

# ATTENDANCE MANAGEMENT POLICY AND PROCEDURES

In this section you will find the policy and procedures for Attendance Management in Eastbourne Borough Council. These are intended to update, clarify and simplify the steps to be taken when you or one of those you manage or supervise is or has been off work through illness or injury.

In implementing these procedures, Officers of Eastbourne Borough Council will ensure that our approach promotes and protects equality of opportunity in service delivery at all times in line with corporate policies and training.

For your reference, the sections are summarised as follows:

- 0.0 Attendance Management Policy
- 1.0 Introduction to Attendance Management procedures
- 2.0 Reporting Your Absence
- 3.0 Sick Pay – What you should know
- 4.0 When You Return to Work – standard procedures & interview
- 5.0 About The Formal Absence Interview
- 6.0 Long Term Sickness Absence
- 7.0 Managing intermittent and persistent sickness absence
- 8.0 Formal Review of Absence
- 9.0 Supplying and Using Management Information

## **0.0 ATTENDANCE MANAGEMENT POLICY**

### **0.1 Why have an Attendance Management policy?**

Through our policy on Attendance Management, we commit to two of the Values from our Corporate Plan. These are:

- to support, value and develop our staff enabling them to continuously improve the quality of our services
- AND
- to make the most efficient and effective use of public resources.

Eastbourne Borough Council seeks to promote the health, safety and well-being of all in its teams. We work to solve issues for both the individual and for the organisation at large.

We understand that it is inevitable that people experience ill health from time to time and that this will prevent them from attending work. It is our intention to ensure that all such sickness absences are treated fairly and sympathetically. Indeed, we wish to discourage people from attending work when their health is such that they should not do so. Instead, they should look after their general wellbeing and seek medical or other support, as necessary.

Attendance can also be a barometer of motivation, personal reward and the work/ life balance which is important for quality of life. It is a tool in promoting and sustaining a healthy performance management culture for the Council and has real benefits for everyone. Managers will encourage attendance by working with individuals, divisional teams, trades union representatives and Departments to promote effective communication and to agree on action.

We recognise that high levels of absence create additional workloads for others and have an impact on the service provided to our customers. Absences also represent a significant financial cost to the Council, both directly in payment of sick pay and indirectly in paying additional hours to others and, in some cases, sourcing contractors or temporary workers to cover workloads. So, we have an obligation to promote good attendance and to ensure that absences are minimised.

Whilst we wish to extend all reasonable support to those who are ill, we have an obligation to deliver services effectively and efficiently. This must, ultimately, be our prime consideration.

## **0.2 How do we manage attendance?**

Our Managers want to provide supportive, motivating and clear leadership to their teams. They will ensure that individuals understand the reasons for managing performance and will use corporate procedures consistently and fairly in dealing with attendance issues.

Eastbourne Borough Council works to target equalities and we will take all reasonable steps to support minority workers and those with disabilities in our workforce. Managers will, at all times, act in line with their responsibilities under the Disability Discrimination Act 1995. Where there is any possibility of an individual being eligible for consideration under this Act, the Manager should refer to Personnel for advice and guidance. (See also Guidance Notes for Managers on Attendance)

Managers are responsible for monitoring and managing sickness absences within their teams. They will refer to Attendance Management procedures and other reference material in the Personnel Standards and are encouraged to seek support from corporate Personnel.

Managers will bear in mind the nature of the work in each instance. This may involve consideration of how working conditions, relationships and other factors may affect an individual's health, safety or wellbeing.

In Eastbourne, we will structure our approach to managing attendance with fairness, sensitivity and discretion. Assessments of individual cases will be made using a range of resources:

- regularly reviewed attendance records for both individuals and teams;
- consideration of job content, working environment and management style;
- Return to Work and Absence interviews;
- medical referrals;
- appropriate consultation with trade union representatives;
- professional or personal counselling;

- tailored support to assist with a managed and, if necessary, gradual return to work;
- and Formal Reviews of Absence.

We will ensure that our managers are familiar with our Attendance Management procedures and use them appropriately in consultation with the Employee Relations Adviser.

Managers will:

- promote good communication to ensure that all parties understand why attendance is important
- be committed to reducing costs of absenteeism
- trust people to be honest and motivated and will work to support them
- BUT will monitor and take action, as appropriate, where problems arise
- supply accurate management information to inform decisions
- tell their teams the organisation's expectations and implement procedures consistently
- undertake regular, comprehensive training and ensure that team leaders are familiar with use of attendance management procedures
- conduct supportive, sensitive and structured Return to Work interviews, respecting confidentiality.

### **0.3 How do we achieve consistency?**

Every period of absence will be recorded and discussed with the individual upon their return to work.

Each person's absence will be different. Managers will seek to ensure that all actions taken are reasonable, given the known facts. Some circumstances will call for compassion and understanding; all circumstances will require a clear and balanced response.

### **0.4 Referring to our Medical Advisers**

Eastbourne Borough Council reserves the right to refer an individual for medical examination by a qualified Adviser at any time. Any such referral will be in line with our policies and procedures and relevant legislation, such as the Access to Medical Reports Act.

### **0.5 Taking Disciplinary Action**

In some cases where absence gives cause for concern, Eastbourne Borough Council reserves the right to deal with an attendance problem under its Disciplinary Procedure rather than its Attendance Management Procedures. (An examples of this could be persistent failure to follow procedures, though each case will be assessed on its own merits.)

### **0.6 Conclusion**

Our objective is to promote attendance and full contributions from all who work for Eastbourne Borough Council and to secure the earliest possible return to work of individuals fit for duty. In cases where this is not possible, we aim to gain a full understanding of the nature and extent of the illness/condition and provide appropriate support.

## **1.0 INTRODUCTION TO ATTENDANCE MANAGEMENT PROCEDURES**

1.1 People working for Eastbourne Borough Council have a range of employment contracts. Managers in each division should be aware of the terms and conditions applying to their teams and ensure that clear procedures are in place to support attendance management.

1.2 Most of those employed by Eastbourne Borough Council have contracts which recognise the conditions of service of the National Joint Council (NJC) for Local Authority workers. NJC conditions of service provide occupational sick pay (a payment equating to full or half pay at the standard rate for the job) at stated rates and for periods of time linked to the completed 'continuous service' of the individual. These people also acquire entitlements to Statutory Sick Pay according to their length of service and rate of pay. Statutory Sick Pay (SSP) may be payable for the first 28 weeks of each period of absence due to illness. Since April 1994, the Employer carries responsibility for paying SSP from its own resources.

1.3 Certain groups of workers within the Authority are employed on contracts which give them no occupational sick pay but which may entitle them to Statutory Sick Pay depending on their earnings, age or other benefits. They may also be eligible for Incapacity benefit in cases of ill health, depending on personal circumstances.

1.4 A few contracts reflect more unusual terms and conditions which may combine Statutory Sick Pay alongside limited occupational sick pay provisions. Please check the contract of employment carefully.

## **2.0 REPORTING YOUR ABSENCE**

2.1 You must notify your manager if you are unable to attend for work. Otherwise, entitlements under occupational or statutory sick pay schemes may not be paid. For office workers this must be before 0930 on the first day of absence. Local arrangements for notification exist in areas where part time working, shift working, late starts or unsocial hours are involved and your manager will give you details of these, as applicable, when you commence work. (In the absence of any separate local arrangement with other groups of staff, the above time (0930) should be used.) Where you become unwell whilst at work, the same notification procedure must be adopted.

2.2 You should speak personally to your manager\*. If exceptional circumstances prevent you from doing so, a telephone call to the manager from a nominated friend or relative will be acceptable. The reason for not making contact directly should be explained. You should make your manager\* aware of the nature of the illness, state your first day of illness (which may be different to the first day of absence) and indicate the expected length of absence. If requested to do so, and if the initial period of absence is to be exceeded, you should contact your manager\* on the second and third day of absence to advise if you remain unable to attend for work.

2.3 \*All Heads of Service must nominate a senior member of their team to whom absences should be reported in the event that the Manager is not available. Absence should only be reported to the nominee when the line manager is unavailable. At all other times, absence must be reported directly to the line manager. Leaving messages with colleagues is not acceptable.

2.4 When the manager has been informed of the individual's absence due to illness, s/he should enter the basic details on a Self-certification form to be held until the worker's return. It should be noted that the first day of illness may be earlier than the first day of absence from work. Where this is the case, it should be entered clearly on the form. Where an individual becomes unwell whilst at work, the same self-certification procedure must be adopted.

2.5 On the fourth day of sickness absence, you should contact your manager to confirm continuing absence through ill health and the expected duration of the illness, unless a different arrangement has been made during initial contact at 2.2 above.

2.6 If absence extends beyond seven days (including rest days), you must provide a medical certificate from your Doctor. This should be passed to your manager and directly onto Payroll on the day of receipt. If the Certificate is for a period of fifteen days or more, your Manager should send a confidential email to the

Employee Relations Adviser for information, quoting the reason for absence.

2.7 If you do not return to work upon expiry of the period defined in the Medical Certificate, further consecutive certificates will be required to cover the entire period of sickness.

2.8 Where you do not adhere to the appropriate procedures or can reasonably be found to be abusing these procedures, Eastbourne Borough Council reserves the right to cease payment of sick pay and/or to take disciplinary action. (See EBC Disciplinary procedure)

2.9 Where no medical certificate is received for a period of absence, the manager should consult the Employee Relations Adviser or Head of Personnel. (In this document referred to as 'Personnel')

2.10 Where you have been off sick for a period in excess of two working weeks, and you are getting ready to return to work, you should produce to Eastbourne Borough Council a Final Medical Certificate. This certificate will show that your doctor feels that you are fit to return to work at the relevant date. This certificate will be forwarded by your Manager to Payroll on the day it is received.

### **3.0 SICK PAY – WHAT YOU SHOULD KNOW**

3.1 Entitlements to occupational sick pay depend on your contract of employment, length of service, proper notification of absence to your manager and submission, promptly and, as appropriate, of evidence of incapacity during the relevant period.

3.2 Any period of illness of half a day or more means that you must complete a self-certification form. For absence of not more than seven days, the self-certification form will normally be sufficient. This form must be countersigned by your line manager and forwarded to Payroll for processing at the earliest opportunity. Exceptionally, the Council reserves the right to require an individual to produce a medical certificate for a shorter period of absence. (See Guidance Notes in conjunction with 'triggers' at 4.7 below. The Manager should discuss any such proposed action with Personnel.)

3.3 Where a short period of sickness includes a weekend, these days will be included in your total number of sick days for occupational sick pay. They may also be included in the total number of sick days for the purposes of Statutory Sick Pay, if they are part of your normal working week.

3.4 Where your absence extends beyond seven days (including rest days), a medical certificate must be provided from your Doctor. (See 2.6 above).

### **4.0 WHEN YOU RETURN TO WORK**

4.1 Following an absence from work due to sickness, you must report to your manager to: discuss and confirm the reason for the absence; to complete the self-certification form; and to obtain the manager's signature on your absence record.

4.2 An absence record will be maintained during each leave year and will be referred to by your manager during follow-up discussions.

4.3 Where your place of work is at a distance from the manager, local arrangements must be made for reporting for duty upon return to the workplace.

4.4 Whether by telephone or in person, a Return to Work Interview to discuss the absence, the reason for it and your absence record must take place at some point during the first day back at work. The **Absence Record** must be completed (electronically or in hard copy) and copies of the Self Certification form will be placed on your personal file and returned to Payroll for processing.

4.5 This Return to Work Interview should involve the following key elements:

- Confirming reason for absence

- Setting it in context of other recent absences
- Exploring any other underlying reasons for the absence
- Bringing the worker up to date with any developments in the office whilst they were away.

NOTE: where such information relating to the illness is available to the Manager that a lower key approach to the sickness absence is important, they may, exceptionally, give priority to supporting the return to work. (See Guidance Notes for Managers on Attendance)

4.6 The focus of the Interview will depend on your attendance history:

- If the absence is unusual and has lasted no more than a few days, the interview will be brief.
- If the absence has been lengthy, it will require a formal approach and more time spent on describing changes and developments since you went off sick and commensurate support offered as you rejoin the workforce.
- If the absence is one of many separate incidents of unrelated illness, this will also require a formal approach and more detailed exploration of possible issues.

4.7 Where one or more of the following ‘triggers’ exist, **Formal Absence Interviews** should take place: in any 12 months’ period:

- You have been absent for 5 or more self-certified days
- You have been absent for 10 or more days, either medically certified or self-certified
- A pattern of more than three regular occurrences of absence has been recorded (eg. Fridays and/or Mondays on weekly, monthly or bi-monthly basis)
- You have been absent for 20 continuous days
- You have a pattern of ‘appointments’ made during core hours. (See Guidance Notes for Managers on Attendance)

4.8 At all times during this process, the Manager should take account of the Disability Discrimination Act 1995. Where the nature of any ill health is such that it renders the individual disabled: defined as ‘a person who has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities’, the Council should consider making reasonable adjustments to accommodate the disabled person. (Where there is any possibility of DDA implications, the Manager and/or the individual should discuss the situation with Personnel)

## 5.0 ABOUT THE FORMAL ABSENCE INTERVIEW

5.0 When it is clear that the individual’s absence fits within one or more of the criteria in 4.7 above, a Formal Absence Interview should take place. Although not normally considered necessary, the individual may choose to be accompanied by a nominated fellow worker or Trade Union representative.

5.1 This Formal Interview should be a constructive, supportive and open forum for discussion of the situation. The interviewing manager will enter the process with a presumption of genuine sickness absence and should familiarise him/herself with the options available prior to embarking on the Formal Interview: this may include:

- absence records relating to the individual and team - background;

- working conditions: eg. workstation/environment/ hours/ remit - context;
- supportive advice & counselling – listening and giving feedback;
- Occupational Health referrals – in conjunction with Personnel;
- and, in certain rare cases relating to attendance, disciplinary action; (See Guidance Notes for Managers on Attendance, EBC Disciplinary Procedure)
- seeking further guidance from Personnel – where a situation is challenging or not straightforward.

5.2 Each Formal Interview should be documented using the **Absence Interview Form**, with the worker and the Manager signing it prior to one copy being given to the individual, one being placed on the Personal file and another being forwarded to the Employee Relations Adviser for central records.

5.3 The Formal Interview will cover:

- Statement of absence record in both frequency and duration
- Joint look at reasons for absence
- Comparison of individual's absence with general levels of absence in the team, as appropriate
- Impact and severity of individual absence on team workloads
- Sharing of support mechanisms available both within team and corporately, as appropriate, to manage attendance.

5.4 Responsibility for the management of Absence lies with the Manager, as supported and advised by: the Head of Personnel and the Employee Relations Adviser. The Manager will agree an Action Plan with the individual to support them in improving attendance.

5.5 On the Absence Interview Form, the Manager will define the nature of the absence, as part of the process of dealing with issues emerging. These may conventionally be categorised as follows:

- a. Intermittent absence with obvious underlying medical condition
- b. Long term ill health
- c. Single, sometimes protracted, period of absence due to obvious medical condition/treatment
- d. Intermittent and persistent absence where there is no obvious underlying medical condition

5.6 In cases where the nature of the absence (see 4.6) is defined as 'a' or 'c', encouragement and support may be necessary, alongside any specific measures to assist assimilation back into the workforce. Disability Discrimination Act and other Equalities' legislation should be looked at, where appropriate, in consultation with Personnel.

5.7 Where the nature of the absence is defined as 'b' or 'd', a more structured approach will be necessary. (See 6 and 7 below)

## **6.0 LONG TERM SICKNESS ABSENCE**

6.1 For the purposes of Eastbourne Borough Council, 'long term' ill health will be defined as a period of sickness absence lasting for more than four working weeks.

6.2 Managers should ensure that they maintain ongoing contact with those who are on long term sickness absence. Informal contact should be made during the first four weeks and arrangements made for regular formal contact thereafter. Certainly, as a rule, a home visit by appointment, by the Manager (or Head of Service), accompanied exceptionally by the Employee Relations Adviser, should have taken place by the sixth week of absence. It is useful to note that those who have been off work for a long period of time can lose confidence – regular contact helps to maintain relationships and supports the process of assisting their return to work.

6.3 Consistent procedures for sickness monitoring and follow-up will give the Manager confidence in dealing with attendance issues. Informal contact between the Manager and the individual should take place on a weekly basis. A timetable for important actions during workers' absence is given as follows:

i. **Week 2:** forward any medical certificate for more than 15 days to Payroll for processing, retain a copy for no more than 18 months on Personal file. Send confidential email to Employee Relations Adviser as per 2.6 above.

ii. **Week 5:** in consultation with Personnel, and in line with requirements of the Access to Medical Reports' Act, **the individual's GP will be approached for a letter providing further information** on the nature of the illness or condition. The GP will be asked to respond to specific questions on: the diagnosis itself; the debilitating effect of the illness or condition; and the likely duration of the absence from work.

iii. **Week 7:** where there is no indication of an imminent return to work at this stage, the Head of Service (or Manager in consultation with the Head of Service) will agree a referral to the Occupational Health Adviser to take place no later than Week 8 of the period of absence. (All referrals will be made using the **Occupational Health Referral Form**) This referral will seek to establish: professional medical advice as to the diagnosis and prospects for return to work in their substantive post or in any other capacity; the likely duration of the individual's absence; what, if any, further assistance we can reasonably provide.

Depending on the advice received, the employee may be referred for further assessment thereafter. Only in exceptional circumstances will this procedure be varied. There should not normally be more than 2 medical assessments by the Occupational Health Adviser - the Assessment and, if necessary, a subsequent Review.

6.4 Long term sickness absence falls into these categories:

i. Physical ailment

It is in the interests of both the affected individual and of the organisation to secure the earliest possible return to work. If an injury is preventing a return to work, the Manager (and Head of Service, where the Manager is not the Head of Service) should discuss with Personnel the practicalities of rehabilitative measures: deploying the individual on alternative duties for a time; part-time home working, as practicable; revised working hours to support gradual regaining of strength. Any such measures should be for a limited period, with regular reviews, and determined in conjunction with received medical advice.

ii. Mental Health disorder

Where a mental health disorder has been diagnosed, the employee should be referred, via Personnel, to the Occupational Health Adviser for assessment.

iii. Work related illness

Where a medical certificate indicates that the absence is attributable to work-related illness, the causes of the illness must be investigated by the Manager, Health & Safety Officer and/or Personnel. The findings and any action points should be notified to the Head of Service, relevant Director, Health & Safety Adviser and Head of Personnel. It should be noted that absence resulting from injury on duty will not normally be recorded for the purpose of Occupational Sick Pay.



Absence which is described as due to 'stress' may be potentially attributable to a cause in more than one category above. Managers should follow Risk Assessment procedures and take all reasonable steps to establish and, where appropriate, to address any contributing factors in this illness.

6.5 Following a referral to Occupational Health, the report should be considered by the Head of Service and Personnel. Where they are not one and the same person, the Head of Service should consult with and keep the relevant Manager informed of developments throughout the remainder of the process, as appropriate. If the Occupational Health report states that the individual is not capable of providing regular and reliable service to the Council, the Head of Service should arrange to visit him/her to discuss the options available. In some cases, this will mean consideration of Ill Health Retirement. (Contact Personnel to discuss)

6.6 Following a referral to Occupational Health, where the absence continues to give cause for concern, with no clear indication of a return date, the Head of Service should discuss with Personnel the long term employment prospects for the individual. After appropriate consultation with the individual (and her/his representative), the Head of Service will review:

6.6.1 The length of the absence to date and the likely length of continuing absence

6.6.2 The nature of the illness

6.6.3 Any known medical advice as to the prognosis for the individual

6.6.4 The effect of continuing absence on the team being managed.

Having reviewed all these factors, and where all reasonable steps have been taken to support and effect a return to work, the Head of Service and Personnel representative may be concerned that the individual is no longer capable of meeting the terms of their contract of employment. A Formal Review of Absence must then be carried out. (See Section 8)

## **7.0 MANAGING INTERMITTENT AND PERSISTENT SICKNESS ABSENCE**

7.1 When it appears that the individual's sickness absence falls within this category, the Manager or Head of Service should seek to establish during the Formal Absence Interview any contributing reasons for the absence. They should also indicate that current levels are giving cause for concern. Being firm yet supportive, the individual should be encouraged to discuss issues and to contribute to the agreeing of a joint Action Plan.

7.2 As part of the Action Plan, the Manager or Head of Service will set a date to review attendance. If by that date, attendance has improved and is no longer giving cause for concern, the Manager should explain that the individual's attendance is no longer under particular scrutiny. Of course, the Manager will also indicate that any re-emergence of the absence pattern in the future will result in renewed use of the Absence Management Procedure. This may mean an immediate referral of the individual to Occupational Health for confirmation of an underlying medical condition.

7.3 If attendance has not improved by the review date, the Head of Service (or Manager in consultation with the Head of Service) will arrange with Personnel to have the individual referred to Occupational Health.

7.4 Where medical advice suggests that the individual is unlikely to provide regular and reliable service in the foreseeable future, the Head of Service (or Manager in consultation with the Head of Service) should then arrange with Personnel to meet the individual (and, if appropriate, their nominated colleague or Union representative) to discuss the options available.

7.5 Where medical advice suggests that an improvement is likely, the Head of Service (or Manager in consultation with the Head of Service) and Personnel should meet with the individual to confirm the prognosis and review the absence. (A nominated colleague or Union representative may also be present) The format should be as described in paragraph 3 above and a date set for a second review. Where no improvement is noted following the second review, the Head of Service, in conjunction with Personnel, should undertake a Formal Review of Absence. (See Section 8)

## 8.0 FORMAL REVIEW OF ABSENCE

8.1 The Formal Review of Absence (FRA) should be used where all other possible steps have been taken to secure the individual's return to work. The purpose of this Review is twofold: to ensure that all reasonable measures have been exhausted; to make appropriate recommendations.

8.2 Consideration will be given to the relevance of the Disability Discrimination Act 1995, including any potential 'reasonable adjustments' which have been or might be made. In conducting this review, the Employment Rights Act 1999 will also be taken into account as it relates to employee representation.

8.3 The following criteria will be applied in the Review:

- i. State the nature of the illness/condition/injury
- ii. Consider the prognosis/medical evidence/likelihood of recurrence
- iii. Consider length of both absences and working periods of good health
- iv. Evaluate level of disruption to the individual's work and work in the team and the appropriateness of action taken thus far
- v. Consider all elements of mitigation offered by the individual (and his/her nominated colleague or representative)

8.4 The individual (and her/his nominated colleague or representative) should have an opportunity to present relevant information/facts in support of their case as part of the FRA. The Council will, however, reserve the right to conduct the Review in the individual's absence. For example, this right may be exercised in the rare circumstance that the individual does not wish either to attend or to nominate another person to represent their interests.

8.5 The recommendation of the FRA will be passed to the appropriate Director for consideration. The Director will make a decision as soon as is practicable.

8.6 Where an Ill Health Dismissal occurs, the individual retains the right to appeal against the decision to a Member Appeals' Panel. **(See Appeal's Procedure, same as in Stage Three of Disciplinary Procedure. See also Guidance on Ill Health Retirements.)**

## 9.0 MANAGEMENT INFORMATION

9.1 Heads of Service will receive regular summaries of absence in their teams. Payroll will produce this information to them monthly in arrears. These will assist the Heads of Service in identifying those who appear to have an unacceptable level of absence. Managers will be required to describe what action has been taken in such cases.

9.2 Managers must monitor and act on absences demanding action according to the trigger points stated in section 4.7 of these procedures.

9.3 Directors will review Attendance Levels with Heads of Service on a quarterly basis, ensuring that all qualifying cases are being dealt with under the Procedures.

9.4 Auditing a team in each directorate annually will reinforce the use of these systems.

9.5 These systems will be monitored and reviewed after 12 months in place.

9.6 For information: Best Value Performance Indicators: Eastbourne Borough Council's rate of sickness absence was more than 11 days per full-time equivalent post in 2001-2002. We have a target of 8.55 days for

2002-2003 and a target of 6.8 days by 2004-2005.