

## C3 Attendance Management Policy

### 1. Policy

- 1.1. Barnet Council is committed to improving the health, wellbeing and attendance of its employees. The Council values the contribution its employees make, so when an employee is unable to be at work for any reason their contribution is missed.
- 1.2. Barnet Council recognises that keeping employees at work and helping them get back to work as soon as practicable, following a period of sickness absence, can help maintain an employee's health and well being.
- 1.3. The purpose of the Council's Attendance Management Policy and Procedure is to encourage employees to achieve and maintain acceptable standards of attendance and to support consistent and fair treatment of all employees.
- 1.4. This Attendance Management Policy explains:
  - what is expected from managers and employees when dealing with absence
  - how the Council will work to reduce levels of absence to no more than 6 days per employee per year.
- 1.5. The above forms the Council's policy as at July 2011, it should be noted that: -
  - the policy does not confer any contractual rights
  - the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.
  - The policy will cease on the 1 April 2015.

### 2. Scope

- 2.1 This policy applies to all Council employees, including Head Teachers, Teachers and Chief Officers.
- 2.2 A Chief Officer is defined as a Deputy Chief Executive, Assistant Chief Executive, Director or a designated Deputy to one of the Directors.
- 2.3 The policy excludes the Chief Executive.

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- 2.4 The policy excludes employees who are on probation. The Probation Policy and Procedure will be applied to those employees.
- 2.5 The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.
- 2.6 This procedure should not be used for cases concerning a genuine lack of capability (skill and aptitude), where the Capability Procedure must be used.
- 2.7 Where there is a deliberate failure or negligence on the part of an employee for example, carelessness or an unwillingness to perform, the conduct procedure must be used.
- 2.8 For cases relating to alcohol and drugs dependency, the procedure should be read in conjunction with the Council's Alcohol, Drugs and Substance Misuse Policy and Procedure.

### **3 Principles**

- 3.1. As a responsible employer the Council undertakes to provide payments to employees who are unable to attend work due to sickness. The detail of the Council Sick Pay scheme is contained within the Operational Guidelines.
- 3.2. Regular, punctual attendance is an implied term of every employee's contract of employment. The Council asks that each employee take responsibility for achieving and maintaining good attendance.
- 3.3. The Council will support employees who have acceptable grounds for absence for whatever reason. This support includes:
  - 'special leave' for necessary absences not caused by sickness
  - a flexible approach to the taking of annual leave
  - access to counsellors where necessary
  - rehabilitation programmes in cases of long-term sickness absence.
- 3.4. The Council will consider any advice given by the employee's GP on the 'Statement of Fitness for Work'. If the GP advises that an employee 'may be fit for work' the employee's line manager will discuss with the employee how they can be helped to get back to work – for example, on flexible hours, or altered duties.

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- 3.5. The Council will use the occupational health service, where appropriate, to:
- help identify the nature of an employee's illness
  - advise the employee and their manager on the best way to improve the employee's health and wellbeing.
- 3.6. The Council respects the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.
- 3.7. The Council's Conduct procedures will be used if an explanation for absence is not forthcoming or is not thought to be satisfactory.
- 3.8. Where reference is made to "working days" in this policy, the meaning of a "working day" for all establishments except Schools is Monday to Friday (excluding Bank and Public Holidays), irrespective of whether this is a normal working day for the employee. For Schools, "working day" means one of the 195 days in a School year; of which 190 days must be days on which the teacher may be required to teach pupils and perform other duties and 5 days must be days on which the teacher may only be required to perform other duties

## 4 Summary of Attendance Management Procedure

The full detail of the Attendance Management Procedure is contained within the Operational Guidelines. A high level summary is shown below.

Stage	Suggested Timescale	Action	Outcome
Informal attendance monitoring, such as Informal long term absence reviews	Up to a 6 month period	Meetings with employee	Discussions to understand underlying reasons for absences and what help can be given for improving attendance and the well being of the employee. For long-term sickness absence informal meetings held to discuss returning to work. Where trigger point reached consideration given to arranging formal Stage 1 meeting.

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<b>Stage</b>	<b>Suggested Timescale</b>	<b>Action</b>	<b>Outcome</b>
Stage 1	Start of formal process	Formal absence meeting	Formal meeting arranged to review overall attendance record. Where reasons accepted, continue with informal attendance monitoring. Where reasons not accepted a first written warning should be issued in the form of an Improvement Notice. The plan must include individual trigger points and action that both the employee and the Council can do to improve attendance.
	Up to 6 months	First formal evaluation meeting after 3 to 6 months or earlier if the trigger point has been reached. For long-term absence a review period of 4 weeks may be more appropriate.	Where attendance has risen to an acceptable level the procedure ends. Where there has been insufficient improvement in attendance, consideration should be given to issuing a Final Written Warning in the form of a further Improvement Notice, see Annex A, for review in 3 to 6 months. Where no improvement has been made and there are no acceptable reasons for the poor attendance and / or the trigger has been reached consideration should be given to progressing directly to Stage 2.
	Up to a further 6 months	Second formal evaluation meeting after 3 to 6 months or earlier if the trigger point has been reached.	Where attendance has risen to an acceptable level the procedure ends. Where there has been insufficient or no increase in attendance and / or the trigger has been reached consideration should be given to issuing a final written warning in the form of an Improvement Notice, see Annex A, and progressing to Stage 2.
Stage 2	Up to a further 3-6 months	Formal ill health capability hearing	Formal meeting arranged to review overall attendance record. Where reasons accepted continue with an Improvement Notice, see Annex A, within Stage 1 of the procedure. Where reasons for poor attendance are not accepted and / or there has been insufficient increase in attendance dismissal and action short of dismissal will be considered.
Stage 3		Appeal	Appeal heard. Possible outcomes include upholding original decision or moving back to Stage 1 and a further Improvement Notice.

## **5 Notification of absence**

- 5.1 If an employee is going to be absent from work he or she should aim to speak to their manager or deputy within an hour of their normal start time or earlier, where possible. Messages on an answerphone or text messages are not normally acceptable. He or she should also:
- give a clear indication of the nature of the illness, and
  - a likely return date.
- 5.2 The manager will check with the employee if there is any information needed about their current work. If the employee does not contact their manager by the required time the manager will attempt to contact the employee at home.
- 5.3 An employee may not always feel able to discuss their medical problems with their line manager. Managers will be sensitive to individual concerns and make alternative arrangements, where appropriate. For example, an employee may prefer to discuss health problems with a person of the same sex.
- 5.4 The manager should agree to keep in regular contact with the employee.

## **6 Evidence of Incapacity**

- 6.1 All employees should use the Council self-certificate on and from one day's absence and up to and including seven days of continuous absence. Thereafter a 'Statement of Fitness for Work' is required to cover every subsequent day. After line managers have recorded any necessary information, they should be forwarded to HR for filing.
- 6.2 If absence is likely to be protracted, i.e. more than four weeks continuously, there is a shared responsibility for the Council and the employee to maintain contact at agreed intervals.
- 6.3 If the GP advises on the Statement of Fitness for Work that an employee 'may be fit for some work' the manager will discuss with the employee ways of helping him or her get back to work. This might mean a phased return to work, altered hours, workplace adaptations or amended duties. Where an employee returns on a phased basis he or she will be restored to normal basic pay where he or she works 60% or more of contracted hours, where the phased return is lower than this the employee will be paid for the hours worked.
- 6.4 If it is not possible to provide the support an employee needs to return to work, for example by making the necessary workplace adjustments, or an employee feels unable to return then the Statement will be used in the same way as if the GP advised that the employee was 'not fit for work'.

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- 6.5 Council sick pay may not be payable when absence is due to illness or injury attributable to misconduct or participation in any activity or course of action which delays recovery or return to work. In addition Council sick pay may not be payable where employees remain absent but management may consider that they are fit to return. Full details are contained within the Operational Guidelines.

## **7 Return to Work Discussions**

- 7.1 Managers will discuss each absence with the employee when he or she returns to work. The return to work discussion should ideally take place within the first hour of the return to work.
- 7.2 The manager will discuss each absence to establish:
- the reason for and cause of absence
  - anything the manager or the Council can do to help
  - that the employee is fit to return to work.
- 7.3 If an employee's GP has advised that the employee 'may be fit for work' the return to work discussion can also be used to agree in detail how the return to work might work best in practice.
- 7.4 A further detailed guide on the return to work discussion can be seen within the Operational Guidelines.

## **8 Formal Review of Attendance**

- 8.1 A more formal review of attendance will be triggered by:
- Frequent short term absences
  - Long term absence
- 8.2 This review will look at any further action required to improve the employee's attendance and wellbeing. The trigger points can be seen below and the way in which they will be managed can be seen within the Operational Guidelines.

## **9 Trigger Points**

- 9.1 Action to address sickness absence may be advisable when an employee's sickness absence reaches one of the following trigger points; a variety of trigger points have been identified so that account is taken of the number of occasions of absence as well as the cumulative number of days of absence. Service areas may, from time to time, determine lower trigger points to assist employees in achieving the standards included in this policy.

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9.2 The trigger points are as follows:

- 4 or more absences of any duration in any 6-month period  
And/or
- 10 working days or more absence in any 6-month period.

9.3 The trigger points are listed for full time employees. Employees working less than full time hours should have the trigger points adjusted accordingly, see the Operational Guidelines for the detail of this.

9.4 The trigger points are intended as guide and managers should take into account the individual circumstances of each case. A manager may also consider taking action to address sickness absence if a pattern of absence causes concern, for example absence attributed to sickness leading up to or following a weekend.

## 10 Long Term Absence

10.1 Long term absence can be defined as:

- A specific medical condition or illness which is not expected to be permanent or where an approximate return date is given
- An unspecified medical condition or illness which is not expected to be permanent but where it is difficult to establish an approximate return to work date
- A chronic illness, where it is unlikely that the individual will recover sufficiently to return to their current job
- A specific medical condition which is permanent but where the individual can recover sufficiently to return to work following treatment.

10.2 To manage long term absence the manager should keep in regular contact with the employee and discuss any options for returning to work, following advice from the employee's GP in the Statement of Fitness for Work.

10.3 Both the manager and the employee need to be clear about the arrangements for sick pay, which are contained within the Operational Guidelines.

10.4 The manager should work with the employee on a 'Return to Work' programme to support their return.

10.5 A manager may consider dismissal, after a proper investigation, and following the process in the Operational Guidelines.

## 11 Unauthorised Absence

- 11.1 Where an employee is absent without explanation or contact, pay should be stopped. Pay can be reinstated at a later date if an acceptable explanation is given.
- 11.2 In addition to stopping pay, managers should make reasonable efforts to make contact by a recorded delivery letter and by telephone. The letter should notify the employee that if he or she fails to make contact with work, contact would be made with their nominated next of kin.
- 11.3 If the employee is subsequently contacted, managers should take into account the length of absence and the employee's explanation in deciding what, if any, action needs to be taken.
- 11.4 If despite reasonable efforts it proves impossible to contact the employee, on the fifth day of absence the manager should send a second letter by recorded delivery asking the employee to attend an investigation meeting. The letter should refer to the attempts to contact the employee and seek an explanation for their absence at an investigation meeting, set 5 days following the expected date of delivery. The letter should also explain that a continued absence is a breach of their contract of employment, which could lead to disciplinary action being taken, and an outcome of this could be dismissal from the Council. It should be made clear in the letter that failure to make contact or attend the investigation meeting will result in a conduct hearing being arranged.

## 12 Confidentiality

- 12.1 To see an employee's medical records, their permission must be obtained in writing.
- 12.2 The access to Medical Reports Act 1988 gives an employee the right to see the medical practitioner's report, up to six months after it was supplied.
- 12.3 An employee can ask the GP to amend their medical report if it is thought that it is incorrect or misleading.

## 13 Absence due to disability, maternity and industrial injury

Absences relating to the disability of an employee or to pregnancy will be recorded in sickness absence records. The Maternity Policy and Equalities Policy should be referred to. For matters relating to industrial injury, please refer to the Operational Guidelines. Line managers must ensure that they are able to identify the cause of an absence by asking appropriate questions.

## 14 Authority Levels

The following table highlights the authority levels that will be involved at the various stages of the Attendance Management procedure.

<b>Job Role</b>	<b>Authority – Absence Hearing</b>	<b>Authority – against Dismissal</b>
Headteacher – directly employed by the Council	Governing Body, who could recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Headteacher – employed by the Governors	Governing Body, who could recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Teacher, including Deputy Headteacher - directly employed by the Council	Governing Body, who could recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Teacher, including Deputy Headteacher - employed by the Governors	Governing Body, who could recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days	Panel of Governors
Chief Officer	Chief Executive or individual nominated by him/her	Chief Executive
All other employees, not listed above including Centrally Employed Teachers	Chief Officer and their named nominees	Appeal will only be considered by a Chief Officer, or more senior to this if the Chief Officer made the decision to dismiss

## Improvement Notice

Example notice of first written warning or final written warning

Dear ..... Date.....

You attended an ill health meeting on ..... I am writing to inform you of your written warning/final written warning\*.

This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of 12 months, provided your attendance reaches a satisfactory level.

a) The nature of the unsatisfactory attendance was:

*e.g. 3 absences totaling 11 days from 17 May 2010 to 8 October 2010*

<i>17 May – 20 May</i>	<i>4 days</i>	<i>Headache</i>	<i>Self Certified</i>
<i>21 July – 23 July</i>	<i>3 days</i>	<i>Headache</i>	<i>Self Certified</i>
<i>4 October – 7 October</i>	<i>4 days</i>	<i>Flu</i>	<i>Self Certified</i>

b) The attendance improvement expected and agreed actions are:

*e.g. to have less than 3 periods of absence in the next 6 month period, or any absence (s) exceeding 10 days.*

*It is also agreed that you will see your Optician, within the next 2 weeks, to have your eyes tested as you feel that your eyesight may be causing you to have headaches.*

*I have agreed to refer you again to the Occupational Health Service to discuss whether the annual Flu Jab will help you keep free of Flu over the winter period.*

c) The timescale within which the improvement is required is:

*e.g. From the date of this letter to the 28 April 2011*

d) The likely consequence of further misconduct or insufficient improvement is: Final written warning/dismissal

Yours sincerely

Signed Manager .....

*\* The wording should be amended as appropriate*