

## **MANAGING ATTENDANCE POLICY**

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### **1. Scope of Policy**

This policy applies to all staff employed by South Hams District Council

### **2. Introduction**

- 2.1. The Council wants staff to come to work and perform their duties and responsibilities within a healthy working environment conducive with good work ethics.
- 2.2. The absence of staff due to sickness has a direct impact upon the ability of the Council to deliver high quality services and achieve Best Value. Disruption to work in the area and increased workload for colleagues remaining can lead to increased stress and low morale. It is therefore important that there are effective attendance management processes.
- 2.3. Higher than normal levels of absence may also be indicative of problems within the Council. As an employer committed to the well being of its staff, the Council is keen to ensure that all reasonable steps are taken to ensure that staff health issues and any associated factors in the workplace are identified at an early stage and action taken to address these and this requires effective sickness absence procedures.
- 2.4. The Council values the contribution of its staff in the delivery and maintenance of quality services to its customers. Although recognising that employees may be prevented from attending work through ill health, the Council still has a duty to maintain service delivery and minimise disruption. The Council is therefore committed to managing attendance, including sickness absence, and believes that it is the responsibility of the Council's managers, trade union representatives and employees to work together to promote the management of sickness absence and ill health.
- 2.5. If any member of staff is concerned about their level of sickness absence and would find it helpful to talk to someone about this they can contact one of the support services listed in section 5.7, Other Support and Services.

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### **Personnel Services**

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### 3. Aims and Objectives

The objectives of this Policy are to assist managers and staff to maintain an optimum level of attendance at work, ensure that non-attendance due to sickness is managed effectively and that staff who are absent due to sickness are treated fairly and sensitively.

This document clarifies the roles and responsibilities of both managers and staff and highlights the consequences of failing to follow the procedure in the policy.

The aims of the policy are to:

- Promote the fact that good attendance is valued and that opportunities should be taken to acknowledge and recognise this.
- Effectively manage non-attendance due to sickness in a responsible, consistent and fair manner
- Promote a culture where staff feel comfortable in using other Council Policies (e.g. Carers leave, Domestic leave), where appropriate, for dealing with issues that may otherwise have led them to phoning in sick.
- Ensure support for staff who are experiencing ill health whilst minimising absence levels and their impact.
- Promote a pro-active approach to managing sickness absence.
- Provide managers with a framework for dealing with sickness absence.
- Encourage open communication between managers and staff.
- Ensure all staff are fully aware of their obligations (including reporting requirements) both under the provisions of this policy and their terms and conditions of employment.
- Ensure that non-attendance due to sickness has minimum impact on the Council's overall performance.
- Identify at an early stage any occupational health issues, whether relating to an individual or a workplace.

### 4. Work/Life Balance

- 4.1. The Council is committed to ensuring, as far as is reasonably possible, that staff are able to work in a way that will provide a helpful solution to an individual's own work/life balance. It is hoped that by achieving solutions that work for the individual and the Council, staff will experience better health and subsequently be less prone to needing to take time off work because of sickness.



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- 4.2. In addition to flexible working through different contractual arrangements the Council has a range of Policies that are designed to address situations that can arise as part of everyday life (e.g. carer's leave, domestic leave, compassionate and supportive leave).
- 4.3. These are in place to be used by staff and it is hoped that by having such policies staff will not feel the need to call in sick to deal with situations for which the Council now has provision.

## 5. Roles and Responsibilities

### 5.1. Senior Management Team

The SMT has a strategic responsibility to ensure that appropriate conditions at work exist to ensure health and safety of the workforce and to ensure that employees are able to maintain regular attendance.

### 5.2. Chief Executive

- Will oversee the introduction, operation and monitoring of the policy and will report on a regular basis to SMT on absence levels.
- Will ensure the provision of training, guidance and support for managers on the operation of the policy.
- Will ensure the provision of regular and accurate information on sickness absence levels/trends to line management.

### 5.3. Personnel and Payroll are expected to:

- Provide advice and guidance to managers on the Managing Attendance policy and its application.
- Assist managers in the handling of attendance issues.
- Collate, issue and monitor sickness absence data and will assist in identifying problem areas and appropriate solutions
- Ensure that all Sickness Declaration/Return to Work interview forms and associated documents such as medical certificates and Occupational Health reports are held securely on personal files.
- Advising managers at Attendance and Capability Hearings

### 5.4. Line Managers

The control and management of attendance is a management function and one on which managers are measured. Each manager is responsible for

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managing absenteeism for the staff accountable to them and for treating employees who are ill in a sensitive, fair and consistent manner.

Line managers are therefore expected to:

- Let employees know that their contribution to the work of the Council is valued and that their attendance at work makes a significant contribution to providing a quality service
- Manage absence among the employees for whom they have responsibility. This includes:
  - Ensuring that employees are aware of the notification and, where appropriate, certification procedures for absences of any kind.
  - Ensuring that accurate absence records are kept for each employee.
  - Dealing immediately, fairly and sensitively with employees when they are ill and providing support to encourage attendance.
  - Maintaining regular contact with employees who are absent, especially those long-term sick, including, for instance, sending team briefs, newsletters etc. as well as personal contact.
  - Conducting Return to Work meetings and, where appropriate, further meetings with employees in accordance with the managing Attendance policy and associated procedures.
- Identify wherever possible any early warning signs at work that might prevent sickness e.g. stress, safety incidents.
- Ensure that temporary adjustments to working arrangements implemented as a supportive measure are properly documented and reviewed on a regular basis.

5.5. Trade Union Representatives are expected to:

- Support the fair and equitable application of this policy and represent their members at any stage of the formal procedure if requested to do so.
- Support appropriate efforts for a successful return to work of those employees who have been absent due to sickness.
- Participate, in the spirit of joint working, in training programmes associated with this policy.



## 5.6. Employees are expected to:

- Take all reasonable steps to keep themselves in a good standard of general health and attend work unless unfit to do so.
- Raise concerns with their manager or Personnel if they believe their job is making them ill or they believe there are health and safety concerns which may affect them or their co-workers.
- Report sickness absences promptly in accordance with the Managing Attendance procedure.
- Ensure the appropriate certifications are completed and submitted in good time in accordance with the procedure.
- Maintain contact with their manager during periods of sickness absence.
- Communicate effectively with their manager about their sickness absence.
- Co-operate as appropriate with the Council's appointed Occupational Health advisors and other organisations that provide support to the Authority and its employees.
- Ensure that medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.
- Not knowingly abuse the Managing Attendance procedures or sick pay schemes.

## 5.7. Other support and services

In order to support this policy, the following services are available to all Council employees:

- **Personnel** - Staff are free to talk in confidence to a member of the Personnel Team.
- **Risk and Health and Safety Advisor** - The Council's Health and Safety Advisor is also a trained Counsellor and can also assist with a wide range of work related health issues.
- **Counselling Service** – The Council operates a contracted confidential service to employees to enable them to discuss concerns related to work or personal circumstances.
- **Occupational Health Service** – to provide advice and guidance on the impact of ill-health on work and what steps the Council and/or employee may take to improve attendance, return to work or otherwise.

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## 6. Reporting Arrangements

- 6.1. When staff are unable to attend work due to sickness they must inform their Supervisor/Line manager as soon as physically possible and in any event no later than half an hour after their normal start time. It is the manager's responsibility to record this on the Sickness Declaration Form and notify the rest of the team of the absence. During the telephone call the member of staff must give their manager an indication of the problem and likely length of sickness which again needs to be recorded on the form. If the absence is as the result of an accident or injury at work then this must be reported and an incident report form completed if this has not already been done.

Managers must be respectful and have due regard for confidentiality at all times.

- 6.2. If the absence continues after 3 days the member of staff must telephone their manager again to give further details and these will be recorded by the manager onto the Sickness Declaration Form. This form also acts as the self certification form where an individual is sick for up to 7 consecutive calendar (not working) days inclusive. A Doctors certificate is required if the absence is for more than 7 consecutive calendar days and at regular intervals if absence continues.

Where the number of self certificated periods of sickness absence taken by an individual gives a manager cause for concern the manager reserves the right to require a medical certificate for each subsequent period of sickness absence. The cost of such a certificate will be refunded to the member of staff.

- 6.3. On return to work the Supervisor/Line manager is responsible for completing the Sickness Declaration Form as part of the return to work interview.
- 6.4. Staff who fail to comply with the reporting arrangements, and who do not have exceptional and acceptable reasons for so doing, will not be paid their occupational sick pay.
- 6.5. There may be occasions when a condition may be such that an employee can return to work but with a limited range of activities that they can undertake. The GP should confirm this on the certificate.

Similarly if an employee believes that they can return to work but undertake reduced activities they should discuss this with their manager, Personnel and, if necessary the Risk and Health and Safety Advisor, so that the necessary assessment of risk can be carried out before gaining consent from their GP.

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## 7. Return to Work Interview

- 7.1. Managers must talk to staff who are returning from sickness absence to enquire as to their well being and update them on any work issues in their absence. The discussion should be held on the first day the person returns to work or as soon as possible thereafter. The majority of discussions will be very quick and straight forward and essentially be an acknowledgement of the person's illness and a welcome back to work.
- 7.2. The Main aims of the discussion are:
- To welcome back the employee and make them feel valued.
  - To check that they feel well enough to return.
  - To confirm the reason for the absence.
  - To address any issues that may be causing or contributing to absences.
  - Complete the Sickness Declaration Form.
  - To update the member of staff on activities during their absence and agree work priorities.
  - To advise the employee if their absence is becoming a concern and, where appropriate, inform them that an attendance review meeting, whether informal or formal, will be arranged.
- 7.3. Clearly, some cases will be more involved than others and managers should consult the Personnel Team for advice in these circumstances.
- 7.4. The return to work interview is a discussion between a manager and a member of their staff and as such is not appropriate for the member of staff to be accompanied by their trade union representative nor is it appropriate for the manager to be accompanied by a member of the Personnel Team.

## 8. Managing Short Term, Frequent and Persistent Absence

- 8.1. When the procedure should be used:

This section should be used to manage all sickness absence apart from long term/continuous absence.

- 8.2. **Definition** - This is absence through illness which is of short term duration (e.g. a day or a few days) but happens at regular intervals. It is normally self certified and it is likely that there is no consistent underlying medical cause.
- 8.3. Trigger Levels

Absence levels are monitored on an ongoing basis. A 'trigger' level is the point at which sickness absence may become a cause for concern and may

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trigger management action starting with an Attendance Review meeting. The Bradford Factor will be one factor used to calculate a trigger level.

Consideration of whether to call an Attendance Review meeting should be given under the following circumstances:

- Where an employee's Bradford Factor is higher than the Council's trigger point which is initially set at 250 and will be reviewed annually.
- Three or more instances of sickness absence in a six month period or four or more instances in a twelve month period.

Managers may take action before trigger levels are reached, for instance where a number of absences occur within a short period of time or where an unusual pattern of absences is noticed.

#### 8.4. Attendance Review Meeting

8.4.1 When any of the above triggers are reached, a meeting will be held with the employee to discuss the following:

- Employee's absence record
- Explore the reasons for absence
- Identify areas for improvement
- Consider what support can be given and what actions the employee can take and commit to.
- Consider whether to make an Occupational Health referral to obtain further advice.
- Agree targets for improvement and specify what further action may be taken if improvement targets are not met.
- Review/update the risk assessment (where appropriate) and address any health and safety factors.
- Any other information or proposed actions which may be relevant.

8.4.2 The following outcomes may result:

- The manager may decide that the absences triggering the review were a temporary blip in an otherwise very good record and no further action is required at this stage.
- A target for improvement and timescale, normally six months, will be set and a follow-up meeting arranged.
- Reasonable adjustments such as changes to the workload, work practices or work patterns may be made. These arrangements may be temporary or permanent.
- Redeployment may be considered.

- The employee may be required to submit a medical certificate for every instance of absence.

8.4.3 The line manager will write to the employee within five working days of the Attendance Review meeting confirming the points discussed, actions agreed and the timescale for the follow up meeting. A copy of this letter should be placed on the employee's personal file.

8.4.4 The line manager will carry out the follow-up meeting as agreed or at such time as it is evident that performance is deteriorating or not improving. In the event of insufficient improvement during the review period then the matter may be referred to the formal stages.

## 8.5. Formal Stages

The formal stages consist of stages 1 and 2 Attendance Meetings and stage 3 Capability Hearing.

### 8.5.1 Stages 1 and 2 Attendance Meetings

Following a sustained period of poor attendance, or if an employee has improved during the review period but then lapsed again, the matter will be referred to the formal procedure.

At each stage the employee will be informed in writing of the meeting giving reasonable notice and advised of the right to have a trade union representative or work colleague present.

In the meeting the subjects as suggested for the Attendance Review Meeting will be discussed and if there is a continuing concern then the employee will be informed:

- That their level of attendance is unacceptable and will be closely monitored and reviewed at regular intervals over a fixed period.
- The likely next step if there is no improvement.
- That if an acceptable level of attendance is achieved over the fixed period there will be no further action and normal monitoring of attendance will resume.

The outcome of the meeting and review and monitoring periods will be confirmed by the manager in writing within five working days of the meeting.

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### Close Monitoring and Review Period

The normal sequence of events will be:

- End of review period (e.g. 2 months later)
  - If attendance is satisfactory continue close monitoring for the remainder of the close monitoring period.
  - If attendance is not satisfactory consider moving on to the next stage.
- End of close monitoring period
  - If attendance is satisfactory, congratulate the employee and return to normal monitoring.
  - If attendance is not satisfactory consider moving to the next stage.

The stage 1 Attendance Meeting will normally set a close monitoring period of 6 months.

The stage 2 Attendance Meeting will normally set a close monitoring period of 12 months.

In exceptional circumstances a longer close monitoring period may be set e.g. when an employee has previously been in the formal stage of the procedure and has improved until removed from the procedure and then lapsed to an unacceptable standard.

#### 8.5.2 Stage 3 Capability Hearing

If the previous stages have failed to resolve the problem then a Stage 3 Capability Hearing will be convened. The employee will be informed of the meeting in writing as for previous stages and it will be made clear that the outcome of the hearing may be dismissal.

Prior to the meeting it may be advisable to obtain a further report from Occupational Health to take into consideration.

At the hearing, once established that all reasonable steps have been taken and taking into account any further evidence and submissions, the hearing may decide:

- To dismiss on capability grounds
- To refer back for a further period of close monitoring and review possibly with further actions to support improved attendance.

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The outcome will be confirmed in writing to the employee within five working days of the hearing.

8.6. Minimum levels of Authority required to take action:-

Attendance Review Meeting	Immediate Supervisor/Manager
Stage 1 Attendance Meeting	Section Head
Stage 2 Attendance Meeting	Head of Service
Stage 3 Capability Hearing	<b>Director</b>

## 9. Managing Long Term Absence

### 9.1. Definition and when the procedure should be used

Long term absence is defined as absence for health reasons which lasts or is likely to last more than four weeks. This procedure should also be used for related absences caused by an identified long term health problem or when an employee is unable to perform their regular job or a significant part of it due to health reasons.

9.2. **Regular Contact** - In managing long term absence it is key that regular contact with the member of staff is maintained. If a member of staff has been absent for four to six weeks this would normally be an appropriate point for a manager to meet with the individual to see how they are and see whether any assistance can be offered. At the meeting and with regular contact it is important to obtain the employee's expectations concerning their future fitness to return to work and what support can be given.

Where it is clear that the injury/illness has a definable period e.g. a broken limb or recovery from surgery, then no further action may be necessary.

Where absence continues contact should be maintained on a regular basis, recommended at three month intervals if not carried out sooner. Where a home visit is planned the manager must be accompanied by a Personnel representative.

9.3. **Occupational Health Referral** - It is standard practice to refer an employee to Occupational Health after an absence of four weeks. In some cases it may be advisable to refer immediately the absence commences when it is due to stress/depression, musculoskeletal problems, general debility or an accident at work. Managers should liaise with Personnel in all cases and ensure Personnel are informed promptly especially where immediate referral may occur.

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#### 9.4. Attendance Meetings and Capability Hearing

Due to the nature of long term sickness each case must be handled on an individual basis and in conjunction with Occupational Health advice. Consequently it is not appropriate to set specific stages. However, where formal meetings take place they will be handled as previously stated and there will normally be at least one Attendance Meeting prior to a Capability Hearing.

During formal reviews discussion should take place concerning the likely duration of the sickness absence and any support or action which the Council or employee may take to facilitate an early return to work.

9.5. When employees are ready to return to work from a period of long term sickness and Occupational Health has recommended a phased return then appropriate arrangements will be made for a period of up to eight weeks and the employee will receive full contractual pay irrespective of hours worked.

#### 9.6. Dismissal on Capability Grounds

At a Capability Hearing, before any final decision, it will be checked that the following steps have been taken:

- A recent Occupational Health report has been obtained
- There has been full discussions with the employee, and their representative where appropriate
- Redeployment to a post which might enable the employee to return has been considered where appropriate.
- Consideration has been given to making reasonable adjustments such as changes in the workload, work practices or work patterns whether on a temporary or permanent basis.
- That the possibility of dismissal has been raised in at least one previous review or formal meeting.
- That all appropriate steps have been taken to comply with the Disability Discrimination Act where applicable.
- Where appropriate, advice has been given to the employee on making an application for ill-health early retirement

Where medical opinion and the past history indicate that a return to work on a reliable basis within the foreseeable future is unlikely then employment will be terminated on the grounds of capability. As a general guide the Council will seek to resolve long term sickness cases within a maximum of approximately 12 months.

## 10. Suspension from Sickness Scheme

The National Agreement on Pay and Conditions of Service (The Green Book) provides that if an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect they may be suspended from the sickness scheme.

Examples could include absences linked to weekends, cases where attendance improves until out of the procedure and then immediately gets worse or in the case of long term absence, the employee returns long enough to re-qualify for sick pay and then goes absent again.

In exceptional circumstances such suspension may be implemented and this would normally take place at Stage 2 of the short term procedure or after a formal meeting for the long term procedure. Where suspension is implemented the period that it applies for will be clearly specified and it will be reviewed by or before the end of that period. Suspension must be approved by a **Director**. The employee shall have a right of appeal to the Personnel Panel. If it is decided that the grounds were justified then the employee shall forfeit the right to any payment in respect of the period of absence. Repeated abuse of the sick pay scheme is to be dealt with under the disciplinary procedure.

## 10. Appeals

At all stages of the formal procedure, whether for short or long term absence, the employee will have the same right of appeal as specified in the Disciplinary Procedure. This will be explained at the meeting and in the written confirmation. Appeals should be notified, preferably in writing and outlining the reasons for the appeal, to the head of Personnel and Payroll within 10 working days of receiving the written confirmation.

Appeals against dismissal will be conducted by the Council's Personnel Panel which will be provided with independent advice.

## 11. Terminal Illness

If it becomes apparent that an employee is terminally ill then immediate consultation must take place between the manager and Personnel to determine the best course of action to support the employee.



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## 12. General Notes

- 12.1. Where sickness or illness is referred to this shall include any injury or medical condition causing absence or inability to carry out normal duties.
- 12.2. Redeployment or adjustments to workload, work practices or work patterns will be subject to the availability of suitable posts or what is reasonable and feasible taking into account the need to maintain consistent service standards.
- 12.3. Where examples, including lists, are given these are intended to illustrate typical circumstances and are not exhaustive or exclusive.

## 13. Mediation

In the event of mediation being required regarding the application of this policy an individual should raise their concerns with Personnel. Where this fails to produce a resolution the individual may utilise the grievance procedure. The use of mediation or the grievance procedure does not extend to where formal action has been taken as a separate appeals procedure exists for this purpose.

## 14. Equality and Diversity Statement

South Hams District Council is committed to promoting equality and valuing diversity in everything we do including service delivery and employment. Further details can be obtained by referring to the Equality and Diversity Statement in the staff handbook.

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