



ATTENDANCE MANAGEMENT POLICY & PROCEDURE

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
ATTENDANCE MANAGEMENT POLICY AND PROCEDURE

1. Introduction

- 1.1 The Council wishes to adopt a fair and consistent approach to the control of absenteeism while still maintaining a caring and sympathetic approach towards the health and welfare of all its employees.
- 1.2 Maintaining a high level of attendance at work contributes to and provide positive assistance in the delivery of high quality services encourage a high level of morale among employees and will ensure value for money for the Borough's residents.
- 1.3 The following procedure is aimed at encouraging full attendance by the use of proper management of sickness absence.
- 1.4 At any of the discussion stages it is the right of the employee to be accompanied by their Trade Union or other representative.
- 1.5 Employees should be aware that at any time they may, if they wish, consult staff in Human Resources for confidential advice, counselling and support.
- 1.6 The Council will not discriminate on grounds of gender, marital status, race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion, age, spent offences or any other reason that cannot be shown to be justified.
- 1.7 This policy should be used in conjunction with the Capability Policy and Procedure and also the Disciplinary Procedure as appropriate.
- 1.8 Due to the varied nature of sickness absence and related issues, the procedure may be varied as necessary.

2. Procedure for Dealing with Attendance

2.1 Long Term Sickness

(i) Definition

- Long term sickness absence is defined as any period of continuous certified sickness absence lasting longer than 4 weeks and where there is no immediate prospect of the employee returning to work. (In such cases consideration will be given to staff with a disability in accordance with the provisions of the Equality Act 2010.

(ii) Procedure

Managers must attempt to reduce uncertainty by maintaining contact with the employee, their family or representatives, this may include home visits where appropriate and where the employee's condition permits to:

- enquire after the employee's progress and establish the current situation;
- update the employee on their service area and authority news;
- plan for the employee's return to work (eg facilitate any reasonable adjustments; short or longer term that may need to be made to the

employee's working environment.

All authority notices and newsletters will be sent to the employee's home address on a regular basis, unless the employee specifically requests otherwise.

Employees will be expected to engage in the active management of their absence, attending meetings or medical assessments as required.

There are many imponderables both medically and operational and probably no two cases will be the same, but in most cases it will be appropriate for the Manager to arrange for an employee to be referred to the Occupational Health Service when they have been absent for longer than 4 weeks.

However, depending on initial investigation, it may be appropriate for an appointment to be arranged sooner than this, or even delayed when, for example, investigation indicates an early return to work.

The purpose of the referral will be to:

- assess the nature of the employee's illness/medical condition and to establish both the employee's and Occupational Health's expectations relating to a likely date for a return to work;
- assess whether the illness/medical condition has been caused by any factor in the employee's working environment;
- advise the employee on any medical or welfare matters as they affect their working life.

The results of Occupational Health's report should be discussed with the employee as soon as possible. The prime objective should be to facilitate a return to work and consideration should be given to reasonable adjustments being made where necessary.

If the report from Occupational Health is inconclusive, a specialist consultant's report should be obtained.

Where the Occupational Health Service is of the opinion that a return to work should occur in the near future, the situation will be resolved. If, however the employee continues to remain absent, the situation should continue to be kept under review.

The review process will normally involve an initial meeting to:

- discuss possible causes/problems/difficulties with the employee;
- ensure the employee is aware of the standard of attendance that is required of them;
- identify reasonable practical help/assistance/training to improve the level of attendance (this may include advice from Human Resources, the Disability Employment Advisory Service or re-referral to Occupational Health);
- consider reasonable adjustments/alterations which are consistent with the needs of service but do not change the overall nature of the job and that facilitate a return to work;

- agree a programme of regular meetings and a timescale for improvement (normally between 1 and 3 months);
- ensure the employee is aware of the consequences of their attendance continuing to be unsatisfactory (ie moving into the formal stages of the Capability Procedure and the possible outcome of this);

At the end of the review period a further review meeting should be held to decide whether the review period should be extended or whether it is necessary to instigate a referral to the formal stage of the Capability Procedure.

In the event that Occupational Health recommends light duties/redeployment, consideration should be given to invoke the Formal Stage 1 of the Capability Procedure.

The manager should ensure that the Capability Procedure is not invoked unless:

- the case has been discussed with Human Resources;
- a report has been received from Occupational Health.

2.2 Intermittent Short Term Sickness

(i) Definition

This is defined as intermittent certified and/or uncertified sickness absence which can be divided into two types:-

- (a) Intermittent sickness absence of a similar or related nature (e.g. recurrent periods of back pain).
- (b) Intermittent sickness absence of unrelated illness.

(ii) Procedure

Short term absences are unpredictable and being difficult to cover they can be very disruptive.

It is not practicable to give precise rules about acceptable levels of short-term sickness absence as the pattern of absences is relevant as well as the total days lost. Capability and conduct can and often do become entangled with sickness. There is always the possibility of abuse especially since short term absences are either uncertificated or covered by self certificates.

It is therefore essential in all cases of absence (including a single day), that a Return to Work Interview is conducted with the employee by the line manager to ascertain the reason for the absence and that a Return to Work Interview form is completed.

The purpose of the interview is to:

- acknowledge the absence and the employee's return to work;
- if possible assist the employee by providing help/advice;
- establish the reason for the absence and determine if there is a recurring problem;
- update the employee on developments and work during the absence;
- review the employee's absence record to determine whether a formal interview is

required.

However, as a guide it is recommended that, normally, steps should be taken to deal with absence problems when:

- the employee has had 4 or more periods of sickness absence in any period of 12 months, or
- when absences amount to 8 or more working days in any period of 12 months.

(in all cases, single days are included).

There may be other situations, however, when an employee's absence is causing concern although not following the above pattern. Frequently there will be a combination of medically certificated and self/uncertificated absences which together constitute a level of absence warranting further investigation.

Where any pattern of absence including the ones above are causing concern, the problem should be investigated and then discussed with the employee.

First Formal Interview

The record of absence should be shown to the employee as this will show clearly the pattern of absence.

The employee should be counselled and be given the opportunity to explain the reason for the absence.

The initial discussion should be used to:

- ensure the employee is aware of the attendance standard that is required of them;
- inform the employee of the operational problems the absences are causing and the effects on the overheads of the Service;
- pinpoint the nature of the sickness problem;
- discuss possible causes/problems/difficulties with the employee;
- identify any "non-medical" problems which may be contributing to the absence;
- assess the need to refer the employee to the Council's Occupational Health Service. However, this should only be done when there is a clear indication that there are obvious medical problems;
- identify reasonable practical help/assistance/training to improve the level of attendance (this may include advice from Human Resources, the Disability Employment Advisory Service or referral to Occupational Health);
- consider reasonable alterations to the duties which are consistent with the needs of service but do not change the overall nature of the job;
- agree targets, standards, programmes of action and a timescale for improvement (normally between 1 and 3 months);

- consider requiring the employee to produce a medical certificate for all periods of absence (for example, when the pattern of absence is giving particular cause for concern). The Authority would pay for such certificates;
- inform the employee that their absence will be monitored;
- ensure the employee is aware of the consequences of achieving insufficient improvement (moving into the formal stages of the Capability Procedure and the possible outcome of this);
- review progress with the employee in accordance with the agreed timescales.

Detailed records of absence and interviews should be kept for future reference.

Second Formal Interview

At the end of the review period a further review meeting should be held to decide whether the review period should be extended or whether it is necessary to instigate a referral to the formal stage of the Capability Procedure. The manager should ensure that the Capability Procedure is not invoked unless:

- the case has been discussed with Human Resources;
- a report has been received from Occupational Health.

The employee should be notified in writing of the outcome.

3. **Unauthorised Absence**

Failure to follow the agreed procedure for notification of sickness absence will be considered to be a disciplinary matter. Payment will not be made and the absence will be subject to appropriate action under the disciplinary procedure.

4. **Sickness Absence Reporting Procedure**

It is important that all employees are aware of the specific designated persons to whom they should report their sickness absence, the information they need to provide and when they need to provide the information by.

Full details of the sickness absence reporting procedure are attached at Appendix A.

5. **Conclusion**

Long and short term sickness absences involve different considerations and require different approaches. However, one thing all types of absence have in common is that it is not practicable or desirable to lay down detailed rules which must be strictly applied come what may. For example, certain types of absences (pregnancy/disability related illnesses) would normally be excluded when deciding whether the formal procedure needed to be activated. The foregoing procedures provide a broad framework for dealing with each type of absence while allowing due consideration to be given to the individual circumstances.

Individual cases will be dealt with on their merits and particular circumstances. There will be cases where sickness absence had initially been managed by the normal supervisory process, followed by the formal absence management process and then a referral to the capability procedure. In cases of long term ill-health, it may be

because of the illness that the normal supervisory process would not be applicable and there would be a move either directly or via the attendance management process into the formal stages of the capability procedure. However, whatever action is taken, it should not come as a surprise to the employee.

6. **Holiday**

Credit for days of absence during statutory, extra statutory, condition or discretionary holidays will not be given.

Sickness absence does, however, override annual leave. Where an employee returns to work during the annual leave year, they would be entitled to take their remaining annual leave, only if there was time to do so. However, employees are entitled to carry forward up to 5 days annual leave from one leave year to the next.

If the employee is not able to return to work and ceases to be an employee due to incapacity, they will be paid for any accrued holiday during the year of absence.

7. **Notes**

- 7.1 The Council's Policy on Attendance Management requires line managers to conduct Return to Work Interviews with employees following **all** cases of sickness absence (including single days of absence) and to complete a Return to Work Interview Record.

Return to work interviews should normally take place on the day of return to work unless this is not practicable. In any event, the interview **must** be completed within 5 working days of the day of return.

Sickness absence is being monitored monthly as part of the Council's Improvement Plan. It is important that return to work interviews are carried out effectively and consistently across all departments of the Council and that Senior Managers/Human Resources are alerted early to any potential problems.

- 7.2 Managers should ensure that copies of completed Return to Work Interview Records, all correspondence between the Council and individual employees concerning sickness absence together with any other relevant correspondence and notes/minutes of any meetings held are forwarded to the Human Resources Manager in an envelope marked 'PROTECT- MEDICAL' for monitoring purposes and for inclusion on the employee's central personnel record.

Human Resources

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Revised April 2010 – No changes

Revised April 2012 – Sickness Absence Reporting Procedure amended to replace references to Medical Certificate with Statement of Fitness for Work/Fit Note and DSS with DWP
Ref to DDA replaced with Equality Act 2010
'Confidential' replaced by 'PROTECT- MEDICAL'

Revised July 2013 – Sickness Absence Reporting Procedure (Appendix A) revised.
(Approved – Staffing Committee – 9 July 2013)

Sickness Absence Reporting Procedure

- a) An employee who is sick and cannot attend work should normally contact their manager (or the person designated for the purpose within the service area) by telephone as soon as possible on the first day of absence, or within one hour of their normal start time at the latest.
- b) Employees should not normally ask anyone else to make contact on their behalf unless it is not possible for them to do so. If the designated person is not available when the call is initially made, then attempts must be made to call again later or a contact number should be left with a work colleague to pass to the manager/supervisor so that the call can be returned later in the day by the manager/supervisor. If no work colleagues are available, contact details may be left with the Contact Centre for forwarding to the manager/supervisor. Absence should not be communicated via text message or email.
- c) When reporting absence from work due to sickness, employees will be expected to give as much of the following information as possible:
 - The nature of illness and the anticipated length of absence;
 - Details of any outstanding or urgent work that needs to be dealt with during the absence;
 - Details of how they can be contacted if necessary, especially where the employee is staying at a different address during their absence.
- d) Where an employee becomes ill while at work and feels too unwell to continue working, they must speak to their manager who will give permission for them to leave work (either temporarily or for the day) and for them to seek medical advice where appropriate. When an employee has attended work for half of their normal working day or more but has then had to leave due to illness, this will not be recorded as sickness absence. When an employee has left work having worked for less than half of their normal day, the day will be recorded as sickness absence.
- e) Employees who fail to follow the sickness absence procedure may be subject to action under the council's Disciplinary Procedure. Unauthorised absence is considered to be misconduct and will be considered in accordance with the Disciplinary Procedure. In exceptional circumstances, the council reserves the right to withhold Occupational Sick Pay if an individual does not co-operate with reasonable requests from management/Human Resources, or does not comply with the requirements with this Policy and Procedure.

2. Certification

Every absence of 4 calendar days or more has to be certified to ensure prompt and correct payment of occupational and statutory sick pay and to ensure that accurate records are maintained. Employees are required to complete a 'Self Certificate' form (available on Evoice or from Human Resources) for each absence of 4 calendar days or more and forward it to their manager as soon as possible. A Self Certificate is not required when a Statement of Fitness for Work is obtained that covers the employee from the first date of absence. Failure to comply with the certification procedure may result in loss of sick pay. Misleading or false statements will be dealt with under the council's Disciplinary Procedure.

3. **Absences longer than Seven Calendar Days**

If the employee continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a Statement of Fitness for Work or 'Fit Note', for the eighth day onward, which must be forwarded immediately to HR – Payroll office. Any delay in receiving the statement will require an explanation and may lead to sick pay being withheld. The employee must also contact their manager on the eighth day of absence to inform them of relevant details and likely length of absence.

Notes must be dated to run consecutively with no gaps to ensure there are not uncertified periods during the period of absence.

4. **The Statement of Fitness for Work or 'Fit Note'**

The Statement of Fitness for Work or 'Fit Note', focuses on what an employee may be able to do at work rather than what they cannot do.

A GP will be able to suggest ways and temporary adjustments that may help an employee to get back to work. This might mean discussing:

- a phased return to work
- flexible working
- amended duties
- workplace adaptations

The GP's recommendations are not legally binding and the employer does not have to act on the advice or suggestions. If the changes suggested cannot be made for whatever reason, the statement will be regarded as saying 'not fit for work' for sick pay purposes. An employer is, of course, obliged to pay statutory sick pay and to make reasonable adjustments under the Equality Act 2010.

You do not need a note to say you are fit to return to work. You should return to work as soon as you feel well enough. If this is before your 'Fit Note' runs out, you should discuss this with your manager and obtain their agreement to your return. However, if your doctor has advised that it would be unsafe or bad for your health to return to work, you should not return to work before the end date on your 'Fit Note' and if your GP wants to assess your fitness again before you return to work, they will indicate this on the note.

5. **Hospitalisation**

In the event of hospitalisation, the same notification procedure should be followed unless the sickness/hospitalisation prevents this. The manager should be notified of the hospitalisation as soon as practicably possible, either by the employee or by a person acting on their behalf. Hospital admittance and discharge certificates should also be forwarded to the manager as soon as possible. It is not expected that employees should send further medical certificates during a stay in hospital providing admittance certificates have been forwarded.

Following the period of hospitalisation, any additional sickness absence reporting necessary should follow the procedure outlined in paragraphs 2 and 3.

6. **Statutory Sick Pay Expires**

If your entitlement to Statutory Sick Pay runs out, you must still produce 'Fit Notes' to HR – Payroll office. These will then be forwarded to the Department for Work and Pensions (DWP) by HR – Payroll. Any notifications you receive from the DWP regarding Employment and Support Allowance must be sent to HR – Payroll.