

ABERDEEN CITY COUNCIL

COMMITTEE	Education Culture and Sport
DATE	16 September 2010
DIRECTOR	Annette Bruton
TITLE OF REPORT	Maximising Attendance
REPORT NUMBER	ECS/10/063

1. PURPOSE OF REPORT

This report proposes a revised policy/procedure on maximising attendance in the workplace. The policy/procedure was approved at Finance and Resources Committee on 17th June 2010 in respect other staff in the Authority. This report seeks approval to apply the same policy and procedure to teaching staff.

2. RECOMMENDATION(S)

It is recommended that the Committee approves the revised policy/procedure (detailed at Appendix A).

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the revised policy.

4. SERVICE & COMMUNITY IMPACT

This policy will enable us to comply with our obligations under health and safety and employment legislation.

5. OTHER IMPLICATIONS

This policy will ensure that managers adopt a fair and consistent approach to the maximising of attendance.

6. REPORT

This report updates the existing policy and procedure on maximising attendance to bring it in to line with best practice.

The policy and procedure will be supported by guidance notes for managers.

The policy/procedure will be discussed by the Teachers' Consultative Forum and the Local Negotiating Committee for Teachers on 10th September 2010.

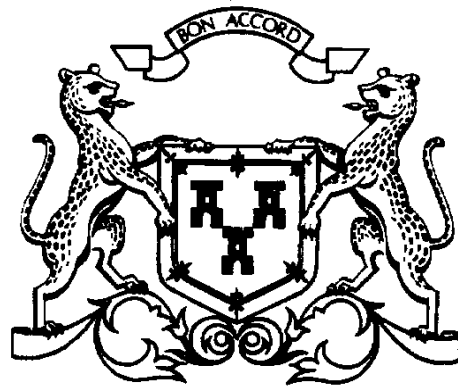
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8. BACKGROUND PAPERS

None



ABERDEEN CITY COUNCIL

MAXIMISING ATTENDANCE

POLICY & PROCEDURE

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SECTION 1 - POLICY

1.1 Policy statement

We are committed to maximising attendance at work. This policy seeks to ensure that this is achieved and to encourage reliable attendance among all employees. It intends to convey to employees that their employer is concerned about their attendance and wellbeing, that management genuinely wishes to remove or reduce any work-related factors that may discourage reliable attendance, and that taking time off work without good reason is not acceptable.

The importance of managing attendance

- All employees have a contractual duty to attend work. Any absence has a financial and operational impact on the provision of services and customer service levels. When an employee is unable to attend work either due to sickness or for other prior approved reason, managers (including headteachers) are responsible for identifying, understanding and taking the appropriate action in relation to the reason(s) for absence. In order to manage attendance effectively managers need to quickly establish the reasons why employees fail to attend work.
- Positive management of attendance issues indicates to employees that this issue is important to the Council. A relaxed attitude to absence notification, recording and monitoring and/or lack of effective management can send an incorrect message to employees that a certain level of non-attendance is acceptable. One of the main purposes of this policy is to send the clear message that managers who do not take the necessary steps by applying the provisions of this policy to manage attendance will themselves be subject to performance management measures.
- The policy recognises that from time to time an employee will have legitimate reason for absence. We will provide reasonable support to employees whose absence is genuine with the aim of assisting their immediate or swift and/or sustainable return to work.
- However, this policy is clear that appropriate action will be taken against employees who take time off work without good and sufficient reason and/or without providing proper notification.
- We recognise that short term absences and long term absences need to be managed differently although they could potentially result in the same outcome.

1.2 - SCOPE

This procedure applies to **all employees** of the Council. It does not apply to any casual or agency worker where a contract of employment does not exist.

1.3 - CORE PRINCIPLES

Employees are paid and contracted to attend work and are expected to do so unless they have legitimate reasons for their absence.

The responsibility for **Maximising Attendance** and **Managing Absence** rests with Line/Service Managers, who will be supported by Human Resources by providing advice and guidance as necessary.

Attendance issues will be dealt with promptly and consistently in accordance with the provisions of this and related policies.

Every employee has a responsibility to appreciate the impact their absence has on work colleagues and service delivery.

Reasonable support will be given to employees who are absent for legitimate reasons with the aim of assisting a swift and/or sustainable return to work. Ultimately, the responsibility for regular and reliable attendance rests with employees

Employees will be offered the opportunity to be accompanied by a trade union representative or work colleague of their choice at each stage of the formal procedure. The employee will not however be permitted to be accompanied by a legal practitioner, partner or spouse.

Throughout the procedure, special allowance should be made for those employees whose first language is not English or who have difficulty expressing themselves

Whilst maximising attendance, the Council will always recognise our statutory obligations and comply with all relevant legislation and Council policy, including our responsibilities in relation to health and safety and disability discrimination.

Where requested all employees will comply with any request to attend medical appointments with the Council's Occupational Health advisers.

Employees will be permitted to request and granted a manager of the same gender to consider matters under the formal stages of this procedure, where the medical reason is of a gender specific and/or intimate nature.

1.4 - POLICY PROVISIONS

In order to effectively maximise attendance it is necessary to clarify what is being referred to in these policy provisions. Maximising attendance is seeking to eliminate any unnecessary absence from work .

Absences that can be approved prior to the time off could be (this is not an exhaustive or inclusive list):

- Leave from work (including annual leave, public holidays and unpaid leave)
- Work related training
- Jury Service
- Maternity, Paternity, Parental and Adoption Leave
- Special leave for public service duties (e.g. Justice of the Peace, member of the Children's Panel, elected member of another Local Authority etc.)

Absences that are unplanned could be due to:

- Sickness
- domestic crises (e.g. need to be in attendance for security or maintenance of the home)
- family bereavement
- bad weather
- break-down of caring arrangement of dependents

The absences that are subject to prior approval can be pre-planned and as such can and MUST be managed. However, the unplanned absences require appropriate action and decisions by managers at the appropriate time, depending on the circumstances.

In managing sickness absence (which can be subdivided further into short-term and long-term sickness) it is necessary in all cases to have the appropriate immediate response by the manager. This is outlined in the procedure in Section 2 and the guidance notes which support this policy.

Short duration Sickness Absence Trigger Levels

For the purposes of this procedure there are short duration trigger levels that, if met, require a formal management response as detailed in the table below (i.e. commencement of Stage 1 of the short duration sickness absence process.) **The table below shows the trigger points at which the formal process must be applied.** This includes the reference period during which a sickness absence will be considered (this will be a rolling reference period), the number of working days lost due to sickness during the rolling reference period and the number of separate occasions of absence during the rolling reference period. For the sake of clarity the formal procedure will be applied if either of the trigger points (i.e. lost number of working days OR number of separate occasions) is met.

Absence over a rolling reference period of:	Total Working Days lost to sickness absence	Number of separate occasions
12 months	10 days	3 occasions
24 months	15 days	5 occasions

The formal procedure may also be applied where an employee's sickness record viewed over a period of time indicates the employee is managing their sickness within the trigger points and appears to be using these triggers as additional leave entitlement.

When an employee hits a trigger or the manager decides to apply the formal procedure it is for the manager to use his/her judgement to determine whether referral to the council's occupational health adviser, is appropriate. This is **NOT** automatic.

Long term sickness absence is where the employee has been absent from work for a continuous period that exceeds four calendar weeks from the first day of sickness.

The number of days lost due to long term sickness will not be taken into account when looking at the above short duration trigger levels.

'Employee AIDE' (i.e. Absences Involving Domestic Emergencies)

Employee AIDE is a provision which recognises that on occasion, employees may experience unexpected family, personal or domestic problems and may need to take time off work to deal with such emergencies. Employees facing these problems may not have the opportunity to give sufficient notice to take annual or flexi leave so may report that they are sick to avoid being penalised for taking such time off work.

Further information on how Employee AIDE is to be applied is detailed in the guidance notes which accompany this policy.

1.5 - ABSENCE PREVENTION AND PROMOTION OF WELL-BEING

Absence prevention is vitally important and this starts with the recruitment process, ensuring new employees are medically fit to carry out the duties of the post. This will include pre-employment screening and requesting/checking absence details from employer references in a manner that takes account of all legal implications.

The Council also seeks to promote a working environment which encourages healthy working lives and personal well-being.

Further information on absence prevention and promotion of well-being is detailed in the guidance notes which accompany this policy.

SECTION 2 - THE PROCEDURE

This is the formal procedure which must be applied in all cases by managers when an employee is absent or hits a trigger level identified in the policy

"Return to work discussion"

On each occasion an employee returns to work following a period of sickness absence, irrespective of the duration, the employee's line manager/supervisor will arrange to meet or at least contact the employee to enquire in a supportive manner about their absence and taking an interest in their welfare.

This is the informal part of the management of absence process where managers have the opportunity to identify possible underlying cause(s) or patterns of absence. It also demonstrates to employees that their manager is noticing their lack of attendance and this has been raised with them.

The manager must make a note of each return to work discussion.

2.1 Dealing with Short-Term Absence

This procedure consists of a defined number of stages which provide for the employee's sickness absence record to be subject to review and possible action if the required improvement is not achieved.

There are **four stages** within the formal process irrespective of the reason underpinning the absence:

Stage 1 : Attendance review meeting

Stage 2 : Attendance improvement meeting

Stage 3 : Capability/Conduct hearing

Stage 4: Appeal

Consideration of Short Term Sickness Issues

Where short-term persistent sickness is due to an underlying medical condition this will normally require advice from the council's occupational health adviser and will be viewed as a capability issue. However, where the reasons given for absence appear to have no medical connection, the matter should be viewed (initially at least) as an issue of conduct. It is **NOT** necessary for the Council's occupational health adviser to be involved in conduct cases.

UNDERLYING MEDICAL CAUSE (CAPABILITY)

This route will be applied where there is an underlying medical condition, identified by the council's occupational health adviser. The approach will be supportive with the employee being responsible for improving their sickness absence record. The manager will make all reasonable efforts to support the employee to improve their sickness absence record.

NO UNDERLYING MEDICAL CAUSE (CONDUCT)

This route will be applied where there is NO apparent underlying medical condition. The approach will be focussed on the employee being responsible for improving their sickness absence record.

Should an issue initially be determined as one of conduct but at a subsequent point the employee claims there is an underlying medical reason that contributes to their absence record, the Manager should refer the employee to the Council's occupational health adviser. Where it is reported there is an underlying medical condition the case transfers to the corresponding stage in the capability process. Where the report indicates there is no underlying medical cause the matter will progress in accordance with the conduct process.

The Process

As intimated earlier the formal process for both capability and conduct will have four stages. At each stage a review period will be set by the Manager conducting the meeting. Where the employee's attendance improves and achieves an acceptable level of attendance following the review period the manager will inform the employee of that in writing and normal monitoring arrangements will apply thereafter. If normal monitoring arrangements show that the employee has returned to an unacceptable level of sickness the employee will once again be subject to the provisions of this procedure. However, the employee will not normally re-start at Stage 1 of the procedure but may return to the same stage from which they last left the procedure.

STAGE 1 - ATTENDANCE REVIEW MEETING

The meeting

A letter will be sent to the employee that will

- notify the employee of the manager chairing the meeting
- include a statement summarising the employee's periods of absence during the defined period
- advise the employee of their right to be accompanied by a trade union representative or work colleague

The chair of the meeting will ensure that the employee understands the requirements of the Maximising Attendance Policy and the reasons why the policy is in place.

The employee will be given the opportunity to explain their reasons for the level of sickness. The chair of the meeting will consider the explanation before determining how to progress matters.

Outcome of the meeting

- The chair of the meeting, following consideration of the issues discussed and reasons for absence put forward by the employee, will determine the outcome of the meeting.
- In all cases an appropriate review period will be set to seek the required improvement in attendance.
- Where explanation of absence is deemed to be unacceptable a **caution** may be issued.
- The meeting outcome will be confirmed in writing.

STAGE 2 - ATTENDANCE IMPROVEMENT MEETING

A letter will be sent to the employee whose sickness record has not demonstrated sufficient improvement since Stage 1 of the process. It will:

- include an updated statement summarising the employee's periods of absence during the defined period
- advise the employee of their right to be accompanied by a trade union representative or work colleague

The meeting

The chair of the meeting will reiterate the requirements of the Maximising Attendance Policy and the reasons why the policy is in place.

The employee will be given the opportunity to explain the lack of improvement in their sickness record since the Stage 1 meeting.

Outcome of the meeting

- The chair of the meeting, following consideration of the issues discussed and reasons for absence put forward by the employee, will determine the outcome of the meeting.
- In all cases a further appropriate review period will be set to seek the required improvement in attendance.
- Where explanation of absence is deemed to be unacceptable a **FINAL** caution may be issued.
- The meeting outcome will be confirmed in writing.

STAGE 3 - CAPABILITY/CONDUCT HEARING

The hearing will be chaired by someone different to the manager (headteacher) who has managed and determined action at stages 1 & 2. of procedure It must be someone of no less seniority in the organisation and must be at least at Service Manager (or Headteacher) level or above.

The hearing

A letter will be sent to the employee whose sickness record has not demonstrated sufficient improvement since Stage 2 of the process. It will:

- notify the employee of the manager chairing the hearing
- specify the reason for the hearing and that an outcome of the hearing could potentially be dismissal
- explain that the employee has not achieved the acceptable attendance level required since the Stage 2 Attendance Improvement Meeting
- include a statement summarising the employee's periods of absence since formal proceedings commenced
- detail the process to be followed at the Hearing
- advise the employee of their right to be accompanied by a trade union representative, work colleague or legal representative where appropriate.

The employee will be given the opportunity to explain the reasons behind their sickness absence record and why this has not improved at previous stages of the process.

Outcome of the meeting

Following consideration of the issues discussed, the chair of the hearing will determine the outcome.

Where the employee's explanation is viewed as satisfactory the employee will be informed that their sickness record remains a concern and improvement is required and that their sickness record will continue to be monitored. The review period will normally be for a further **12 month period**.

If at any time during the review period there is further absence due to sickness absence, the management of the case may be immediately reviewed at Stage 3. It is not necessary to wait to the end of the review period to reconvene the Hearing.

Where the employee explanation is viewed as unsatisfactory the employee may be dismissed from employment. Where the outcome of the capability hearing is dismissal the reason will be by lack of capability due to ill-health. In conduct cases where the outcome is dismissal for the identified reason it is unlikely there will be a summary dismissal but one where the contractual notice provisions of the employee's contract of employment need to be observed.

STAGE 4 - APPEAL

- The employee has the right of appeal against dismissal **within 14 calendar days of receipt of written notification** of the decision.
- The employee can choose for the appeal to be heard either by the Service Director or a Head of Service of the Council, who has had no prior involvement in the case OR to the Council's Appeals Committee (or equivalent in the case of teachers).
- After the appeal hearing, the employee will be informed in writing of the decision.

2.2- : DEALING WITH LONG TERM ABSENCE

Long term sickness absence for the purposes of this policy is one continued period of absence that lasts longer than four weeks. When managing long term sickness absence cases, managers should take the following steps:

Occupational health referral

refer the employee to the occupational health adviser for medical assessment at an appropriate juncture when the employee's absence is classified as long term. Referral may be earlier if it is apparent at an early stage of the absence that the absence is likely to be long-term.

Contact and dialogue with employee

Managers are required to:

- Maintain regular contact with employees on long term sick leave, which should be empathetic and supportive.
- Arrange to discuss the contents of reports from the occupational health adviser with the employee.
- Discuss and make arrangements for any reasonable support to be given to the employee to facilitate a return to work and offer advice and guidance, where appropriate.
- Keep a record of contact with the employee.
- Where the employee refuses to co-operate in making medical evidence/information available to management, inform the employee in writing that decisions will be taken on the basis of the information available.

Consideration of long term sickness absence cases

- A Capability Hearing will be arranged where an employee has been on sick leave for some considerable time and the latest occupational health report states that there is very little or no likelihood of an early return to work.
- The meeting will be chaired by a Service Manager or Head of Service.
- The purpose of the meeting is to carefully examine all options, including likelihood of return to work, dismissal by reason of lack of capability due to ill health etc.
- At the hearing the employee's manager will present a report on the employee's period of long term sickness absence and on the content of the meetings held with the employee during that period to discuss their

absence, including highlighting any measures taken to assist the employee to return to work.

- The reason for the long- term absence will be discussed as well as the contents of the latest occupational health medical report. The employee will be given the opportunity to provide a full response at the Hearing .
- The employee should be informed that they should make every effort to attend the hearing and if they refuse or fail to attend it could take place in their absence. A decision will be taken on the basis of the information available at the hearing, including a decision to dismiss by reason of lack of capability.
- Where the Chair of the Hearing decides, after considering all available information and options put forward, to dismiss the employee, the employee will be informed of that and the reason why, with the decision confirmed in writing along with their right of appeal. The appeals procedure is set out earlier in this document.

SECTION 3 - : REVIEW OF THE POLICY & PROCEDURE

The Human Resources and Organisational Development Service will review this procedure every 5 years. It will, nevertheless, be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.