



# **NOTTINGHAMSHIRE COUNTY COUNCIL**

## **ATTENDANCE MANAGEMENT PROCEDURE**

<b>Title: Attendance Management Procedure</b>			
<b>Aim/Summary: To improve the health, wellbeing and attendance of Nottinghamshire County Council employees</b>			
<b>Document type</b> (please choose one)			
Procedure	*	Guidance	
Strategy			
<b>Approved by:</b> Marjorie Toward, Service Director Customers and HR		<b>Version number:</b> Final	
<b>Date approved:</b>		<b>Proposed review date:</b>	
<b>Subject Areas</b> (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
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Children and Families		Roads	
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History and Heritage		Social Care	
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Libraries			

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<b>Please include any supporting documents</b>	
<b>Review date</b>	<b>Amendments</b>

## **1. Introduction**

1.1 The County Council is committed to improving the health and wellbeing of its employees. It is recognised that employees may have occasions where their health impacts on their attendance at work. Employees are encouraged to take care of their health and wellbeing ([insert link to wellbeing page](#)), and it is recognised that effective health, safety and employee support initiatives play a part in this. Additionally the provision of [Counselling Services \(insert link\)](#) and the [Occupational Health Service \(insert link\)](#) should contribute to the wellbeing of employees.

## **2. Principles**

2.1 The procedure aims to ensure that a fair, agreed and equitable process is adopted where an employee's health is affecting their attendance or performance at work, and that there is early monitoring and management of sickness absence so that wellbeing and medical support mechanisms can be initiated.

2.2 Managers and employees are reminded of the separate arrangements for special leave, compassionate leave, disability leave and parental leave which should be considered as appropriate for leave requirements not sickness related.

2.3 There may be occasions where the health or disability of an employee affects their ability to carry out the duties of the job, even though sickness absence levels are low or non-existent. In such cases, it will be appropriate to refer to the guidance outlined in paragraph 7.6.

2.4 At any stage of the procedure, managers and individual employees can seek the advice of their HR Business Partner and/or trade union representative.

## **3. The Procedure**

### **3.1 Short term absence**

#### *3.1.1 Trigger Meeting*

3.1.2 Initial discussions to consider the reasons for, consequences of and likely re-occurrence of levels of sickness absence should take place between a manager and employee when the employee has had **3 separate instances of absence in any 6 month period or 10 working days of absence in a 12 month period** or equivalent to two working weeks for part time workers.

3.1.3 In exceptional circumstances, where reasonable grounds for an individual's welfare are identified, or where a pattern of absence is identified, a discussion may need to occur at an earlier stage. These trigger levels should be applied consistently and sensitively by managers in the context of the authority's commitment to the health and wellbeing of all its employees.

3.1.4 When an individual's sickness absence causes concern, managers need to arrange an initial meeting. Managers should inform the employee of the reason for the meeting and explain that they may be accompanied by a trade union representative, official employed by a trade union or a fellow worker. The purpose of the discussion is to address the following:

- for a manager to explain their genuine concern about the employee's health and wellbeing and the effect this is having on their attendance
- to provide an opportunity for the employee to offer their views and comments and identify any possible causes, and to indicate whether an improvement can be anticipated
- to establish if there are other non-medical reasons, such as personal/domestic issues, or reasons relating to the job or working conditions/relationships which are causing the absence
- to try and gain some acknowledgement from the employee that their sickness absence is a cause for concern
- to explore and offer appropriate support
- for employees with a disability, the interview will present a further opportunity to explore whether 'reasonable adjustments' can be made to prevent the employee being placed at substantial disadvantage as outlined in the Equality Act 2010
- to agree a way forward to improve attendance where this is feasible
- to agree whether further action needs to be taken and, if so, what is necessary and appropriate, including whether a referral to occupational health is required
- to set a date for a further review if appropriate
- to let the employee know that their sickness absence will continue to be monitored as part of the process.

3.1.5 Possible courses of action as a result of this meeting can include any number of the following:

- No further action
- A referral to Occupational Health Service
- Implementation of adjustments to the role, hours, duties, work location etc. Reasonable adjustments to be considered and implemented where an employee has a disability as defined under the Equality Act 2010
- A period of monitoring can be agreed on the basis that the employee understands an improvement is required, and the required level of improvement should be clearly defined. The length of the monitoring period will depend on individual circumstances, such as the nature of the work, the reasons for the sickness absence, and any identified potential impacts upon an employees attendance due to their health in the future. Where such a period of monitoring is agreed the employee must be cautioned that their employment may be at risk if attendance levels do not improve satisfactorily within the agreed review period.

3.1.6 Managers should confirm in a letter to the employee the discussion which has taken place, indicating any action and support offered and review dates and targets that have been agreed and retained on personal file.

### *3.1.7 Review Meeting*

3.1.8 If a monitoring period has been implemented, the review meeting should take place on the agreed date (or alternative date as agreed with the employee) to discuss the progress during the monitoring period in light of the discussion and agreed actions at 3.1.4 and any new information during the monitoring period e.g. medical advice or changes in health.

3.1.9 If during the monitoring period, there has been sufficient improvement to a satisfactory level, the employee should be informed that their attendance is now at a satisfactory level and that there is an expectation that the improvement is maintained. The employee should be informed that, if their attendance should deteriorate in future, their attendance may again

be considered in line with the procedure. This should be confirmed in writing and held on the employees' personal file.

3.1.10 If during the monitoring period there has been no improvement or some small improvement but not to a satisfactory level, a further period of monitoring should be agreed and a review date set. The employee should be issued with a further caution that their continued employment still remains at risk and this should be recorded in writing.

3.1.11 Where after a second period of monitoring absence levels have not improved to a satisfactory level, a formal hearing should be considered in line with section 5.

#### **4.1 Long term absence**

4.1.1 Long term sickness absence tends to be continuous. The underlying principle when managing long term absence cases is to balance the organisation's needs against the circumstances of the employee concerned. Managers should maintain contact with employees by telephone or written correspondence at regular intervals, or through a pre-arranged visit which should take place after four weeks absence, or before if appropriate. Employees should be reminded of their right to have a trade union representative, official employed by a trade union or other person of their choice at any 'welfare/home visits'.

4.1.2 An employee should be referred to Occupational Health normally after a period of 4 weeks absence, or within a 3 month period, dependent on the circumstances and where appropriate. The purpose of the referral is to enable managers to receive up to date medical advice about a likely return to work and any adjustments that can be made to facilitate a return to work.

4.1.3 The initiation of processes to dismiss an employee only be taken after all reasonable management steps have been considered in terms of managing an employee's long term absence. These include consulting with the employee, seeking medical advice, possible consideration of redeployment and consideration of the effects of prolonged absence on the service, colleagues and workloads, there is no requirement for a manager to wait indefinitely for an employee to return to work on long term sick leave. At a certain point, managers can determine it is not reasonable to wait a return to employment any longer or continue sustained periods of absence and there should be a consideration of the formal procedures to determine the next appropriate course of action on a case by case basis.

### **5. Formal Action**

#### **Stage 1**

5.1 Where stages identified in either 3.1.11 (following two periods of monitoring which have not brought about the required improvement in attendance) or 4.1.3 (where an employee remains absent and it is no longer reasonable to sustain the long term absence) have been reached, a formal hearing should be convened. This hearing will be chaired by the Group Manager for the relevant service not previously involved in the case, supported by a HR Business Partner.

5.2 The employee will receive 10 working days' notice of any formal attendance management hearing along with the management statement of case and any written evidence to be relied upon. The employee must submit their statement of case and any response to the management case no later than 5 working days prior to the hearing.

5.3 Employees are entitled to be accompanied by a trade union representative, official employed by a trade union or a fellow worker in any formal meeting.

5.4 The following courses of action are open to the designated officer conducting the hearing:

(a) to dismiss the case and take no further action on the basis that the level of sickness absence is not unreasonable in the circumstances

(b) to issue a further caution and refer the matter back to the line manager to continue with the process of monitoring and review

(c) to issue a final written warning that, if the level of sickness absence does not improve and then maintained at a specified level during a specified period, a further formal hearing will be held to consider the dismissal of the employee. The process of monitoring and review and associated timescales should be clearly set out in the written warning

Note: it is open to the designated officer to adjourn the hearing to seek medical advice if he or she deems it appropriate. In the event of contemplated dismissal on the grounds of ill health medical advice must be sought.

## **Stage 2**

5.5 If attendance does not improve during the review period determined at the first hearing, a second hearing should be convened.

5.6 Arrangements will follow those prescribed at the first formal hearing under 5.2 and 5.3. In addition, the employee must be notified in the invite letter that their employment could be at risk.

5.7 If dismissal is an option for the assigned Officer / Manager at this stage, the hearing should be convened with a panel of three, consisting of an Officer with delegated powers to dismiss, a Tier three or above Manager, and a HR Business Partner.

5.8 The potential hearing outcomes are as per 5.4 above, with the addition of:

(d) where, as in 5.4 (c), a final written warning has been issued and a second formal hearing held, to dismiss the employee with notice.:

## **6. Outcome in Writing and Right of Appeal**

The outcome of a formal hearing will be confirmed in writing within 5 working days of the conclusion of the hearing. In the case of a final written warning, the employee will have a right of appeal to their Service Director. The dismissal appeal will be heard in accordance with the principles and timescales set out in the Employment Appeals Process [\(insert link to document in Disciplinary Procedure\)](#).

## **7. General Information**

**7.1 Annual leave:** In cases where employees have been absent due to long term sickness please [\(follow this link for further advice\)](#).

### **7.2 Terminal Illness**

In the case of a terminally ill employee, any action needs to be considered in the light of discussions with the employee and with the benefit of medical and relevant financial advice. Advice on the pension benefits should be sought from the Pension Section. Positive consideration should be given to an extension of sick pay to alleviate any worries about finance [\(insert link\)](#). Please also see separate guidance document entitled 'Guidance for Line Managers in Supporting Employees Diagnosed with a Terminal Illness' [\(insert link\)](#).

### **7.3 Ill-Health Retirement**

In the event of an employee being issued with a Certificate of Permanent Incapacity, that they are permanently incapable of carrying out the duties of their role, by an independent Occupational Health Physician, the manager should follow the ill-health retirement process.

### **7.4 Employees with a Disability**

There may be occasions where the health or disability of an employee affects their ability to carry out the duties of the job, even though sickness absence levels are low or even non-existent. In such cases it will be appropriate to consider reasonable adjustments.

### **7.5 Employee Resolution Procedure**

An employee who feels they are being treated unfairly or unreasonably under this process, has the right to raise a complaint through the Employee Resolution Procedure, except if formal action is taken in accordance with the Appeals Procedure.

### **7.6 Health Problems not Causing Absence but Affecting Performance at Work**

Where lack of capability is due to an underlying medical condition which is likely to continue to affect an employee's ability to perform adequately the duties of the job, reasonable support mechanisms, such as seeking medical advice, possible transfer to alternative duties, physical aids, adaptations need to be considered to improve the situation. Where these have been considered and adjustments are either not facilitating satisfactory performance of the duties of the role, or where adjustments are not reasonable, discussions will need to take place with the employee with regard to their wellness to attend work. Any absence as a result will need to be considered in line with the Attendance Management Procedure. Where an employee who is a member of the relevant pension scheme is medically assessed to be permanently unfit for their existing job and any other redeployment opportunities, the ill-health retirement process should be followed.

Where lack of capability is not due to an underlying medical condition it would be appropriate to manage such cases through the Council's separate [Performance Management Procedure \(insert link\)](#)

### **7.7 Extension of Sick Pay**

In certain cases, specific County Council criteria exist, under which an extension of sick pay for an employee absent due to long term sickness can be considered. This advice can be obtained from the HR Business Partner and cases should be treated sympathetically and consistently.