

Procedure - Attendance at Work v2.1



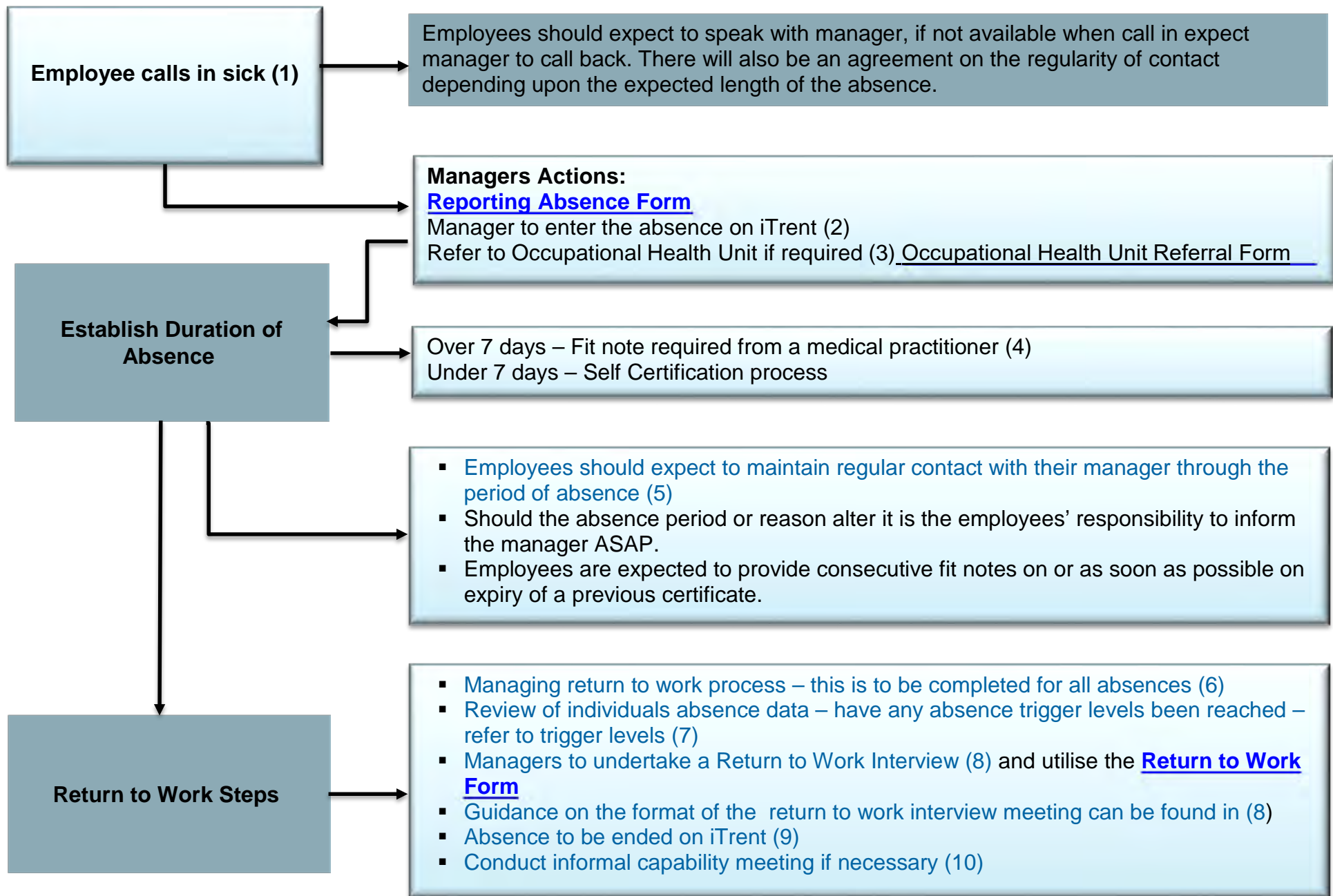
Procedure – Attendance at Work

Policy approved by	Date approved	Date implemented	Policy owner	Review date
Full council	08/04/14	08/04/14	AM	08/04/2017

Prior to contacting Human Resources regarding the content of this policy, it is recommended that you refer to the most up to date version on the intranet and the relevant guides.

As is the case with all intranet documents, this policy is subject to regular review due to legislative and policy changes. The latest versions of all Human Resource documents can be found on the HR intranet pages.

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ROLES AND RESPONSIBILITIES

Employee	Supervisor/Manager / Head of Service	Occupational Health & HR
<ul style="list-style-type: none"> Manage health and wellbeing to support their ability to attend work. Attend work unless unfit to do so. Expect managers to make and maintain contact during period of absence. Ensure they are familiar with the Attendance at work procedure. Make contact at the earliest opportunity to confirm absence. Make reasons and outcomes of consultations with medical practitioners available to managers through updates. Co-operate and attend review meetings. Provision of certification or information in a timely manner. Not undertake any out of work activities which might delay recovery and return to work. Expect to discuss alternative work opportunities whilst absent from work should the condition absent with support such actions. Raise concerns with manager, trade union, Occupational Health Unit (OHU) or other person if there are aspects of a job which are believed to be having an impact on their health. 	<ul style="list-style-type: none"> To review and ensure all absence from work is appropriately reviewed, recorded and discussed with employee. Ensure employee is aware and has access to Attendance at work procedure. To ensure, as far as possible, their employees' health, safety and wellbeing at work. Taking action to alleviate situations causing concern. To maintain accurate ITrent absence records. To appropriately and accurately refer to Occupational Health Unit (OHU). To maintain contact with employee during period of absence. To review opportunities for alternative work and discuss these with employee and seeking OHU input as appropriate. Conduct return to work meeting, ensuring employees suitability to return to work – fully or reduced in some way, impact absence has had on role, team, service, and employees position concerning absence review triggers. 	<ul style="list-style-type: none"> To provide support to managers and employee to facilitate return to work, access to support needed or ongoing interventions which prioritise the wellbeing of the individual and their return to work in the shortest timescale. Provide advice and guidance to managers for discussion and review concerning the impact of an employee's health on their ability to carry out their role. Support managers in identifying and understanding interventions and options available to support their teams' ability to maintain their attendance in work. Assess employees' health status for roles with particular health requirements. Facilitate access to interventions that can support employees such as "healthy you" initiatives such as stop smoking etc. and utilising the Reasonable Adjustments Guidance. HR support managers in reviewing and managing absence in line with the process. HRBP to review any decisions to dismiss an employee with Head of Service to ensure consistency of decision making.

1. Initial contact:

- If an employee calls to notify their absence from work and they do not speak with their manager, they should expect that their manager returns the call to seek further understanding of the absence.
- Employees are expected to call in to report their absence from work as early as possible, and definitely within the first hour of expected attendance at work.
- Employees should expect their managers to ask them a number of questions when they are reporting an absence from work. These questions may be revisited by the managers on all calls that follow the initial absence reporting.

[Reporting Absence Form](#)

2. Reporting and recording sickness absence

- All absence is to be recorded on ITrent. It must be entered on notification of absence, updated as received and at the end of the absence period.
- It is important that the correct reason for the absence is captured in the system.
- Fit notes are to be held securely by the manager in line with the DCC and data protection act rules on holding information.

[See Fit Notes \(4\)](#)

3. Occupational health unit referrals

Criteria for referring an employee to Occupational Health:

- Stress, depression, anxiety – If the cause is work related then managers and employees should complete a stress questionnaire. The stress questionnaire should be used as a tool to identify work related concerns for the manager to address. If not work related and the request is for counselling only, then please inform the employee of the counselling services available through the EAP through Care First.
- Long term absence (28 days or more) - If an absence begins as short term and subsequently progresses into a long term absence, an employee will then need to be referred to ensure any support or advice can be provided.

Please note, for Musculoskeletal conditions, managers will need to directly refer employees to Physio Therapy themselves. Please refer to the 'Physio Employee Referral Form – for Managers' on Linc (intranet).

How to refer to the Occupational Health Unit (OHU)

The Occupational Health Unit (OHU) Referral Form is located on the Human Resources and Occupational Health Intranet pages. For employees with a condition or duration of absence that requires immediate referral the form can be activated in ITrent at the same time as recording the absence. Guidance for completing this can be found on the Human Resources intranet pages.

Managers need to provide enough information to the OHU team concerning the employee's reason for absence and any other relevant wider circumstances that are applicable.

To facilitate the OHU teams review of the employee's absence, Managers should make it clear what they would like the OHU intervention to involve i.e:

- Establish detailed understanding of absence type and cause so OHU and Manager can review the next steps as appropriate
- Manager can gain a full (as appropriate) understanding of the condition and duration to support them in exploring opportunities such as:
 - Supported return to work options, including restricted/light duties/phased hours
 - Alternative duties (within team, service or organisation)
 - Home working

OHU are required to work with Managers to ensure there is a full understanding of what an employee can undertake so Managers can make informed recommendations based on business practicalities.

OHU and Managers are expected to professionally seek clarification and challenge views based on each parties understanding of the situation. This is to ensure employees are fully supported within the context of their health and wellbeing and ability to attend work.

Should an employee refuse to attend OHU appointments or interact with the OHU team, it will be considered that the employee is being obstructive to the overall ability for a Manager to support the employee and consider all aspects of the absence in a fully informed way. Any decisions concerning the employee's future employment will be made considering the information available at that time. In addition should the information be vital to the Manager being able to review the employee's absence and situation, then removal of enhanced sick pay can be considered at this point.

If an employee repeatedly does not attend scheduled OHU appointments after two non-attendances the employee can be charged for their non-attendance for any future appointments unless a reasonable notice or explanation can be provided. Repeated non-attendance can also result in the removal of enhanced sick pay.

4. Fit notes

Employees must provide a fit note from their GP on the 8th day of absence and from then on until they return to work. There must be no gaps in dates between fit notes i.e. if a term time only employee is absent over half term, the fit note should cover this week as well.

Failure to supply fit notes will result in sick pay being stopped as the absence will be deemed as unauthorised absence, which can ultimately result in disciplinary.

It should be noted that fit notes are considered guidance from the GP to the employer and whilst advice stated must be considered, there may be times where it is not possible to adhere to it.

5. Contact during absence from work

Employees are expected to make and maintain regular for the duration of the absence with their manager. Failure or refusal to maintain this contact and or the provision of any supporting documentation if requested without exceptional circumstances could be considered as a conduct issue and may result in disciplinary processes being taken.

6. Returning to work

There are a number of options available when an employee is intending to return to work. For an employee who has been off with a short term absence with no long term or on-going effects they will be expected to return to work to their normal hours and role immediately. For an employee who has been off for a short, mid or long term period who either has outstanding effects and/or needs time to readjust to returning to work or managing on-going aspects, the Manager and employee can explore how and what the return to work involves, such as:

- Adjustments to the working environment – temporary or permanent.
- Flexible working i.e. hours of work, patterns of work.

- Phased / managed return to work – these need to be appropriate to allow the person to contribute to the role they are returning to, but support a sustained return supporting the employee's ongoing health. These are not typically any longer than 4 weeks, unless exceptional circumstances. Managers can seek guidance from OHU.
- Alternative employment either on a temporary or permanent basis.

If an employee wishes to return to work in the duration in which they have been signed off via a 'fit note' from a medical practitioner, they do not need to be 'signed back' to work. However if the employee works in a position where there is a need to ensure the employee is fit to undertake their role safely, e.g. DVLA rules re LGV/PCV drivers; it is appropriate for the employee to ask a medical practitioner to provide them with a medical certificate declaring they are fit to return to their permanent duties.

7. Absence trigger points

It is a manager's responsibility to address any concerns about an employee's level of non-attendance, **regardless** of whether they have hit any of the triggers. Employees should expect managers to be questioning their absence from work, the reasons, reviewing the use as appropriate of annual leave, flexi and workload at all stages when they have been absent from work.

Managers have ready access to absence data on their teams through the Absence Dashboard and ITrent. For schools monthly reporting provides current data on their schools absence data.

Trigger levels:

- 3 separate sickness absences of any duration in a 3 month period
- 5 separate sickness absences or a total of 12 days (pro rata for part time employees) absence in a 12 month period
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.

8. Return to work interviews

It is important that managers prepare for the return of an employee to the workplace. Managers need to ensure that they are fully aware of the terms that an employee is expecting to return to work under and that they completely consider if these expectations are reasonable and acceptable for the service. For employees who may be covered by the Equality Act 2010 managers are advised to seek HR support in reviewing the return to work process.

Managers are expected to hold a formal return to work meeting with the employee **no matter how long they have been away from the workplace for using the [Return to Work Form](#).**

9. Absence to be closed off on iTrent

10. Guidance for managers – informal attendance capability meeting guidance

The focus of this meeting should be on helping the employee improve their attendance at work in a positive way. Managers should:

- The meeting should be confidential, on a one-to-one basis and the employee should understand the content of the meeting prior to attending.
- Attendance issues must be discussed with employees as part of their return to work meetings.
- A Manager can use the return to work meeting as an alternative to a separate meeting, they need to ensure the employee is aware of the context prior to the meeting.
- The outcome of the guidance meeting should be confirmed in writing and given to the employee. A copy should also be kept on the employee's record file for a period of 12 months.

During the lifespan of the guidance (12 months), the guidance meeting can be referred to in the event further concerns arise – provided the concerns are connected.

Preparation for the meeting should include:

- Manager prepares all of the information concerning non-attendance history to demonstrate the fact that the employee has met one of the trigger levels.
- Ensure adequate time is put aside for the meeting.
- Ensure that an appropriate confidential area is available for the meeting.

During the meeting:

- Manager to share concerns relating to non-attendance at work. This should be undertaken in a positive and supportive manner, whilst asking for an explanation and encouraging the employee to engage in the discussion using open questions.
- Define the areas that are of concern e.g. – number of days, type of absence, pattern of absence.
- Explore any contributory factors with the employee's work related problems, personal problems, work-life balance etc. Discuss any possible solutions that are available to the employee, things that they can own or can have support from other services to manage.

- Even for those who have returned to work, should the problems not have been fully managed, offer access to services or support, seek advice from OHU should it be helpful to ensure the employee is supported and can remain in work.
- Consider the re-referral of the employee to OHU should there be outstanding aspects that need to be supported. The service supports employees in the workplace as well as whilst they are off work.
- Write to confirm the discussions and outcome of the meeting with the employee.

Identification of sickness absence triggers being reached (11)

- 3 separate sickness absences of any duration in a 3 month period
- 5 separate sickness absences or a total of 12 days (pro rata for part time employees) absence in a 12 month period
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.

Manager

1st Formal Absence Capability Meeting (13 & 14)

Options: Guidance for Managers – Conducting a formal attendance capability meeting (12)

No further action (15)
or
Set targets & monitoring period (16)

Review One – Issue formal warning or confirm no further action required (17)

Offer right to appeal

Review:

Interventions & support
Training
Occupational Health Unit

Manager (middle)

2nd Formal Absence Capability Meeting (13 & 14)

Options: Guidance for Managers – Conducting a formal attendance capability meeting (12)

No further action (15)
or
Set targets & monitoring period (16)

Review Two – Issue formal warning or confirm no further action required (17)

Offer right to appeal

Appeal:

Employee registers appeal in writing

Manager and employee positions reviewed

Appeal hearing occurs

(Head of Service or another Head of Service if Head of Service managed initial decision)

Head of Service

3rd Formal Absence
Capability Meeting
(13 & 14)

Options: Guidance for Managers – Conducting a formal attendance capability meeting (12)

If no improvement (13) –

- Redeployment options
- Extension of formal stage 2 for a determined period
- End of absence process – no further action at this time
- Dismissal on grounds of capability absence related

Review decision if move to dismissal –

- Right to appeal
- Head of Service needs to determine outcome: if involved throughout the process. This final decision is through another Head of Service and checked by HR Business Partner

Appeal:

Employee registers appeal in writing

Manager and employee positions reviewed

Appeal hearing occurs

(Head of Service or another Head of Service if Head of Service managed initial decision)

11. Identification of sickness absence trigger being reached

Trigger levels:

- 3 separate sickness absences of any duration in a 3 month period
- 5 separate sickness absences or a total of 12 days (pro rata for part time employees) absence in a 12 month period
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.

12. Guidance for managers – conducting a formal attendance capability meeting

This meeting should only take place once the employee has had a minimum of one informal attendance capability review meeting.

This guidance is applicable to conducting 1st, 2nd and 3rd formal attendance capability meetings.

The purpose of this formal attendance capability meeting:

- Review the employee's level of sickness absence
- Determine if there is an underlying cause
- Examine what actions have been taken to date to reduce their level of sickness absence
- Ascertain the nature of current absence for those off sick in the process and if and when they are likely to return to work
- If appropriate, issue the employee with a warning and alter them to the consequences if their level of sickness absence does not improve.

Who will be present at the formal attendance capability meeting?

- The Manager will conduct all of the Formal Attendance Capability Meetings at stage 1 and 2; the 3rd meeting will be conducted by the Head of Service.
- A HRBP is involved in the 3rd Formal Attendance Capability Meeting, as a possible outcome from this meeting could be dismissal.

Arrangements for the formal attendance capability meeting

- The employee should be formally invited to the meeting – [Invite to Formal Capability Meeting Letter](#). This should be issued a minimum of 5 days before the meeting, providing 2 copies of any relevant paperwork relevant to the meeting. The employee has the right to be represented at this meeting by a Trade Union Representative or work colleague.
- Manager prepares all of the information concerning non-attendance history to demonstrate the fact that the employee has met one of the trigger levels.
- Ensure adequate time is put aside for the meeting.
- Ensure that an appropriate confidential area is available for the meeting.
- Ensure that sufficient notes are taken of the meeting and should the employee request these should be provided to them. These notes are the basis for the manager formulating the [Outcome of Formal Capability Letter](#). Should the Manager require a note taker this should be arranged by the Manager (HR do not undertake this role).

13. Format for the formal attendance capability meeting

Introductions

The Chair of the meeting should confirm receipt by all present of any documentation and advise the purpose of meeting is to:

- Establish facts
- Consider the management case
- Consider the employee's case
- Make a decision after considering evidence provided
- Decide whether further action is necessary as a result

Main meeting discussion points:

- Whether the employee has an underlying medical condition
- Whether there are factors contributing to the employee's sickness absence which are work related (working conditions, relationships, work related stress, working arrangements etc.)
- Whether there is a likelihood of future sickness absences
- When or if the employee is likely to be fit to return

- Whether the employee may be covered by the Equality Act 2010
- The employee should be allowed to raise any points that they wish to be considered

Before any decisions are reached the Manager should adjourn the meeting and consider the case before deciding what appropriate action should be taken.

Adjournment:

During the adjournment process the manager chairing the meeting should consider the following options:

- No further action is required – the employee's sickness is considered satisfactory or there are extenuating circumstances which have a material effect on the employee's sickness record.
- Issue targets and a monitoring period
- Redeployment – as an alternative to dismissal – seek advice under the redeployment procedure.
- Dismissal – the meeting must be conducted by a Head of Service, consultation with HR Business Partner and provision of advice from Occupational Health. The employee should also be given the right to appeal against the dismissal.

Decision making:

The Manager chairing the formal meeting should be satisfied that:

- All relevant circumstances have been fully investigated
- The attendance at work framework has been complied with
- The facts have been established
- Requirements of the Equality Act 2010 have been complied with (as appropriate)
- Mitigating or personal circumstances have been considered
- The action contemplated is justified in the circumstances of the case
- Previous current warning under this procedure have been considered

14. Reconvene meeting and confirming the outcome:

The formal meeting should be reconvened for all parties and the employee advised of the decision verbally and informed of their right to appeal against the decision.

The outcome of the meeting is to be confirmed in writing within 5 days of the meeting, including advice on the appeals process. Where targets and a monitoring period are issued, the letter should include details of the improvement targets, any action plans agreed, the monitoring period and how progress will be monitored, any reasonable adjustments to be made, any support available and depending on what stage the procedure is at, that any failure to improve attendance could lead to further warnings or ultimately dismissal and the date of the next formal review meeting.

15. No further action

If it is deemed no further action is required then this is confirmed in writing within 5 days of the meeting.

16. Setting targets and monitoring periods:

Managers should think through the following aspects when they are considering the setting of targets and monitoring periods:

- Targets should consist of actions that are realistic, reasonable and achievable and that they are reflective of the absence experience to date. Consideration should be made against the requirements of the Equality Act 2010, and employee's that this applies to should be given targets that provide reasonable adjustments.
- The monitoring periods are to be clearly discussed with the employee along with the expectations of them during the monitoring period
- The employee knows what will be deemed as an acceptable improvement in terms of sickness absence
- There is an agreement on how the employee's progress will be monitored and how an assessment will be made
- Regular feedback is given to the employee during the monitoring period. This can be carried out in one to one meetings but a written record of the discussion and position must be kept with a copy provided to the employee
- The employee knows where to go for help and support during the review period
- The employee is aware of the possible consequences of not meeting the required level of attendance
- The date is clearly set for the end of the monitoring period
- The employee is aware that following the monitoring period, a formal attendance capability meeting

Examples of targets:

- No absence within an agreed monitoring period
- Absence less than x days within the agreed monitoring period

- All absence is to be certified during the agreed monitoring period

Monitoring periods:

- The monitoring period should be reflective of the stage of the absence capability process and relevant to the historical absence trend. Managers through the review process outlined above should consider all of the options available to them and set periods appropriate to this.

Examples of periods:

- 3 months – this could be for stage 1 of the process
- 1-2 months for stage 2 of the process
- 1 month for stage 3 of the process
- An extended monitoring period may be set this could be a period of 6 – 12 months.

17. Review meeting

During the review meeting the employee's attendance and progress against agreed actions should be reviewed. If there is no progress then the decision should be made to issue the appropriate warning. If sufficient progress has been made the outcome may be that no further action is required. The employee should have the right of appeal against the decision made at this stage and an [Outcome of Appeal Decision Letter](#) issued following any such meeting.

18. Progressing through the stages:

To move from one stage to another there would need to be a formal review at the end of the established monitoring stage. The manager should use the same decision making guides to when making decisions concerning the employee's position and the next steps. All subsequent meetings should be carried out in line with the formal attendance capability meeting guide.

19. Absence dashboard

- The absence Dashboard can be found in the desktop page under the icon heading sickness reports and absence reports.
- The absence data is drawn directly from ITrent so it is reporting the most up to date absence data.
- Guidance on accessing the Dashboard and its reports can be found on the home page.
- All Managers are able to access DCC and Service top level information on the absence position.
- Managers will also be able to access the RAW data for their reporting teams.
- The reporting structures for the Dashboard are based on ITrent reporting structures. Directors have access to all levels of data. Heads of Service have access to all data pertaining to their service.

20. Pay when absent from work

- Unauthorised absence is unpaid. Following written notice from a manager that if a medical certificate is not provided by a stipulated date, the period of absence will be unpaid and the individual would be subject to the disciplinary procedure.
- The organisation may with notice refuse to continue to pay enhanced sick pay for certificated or un-certificated absence from work. For example: where an employee continues to participate in outside work activities which have a repeat impact on their health and ability to attend work, or if an employee refuses to attend or interact with OHU and there is a need for the Manager to understand the absence from work and impact in more detail than an employee's explanation of the situation.

21. Removal of right to self- certification

- At the first formal absence capability meeting a manager can insist that any subsequent absence from work during the monitoring period will require the individual to provide certification of their inability to attend work. Should an employee not provide this:
 - Enhanced sick pay will be removed
 - Escalation of the management in the non-attendance process
 - A review of conduct under the disciplinary process may be considered

22. Suspension on medical grounds

On return to work or planned return to work, should a Manager have serious concerns about an employee's fitness to work, they may suspend the employee on medical grounds. Managers will need to consult both Human Resources and OHU to ensure guidance on decision and next steps are provided. Suspension is on full pay and is for a period whilst further medical advice from a medical practitioner and OHU is sought.

23. Non-attendance at work due to other medically related procedures

a. Elective procedures / Gender reassignment

Should employees plan and arrange elective procedures they will not be considered absent from the workplace under the Attendance at Work procedure. All appointments and associated time off from work will need to be taken as annual leave or flexi. Consideration for a period of unpaid sick leave can be made but approval must be provided by the Manager, for such cases employees would need to provide a medical certificate and they may be able to receive statutory sick pay in these circumstances.

Should an elective procedure be medically supported such as in the cases where it is required due to a potential health, psychological issue or gender reassignment and can be supported by written confirmation from a medical practitioner, then paid time off would be provided, subject to the appropriate medical certification.

b. IVF treatment

IVF treatment often requires 8-10 attendances at a clinic and can involve one or both partners concerned to attend. Within a rolling 12 month period there is an allowance up to the equivalent to 3 days (or pro rata to 60% of contractual working time for part time staff). On occasions the treatment may require extensive travel by agreement the time off can be extended to the equivalent to 5 days (37 hours) within the 12 month rolling period. If any additional time off is required this would be taken as annual leave or flexi.

c. Medical appointments – GP/Hospital/ Dentist/Optician

Routine medical appointments should be taken in an employee's own time, and be taken outside of the working day whenever possible. Employee's attending a planned hospital appointment should seek approval to attend prior to the appointment date. Managers can ask for proof of the appointment, failure to provide this may result in the employee having to take unpaid time off or annual leave.

d. Pregnancy related

It is good management practice to ensure that an early pregnancy risk assessment is carried out with a pregnant employee. Adjusted duties or other reasonable measures should be explored with pregnant employees who are at risk of being absent.

Absences related to a pregnancy will not count towards the trigger system. If an employee is off sick due to a pregnancy related aspect in the four weeks leading up to the expected birth of the baby, then the employee's maternity leave will commence early.

24. Annual leave

Should an employee fall sick during a period of annual leave, then the annual leave can be taken at another time subject to the following conditions:

- The employee notifies their manager on the first day of the sickness.
- The absence period regardless of length must be certified by a qualified medical practitioner.
- Where an employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee has made an insurance claim for medical treatment received at an overseas location.

Employees, who are off long term sick, still accrue their holiday entitlement, and they can choose to take annual leave during a period of absence, they need to do this in agreement with their Manager.

If an employee does go on holiday during a long term period of absence they need to take this period as annual leave. It should be noted that employees should not engage in activities that are:

- Inconsistent with their stated reason for absence
- Have a detrimental effect on their recovery
- May worsen/prolong their absence

Should it transpire that an employee has undertaken an activity that proves detrimental to their recovery this may result in the removal of enhanced sick pay.

25. Grievance raised during other proceedings e.g. attendance, disciplinary, redundancy etc.

There may be occasions where an employee, who is subject to another procedure, raises a grievance. The way in which this is handled will depend on the facts of each case. An assessment of the facts should take into account how the grievance is related (if at all) to the matter in hand.

Whether or not the grievance and the ongoing case are associated will be determined by the appointed Deciding Officer of the case.

Where the grievance and the other case are related

In exceptional circumstances it may be appropriate to temporarily hold the ongoing proceedings while the grievance matter is investigated further. The aim here is to establish whether the complaint has a material impact on the case and eventual outcome.

Be mindful that other ongoing proceedings should not be delayed unnecessarily.

Where the grievance and the other case are not considered to be related

In such cases it is advised that both cases are dealt with separately and that they run concurrently. The proceedings of the case in question may not be impacted by the grievance raised and should therefore be able to continue as planned.

Refer to the Grievance procedure for details relating to the grievance process.