

Improving Attendance Policy



WORKING TOGETHER

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Policy Overview

This policy applies to all employees of Chorley and South Ribble Borough Councils, and their wholly owned companies.

The councils are committed to promoting the health and wellbeing of our employees and this policy is designed to help and encourage an attendance culture across the councils and to ensure that a fair, supportive and consistent approach is followed to manage sickness absence.

All management action under this policy should take into account the obligations of the Equality Act and managers should work with HR on complex issues concerning sickness and disability.

This document is part of a family of policies which provide advice and information on the support available to support the health and wellbeing of our employees. For more information see the Healthy Living and Emotional Wellbeing policies. Useful contacts and information on the support available for employees can be found in the [Health and Wellbeing guide](#) and on the Learning Hub.

The councils' responsibilities

The councils will:

- Ensure that good attendance is valued and opportunities will be taken to recognise this.
- Ensure that interventions to support improvements to employee attendance do not imply any distrust or concerns with conduct.
- Ensure that issues will be consistently managed and this policy fairly applied.
- Promote a positive and preventative rather than a punitive approach.
- Be sensitive and supportive to those suffering the effects of ill health.
- Approach concerns about attendance with respect to confidentiality and in accordance with General Data Protection Regulations and Access to Medical Records legislation.
- Ensure that open communication between managers and employees is encouraged and promoted.
- Record and maintain information on the application of the policy to ensure it is fairly applied.

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

- Occupational Health – to provide support and guidance on the impact of ill health on work and what steps the councils and/or employee can take.
- Emotional Wellbeing support – please refer to the Emotional Wellbeing policy.
- Physiotherapy Services – to provide treatment and advice to employees suffering from muscular or skeletal problems.
- Human Resources – to provide support and guidance to managers and employees in dealing with sickness absence and ill health and in the use of the councils' related policies.

Manager's Responsibilities

Managers will:

- Review employee attendance on a regular basis.
- Apply the policy fairly and consistently.
- Be aware that the management of attendance is the joint responsibility of the manager and employee.
- Follow procedures for the prompt recording of absences.
- Maintain appropriate and regular contact with the employee during periods of absence.
- Follow the absence management process.

- Consult with HR as needed.

Employee responsibilities

Everyone should:

- Attend work unless unfit to do so.
- Be aware that the management of attendance is the joint responsibility of the manager and employee.
- Take responsibility for their own health and wellbeing.
- Raise concerns with their manager or HR if they believe their job is making them ill or contributing to illness.
- Report sickness absences promptly in accordance with the reporting and recording absence process
- Ensure that appropriate certifications are completed, in accordance with the procedure.
- Maintain appropriate and regular contact with their manager during periods of sickness absence.
- Communicate effectively with their manager about their sickness absence.
- Co-operate fully with Occupational Health (OH) and other organisations that provide support.
- Ensure medical advice and treatment, where appropriate, is received as quickly as possible to facilitate a return to work.
- Not do anything which could have an adverse effect upon their return to work.
- Not abuse the sickness absence procedures or sick pay scheme.

Day to day Management

Offer support to help people to stay in work.

Report all absences accurately and submit fit notes promptly.

Complete Return to Work Meetings.

Managers should identify concerns about employee attendance and arrange welfare meetings if needed.

If concerns persist progress to stage 1.

Stage 1

Meet with the employee and representative to offer support and agree targets and timescales for improvement.

If there is no acceptable improvement progress to stage 2.

Stage 2

Meet with the employee and representative to offer support and agree targets and timescales for improvement.

If there is no acceptable improvement consider whether this stage should be repeated or if the employee should progress to stage 2

Stage 3

Meet with the employee and representative to discuss next step:

- Proceed to stage 4 medical capability hearing
- Arrange further review & identify additional support

Stage 4

Medical capability hearing. The outcome will be:

- Dismissal on the grounds of capability
- A further review period and then another hearing

Appeal

Any employee dismissed due to medical capability has the right to appeal their dismissal.

Improving Attendance Process

All absence should be managed with a consistent approach in line with the following procedure however the actions implemented to resolve problematic attendance may vary on a case by case basis. Each case will be dealt with on its own merits and with support from HR.

Regular day to day management

As part of the normal management of attendance, managers and employees should:

- Ensure that employees are supported to [remain in work](#) where possible.
- [Report](#) absences promptly and accurately
- Complete [return to work meetings](#) after each absence
- Maintain [confidentiality](#)
- Submit [GP Fit Notes](#) as necessary
- Identify concerns about attendance and follow the process to support improvements
- Undertake [welfare meeting\(s\)](#)
- Offer [support](#)
- Be aware of their responsibilities towards employees who are [terminally ill](#)

[Stage 1*](#)

If there is the need to progress to the formal stage of the process the manager should undertake an attendance improvement meeting with the employee.

[Stage 2*](#)

If there has been no acceptable improvement after stage 1 a review meeting should be arranged.

[Stage 3*](#)

If there are been no acceptable improvement after stage 2 a stage 3 case review meeting should be convened. A different manager (of the same level or more senior) will take responsibility at stage 3. The outcome of the case review will determine the next steps.

[Stage 4*](#)

If the decision at stage 3 is to proceed to a medical capability hearing this will take place with a least 10 working days' notice.

[Appeal*](#)

Should an employee be dismissed at the medical capability hearing they will have a right of appeal.

*HR will provide support

Helping employees to remain in work

The councils will work with employees with short- or long-term health conditions, to support them to maintain positive attendance. This will also include any employees experiencing menopausal symptoms. Support will be offered by managers as part of normal day to day management and may include:

- Reasonable adjustments
- Flexible working
- Applying the emotional wellbeing policy
- A referral to occupational health
- Signposting to support services

Absence Reporting

All employees must inform their manager of their absence at the earliest opportunity prior to their expected start time and provide the following information:

- Nature of sickness
- How long you have had the illness/problem
- Have you visited or intend to visit your GP
- What treatment/medication have you taken
- How long do you estimate you may be absent for
- Give details of any work commitments or meetings

Managers must ensure that all absences are reported on the first day of absence and closed down the day someone returns to work. Delay in notification could have potential pay and employment implications.

In cases of industrial/work related injury, it is essential that employees complete an accident/incident report form and inform their manager as soon as possible.

Return to Work (RTW)

Return to Work meetings should be conducted following each occasion of absence whether short or long-term and a RTW Interview Form completed online. These should be completed on the employees first day of returning to work.

Confidentiality

Managers should treat all information provided by the individual about their absence with the utmost sensitivity and should not share details beyond the reporting requirements detailed above and with HR as required. If it is established an employee is likely to be absent for more than a week it is good practice to ask what details of their absence they would like to be shared with their immediate team, if any. There is no obligation on the employee to reveal the reason for their absence to their colleagues.

Self-certification and GP certificates

Employees can self-certificate for every absence up to 7 consecutive days, including weekend and rest days. On the 8th day of absence, a medical certificate (Fit Note) from the employees' doctor should be submitted promptly by the employee to their manager who should scan/photograph it and forwarded to HR.

Failure to follow procedure

Employees who do not make contact on the first day of absence or who fail to submit a Fit Note in a timely manner will be classed as absent without authorisation and pay may be stopped until a suitable explanation is given. On their return to work a disciplinary investigation may be instigated and/or a deduction from salary for monies owing will be made. Employees will be notified in advance before any deductions are made.

Managers who fail to discharge their responsibilities in this policy, including not reporting absences or appropriately escalating concerns about attendance may be subject to disciplinary action.

Manager Intervention

Under this policy employee absence will be reviewed and intervention will take place where;

- Any absence from work that is cause for concern, for example due to the nature of the absence, the duration, frequency, or where there is a pattern of absence.
- An employee's absence has a significant detrimental impact upon the service, performance, or other employees.
- Over 4 weeks (20 working days) of continuous absence (pro rata), which will be classed as long-term absence.

These examples are a guide and managers are expected to make an informed decision around the next steps should there be concerns about an employee's attendance.

Support

The councils offer significant support to employees including occupational health, counselling, CBT, physiotherapy, coaching, and flexible working policies. Further information on these provisions can be found on the intranets and in the Health and Wellbeing guide.

A phased return may be appropriate to support some employees back into the workplace. A phased return is a fixed period of reduced hours and should not exceed 3 weeks; by week 4 the employee's hours should be worked as normal. This approach should be used in conjunction with the flexible working and leave policies as appropriate.

Phased returns may benefit:

- Employees who have been absent for 4 weeks or more
- People who are able to return to the workplace more quickly on short term reduced hours

Long term illness

In the case of an employee who has been identified as likely to be absent for at least 4 weeks, a welfare meeting will take place and advice must be sought from HR and Occupational Health.

When managing long term absence, the aim will be to assist the employee to recover and make a sustained return to work if possible. An employee who is absent due to long term illness must be treated fairly and sympathetically. However, there may come a time where the need to run the service efficiently has to be balanced with the need to provide employment for the employee. Where appropriate employees may be supported to access ill health retirement benefits.

Managers should seek advice from HR and each case will depend on the particular circumstances.

Meetings

In order to manage sickness absence effectively and consistently the councils will seek to support employees during periods of illness and use interventions and procedures to facilitate a return to work, retain employees in employment and improve attendance. There are 5 types of meetings aimed at improving attendance:

- Welfare
- Stage 1 – attendance review
- Stage 2 – monitoring period
- Stage 3 – case review
- Stage 4 – capability hearing

For all meetings the employee should be given reasonable notice of at least 2 working days and where the formal stages are implemented and the employee is invited to a hearing they should be provided with the right to be accompanied by a Trade Union representative or work colleague. Where the employee or representative cannot attend on the date proposed and provides a good and valid reason for not attending, the meeting may be postponed to another day which will normally be within 5 working days of the original date of the meeting.

Employees are able to invite a trade union representative or work colleague to any meeting arranged under this policy, however the councils do encourage managers and employees to work together during the informal stages on a 1:1 basis to discuss concerns and support.

Welfare Meetings

Where a manager identifies the need to intervene due to a concern about attendance, they may organise a welfare meeting with the employee. The outcome of any welfare meeting should be confirmed in writing and if appropriate further review meetings arranged.

If an employee is absent due to mental ill-health a welfare meeting should be arranged as soon as possible so support can be offered. The Emotional Wellbeing Policy should be followed.

There is no limit to the number of welfare meetings which can be undertaken to support an employee but if the employee's attendance does not sufficiently improve following any interventions, the attendance improvement stages of the procedure will commence.

Stage 1 – Attendance Review

If the absence continues or there are further concerns about attendance, a Stage 1 attendance review meeting should be arranged with appropriate notice. During the meeting, the manager should consider all information presented.

During the meeting the manager and employee will discuss and agree actions and improvements targets with a monitoring period of between 1-3 months. Adjustments or other support may be agreed such as changes to working patterns, counselling or additional management support. The employee should be reminded that continued absence may ultimately affect their future employment with the councils and be informed that they are at stage 1 in the process.

The outcome of the meeting and any agreed actions and improvement targets will be confirmed in writing to the employee for reference. The agreed actions are final and there are no rights of appeal.

Stage 2 – Monitoring Period

If there has been no acceptable improvement after Stage 1, a further review meeting should be arranged. The meeting should follow the same format and considerations as the Stage 1 review meeting above but in addition the manager should also consider any new reasons offered by the employee in relation to their condition and review the effectiveness of any support or assistance that has been put in place, along with any current medical information. If the manager remains concerned about the employees' attendance, further improvement targets should be agreed taking into account that the level

of attendance is considered to be unsatisfactory and that a significant and sustained improvement is required. The outcome of the meeting and any agreed actions and improvement targets will be confirmed in writing to the employee for reference. The agreed actions are final and there are no rights of appeal.

The employee should be reminded again at this stage that continued absence may ultimately affect their future employment with the Council and be informed that they are at stage 2 in the process.

Depending on the individual case it may be appropriate for a manager to hold more than one Stage 2 meeting before considering moving to a Stage 3 case review.

Stage 3 - Case Review/Recommendation for Formal Capability Hearing

If there has been no acceptable improvement after Stage 2, a Stage 3 Case Review meeting should be arranged with a different manager to that at stage 2. The meeting should follow the same format and considerations as the Stage 2 formal meeting above but in addition the manager should also consider any new reasons offered by the employee in relation to their condition and review the effectiveness of any support or adjustments that have been put in place.

After considering all the information discussed including the impact of the absence/absences on service delivery and depending upon the case history the manager may consider one of the following outcomes:

- A recommendation that the case proceeds to a Stage 4 Formal Medical Capability Hearing and the case is considered for dismissal;
- A further period of review and targets for improvement set;
- HR support is required at this stage.

The outcome of the meeting should be confirmed in writing to the employee within 5 working days.

Stage 4 - Capability Hearing

The employee will be given at least 10 working days advance notice of the hearing. An invite letter will be sent to the employee detailing the purpose of the hearing and that it will be held under the councils' Improving Attendance Policy. A manager not previously involved will hear the case. The Stage 3 manager will present the management case, supported by HR.

Management and the employee will mutually exchange all relevant written information that each party intends to rely upon during the hearing at least 10 clear working days' before the hearing. Only in exceptional circumstances, and at the discretion of the manager hearing the case, will new documents be accepted at the hearing and relevant time allowed for either party to consider such information where required.

At the hearing the management statement of case and the employee's response to the case will be taken as read. A summary outline of the case will be presented by both sides.

Both management and employee will be given a reasonable opportunity to ask questions, the hearing manager will also ask questions to both sides.

Notes will be taken during the hearing by a designated minute taker. Digital recordings will not be authorised other than on the advice of occupational health.

Before reaching a decision, the hearing manager will consider all the facts in relation to the case presented by both parties.

The potential outcomes are:

- The employee should be given notice to dismiss them from the employment of the Council on the grounds of capability;
- In certain circumstances pay in lieu of notice maybe agreed.

- The matter is referred back to the manager for a further period of review and if appropriate they may recommend specific action such as further reasonable adjustments in accordance with the Equality Act.

The outcome of the hearing will be confirmed in writing to the employee within five working days. The employee has a right to appeal against the decision to dismiss on the grounds of capability and this must be submitted within 10 working days of receiving their outcome letter.

Dismissal Appeals

Appeals must be received within 10 working days of the employee receiving written notification of the decision and they must state the grounds, in full, on which the decision should be reviewed. For these appeals, the HR Appeals Committee will be convened as outlined in the Conduct Policy.

Terminal illness

If an employee becomes terminally ill they will be supported by their line manager and HR with ill health retirement being explored if appropriate. Wherever possible the employee will be supported to remain at work if well enough to do so, and it is not detrimental to their condition. **The councils will not dismiss any person with a terminal illness because of their condition.**