

ATTENDANCE MANAGEMENT POLICY AND PROCEDURES

1 Introduction

- 1.1 Eastbourne Borough Council's objective is to maintain appropriate standards of attendance at work through the fair and effective management of absence due to illness.

The purpose of this policy and its procedures is to provide a framework within which the Council can achieve this objective.

It is designed to meet statutory obligations, promote the health and welfare of our staff and to provide appropriate support to employees suffering the effects of ill health.

- 1.2 When there is absence we will aim 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.
- 1.3 The Council will take a supportive approach, but like all employers, has limited resources and has an obligation to consider the effects of absence on the organisation. The organisation cannot undertake to support indefinitely those who need prolonged periods of time off. Frequent or long term absence due to ill health may, after due consideration, lead to dismissal.
- 1.4 Sickness absence will be dealt with in a way that is non-discriminatory and in accordance with the Council's Fair Employment Policy.
- 1.5 This policy applies to absence caused by personal illness or accident, not to the need to take time off work because of the illness or accident of others, e.g. children or partners.
- 1.6 Any pregnancy or maternity related sickness absences will be recorded in the normal manner but will be disregarded for the purpose of determining whether a Formal Review of Absence is required. Return to work discussions will be held as usual.
- 1.7 Managers are responsible for monitoring and managing sickness absences within their teams.
- 1.8 All information concerning an employee's health will be treated in the strictest confidence.
- 1.9 Eastbourne Borough Council reserves the right to refer an individual for

Version Control

Version Number	Date	Review Date	Author	Reason for New Version
2	May 2014	May 2016	Human Resources	Streamline of content

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 (see Guidance on Access to Medical Reports).

- 1.10 If an individual declines to attend an appointment with an Occupational Health Adviser it may be necessary to make a decision which could affect his/her employment on the basis of the information available and without the benefit of a professional report.
- 1.11 The Council is committed to ensuring that there is no unlawful discrimination and bias in the application of its procedures.
- 1.12 Regard will be given to the disability provisions of the Equality Act, which requires employers to provide reasonable assistance, resources and support to employees with a long-term physical or mental impairment. If the manager does not know if the employee's condition would constitute a disability, then he or she should work on the basis that it is and make all such reasonable adjustments to enable the employee to return to work.
- 1.13 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 example of this could be a persistent failure to follow procedures, though each case will be assessed on its own merits.)
- 1.14 Where a Statement of Fitness to Work indicates that the absence is attributable to work-related illness, the causes of the illness must be investigated by the Manager, Specialist Advisor (Health and Safety) and/or Human Resources. The findings and any action points should be notified to the Head of Service, relevant Senior Head of Service, Specialist Advisor (Health and Safety) and Human Resources Manager.
- 1.15 Heads of Service will receive regular summaries of absence in their teams from payroll. 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.

2 **Our standard**

2.1 Managers must ensure that:

They apply the Council's attendance management procedures;

Authority is clearly devolved to designated individuals to take appropriate action;

All arrangements for managing sickness absence are conducted fairly and reasonably;

Full and accurate records are maintained of all sickness absences;

Sickness absence levels are regularly monitored and reviewed;

Action is taken to reduce the causes of sickness absence where practicable

Employees are clear about the standards of attendance required of them, and that these are set out in writing to the employee concerned if appropriate;

Contact is maintained by telephone and/or by visits with an employee where the absence extends beyond four weeks;

They seek occupational health advice where appropriate and in any case of absence which exceeds six weeks;

Employees understand the benefits of the Local Government Pension Scheme in the circumstances of retirement on the grounds of ill health.

3 Support, advice and guidance

3.1 In order to support this policy, the following services are available to managers and employees:

Occupational Health services: to provide advice and guidance on the impact of ill health on work and what steps the Council and/or the employee may take;

Counselling service: to provide a confidential service to employees in order to discuss concerns related to work or personal circumstances;

Human Resources: to provide support and guidance to managers and employees in dealing with sickness absence and ill health and in the use of the Council's related policies and procedures

Specialist Advisor for Health and Safety: to provide advice on risk assessments and related policies and procedures.

3.2 All employees should have access to the occupational health service through either management referral or self-referral. Staff are encouraged to share work related health concerns either with their manager or their Human Resources Adviser to enable appropriate support to be provided. Employees will be able to obtain OH appointments for self-referrals on health matters affecting them in the workplace by making contact directly with the Occupational Health service. However, self-referral has limitations in how much assistance can be given for workplace matters as management are not involved.

4 Absence definitions

4.1 Short term absences are those which last for less than four weeks. See section 7 for details of certification.

4.2 Long term absence is defined as a period of sickness absence lasting for more than four working weeks.

5 The procedure to follow Notification

5.1 Should you be too unwell to work, you should telephone your manager before 09:30 on the first day of absence and explain when you first became unwell;

the nature of your illness; if you will be seeking medical advice; the likely date of return if known.

You must speak personally to your manager. It is not acceptable to send a text message, e-mail or to telephone a work colleague.

If exceptional circumstances prevent you from telephoning personally, then a nominated friend or relative may do so on your behalf. However, you should make direct contact with your manager at the earliest opportunity and the reason for not making contact directly should be explained.

If your manager is unavailable, then you must contact the nominated deputy of the team.

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.

Where you become unwell whilst at work, the same notification procedure must be adopted.

- 5.2 If your sickness continues for more than one day, you should keep your manager fully informed of your progress and likely return date.

You should continue to contact your manager regularly throughout your period of absence to let them know how you are and when you expect to be well enough to return to work. As a guide, contact from the second week onwards should normally be at least weekly.

- 5.3 Entitlements under occupational or statutory sick pay schemes may not be paid if you fail to follow the notification procedure.

6. **Return to work**

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

When you know when you will be returning to work, you should notify your manager at the earliest opportunity.

On returning to work you should report to or contact your manager. He or she will ask you about your illness, how well you have recovered, discuss any underlying reasons for the absence, bring you up to date with any developments whilst you have been absent and arrange for completion of the electronic self-certification form. The electronic self-certification must be completed for any period of sickness absence, even if you have a Statement of Fitness for Work.

The same procedure will be adopted for employees who work at home and will normally be conducted over the telephone unless the manager believes it is necessary to meet.

See 'Guidance on completing a return to work discussion' and 'Guidance on

using the electronic sickness reporting process’.

- 6.2 If your doctor provides a Fit Note stating that you "may be fit for work" you should inform your manager immediately. We shall discuss with you whether there are any additional measures that may be needed to facilitate your return to work, taking into account the doctor's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

7. **Certification**

- 7.1 An electronic sickness form must be completed to cover the entire period of absence, and this provides self certification to cover for the first seven days of absence.
- 7.2 For absences of eight successive calendar days you must provide a Statement of Fitness for Work. Statements of Fitness for Work are supplied by a GP or hospital for periods of absence exceeding seven calendar days.
- 7.3 On expiry of the first Statement of Fitness for Work, if you do not return to work, you must obtain and provide further Statements of Fitness for Work to cover the whole period of your absence.
- 7.4 You have responsibility for submitting Statements of Fitness for Work to your manager without delay.
- 7.5 Where you do not adhere to the appropriate procedures (i.e. failure to notify your manager on the first day, or to keep in regular contact or to provide Statements of Fitness for Work) or where it can reasonably be found that you are abusing these procedures, Eastbourne Borough Council reserves the right to cease payment of sick pay and/or take disciplinary action. (See EBC Disciplinary Procedure).
- 7.6 If you fall sick during annual leave, a Statement of Fitness for Work will be required to reclaim lost annual leave. On production of the Statement, the absence will be regarded as sick leave from the date indicated on the statement and the day's annual leave will be re-credited to you.

8 **Sick pay**

- 8.1 Entitlement to Statutory Sick Pay depends on your earnings.

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

- 8.2 Most employees 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 employees may also have entitlement to Statutory Sick Pay according to their rate of pay. Statutory Sick Pay (SSP) may be payable for up to 28

weeks of each period of absence due to illness.

8.3 Certain groups of workers within the Authority are not entitled to occupational sick pay but may be entitled to Statutory Sick Pay depending on their earnings. Contact Human Resources if you need clarification.

8.4 A few contracts reflect more unusual terms and conditions which may combine Statutory Sick Pay alongside limited occupational sick pay provisions. Contact Human Resources if you need clarification

9 **Managing Attendance**

9.1 At all stages of the formal procedure an individual may choose to be accompanied at the meeting by a nominated fellow worker or Trade Union representative.

9.2 **Formal Absence Interviews**

Where, in any 12 month period, one or more of the following 'triggers' exist, a Formal Absence Interview should take place:

- You have been absent for 5 or more days
- A pattern of more than three regular occurrences of absence has been recorded (e.g. 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.

9.3 Where an employee's absence reaches a trigger point, the manager will meet with the individual as part of a Formal Absence Interview.

Exceptionally the line Manager has the discretion in consultation with Human Resources to formalise contact regarding the health, safety and well being of the employee where there is cause for concern. This may mean that a formal interview takes place where the normal trigger pattern has not been activated. For example, in cases where an employee identifies personal difficulties, stressors, or other factors which may result in a significant and/ or prolonged impact on performance. The Manager's first obligation remains to look after the health, safety and well being of the individual and team. See also 'Guidance for managing work-related stress'.

9.4 The Formal Absence Interview is an in-depth interview to review the current situation and produce an action plan to support attendance.

The meeting should be constructive, supportive and open. The interviewing manager will enter the process with a presumption of genuine sickness absence.

The employee should be encouraged to talk about the reasons for absence, what medical or other help is being provided and whether the council can assist in any way.

An action plan will be agreed with the individual and a review date set. The review period will depend upon the circumstances.

The content of the meeting will be recorded on the Formal Absence Interview

record on the electronic sickness form.

On the electronic sickness form, the manager will define the nature of the absence. These may be categorised as follows:

- Intermittent absence with underlying medical condition
- Long term ill health
- Single, period of absence due to obvious medical condition/treatment
- Intermittent and persistent absence where there is no obvious underlying medical condition

See also 'Guidance Notes on conducting a Formal Absence Interview'.

10. **Formal Review of Absence**

10.1 If there is a high level of short term sickness absence, or if all possible steps have been taken to secure an individual's return to work following a long-term sickness absence, this may lead to a Formal Review of Absence. See section 14 for further information.

11. **Ill Health Retirement**

11.1 An employee, who cannot return to work on the grounds of permanent ill health, may be eligible for retirement subject to certain conditions being met.

This applies where the employee is a member of the Local Government Pension Scheme and Occupational Health confirm that the employee is, or soon will be, medically unfit to undertake his/her post or any other suitable post available.

Consideration for this option will take place before the final Formal Review of Absence meeting.

12. **Short-term sickness absence**

12.1 Where an individual's level of short term absence is unusually high and is categorised as intermittent and persistent the manager should complete a Formal Absence Interview to establish any contributing reasons for the absence and indicate that the current level of absence is causing concern. The individual will be encouraged to talk about the reasons for absence, what medical or other help is being provided and contribute to the agreement of a joint action plan.

A date will be set to review the attendance.

12.2 **First stage review**

The employee's sickness history and level of absence will be reviewed, and any improvements considered along with any additional information or further mitigating circumstances.

If the attendance has improved sufficiently during the review period the manager will acknowledge the improvement and agree any further actions with the individual in order to maintain the improvement.

If attendance has not improved by the review date, the individual will be referred to Occupational Health.

A meeting will be arranged to discuss the Occupational Health advice.

12.3 Where medical advice suggests that the individual is unlikely to provide regular and reliable service in the foreseeable future, the manager should arrange to meet the individual to discuss the options available.

12.4 Where medical advice suggests that an improvement is likely, the manager should meet with the individual to confirm the prognosis and review the absence.

A further review period will be agreed.

The manager should write to the employee, confirming the main points covered, noting any assistance which has been offered and indicating that the individual's attendance record will be kept under review.

12.5 **Second stage review**

The manager should meet the employee again to complete a second review to discuss the level of absence, actions taken and improvements achieved.

If 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.

If there isn't sufficient improvement in attendance, the manager should write to the employee, confirming the main points covered, noting any assistance which has been offered and indicating that the individual's attendance record will be kept under review. A date should be set for a third review.

12.6 **Third stage review**

The manager should meet the employee again to complete a third review which will be conducted on the same basis as the second stage review meeting.

At this stage, if there has been no improvement in attendance and if it has not been done before, the individual will be referred to Occupational Health before progressing to a Formal Review of Absence.

13 **Long-term sickness absence**

13.1 Managers should ensure that they maintain ongoing contact with those who are on long term sickness absence by telephone and/or visits to ascertain progress and to determine whether there is any assistance which the organisation can give. Informal contact should be made at least weekly during the first four weeks and arrangements made for regular formal contact from then on.

13.2 When meeting an absent employee on a more formal basis to discuss his/her health, the meeting can either be on Council premises, at the employee's home or at an agreed location. The meeting must be notified in advance and agreed with the employee.

13.3 If an individual has been absent for four weeks or more and there is no

indication of an imminent return, the manager will arrange to meet with the employee to discuss the absence.

13.4 During the first meeting to discuss an individual's long-term absence the purpose will be to discuss the reason for absence; any treatment he/she may be undergoing; establish if a return to work date is imminent; offer any assistance to help the individual back to work; keep the individual informed about what is happening within the Council.

13.5 If the absence is due to continue beyond six weeks or guidance is required on adjustments to support a return, advice will be sought from Occupational Health.

Occupational Health will be asked to provide advice on the diagnosis; prospects of returning to work; the likely duration of the individual's absence; any further assistance we can reasonably provide, including any reasonable adjustments which can be made to facilitate the individual's return to work.

Reasonable adjustments can include for example:

- Changes to workload, work practices or work pattern either as part of phasing the employee back to work or on a more permanent basis
- Reduced hours
- Phased return to work
- Use of a 'buddy'
- A period of home working if appropriate
- Temporary or permanent redeployment to another role or section

13.6 The occupational health advice will be considered and discussed with the employee as part of a formal review meeting conducted by the manager.

13.7 Depending on the advice received, the employee may be referred for further occupational health assessment.

13.8 **Return to work**

Where an employee returns to work following long-term absence, the manager should arrange to meet to provide a welcome back; ensure the individual is fit for work; discuss any adjustments advised on the fit note by the individual's doctor; update on news and current work.

13.9 **Incomplete recovery**

If the employee is unlikely to recover sufficiently to enable a return to work to his/her previous duties, the Council will consider what reasonable adjustments can be made to support the individual. This might result in offering suitable alternative work if it is available. This would not necessarily be equivalent employment in terms of responsibilities or remuneration.

Managers will work with Human Resources to identify any reasonable alternative work for which the individual has the necessary skills and experience or for which training could be provided within a reasonable timescale.

13.10 **No prospect of recovery in the foreseeable future**

Where the absence continues and there is no clear indication of a return date

in the foreseeable future the Head of Service should consider the long-term employment prospects for the individual.

- 13.11 The Head of Service or other nominated senior manager will meet with the individual to review and discuss the options available. In some cases, this may mean consideration of Ill Health Retirement (see section 11).
- 13.12 After consultation with the individual the Head of Service or senior manager will consider:
- The length of the absence to date and the likely length of continuing absence
 - The nature of the illness
 - Any known medical advice as to the prognosis for the individual
 - The effect of continuing absence on the team
- 13.13 When all appropriate options have been explored and where a date of return to work is not expected within a reasonable period, the dismissal of the employee on the grounds of ill-health capability will be considered. Any actions being contemplated will be discussed with the employee and their representative, if applicable, before any decisions are made.
- 13.14 A Formal Review of Absence will be held to make a decision on the individual's employment. The review will consider whether all reasonable measures have been taken to secure the individual's return to work.

14 **Formal Review of Absence**

- 14.1 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 following a long-term sickness absence.
 - All possible measures to support the individual in achieving and sustaining a satisfactory level of attendance in cases of intermittent or persistent sickness absence have been considered and undertaken as appropriate.
- 14.2 The purpose of this review is to ensure that all reasonable measures have been exhausted and to consider the line manager's recommendations.
- 14.3 The outcome of the review may be a decision to end the individual's employment. In cases of long term absence, or short term absences that have been found to be due to an underlying health condition, it may be possible to consider an ill health retirement if the individual is a pension member.
- 14.4 The individual should be advised in writing in advance of the meeting confirming the date, time, place and purpose of the hearing. Any documentary evidence to be relied on at the hearing by either party should be exchanged before the date of the hearing.
- 14.5 The meeting will take the form of a formal hearing chaired by the Head of Service or other nominated senior manager, attended by the employee and their representative, and the employee's manager and a member of human resources.

The manager will present the case to the appropriate Head of Service/senior manager.

The following information will be considered in the review:

- Details of the nature of the illness/condition/injury
- The prognosis/medical evidence/likelihood of recurrence
- Length of both absences and working periods of good health
- Any assistance provided or remedial action taken
- Level of disruption to the individual's work and impact on service delivery

14.6 The individual (and their nominated colleague or representative) should have an opportunity to present relevant information/facts in support of his/her case.

14.7 The Head of Service/senior manager should adjourn to consider the content of the review before making a decision as to whether or not to dismiss the employee.

15. **Right of appeal against dismissal**

Where a Formal Review of Absence leads to an individual's dismissal, he/she has the right to appeal in writing against the decision within 10 days of receiving written confirmation. The appeal will be heard by the Council's Appeals Panel made up of three selected Members.

16 **Guidance to support this policy**

The following guidance is available to support the application of the Attendance Management Policy and Procedures:

- Flowchart outlining the management of Long-Term Absence
- Flowchart outlining the management of Short-Term Absence.
- Guidance on Access to Medical Reports
- Guidance on using the electronic sickness reporting process
- Guidance on completing a return to work discussion
- Guidance on completing a Formal Absence Interview
- Guidance on Fit Notes

17 **Referral to other Council Policies**

Referral to the following policies or procedures may be necessary depending on the circumstances:

- Policy on Drugs and Alcohol in the Workplace
- Work-related Stress Policy
- Annual and Other Leave
- Flexi-time Scheme