

Managing Attendance Policy and Procedure



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The Policy

The Aim of the Process

Leeds City Council recognises the contribution of all its employees in providing an efficient and effective service to the citizens of Leeds. The council is committed to supporting colleagues in maintaining their health and well-being to ensure that they are fit to attend work, fulfil their duties and improve their general quality of life.

Leeds City Council understands that from time to time employees may be prevented from attending work through ill-health, however the council has a duty to maintain service delivery and minimise the disruption these absences may cause.

The aim of the Managing Attendance Policy is to describe the approach that will be taken in circumstances where, for reasons related to their ill-health, individuals are unable to maintain the level of attendance expected of them. Although the procedure applies to all employees some elements of the approach will be influenced by the circumstances of each individual case.

It is the responsibility of all officers to help reduce sickness absence through effective recording and management. This can result in lower costs, increased productivity and less pressure on colleagues.

Everyone has responsibilities in managing attendance and these have been clearly outlined within the procedure. In addition local Human Resources (HR) service can provide specialist advice on individual or complex cases and seek further expert advice, for example from Occupational Health, where required.

Key Principles

Health and Employment

A positive approach to safety, well-being and attendance is essential to ensure:

- a safe and healthy environment for staff, service users and the public;
- a healthy and motivated workforce;
- lower rates of sickness absence; and
- to enable the council to meet its obligations as a good employer.

All of these contribute to service delivery.

The management of employee safety, well-being and attendance, and in particular sickness absence, is a fundamentally important element in ensuring that Leeds City Council operates effectively and efficiently in the provision of its services to the citizens of Leeds. This process begins at recruitment and continues through induction and for the duration of the employment relationship.

Considering an employee's health and well-being at work and monitoring their attendance is part of day-to-day line management responsibilities. Managers should discuss attendance

and health issues with employees before having to invoke any formal procedures. If there is an issue of unacceptable attendance the manager should seek to establish reasons and explain clearly to the employee the required standards.

Dealing with and preventing poor attendance at an early stage with the appropriate training, support and feedback is an important part of a manager's role which includes consistent use of the procedure and guidance set out in this document and accompanying guidance.

Application

- Managers will receive training and support in the use of these procedures
- Managers will use these procedures consistently and to help *to encourage* an employee to improve their attendance.
- Issues will be dealt with as thoroughly and promptly as possible.
- The employee must be aware of any concerns and be provided with an opportunity to express their viewpoint before any decisions are reached.
- Any action taken will be reasonable in the circumstances of the case.
- An employee will be given a written explanation of any formal action taken and know what improvement is expected, linked to an agreed plan to achieve this. Managers should try to ensure that any written explanation is as clear and easy to understand as possible.
- Hearing Officers will not have had any detailed prior involvement with the case. Those conducting an appeal should not have any detailed prior involvement with the case.

Scope of the Procedure

The Procedure applies to all council employees with the exceptions of:

- Staff who are specifically covered by separate policies, for example (but not limited to) teachers employed in schools, all staff of locally managed schools, and those employed by Education Leeds.
- The Chief Executive and Officers on the Chief Officers' Conditions of Service. (Action involving the Chief Executive and officers on the Chief Officers' Conditions of Service will use the principles and model procedure in their national conditions of service. Where issues arise which are not covered by their national conditions of service it is expected that the council's Managing Attendance Policy and Procedure will be followed unless this would contradict anything explicit or implicit in the national procedure. Should at any point within the procedure other issues become apparent e.g. performance capability or disciplinary, then the appropriate procedure will be invoked immediately).
- Employees undertaking a probationary period including any extension that may be made above the normal probationary period

Representation

All employees will have a right to be accompanied by a trade union official or work colleague at the stages identified within the procedure. Both the council and the trade unions wish to encourage the use of informal mechanisms, including 'one to one' meetings between the employee and their supervisor to resolve any problems at an early stage. Such meetings do not preclude the employee seeking advice in advance from their union, local HR or other appropriate advisers.

If an employee wants to be accompanied, at the formal stages of the procedure, by a trade union representative or work colleague it is the employee's responsibility to arrange this. Once appointed, the employee should notify their line manager/local HR of whom they have chosen and the line manager/Departmental HR will liaise with the representative to co-operate regarding arrangements for evidence, witnesses, meeting dates and other relevant information.

Notification

Employees will be notified in advance of any meetings arranged under the formal procedure. The minimum specified periods of notice (5 working days) should be given to allow the employee time to arrange for a trade union official or work colleague to accompany them and to prepare in advance of the meeting.

The employee is entitled to receive in writing at least 10 days notice before any Hearing.

Responsibility for Reviewing this document

It will be the responsibility of the Chief Officer - HR to formally review this policy and procedure after one year utilising the Council's negotiating and consultation processes. Thereafter it should be reviewed every three years, although reviews at other times may be necessary in the light of changes to legislation and Council policy.

Further Guidance

Anyone using this Policy and Procedure should have regard to the further guidance. Where appropriate the Guidance Document will direct the reader to relevant Council Policies and Procedures. The Managing Attendance Policy is not designed to operate in isolation.

The Procedure

The Council is committed to promoting health and well-being in the workplace. The procedure is designed, therefore, to provide a framework in which an employee is given every reasonable opportunity to improve their attendance, should these circumstances arise. It outlines the steps that are expected to be taken to help improve attendance and makes clear the possible consequences of failure to achieve an acceptable level of attendance, of which one consequence may be dismissal.

The procedure is supported by Guidance. Managers should ensure that all employees are aware of their responsibilities and understand the procedure as part of their induction.

Roles and Responsibilities

Line Managers

- Ensure and promote safe and healthy work conditions and policies.
- Ensure employees are aware of the importance of good attendance, the support available to help them maintain good attendance and the impact of absence on productivity and colleagues.
- Ensure all employees have an awareness and understanding of the managing attendance policy and procedure.
- Ensure employees understand and follow the procedure for notification of sickness absence including any special local arrangements.
- Maintain an appropriate level of contact with employees who are off sick.
- Meet with employees after every period of sickness absence and explore with the employee whether there are any work or other problems affecting their attendance with a view to determining a joint way forward.
- Follow the procedures set out for managing sickness absence and ensure that the employee is aware of their responsibilities and also of the support available to them. They must also be made aware, however, of the possible implications for their continued employment.
- Refer an employee to Occupational Health for further advice on managing their absence/attendance where this is appropriate. Making sure that the employee understands that not attending appointments with Occupational Health could lead to decisions being made about support and future employment without full information.
- At each stage check whether the employee has any work related or other problems affecting their attendance and provide support or seek further advice as appropriate e.g. consider the Disability Discrimination Act , or the Employee Assistance Programme.

All Employees

- Take responsibility for looking after your own health and advise your manager of any work or other problem at an early stage as the council may be able to provide you with support or expert help.
- Make yourself aware of the policy and procedure and if you do not understand anything ask your manager.
- Notify sickness absence in accordance with the procedure or, where applicable, special local arrangements.
- Ensure your manager is kept up to date with your progress whilst you are off sick.
- Attend and fully participate in the meeting with your manager on your return to work from sickness absence.
- Work with your manager to take action to improve your attendance.
- Attend appointments with the council's Occupational Health adviser who may contact, with your consent, your GP or Consultant for further information where necessary.
- Advise your manager or local HR of any work or other problem at an early stage as the council may be able to provide you with support or expert help.

Notification of Sickness Absence and Returning to Work

All employees are required to comply with the notification procedure even if they do not qualify for sick pay. Failure to comply with the notification procedure could result in loss of pay and may lead to the use of disciplinary proceedings.

First Day of Absence

Employees must report their absence directly to their line manager/supervisor before 10am or four hours before the commencement of a shift or duty or in line with local arrangements.

- In the absence of the line manager/supervisor notification should be made to the deputy or nominated person.
- Only in exceptional circumstances will a call be accepted from a relative or friend.

The manager or nominated other who takes the call should determine the following information:

- The nature of the illness.
- The date on which they expect to be fit to return. If the date is not known the employee is required to contact their manager each day.
- Whether the absence is as a result of an injury at work?
- To try and clarify the employees contact details.

Absence Up To and Including Seven Calendar Days

Absence up to seven days does not normally require a doctor's certificate. However the council reserves the right to make a referral to occupational health, where a medical opinion is required to support the implementation of the procedure.

Any employee who becomes ill during the course of annual leave must notify their manager in accordance with this procedure, as soon as it is reasonably practicable for them to do so.

Absence of more than Seven Calendar Days

For absences of more than seven calendar days a doctor's certificate is required. The following will apply to doctor's certificates:

- They must be received by the manager by the eighth calendar day of absence.
- Doctor's certificates will only be accepted for sick pay purposes from the date they are signed by the doctor.
- Continuation doctor's certificates must be received by the manager within three working days of the expiry of the previous certificate.
- Employees must ensure that there are no gaps between their doctor's certificates.
- For absences of any period more than 14 days a final certificate from the doctor, which certifies that the employee is fit to work on a specified date, must be produced.

An appropriate level of contact must be maintained between the employee and their line manager throughout any period of absence. As part of this employees must inform their manager of when they anticipate returning to work or if another period of absence is

expected. To facilitate this managers may contact the employee for an update or, where appropriate, home visits may be arranged.

Returning to Work

Leeds City Council believes that it is essential for managers to meet with employees on their return from sickness absence to check they are fit to be back at work, explore any support that may be needed, to update them on what has happened whilst they have been away and to emphasise their importance to the team and the subsequent effect of their absence.

This procedure requires that all managers/supervisors meet with employees on their first day back at work or at the first available time for night, shift and rota workers. This applies equally to all employees whether returning from one day of absence or from long term sickness.

Where managers/supervisors do not work on the same site as the employee, local arrangements for meeting with employees on their return may be made which are appropriate to the service provided. If it is not possible to meet with an employee on the day of return, arrangements should be made to ensure this happens at the earliest opportunity.

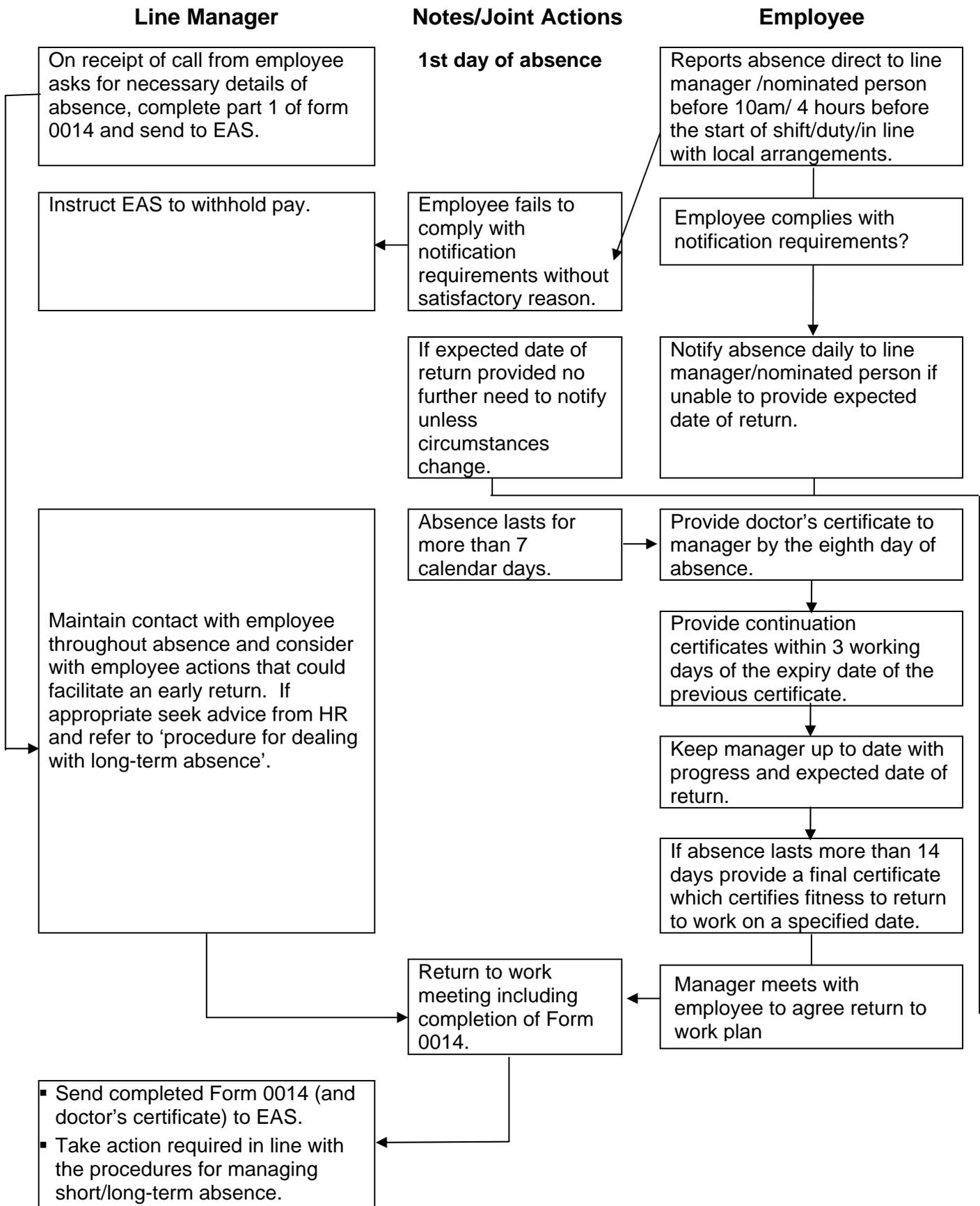
Managers and employees should discuss whether any adjustments or other action is required to support the employee, promote health and well-being and sustain a good level of attendance. The Guidance to this procedure provides further advice on this, but such support could include:

- Referral to Occupational Health and related services;
- Raising awareness of the Employee Assistance Programme;
- A review of health and safety risk assessments e.g. stress, display screen equipment, expectant mothers;
- Consideration of temporary or permanent job redesign. Local HR can give advice on any contractual implications of this.

Following the meeting, the line manager will send the employee a note outlining the salient points and agreed actions. This note must be signed by both parties to indicate agreement and sent to local HR to be stored on the employee's personnel file to ensure confidentiality and in accordance with the requirements of this procedure relating to the collection, storage and use of records.

Managers/supervisors should also complete the 'Sickness Notification Form (0014)' which will be signed by the employee and passed to the Employee Administration Service with any accompanying Doctor's certificate.

Notification of Sickness Absence and Returning to Work



Formal Procedure for Managing Sickness Absence

Considering an employee's health and well-being at work and monitoring their attendance is part of day-to-day line management. Managers should discuss attendance and health issues with employees before having to invoke any formal procedures. However, where normal management arrangements do not lead to a demonstrable improvement in attendance, to an acceptable standard, then the manager should refer to the procedure set out below and the accompanying guidance.

Trigger Points

If an employee meets any of the following trigger points during a 12 month period they will be invited to attend a meeting with their manager under Stage 1 of the procedure to discuss their absence, consider any support measures and set targets for improvement.

- Three absences of two or more days within three months.
- Four separate absences within 12 months.
- Unusual patterns of absence e.g. Mondays and Fridays.
- Four weeks of continuous absence.

If an employee does not meet any of the triggers above, but exceeds either the Directorate/Service target or Council-wide average target, whichever is the greater within 12 months, they will also be invited to attend a meeting under Stage 1 of the procedure.

The progress of the Council as a whole/Directorates/Services against established targets will be considered by local/corporate JCC's, which will include a consultative approach to future target setting.

Stage 1

If an employee meets a trigger point their line manager must meet with them to discuss:

- Whether there are any underlying reasons for the absence.
- What actions the council can take to support the employee.
- What steps the employee will take to improve their health.
- Whether a referral to Occupational Health is required.

The employee must be made aware that they can be accompanied by a Trade Union Representative or work colleague.

At the end of any meeting there should be:

- A note of what was discussed and agreed with the employee e.g. any record of adjustments considered and/or agreed, any action either party have agreed to take.
- An agreed action plan, targets for improvement and review dates.
- A clear understanding that the purpose of the procedure is to support the employee to improve their attendance to an acceptable level but that failure to improve could, ultimately, lead to dismissal on the grounds of capability.

The details of reviews must be recorded.

Stage 2

Except in exceptional circumstances, if the targets for improvement set at stage 1 are not met the manager must meet with the employee under stage 2 of the procedure. This should happen as soon as the employee's attendance falls below the expected standard. The Guidance to this procedure provides further advice.

The stage 2 meeting should follow the same approach as for stage one except:

- The manager may feel it appropriate to be supported by a representative from HR.
- The employee will be referred, if they haven't already, for an assessment with Occupational Health.
- It will be made clear to the employee that stage 2 of the review is a final opportunity to improve attendance and, unless the targets for improvement are met, the next stage of the procedure could lead to their dismissal.
- In certain circumstances the manager, in consultation with their HR Officer and Occupational Health, does not have to direct a further period of monitoring at this Stage, if there is little prospect of any improvement.

The details of reviews must be recorded.

Stage 3 – Managing Attendance Hearing

If the targets for improvement set at stage 2 are not met or a further period of monitoring at Stage 2 was not directed, the manager must consult their Local HR service with a view to further action which could include dismissal. All cases will be referred to a Hearing Officer in accordance with the Managing Attendance Hearing Procedure. The Hearing Officer needs to be an officer senior enough to be able to dismiss an employee. This is usually an officer at JNC level.

The action available to the Hearing Officer at the formal hearing will be:

- To direct a further period of review, where the Hearing Officer is of the opinion that not all options have been explored. Any review period would be expected to be for a maximum of 3 months prior to another Hearing.
- Adjourn the Hearing, where further information is required that will assist the Hearing Officer to make a decision.
- To dismiss the employee

Employees dismissed under the procedure would have a right of appeal to the Personnel Panel and may have a right to make a claim to an Employment Tribunal (subject to length of service).

Additional Considerations:

Stages, Triggers and Targets

Upon returning from Long Term Sickness, an employee will be in the procedure at the stage they were in either prior to or during their absence. N.B. 4 weeks continuous absence is a trigger under the procedure and so any employee on long-term absence will at least be at

Stage 1. Revised targets will be considered as part of the return plan. Any further periods of sickness absence within 12 months may trigger the next stage.

Where an employee is at Stage 2 of the procedure their initial improvement plan will be for a maximum period of 6 months. Upon review and where employees have shown improvement commensurate with this plan, the employee should be moved back to Stage 1 for a further 6 months. This will ensure that the employee will receive regular reviews and support to assist them to maintain this improvement. Should the targets be met within this period the employee will no longer be within the formal stages of the procedure. If the employee fails to meet the targets set at this stage they could progress back to Stage 2.

Should the employee not have met or have no likelihood of meeting or sustaining targets set out in any of the formal stages, the normal provisions set out in this procedure apply.

Managing absence:

The manager should consider whether:

- the employee will be able to return to work;
- the employee will be able to return to the same job;
- the employee will be able to return to a different job, using Occupational Health and local HR advice where appropriate;
- the employee could return to the same or another job with reasonable adjustments to work arrangements or conditions, using Occupational Health and local HR advice where appropriate;
- elements of the work could be contributing to the absence and whether this can be excluded or reduced;
- the employee would be able to return to work more quickly if given additional help, e.g. counselling, physiotherapy or temporary adjustments to duties. Advice regarding these options is available through Occupational Health;
- the use of flexible working policies would be appropriate;
- the employee may be eligible for ill-health retirement.

Occupational Health can provide guidance on this.

Long-term Absence

Long term sickness is defined as any continuous absence of four weeks or more. All requirements relating to notification, certification and maintaining contact apply equally to employees who are on long-term sickness as they do for short-term absence.

Long term sickness absence will be managed using the procedure outlined above, however, for additional support Managers should obtain advice from local HR in managing this type of absence.

It is not possible to be specific about management responses to long term sickness. The objective is to support employees during what is frequently a difficult experience and facilitate their recovery and return to work, whilst taking into consideration the need to maintain service delivery. Managers should be particularly sensitive to the needs of

employees with a terminal illness and advice and support from local HR and Occupational Health should be sought.

Every reasonable step should be taken to help recovery and return to work. If this is not possible the employee should be assessed for future employability either through ill-health retirement or through the improving performance procedure, which would take place at a Stage 3 Hearing.

If an employee's condition does not meet the permanent incapacity requirement for ill-health retirement, but they are still unable to return to the council's employment for the foreseeable future, then consideration should be given to ending their employment using Stage 3 of the procedure.

Ill Health Suspension

It may be necessary to temporarily remove an employee from work if:

- In the opinion of the Occupational Health Provider the employee is unfit for work, but is declaring themselves fit or being declared fit by their own doctor.
- If individual employees are at work but are deemed to be a risk to themselves or to others because of their health, they may be given approved leave of absence pending an opinion from the Occupational Health Provider.
- If necessary aids or adaptations are not operating or in place.

Ill health suspension is a management decision, but they should have due regard to information provided by the Occupational Health practitioner. This opinion may be sought prior to taking the action described above, but in all cases should be sought as soon as is practicable after suspension.

Any approved absence is not a disciplinary suspension and will be on an employee's normal pay. All cases of approved absence must be discussed with the local Head of Human Resources.

Ill Health Retirement

Application of all aspects of this Policy and guidance should continue alongside any assessment for Ill Health Retirement. Approval for Ill Health Retirement relates to the eligibility to access the pension, once employment has been terminated on the grounds of ill health.

Only an approved Occupational Health Physician can determine whether a person meets the criteria for ill health retirement and this is facilitated by Occupational Health. To meet the criteria, the Approved Occupational Health Physician must certify that a qualifying member of the local government pension scheme is permanently incapable of performing efficiently the duties of their employment or any comparable employment within Leeds City Council because of ill-health or infirmity of mind or body. Permanently incapable is defined as meaning that the employee will, more likely than not, be incapable, until, at the earliest, their 65th birthday. Employees who have left employment on the grounds of ill health may appeal against any decision not to grant Ill Health Retirement. Leeds City Council, as the employer, is ultimately responsible for making the decision on Ill Health Retirement, on the advice of the Approved Occupational Health Physician.

Returning to Work – after long term absence

When an employee is returning from long-term sickness, it will usually be appropriate for a manager to meet with them prior to their expected date of return to establish a return to work support plan to facilitate effective rehabilitation back into the workplace.

The council has the option to facilitate an employee's return to work by offering a phased return to their own job or another. Managers must consider this and would be expected to liaise with their local Human Resources service and Occupational Health. The benefits of the council's flexible working options in supporting and maintaining a return to work, as well as any obligations under the Disability Discrimination Act, should also be considered.

Disability Related Absence

Leeds City Council fully endorses the Disability Discrimination Act 1995 and will not treat disabled employees less favourably than other employees. Reasonable adjustments will be made wherever possible, to assist employees to remain in employment. The Guidance to this procedure provides further advice on this and the Council will also have regard to current legislation and relevant case law.

Maternity Related Absence

The Guidance to this procedure provides further advice on the approach to be taken in respect of pregnancy-related illness.

Work-related Ill Health or Injury

Leeds City Council aims to provide a safe and healthy work environment. Any absence that is or could be related to ill health or injury sustained in the workplace will be fully investigated. The Guidance to this procedure provides further advice.

Sick Pay

➤ Qualifying for Sick Pay

Leeds City Council pays sick pay in accordance with the National Agreement; the scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay during defined periods of absence. Employees are entitled to receive sick pay in accordance with current National and Local Agreements. Basic entitlement is as follows:

Service	Pay
During 1 st year of service	1 month full pay and, after completing 4 months service, 2 months half pay.
During 2 nd year of service	2 months full pay and 2 months half pay.
During 3 rd year of service	4 months full pay and 4 months half pay.
During 4 th and 5 th year of service	5 months full pay and 5 months half pay.
After 5 years service	6 months full pay and 6 months half pay.

The period during which sickness is calculated for payment purposes, and the rate at which it is paid, is based on the periods of absence in the 12 months preceding the first day of the current absence.

All employees will be notified when they move from full pay to half pay and from half pay to no pay; they will also be notified of the process for claiming benefits, if necessary, from the Department of Social Security.

The timescales are related to the amount of pay only and does not extend to the contract of someone who is dismissed at a Hearing under Stage 3 of the procedure.

➤ **Withholding Sick Pay**

Failure to comply with the notification requirements could result in immediate appropriate deductions of pay. If, in exceptional circumstances, an employee does not follow the notification requirements they should tell their line manager and, if appropriate and only in exceptional circumstances, pay will be re-instated.

Collection, Storage and Use of Records

The Council is required to keep records relating to managing attendance which will contain information about an employee's physical or mental health. The Council will satisfy a 'sensitive data condition' under the Data Protection Act in that the keeping, storage and processing of information is necessary to enable it to comply with any legal obligation associated with employment. This may include compliance with the law relating to statutory sick pay, health and safety at work and disability discrimination.

Records will be handled in a sensitive manner and employees will have the opportunity to see and sign each record of sickness absence.

In accordance with the Council's constitution and relevant legislation personnel records will be kept for 3 years plus the current financial year, unless they relate to termination of employment, when they will be kept for 6 years or where there is a specific duty to retain for specified periods. Retention of personal data (relating to a living individual) should not be kept 'live' for longer than necessary, which will normally relate to any specified retention periods.