

# Management of Attendance Policy

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## 1.0 Policy Statement

1.1 City of Wolverhampton Council (the Council) recognises that:

- A clear policy and procedural framework will assist employees to understand the Council's absence management arrangements
- the maintenance of high levels of attendance is essential in planning and providing cost effective and high-quality services to the public, and in achieving high morale amongst employees
- low levels of attendance can have an adverse effect on the organisation's image and effectiveness leading to poor service provision, lost contracts and low morale
- adjustments need to be considered and, if reasonable, made for employees where illness or disability prevents them from performing the full range of duties associated with their post. This includes consideration of redeployment to a suitable alternative post which the employee is fit to undertake. Where the illness is of a serious nature, the Council will be as supportive as possible.

## 2.0 Scope

2.1 This policy will apply to all employees, including those on fixed term and casual contracts, senior managers, employees within their probationary period, NJC staff in schools and teaching staff employed directly by City of Wolverhampton Council. This policy excludes all other teaching and non-teaching employees who are employed by Schools, who are covered by the Schools' Management of Attendance Procedure which has been modified to reflect the school's management structure.

2.2 This policy covers all sickness absence; both certified and uncertified, including absence as a result of work-related injuries, pregnancy related, domestic abuse and disability related absence.

## 3.0 Principles

3.1 The policy and procedures are designed to encourage an improvement in an individual's attendance where this is necessary. Managers play an important role in the day-to-day welfare and supervision of their staff and, depending on the seriousness of the problem; they should seek initially to rectify problems through informal discussions and return to work interviews.

**Note:** informal discussions and return to work interviews are not part of the formal procedure.

3.2 The Council will continue to develop and review policies and procedures which encourage high levels of attendance and which reflect the following principles:

- Acceptance that the best results will be achieved where there is a commitment to securing high levels of attendance by employees, trade unions and management
- provision of appropriate information and training for employees and managers on relevant policies and procedures
- provision of suitable Occupational Health support
- provision of appropriate health education including policies on smoking and the prevention of alcohol and drug abuse
- provision of welfare and counselling facilities
- continuing co-operation with external agencies and specialists to explore and consider fully (and, if reasonable, secure) adjustments for employees where appropriate
- a commitment to the provision of good working conditions and the maintenance of proper health and safety standards
- ensuring that policies and procedures provide for fair, consistent and sensitive treatment of employees
- providing a system that enables full consultation with employees and their representatives to explore ways of improving attendance
- ensuring that managers act firmly but fairly where there are abuses of the system
- provision to managers of prompt, accurate and comprehensive advice and information concerning attendance levels, trends and any problem areas.

#### **4.0 Sickness absence reporting**

- 4.1 All employees are expected to comply with the Council's sickness reporting procedures.
- 4.2 Agile working does not replace sickness management. If an employee is too unwell to work, they should report their sickness in the usual way, irrespective of their workstyle and work location. Managers should not agree to requests from employees to work from home if the employee is unwell, as the employee is unfit for work.

#### **5.0 Return to work interviews**

- 5.1 A return to work interview must be held after **every** period of sickness absence.
- 5.2 A checklist for manager is included in the [Managers' Guidance](#) notes. The return to work interview should take place on the employee's first day back at work, or as soon as possible thereafter. The interview should be recorded on the [return to work](#) form provided on the HR Intranet. Any exemptions that need to be considered should be completed and forwarded for consideration.

#### **6.0 Thresholds for formal action**

6.1 Where an individual's absence level meets one of the following thresholds for action the employee's manager will review the absence level with the employee at the appropriate stage of the formal procedure:

**6.2 Stage one threshold:**

- Three separate occurrences of absence in a rolling 12-month period or
- a cumulative total of ten days' absence in a rolling 12-month period or
- one absence of four consecutive weeks or more in a rolling 12-month period (see\* below) or
- an unacceptable pattern of absence.

**6.3 Stage two threshold:**

A live stage one outcome letter, plus

- Three separate occurrences of absence in a rolling 12-month period or
- a cumulative total of ten days' absence in a rolling 12-month period or
- continued absence of four consecutive weeks or more in a rolling 12-month period (see \* below) or
- an unacceptable pattern of absence.

**6.4 Stage three threshold:**

A live stage two outcome letter, plus

- Three separate occurrences of absence in a rolling 12-month period or
- a cumulative total of ten days' absence in a rolling 12-month period or
- continued absence of four consecutive weeks or more in a rolling 12-month period (see \* below) or
- an unacceptable pattern of absence.

6.5 The formal stages are designed to be progressive; however, the Council reserves the right to enter the formal procedure at any stage as appropriate, in cases of unacceptable patterns of absence. Further advice and guidance is included in the supporting Managers' Guidance Notes which are available on the [HR intranet site](#).

6.6 The above thresholds apply to employees working any five days out of seven. These thresholds will be applied to part-time employees and employees working non-standard patterns of work on a pro-rata basis. Further advice and guidance is included in the supporting Managers' Guidance Notes which are available on the [HR intranet site](#).

6.7 In certain cases of continued or extended sickness absence, it may be agreed to temporarily halt the procedure to allow for reasonable interventions such as planned post-operative recovery etc. Further advice is included in the supporting Managers' Guidance Notes.

## **7.0 Procedures**

7.1 Where the employee meets one of the specified thresholds or there are other matters of concern, for example an unacceptable pattern of absence, the employee will be invited to attend a formal meeting at the appropriate stage in the procedure.

7.2 Employees have the right to be accompanied by a trade union representative or work colleague at all formal stages of the procedure.

7.3 The option of ill health retirement can be considered at any stage, formal or informal, where medical evidence can support this.

### **7.4 Stage one procedure**

7.5 Where an individual's absence level meets the threshold for action at stage one, the employee will be invited to attend a formal meeting with their manager to discuss the events which have led to the threshold being reached.

7.6 At the formal stage one meeting, the manager will consider all the facts relevant to the case and will give the employee an opportunity to respond.

7.7 The employee will be notified of the outcome of the meeting in writing and will be issued with a:

- A stage one outcome letter and
- management support plan.

7.8 Unless it has been agreed to disregard some or all the absences for reasons of pregnancy, an accident at work, domestic abuse or disability.

7.9 There are a range of other possible outcomes which will be covered in an agreed management support plan. These options may include:

- Ongoing support from manager
- advice from Occupational Health
- referral for appropriate support
- advice on reasonable adjustments
- help with rehabilitation
- request that a 'fit note' be supplied for every period of absence
- continuing to monitor attendance levels
- redeployment
- consideration of ill health retirement
- agreed targets for future attendance.

7.10 More than one outcome may be adopted, as determined appropriate by the manager.

7.11 A template management support plan is available on the [HR intranet site](#).

### **7.12 Stage two procedure**

7.13 If an individual's absence level meets the threshold for action at stage two, the employee will be invited to attend a formal meeting with their manager to discuss the events which have led to the threshold being reached. This meeting will also be attended by HR.

7.14 Prior to the meeting the manager should ensure that they have the latest information relating to the case. In addition, the manager should consider making a referral to Occupational Health if appropriate and be prepared to wait a reasonable amount of time for receipt of the Occupational Health report before arranging the meeting, unless a recent Occupational Health report is already available.

7.15 At the formal stage two meeting the manager will consider all the facts relevant to the case and will give the employee an opportunity to make representations.

7.16 The employee will be notified of the outcome of the meeting in writing and will be issued with a:

- A stage two outcome letter and
- management Support Plan

7.17 Unless it has been agreed to disregard some or all the absences for reasons of pregnancy, accident at work, domestic abuse, disability or the employee has been dismissed at stage two of the procedure.

7.18 As for stage one, the same range of possible outcomes should be covered in an agreed management support plan.

7.19 However, in certain circumstances the option agreed by management may be dismissal where an Occupational Health Clinician certifies that the employee is permanently unfit or is unlikely to return to work in a reasonable period of time or where the employee has an unacceptable pattern of absence, or where the Occupational Health Clinician has confirmed that there is no medical reason why the employee cannot attend work on a regular and sustained basis.

### **7.20 Stage three procedure**

7.21 If an employee reaches a stage three threshold or has an unacceptable pattern of absence, they will be invited to attend a formal stage three panel hearing.

7.22 Prior to the hearing, further investigation will be carried out by the employee's line manager or other appropriate manager as nominated by the Director.

This will involve the manager in gathering evidence and assembling all the facts of the case into a stage three management report.

- 7.23 Further guidance is included in the supporting Managers' Guidance Notes.
- 7.24 In addition, the manager **must** make a referral to Occupational Health and be prepared to wait a reasonable amount of time for receipt of the Occupational Health report before a formal stage 3 hearing is arranged, unless a recent Occupational Health report is already available.
- 7.25 The stage 3 hearing panel will consist of 2 senior managers; Grade 9 and above and a Human Resources Advisor.
- 7.26 At the stage three hearing, the manager will present the case summary report to the panel and the employee will be requested to put forward any mitigating circumstances as to why they should not be dismissed and/or why the council should support their continued employment.
- 7.27 The following formal actions will be considered and the employee will be notified of the outcome of the meeting in writing;
- **Dismissal** - where an Occupational Health Clinician certifies that the employee is permanently unfit or is unlikely to return to work in a reasonable period of time or where the employee is found to have an unacceptable pattern of absence, or where the Occupational Health Clinician has confirmed that there is no medical reason why the employee cannot attend work on a regular and sustained basis
  - **alternative to dismissal** - this will only be considered where there are mitigating circumstances and clearly identified and agreed new actions which should lead to improvement within an agreed review period
  - **the option of ill health retirement** - where medical evidence can support this.
- 7.28 In the case of alternative to dismissal, a stage three outcome letter will be issued and a clear timetable for support and supervision will be established, detailing any targets to be met. These will be covered in an agreed management support plan covering a specified extended monitoring period.
- 7.29 If the employee is unable to meet the targets set **or** the support plan does not result in improved attendance **or** if there is an unacceptable pattern of absence following the stage three hearing, there will be a further meeting with the employee, arranged as detailed above under formal stage three of the procedure.

## 8.0 Eligibility to appeal

- 8.1 Employees may only appeal against the decision to dismiss them. The employee has five working days from the receipt of the outcome letter at

stage three to make an appeal request. This must be done in writing to the Director and state the grounds for the appeal. An appeal against dismissal under this policy will be heard by the HR Appeals Panel.

8.2 Further details of the arrangements for appeal are outlined in the supporting Managers' Guidance Notes.

## **9.0 Life of outcome letters following staged meetings**

9.1 Absence monitoring will commence from the date of the employee's return to work, if their return is prior to the date of the staged meeting (or the date of the staged meeting in the case of extended sickness absence). However, any prolonged period(s) of absence for reasons other than normal leave during the monitoring period, will extend the end date by a like amount

- The normal life of a stage one monitoring period is 12 months
- the normal life of a stage two monitoring period is 12 months
- the normal life of a stage three meeting is 12 months.

9.2 The outcome letter following a staged meeting will be disregarded for the purposes of the procedure after its end date unless a further absence issue occurs before that date. If such a situation arises, the monitoring period will continue to be "live" until the conclusion of any staged meeting that might ensue.

## **10.0 Protected characteristics**

10.1 City of Wolverhampton Council is committed to equality and fairness for all our employees, and we will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Further advice and guidance on managing absence linked to protected characteristics including disability is included in the Managers' Guidance Notes which can be found on the HR intranet site.

10.2 Where an employee is invited to attend a formal meeting at Stage 3 or Stage 3 review, every effort will be made to ensure all panels are representative of as many of the protected characteristics as possible with a minimum criterion of race and gender diverse to be met. Panel members will be required to undertake Unconscious Bias Training prior to participating on the panel. The panel must sign a confidentiality agreement prior to participating in the hearing.

## **11.0 Work related injuries**

11.1 Managers must ensure that all work-related injuries (which include all reportable accidents under RIDDOR) are recorded as soon as possible on the Accident and Incident Report Form available for download from the Health and Safety intranet pages.

- 11.2 Work related injuries will be included within a sickness absence record for an individual, and managers should carry out return to work interviews and staged interviews if absence thresholds are reached.

## **12.0 Discounted absences**

- 12.1 All sickness absence will be included within an employee's sickness absence record and managers should carry out return to work interviews and staged interviews if absence thresholds are reached.
- 12.2 However, there may be period(s) of absence where consideration may be given to discounting some or all the absence, as they are related to pregnancy, domestic abuse an accident at work or a disability. The manager should submit a request to discount the absence to the Sickness Management Group and the manager and employee will receive a written response to the request. Further advice and guidance is included in the [Managers' Guidance](#).
- 12.3 Employees with a period of sickness absence as a result of domestic abuse, may be subject to the Management of Attendance procedure. However, any absences that can be attributed to domestic abuse, will be considered for exemption. Managers in this situation should seek further advice from HR.

## **13.0 Terminal illness**

- 13.1 The City of Wolverhampton Council supports the TUC Britain at Work 'Dying to Work' campaign. Managers are key in ensuring that all employees battling a terminal illness have support and understanding.
- 13.2 A terminal illness is a disease that cannot be cured or adequately treated and there is a reasonable expectation that the employee will die within a relatively short period. Usually, but not always they are progressive diseases such as cancer or advanced heart disease.
- 13.3 If a manager has been informed or suspects that an employee has been diagnosed with a terminal illness, they should refer the employee to Occupational Health for guidance on the employee's medical condition and contact the HR Support desk for further advice and support.
- 13.4 Employees that have sickness absence related to a diagnosed terminal illness will automatically have that absence exempted from the management of attendance thresholds.

## **14.0 Roles and responsibilities**

### **14.1 Employees are required to:**

- Attend for work unless unable to do so for genuine reasons
- follow the stated procedure when ringing in sick and provide the requested information (see Appendix 2)

- return to work as soon as possible following a period of ill health
- comply with the requirements of the sickness reporting procedure contained within this policy document
- comply with the provisions of the Occupational Sick Pay Scheme
- inform their manager if they intend to undertake any form of paid alternative employment, self-employment or voluntary work whilst absent due to sickness and/or certified as sick. (Any breach of this requirement may be regarded as gross misconduct)
- co-operate fully with the management process by attending stage meetings where applicable
- co-operate fully with the occupational health services provided by the council.

#### **14.2 Managers are required to:**

- Implement the policy equitably and consistently across all employees
- ensure that they understand the policy and procedure, adhere to it and apply it correctly
- ensure that they are aware of the duration and reasons for employee absence and carry out a Return to Work Interview after every absence
- ensure that the steps taken by management before, during and after any formal meeting comply with the requirements outlined in the Managers' Guidance Notes
- take responsibility for holding stage one and stage two meetings with their employees
- take responsibility for referring requests to Sickness Management Group for excluding relevant periods of absence related to accidents at work, pregnancy or disability
- take responsibility for referring the employee to Occupational Health at an appropriate time
- take responsibility for gathering appropriate evidence and presenting it to the Director (or their nominee) at Stage Three meetings. (In exceptional circumstances the Director may nominate another manager to collect and present this evidence)
- ensure that the duration and reasons for employee absence are recorded accurately on the absence recording system in real time.

#### **14.3 Directors and Heads of Service are required to:**

- Ensure that their employees and managers are aware of their individual responsibilities in relation to employee attendance
- Directors or their nominees are responsible for hearing meetings at stage three of the formal procedure and for deciding on a fair and appropriate outcome
- Directors are required to monitor the level, cause and cost of sickness absence within their service area and ensure that their Heads of Service attend the Sickness Management Group as requested.

#### **14.4 Human Resources Advice are required to:**

- Provide support and guidance to managers throughout the stages of this policy
- ensure the communication, maintenance, regular review and updating of this policy
- monitor and review the HR effectiveness of this policy.

#### **14.5 Occupational Health are required to:**

- Give impartial medical advice to both managers and employees
- provide managers and employees with support on any health-related issues that impact on the workplace
- be the referral point for providing and / or gaining clinical viewpoints
- assist the organisation in supporting its employees whilst continuing to meet its business objectives
- ensure that a number of absent employees receive a call back from an Occupational Health advisor or physiotherapist on their first day of absence.

#### **14.6 Deputy Director of People and Change is required to:**

- In consultation with the recognised Trade Unions, the Deputy Director of People & Change will exercise delegated authority for and be responsible for the ongoing review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this Policy will be brought before the Cabinet Resources Panel for approval.

#### **14.7 Trade Unions are required to:**

- Work in consultation with HR Advice on any review and revisions of this policy
- represent trade union members, if required.

#### **15.0 Monitoring and review**

- 15.1 This policy will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and or any changes to legislation

#### **16.0 Links to other policies and procedures**

The Management of Attendance policy cannot be seen in isolation and must be read in conjunction with the following policies:

- Disciplinary Policy and procedures
- Capability Policy and procedures

- Grievance policy and procedures
- Equal Opportunities Policy
- Dignity at Work Policy Statement
- Domestic Abuse Policy and procedures
- Whistleblowing Policy and Procedures
- Menopause Policy
- Health and Safety
- GDPR
- Health and Wellbeing page

## **17.0 Equality and Diversity**

17.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

17.2 In developing this policy we have undertaken an Equality Analysis the results of which indicate that it is lawful to proceed in the way described by this policy. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.