disabled person is placed at a disadvantage. When illness or injury occurs, appropriate paid leave is given to employees.

The measures contained in this procedure are not intended to be punitive but to alert employees to the problems caused by sickness absence and to help them overcome difficulties by providing advice and support wherever necessary.

In return, the Council expects its employees to respond in the following ways:

- a) To care for their health and to seek medical help whenever appropriate;
- b) Not to be involved in activities whilst on sick leave which may inhibit recovery;
- c) To attend for work whenever they are able to do so.
- d) Co-operate fully with the application of this policy, and
- e) In instances of absence to advise their manager in a timely manner of their absence and expected return**

It is important that attendance levels are maintained by employees in order for the Council to provide a quality service to the public. The procedure below sets out how the sickness levels of employees will be monitored by their managers and how medical advice should be sought where problems continue to occur. Managers should always treat sickness with sympathy and offer practical advice, but employees must be aware that extended or recurrent short-term absence cannot be accepted and may ultimately result in dismissal on ill health or attendance grounds. The issue is the level of absence and prognosis i.e. the forecast about the progress of an illness, not whether it is certificated by a medical practitioner.

In cases where the employee is absent because of an industrial injury, disease, accident or assault the manager should refer to the practice outlined in the guidelines on industrial injury and sickness absence, in conjunction with this policy.

In cases where an employee's absence is related to their impairment/disability

managers should consider the provisions contained in the Disability Leave and Impairment Related Sick Leave Policy, in conjunction with this policy.

This is the procedure to be followed if an employee is absent due to ill health.

1. REPORTING INSTRUCTIONS

1.1 Employees must telephone their manager or nominated person in their department by 10.00 am (or by other locally agreed arrangements, for example in the case of shift workers) on the **first day** of sickness absence, stating the reason for absence and expected date of return. If unable to return to work when indicated, the employee must contact their manager again to ensure they are aware of the expected duration of the absence and to enable continued provision of services.

1.2 When an employee does not report in as specified above, and has no good reason for not doing so, then pay for the whole day and for subsequent days absence not notified will be stopped.

1.3 **It is important that employees continue to maintain contact with their manager, and that they are available for consultation by their manager or colleagues on work related issues, if appropriate.**

1.4 Part day's sickness absence will be recorded and monitored by the manager. However, if a pattern of these absences emerge the manager will address this as part of the discussion at an Attendance Consultation Meeting (ACM).

2. RETURN TO WORK MEETING

2.1 All employees, on returning from sickness absence of whatever duration, are required to complete and sign a self-certification form stating the reason for absence. The information collected will be used, not only to monitor absences, but also to identify any patterns or trends related to health and/or working conditions/environment. Also to check the need for or effectiveness of reasonable adjustments made under the Disability Discrimination Act 1995 (DDA) if the reason is impairment related. **This form will be completed with the employee's manager** who may also discuss the reason for sickness absence and whether there are any work-related causes of this absence. The Management of Health and Safety at Work Regulations require the need to carry out or review risk assessments. Enquiry into possible work related causes of sickness absence might indicate a need to review risk assessments.

2.2 If the employee feels that the reason for absence is of such a nature that they do not want to discuss this with their manager, then they may inform their manager that they wish to see a Personnel Officer or Occupational Health Nurse. They will confirm the reason for absence and will enter 'personal and confidential' in Section 3 of the Certification of Absence form and countersign it. Confidentiality will be maintained unless the health or safety of the employee and/or work colleagues or customers is at issue, when a report of the effect of the illness, not the nature of the illness, will be made to the employee's manager. The employee will be kept informed.

- 2.3 If an employee's sickness absence lasts for more than seven days, including Saturdays, Sundays and Bank Holidays, the employee must submit a doctor's statement advising that they should refrain from work. The Statement must be sent to the employee's manager immediately, as rights to Sickness Benefits can be affected if there is any delay.

The Council will accept a doctor's statement issued for National Insurance purposes.

If the doctor's statement gives the date when the employee is expected to be fit to return to work but the employee is not fit on that date, then the doctor must be consulted again and another statement obtained and the **manager kept informed**. The medical statement must run concurrently and should be sent to the manager immediately.

If an employee becomes fit to return to work but the doctor's statement has not expired, the employee should discuss this with their manager. In this situation a manager will require the employee to return to their doctor to be signed 'fit to return to work.'

3. **RECURRING SHORT-TERM SICKNESS ABSENCE**

- 3.1 When a pattern of recurring short-term sickness absence or an unacceptable level of sickness absence is identified, the manager will arrange an Attendance Consultation meeting with the employee concerned. However in special circumstances the manager will have discretion not to arrange a consultation meeting at this stage where it has become apparent from the return to work meetings that the situation has been resolved, or may shortly be resolved. However, if deciding to exercise this discretion, a manager must make a note for the employee's file setting out the reason(s).

- 3.1.1 The sickness triggers are used as a prompt for the Attendance Consultation meeting and by managers as targets towards which improved sickness absence levels can be monitored. A manager is required to arrange this meeting if the employees sickness absence triggers as follows, unless the discretion described in 3.1 above is exercised:

- ◆ 3 or more occasions in any rolling 6 month period.
- ◆ 4 or more occasions in any rolling 12 month period.
- ◆ 10 or more days in any rolling 12 months.

Where a department chooses to apply other targets these will be openly and clearly discussed with the employee concerned.

3.2

The Attendance Consultation Meeting

- 3.2.1 **Employees have a right to representation or be accompanied at any stage of the procedure by a trade union representative or other person of their choice.**

- 3.2.2 The purpose of the meeting is to encourage open, informal discussion between manager and employee to consider in a positive manner a period of absence. The meeting will aim to focus on employee health and welfare and on

improvements in attendance. It will identify the reasons for absence and provide advice and support where appropriate. The employee will be supplied with the full details of their absences prior to the meeting and in the meeting will be given the opportunity to discuss the reasons for absence. Ways of alleviating any contribution the employee's work environment may be making to the pattern of ill health will also be explored. The manager should also use this opportunity to review the need for, or effectiveness of, reasonable adjustments as required under the DDA, and to review current risk assessments, if appropriate. An employee will be given at least 5 working days notice (or other period if agreed by both parties) of a planned attendance consultation meeting and information relating to their sickness absence.

3.2.3 It must be emphasised to the employee that the meeting is to enquire of their welfare and is not a disciplinary event, but the significance of the issue on their position must be explained where levels of sickness are high. In cases of high levels of sickness absence it is expected appropriate attendance targets will be set.

3.2.4 The content and outcome of the meeting will be noted, a copy given to the employee and a copy retained on file.

3.2.5 There will automatically be a follow up review meeting arranged at the consultation meeting. If further deterioration in the level of sickness absence occurs and targets are exceeded, then this may bring forward the review date.

3.3 **Review Meetings**

3.3.1 Following the attendance consultation meeting an employee will be aware of the date for the review meeting however, this date may be brought forward at the manager's discretion. The employee will receive at least 5 working days notice of a review meeting and information relating to attendance during the intervening period. The purpose will be to review the attendance record, check the progress of the employee's health and well being, and review what action was agreed at the first consultation meeting. Where attendance targets are set these will normally be the Council's corporate sickness triggers. When the level of sickness absence has been reduced this will be acknowledged and the need for further review may cease. Where it has not improved the case should be reviewed with a Departmental Personnel Officer including reviewing the medical advice available and determining appropriate action, including whether a warning is appropriate. At this point appropriate targets will be set.

3.3.2 If sickness absence levels continue at a level that is considered to be too high a further review meeting will be held. At this meeting a first **or a** final warning may be issued.

3.3.3 This procedure provides for warnings to be issued to employees (see 3.4.2, h-j). Normally an employee will receive a first warning prior to a final warning before dismissal is considered, both confirmed in writing and placed in the employee's personal file. A first formal warning is disregarded after 12 months unless a pattern emerges which suggests abuse of the procedure. A final warning will revert to a first warning after 12 months. This will then be cancelled and disregarded after a further 12 months, provided that no further warnings occur

within the 12 months (from the date the final warning reverted to a first warning), unless a pattern emerges which suggests abuse of the procedure.

- 3.3.4 The purpose of issuing warnings for sickness absence is to ensure that employees realise the significance of their absence upon the work of the Council and that, ultimately, dismissal for non-attendance could result irrespective of the genuineness or otherwise of the reasons for absence. At the same time any apparent abuse of this procedure will result in the disciplinary procedure being introduced.
- 3.3.5 There is no right of appeal against these warnings. Only in the event of dismissal (see 4.2.7) does the procedure provide for appeal.
- 3.3.6 Where a final warning has been issued and there has been no reasonable improvement the employee may be dismissed. This will only follow after discussion of all the relevant facts with the employee.

3.4 **Courses of Action Following Attendance Consultation Meeting(s)/Review Meeting(s)**

- 3.4.1 The most appropriate course of action will be determined and, wherever possible, will be an agreed decision between the manager and employee.
- 3.4.2 Any of the following courses of action may be considered:
- a) Improvements in attendance are acknowledged and praised.
 - b) Bring to the attention of more senior management and/or the Departmental Safety Adviser any problems relating to the employee's work or working environment which may be adversely affecting his/her health, if this cannot be resolved by the local manager, and advise the employee accordingly. Also, where appropriate seek advice and support from other relevant specialist advisers within or external to, the Council.
 - c) Advise the employee to seek advice from his or her own GP.
 - d) Refer them to the Council's Occupational Health Service (OHS) where this has not already been done and where absences may appear to be related. Also, referral to the OHS where absences do not appear to be related but the manager is sufficiently concerned to need medical advice or, where a warning has been issued and this is followed by a referral.
(Refer to para. 3.5)
 - e) Consider any reasonable adjustments that may need to be made under the requirements of the DDA, ensuring relevant specialist advice and/or support is obtained.
 - f) Consider the need for review and/or changes to relevant risk assessments as required by the Management of Health and Safety at Work Regulations.

- g) Require a doctor's statement: The manager may require an employee to produce a doctor's statement for all further sickness absences from the first day of absence. This decision would be reviewed periodically and would not normally exceed six months, when a decision would be made either to stop this arrangement or to refer the employee to the Council's Occupational Health Service.

If an employee has difficulty in obtaining a doctor's statement he/she will be advised to request a 'Private Certificate', the cost of which will be reimbursed by the Council.

Failure by an employee to produce a doctor's statement when he/she has been required to do so could lead to the disciplinary procedure being instigated, and/or withdrawal of pay for absences.

- h) Issue a formal warning to the employee, that their attendance level needs to improve, that their level of absence is too high and further sickness absence could lead to dismissal. This would normally only take place after a formal review meeting(s) If a warning is issued, this action must be followed by a referral to the Occupational Health Service. Medical advice should then be available for the next review meeting.
- i) Issue a final warning, this will not normally be given until after the second Review Meeting.
- j) Dismissal - this should only occur after a final warning has been issued.

3.5 Referral to the Council's Occupational Health Service (OHS)

3.5.1 Where appropriate the Manager will seek further information about the ill health problem by referring the employee to the Council's Occupational Health Service.

3.5.2 The employee has a duty to attend appointments with the Occupational Health Service, and to give immediate notice in the rare event of being unable to attend. Failure to do so may lead to the withdrawal of pay and/or the invoking of the Disciplinary Procedure. Failure to attend would also lead to the manager proceeding without the benefit of medical advice. The OHS will give 7 working days notice of appointments and the minimum notice for an employee to cancel an appointment is 5 working days.

3.5.3 It is essential that the employee and manager will have been in regular contact during the sickness absence and that the absence will have been reviewed against the individual's previous attendance record. When a decision is made to refer the employee to the Occupational Health Service, this would normally be done at a meeting with the employee. The content of the medical referral form will be discussed, and the employee given the opportunity to contribute to this. It is important that this is an open process and that information is shared. Both manager and employee will sign the Referral form. If an employee chooses not to sign this form the referral will still be made. How the Occupational Health Service works is detailed on the reverse of this form. If an

employee wishes to be accompanied by a trade union representative or other person of their choice this needs to be indicated on the form. Normally, no more than one person will accompany an employee to the Occupational Health Service consultation.

- 3.5.4 In cases of short-term sickness, referrals will be made as and when necessary. For long term sickness the referral should take place as early as possible in a period of continuous sickness absence, and usually by the sixth week.
- 3.5.5 On receipt of the referral the Occupational Health Nurse Advisor will arrange for the form to be screened, to determine who should conduct the consultation - nurse advisor or Doctor. At the consultation the practitioner allocated will decide whether a GP/Specialist report is required and if so obtain the employees consent to do this. In such cases review appointments will not normally be before 6 weeks to give the GP/Specialist time to reply.
- 3.5.6 In response to the report containing the Occupational Health Service's medical advice, one of the following options will be available to the manager:
- a) If the Occupational Health Service confirms that there is an underlying medical cause which is now resolved, or will shortly be resolved within a specified time, no further action will be taken other than the usual monitoring.
 - b) When there is no underlying medical cause and there has been no significant reduction in the level of sickness absence a full review of all the relevant facts would be carried out. The manager will conduct this, with the employee, their representative, and a Departmental Personnel Officer at a review meeting (see 3.3). If appropriate, individual targets for attendance levels may be set, and an employee will receive a warning that improvements in attendance are required for their contract of employment to continue. If ultimately after following this procedure the employee's level of sickness remains unsatisfactory then they will be dismissed, but only following a final formal warning.
 - c) Where there is a chronic underlying medical condition and it is unlikely that there will be a reduction in the employee's absence level, a full consideration of the facts needs to be carried out with the employee, their representative and a departmental Personnel Officer. The manager will conduct this at the review meeting. (See 3.3)

A copy of the Occupational Health Service medical advice will be provided to the employee for the review meeting.

It is important that all the factors are taken into consideration when deciding the future course of action, e.g.

- The needs of the service
- Review the need for, or the effectiveness of, reasonable adjustments as required by the DDA.
- Whether the duties of the post could be reorganised in accordance with medical restrictions to aid the employee's attendance.

- The review of relevant risk assessments.

If appropriate, individual targets for attendance levels may be set. An employee will be advised that following monitoring they may receive a formal warning that if improvements are not made then they may be dismissed.

- 3.5.7 It should be noted that medical advice is but one factor to be considered by managers. Significant considerations will also be the effect of absence on the employees' capability to do their job, and on the Council's ability to provide the service.
- 3.5.8 Where ill health redeployment or ill health retirement is recommended, proceed to Section 4, para. 4.2.2 - 4.2.3).

4. **LONG-TERM SICKNESS**

- 4.1 If an employee remains on sick leave they must continue to maintain contact with their manager. The manager will, with prior notice, visit them at home, or other agreed location as soon as a significant period of absence is anticipated, unless there are exceptional reasons for not doing so, which will be recorded. 5 working days notice or, other notice period agreed with the employee should be given for any visit. It is essential that the manager maintains contact and keeps the situation under review, while keeping a note of these contacts. When it seems likely to be a long-term sickness problem (i.e. 30+ days continuous absence) then a home visit to arrange referral to the Council's Occupational Health Service for medical advice must take place as early as possible (see 3.5). This referral will be made **before** the sixth week of absence. This will begin any medical investigation, although a decision may not be immediately available.
- 4.2 The following procedure is to be followed in cases where the Occupational Health Service has confirmed that the reasons for the sickness absence is due to an underlying medical cause, and the condition is unlikely to improve in the foreseeable future.
- 4.2.1 On receipt of the Occupational Health Service's recommendation, the manager will consult with the employee and their representative to advise them of the outcome and to confirm that they accept the Occupational Health Service's opinion. Managers must ensure that they are in receipt of all the necessary medical advice and should not pursue consideration of either re-deployment or dismissal if they are still awaiting any specialist medical advice. If the employee disagrees they can request a second medical review by an independent medical referee at the Council's expense. However, the final **medical** recommendation lies with the Council's Medical Advisor.
- 4.2.2 However, in cases of ill health retirement the final recommendation rests with the Council's Occupational Health Practitioner. In other cases of dispute the employee will be asked to give consent for the disclosure of the whole of their Occupational health notes to allow the manager to make a judgement as to which advice they prefer to proceed with.
- 4.2.3 In cases where the doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary, the employee must, before

returning to work submit to the Council a final statement as to fitness to resume duties.

- 4.2.4 If the recommendation is for retirement on the grounds of ill health or termination of employment due to ill health, the employee will be given statutory or contractual notice whichever is the greater.

Where the employee is in receipt of sick pay they may exhaust their entitlement to sick pay at the full rate.

- 4.2.5 If the recommendation is for redeployment under the Ill-Health Redeployment Procedure, the Occupational Health Service will indicate any medical restrictions applying to the search for an alternative job. See Appendix T, Ill-Health Redeployment Procedure
- 4.2.6 If the advice received is that the medical prognosis is good and a full recovery is likely within a given time-scale, the manager, advised by their personnel officer, will need to review the options open to them and determine an appropriate course of action.
- 4.2.7 It is expected that the medical prognosis will be available as early as possible, and normally by the sixth month of continuous absence. **Again it is emphasised that medical advice is but one factor to be considered by the manager and that they must take responsibility for any decision that is reached.**
- 4.2.8 Where an employee acquires a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day to day activities they may have rights under the DDA. In this circumstance a manager must consider the need for reasonable adjustments and should seek appropriate specialist advice
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- 4.2.9 A right of appeal against dismissal will be available to the Council's Appeals Committee within 10 working days of receipt of the decision to dismiss. This should be made in writing to the Departmental Director stating the reason for appeal.
- 4.2.9.1 Employees who are dismissed also have a right of appeal to an Employment Tribunal. As complaints have to be registered within three months of the dismissal employees are advised, if they intend to follow this course, to register their case and request the Tribunal Delays hearing the case until the internal appeal has taken place.
Employees who have been dismissed due to ill health and have not been granted retirement on the grounds of ill health have a right to appeal to the Pensions Scheme. The process for this is laid out in the Local Government Pensions Scheme Formal Disputes Resolution Procedure. Contact the Pensions Section at County Hall.

5. CASES OF SHORT TERM ABSENCE FOLLOWING LONG TERM ABSENCE

- 5.1 There may be instances where an employee has returned to work following a

long-term absence and they then demonstrate a pattern of recurring short-term absence. In these circumstances the following guidelines should be followed:

- 5.2.1 Consideration should be given to arranging a review meeting rather than an initial attendance consultation meeting (See para 3.3). The employee should receive five working days notice (or other period agreed by both parties) and advised they have a right to bring a representative or other person of their choice if they wish.
- 5.2.2 The purpose of the meeting should be to review the attendance record of the employee and to check the progress of the employee's health and identify if the manager needs to take any actions to assist the employee in improving their attendance. The employee will also need to be advised that, because of their recent long-term absence, it may be necessary to accelerate the review procedure. If sickness absence levels continue at a level considered too high, a further review meeting will be held and a final formal warning may be given.
- 5.2.3 In most instances the employee would be referred back to The Occupational Health Service for a new assessment of fitness to undertake the duties of their post and a prognosis regarding their ability to maintain regular attendance.
- 5.2.4 If formal warning(s) are to be used in these circumstances then the procedure described at para.3.4.2 should be applied.

APPENDIX T

ILL-HEALTH REDEPLOYMENT PROCEDURE

These cases will usually originate as a result of an employee being absent due to sickness, often of long duration. Either as a result of a home visit by a manager and/or personnel officer, when the likelihood of the employee's return to work is assessed; or on notification from the Occupational Health Service that the prognosis in the particular case is that a return of the employee to their normal job is unlikely, will the following action be taken:

1. It is essential, that each case is examined individually and the employee's physical and/or mental condition is compared against the requirements of the job. In some cases it may be possible to allow the employee to return to their original job if, for example, it is a sedentary job and they can cope with it **without impacting on their health or safety or that of their colleagues or customers.**
2. **If the employee has become disabled careful consideration must be given to reasonable adjustments that may be made to the job and appropriate specialist advice sought.** It is permissible also, in some cases, after consultation with the Occupational Health Service, to permit an employee to return to their original job on a phased basis so that for the first few weeks or months of their return restricted hours are worked, gradually building up the working week to the normal period.

It should be emphasised, however, the employee will **not** be allowed to return to their original job if there is any possibility of them further damaging their health or of putting colleagues or the public at risk until/unless a suitable alternative job without such dangers can be found.

3. The employee's capabilities and limitations must be defined and this will involve obtaining the advice of the City Council's Medical Adviser. The sort of job for which they might be considered must also be specified in general terms. This must be done, whenever possible, before the employee is ready to return to work and it may mean a meeting at an early stage with the employee.
- 4 In the event that the employee is deemed as being unfit to return to the original job they will be interviewed by a representative of their employing department to discuss redeployment options and opportunities. An employee may be accompanied if they wish. The employee should be told either:

- (a) A suitable 'alternative' job is available and in this event they will be told precisely what the job comprises - rate of pay, hours of work, duties

etc. If the employee expresses an interest in the job, which is suggested, the appropriate officer should interview them at the earliest opportunity. If they meet the essential requirements of the job they should be appointed to that vacancy without advertisement, for a trial period of up to two months and on successful completion, the appointment will be confirmed.

Where employees are permanently redeployed to a job with a lower grade their actual earnings shall be frozen for a period of not more than two years from the date of redeployment, or until the new earnings overtake those in the previous job whichever is the earlier.

Or,

- (b) A suitable alternative job is not available at the present time and they should therefore, subject to the Directors agreement **continue on sick leave** until a job is found or some other action is determined. Where the doctor does not consider this to be appropriate it may be necessary to suspend on health and safety grounds.
5. A time limit of three months, or such period as remains of full pay entitlement, whichever is the longer from the date the employee is fit to return to employment should be put on the search for a suitable job. **In the case of disabled employees the re-deployment period may be extended beyond three months as a reasonable adjustment.** If one or more suitable jobs fall vacant they should be asked to attend an interview (normally before the post has been advertised). If the job is judged to be suitable, an offer of the job should be made subject to the successful completion of the trial period and again confirmed in writing.

To help the employee find suitable alternative work a copy of the 'JOBS' Bulletin will be sent to their home address each week. In addition, their interests will be represented at the weekly Redeployment Board where forthcoming vacancies are considered for redeployees.

In appropriate cases where employees do not meet/fall short of the essential job requirements, they may be considered for a period of pre-training or they may be appointed if they can meet the full requirements in a short period of time with appropriate training. In general, appropriate training will be given to redeployed employees.

In the event that a suitable job is offered either at 4a) or 5 above and the employee refuses to accept the job, then they should nevertheless be allowed the **entire redeployment period** before termination of employment and any other suitable jobs which might become available in these months should also be offered.

6. At the end of the redeployment period from being certified fit to do other

work and where no suitable job has fallen vacant or the employee has unreasonably rejected offer(s) of suitable job(s) their employment will then be terminated on medical grounds.

7. **Before termination of employment is confirmed the manager with assistance from a Personnel Officer and other relevant advisors, as appropriate, should review the case and ensure all appropriate reasonable adjustments have been considered and all reasonable actions taken in line with an employers duties under the DDA 1995.**

8. PROCEDURE FOR TERMINATION ON MEDICAL GROUNDS

- (a) If the employee is a trade union official their trade union organiser (full time official) should be informed in writing of the situation and of the intention to terminate the individual's employment on medical grounds, unless the individual objects to this notification.
- (b) The employee should be invited to attend a meeting with their manager and a Personnel Adviser. At this meeting they will be reminded that they have either been offered one or more suitable jobs and have refused to accept these offers or, that no suitable alternative job has become available in the three months or, agreed period adjusted due to the DDA 1995, since they were certified as being able to return to alternative work. A trade union representative or other person of their choice can accompany an employee.
- (b) The employee should be given the appropriate period of notice to which they are entitled, commencing at the beginning of the following week and this should be confirmed in writing to him/her. Normally pay in lieu of notice will be given. The letter terminating his/her employment should summarise the steps that have been taken to find other suitable employment and, where appropriate, the job(s), which have been offered and refused.