

## GD01 - ATTENDANCE MANAGEMENT POLICY

### 1.0 INTRODUCTION

- 1.1 This Policy sets out the Council's expectations of employees in the management of attendance at work, particularly with regard to sickness absence. 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.
- 1.2 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.
  - a. In return, the Council expects its employees to respond in the following ways:
  - b. To care for their health and to seek medical help whenever appropriate;
  - c. Not to be involved in activities whilst on sick leave which may inhibit recovery;
  - d. To attend for work whenever they are able to do so;
  - e. Co-operate fully with the application of this policy;
- 1.3 In instances of absence to advise their council in a timely manner of their absence and expected return.
- 1.4 The Council 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.
- 1.5 In cases where the employee is absent because of an industrial injury, disease, accident or assault the Council should refer to the practice outlined in the guidelines on industrial injury and sickness absence, in conjunction with this policy.
- 1.6 This is the procedure to be followed if an employee is absent due to ill health.

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### **2.0 - REPORTING INSTRUCTIONS**

- 2.1 Employees must telephone their Council Chairman 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 Council again to ensure they are aware of the expected duration of the absence and to enable continued provision of services.
- 2.2 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.
- 2.3 It is important that employees continue to maintain contact with their Council, and that they are available for consultation by their council or colleagues on work related issues, if appropriate.
- 2.4 Part day's sickness absence will be recorded and monitored by the Council. However, if a pattern of these absences emerge the Council will address this as part with discussion at a meeting with the person concerned.

### **3.0 - RETURN TO WORK MEETING**

- 3.1 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 council 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.
- 3.2 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. The Statement must be sent to the employee's Council immediately, as rights to Sickness Benefits can be affected if there is any delay.
- 3.3 The Council will accept a doctor's statement issued for National Insurance purposes.
- 3.4 If the doctor's statement gives the date when the employee is expected to be fit to return to work but the employee does not return to work, then the doctor must be consulted again and another statement obtained and the Council kept informed. The medical statement must run concurrently and should be sent to the Council immediately.
- 3.5 If an employee becomes fit to return to work but the doctor's statement has not expired, the employee should discuss this with their Council. If the Council agrees that it is appropriate to return to work early then the employee may do so.

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### **4.0 - RECURRING SHORT-TERM SICKNESS ABSENCE**

4.1.1 When a pattern of recurring short term sickness absence or an unacceptable level of sickness absence is identified, the council will arrange an Attendance Consultation meeting with the employee concerned. However in special circumstances the Council 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 Council must make a note for the employee's file setting out the reason(s).

4.1.2 The sickness triggers are used as a prompt for the Attendance Consultation meeting and by Councils as targets towards which improved sickness absence levels can be monitored. A Council is required to arrange this meeting if the employees sickness absence triggers as follows, unless the discretion described in 3.1.1 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 division chooses to apply other targets these will be openly and clearly discussed with the employee concerned.

### **4.2 - THE ATTENDANCE CONSULTATION MEETING**

4.2.1 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.

4.2.2 The purpose of the meeting is to encourage open, informal discussion between council 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 Council 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.

4.2.3 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.

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

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- 4.2.5 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.

### **4.3 - REVIEW MEETINGS**

4.3.1 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 council'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 Human Resources including reviewing the medical advice available and determining appropriate action, including whether a warning is appropriate. At this point appropriate targets will be set.

4.3.2 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.

4.3.3 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.

4.3.4 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.

4.3.5 There is no right of appeal against these warnings. Only in the event of dismissal does the procedure provide for appeal.

4.3.6 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.

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

4.4.1 The most appropriate course of action will be determined and, wherever possible, will be an agreed decision between the Council and employee.

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4.4.2 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 an Health & 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 Council, 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) 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.
- e) Consider the need for review and/or changes to relevant risk assessments as required by the Management of Health and Safety at Work Regulations.
- f) Require a doctor's statement: The Council 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. 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.
- g) 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)
- h) Issue a final warning, this will not normally be given until after the second Review Meeting.
- i) Dismissal - this should only occur after a final warning has been issued.

## **5.0 - LONG TERM SICKNESS**

- 5.1 If an employee remains on sick leave they must continue to maintain contact with their council. The Council 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 Council maintains contact and keeps the situation under review, while keeping a note of these contacts.
- 5.2 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.

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- 5.3 Where the employee is in receipt of sick pay they may exhaust their entitlement to sick pay at the full rate.
- 5.4 If the advice received is that the medical prognosis is good and a full recovery is likely within a given time-scale, the Council will need to review the options open to them and determine an appropriate course of action.
- 5.5 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 Council and that they must take responsibility for any decision that is reached.
- 5.6 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 council must consider the need for reasonable adjustments and should seek appropriate specialist advice.
- 5.7 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 stating the reason for appeal.
- 5.8 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.

### **6.0 - CASES OF SHORT TERM ABSENCE FOLLOWING LONG TERM ABSENCE**

- 6.1 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:
  - 6.2.1 Consideration should be given to arranging a review meeting rather than an initial attendance consultation meeting. 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.
  - 6.2.2 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 council 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.
  - 6.2.3 In most instances the employee would be referred back to The 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.
  - 6.2.4 If formal warning(s) are to be used in these circumstances then the procedure described at para.3.4.2 should be applied.