

DERBYSHIRE FIRE & RESCUE SERVICE



EMPLOYMENT POLICY

ATTENDANCE MANAGEMENT POLICY AND PROCEDURE

NOVEMBER 2018

VERSION 2.0

STATUS: LIVE

CONTENTS

SECTION 1	POLICY STATEMENT
SECTION 2	RESPONSIBILITIES
SECTION 3	INTRODUCTION
SECTION 4	NOTIFYING ABSENCE
SECTION 5	CERTIFICATION
SECTION 6	MAINTAINING CONTENT
SECTION 7	MONITORING SICKNESS ABSENCE LEVELS
SECTION 8	INJURY OR ILLNESS AFFECTING WORK ABILITY
SECTION 9	RETURN TO WORK MEETING
SECTION 10	ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK
SECTION 11	OCCUPATIONAL HEALTH REFERRAL
SECTION 12	OCCUPATIONAL SICK PAY PROVISION, ANNUAL LEAVE AND SICKNESS
SECTION 13	TIME OFF FOR COSMETIC AND LIFESTYLE TREATMENT
SECTION 14	GENDER REASSIGNMENT
SECTION 15	MANAGING SHORT-TERM ABSENCE

SECTION 16	MANAGING LONG-TERM ABSENCE
SECTION 17	EXCEPTIONAL CIRCUMSTANCES
SECTION 18	CASE REVIEW HEARINGS SHORT-TERM
SECTION 19	CASE REVIEW HEARINGS LONG-TERM
SECTION 20	RIGHT OF APPEAL
APPENDIX 1	TABLE FOR LEVELS OF MANAGEMENT DEALING WITH ATTENDANCE MANAGEMENT
APPENDIX 2	FLOWCHART: EMPLOYEE NOTIFICATION OF ABSENCE
APPENDIX 3	FLOWCHART: ABSENCE NOTIFICATION – LINE MANAGER
APPENDIX 4	FLOWCHART: SHORT-TERM ABSENCE MONITORING PROCESS
APPENDIX 5	FLOWCHART: LONG-TERM ABSENCE (28 DAYS OR MORE)

1 POLICY STATEMENT

Derbyshire Fire and Rescue Service (DFRS) value the contribution of all employees in the delivery and maintenance of a quality service to our community. Whilst recognising that employees may be prevented from attending work through ill health, the Service has a duty to maintain service delivery and minimise disruption. The Service is therefore committed to managing attendance and sickness absence. It is the responsibility of the Service's managers, trade union representatives and employees to work together to promote the effective management of sickness absence and employee wellbeing.

The Service will achieve this through:

- Promoting the health, safety and well-being of all employees, including use of risk assessments to identify and manage hazards impacting on health in the workplace.
- Monitoring levels of sickness absence for individuals, teams and the Service as a whole.
- Implementing procedures to support and manage employees' sickness absences.

The following principles apply to the Service's procedure for dealing with sickness absence:

- Good attendance is valued and all opportunities should be taken to acknowledge and recognise such attendance.
- Matters raised relating to an employee's attendance does not imply any distrust of the employee or concerns regarding their conduct.
- Sickness absence will be dealt with in a way that is non-discriminatory and in accordance with the Service's Inclusion Policy Note.
- Employees will be dealt with consistently and the sickness absence procedures will be fairly applied across the Service.
- Reasonable adjustments will be made to the application of the Policy and Procedure, as appropriate, to take account of any disability of an employee in accordance with the Equality Act.
- The Service will aim to promote a positive and preventative, rather than punitive approach.
- The Service will be sensitive and supportive to those suffering the effects of ill health.
- Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection Act and the Access to Medical Reports Act.
- Open communication between managers and employees will be encouraged and promoted.
- The Service will aim to distinguish between absence due to sickness and the abuse of the sickness absence system, both of which will be dealt with under the guidelines provided in this Policy and Procedure.
- The Attendance Management Policy and Procedure will be monitored and reviewed to ensure that it continues to meet the Service's aims and complies

with these principles. Employees and trade union representatives will be encouraged to be involved in this process.

2 RESPONSIBILITIES

Employees are expected to:

- Attend work unless unfit to do so.
- Report sickness absence and work-related accidents promptly, in accordance with this Policy and Procedure.
- Follow the health education guidance provided by Occupational Health (OH) and take action to ensure that where possible they maximise their health and fitness by adopting a healthy lifestyle.
- Not undertake activities that may exacerbate and prolong any sickness absence, this includes outside employment.
- Raise concerns with their line manager if they believe that their job is contributing to their illness. If the concerns are in relation to their line manager then this should be raised with the next level of manager in accordance with their management structure.
- Complete the Notification of Return (NOR) form on their return to work.
- Ensure that the appropriate certifications are completed, in accordance with this Policy and Procedure and that they are appropriate, timely and consecutive.
- Maintain contact and communicate effectively with their line manager during periods of sickness absence.
- Co-operate fully with OH and HR Services in terms of the requirements of this Policy and Procedure.
- Ensure that medical advice and treatment, where appropriate, is received and followed as quickly as possible in order to facilitate a return to work.
- Not abuse this Policy and Procedure or sick pay provision.
- Attend pre-arranged appointments with Occupational Health.
- Not undertake any outside employment during contracted work days/hours for DFRS when not attending work due to sickness.

Managers are expected to:

- Ensure employees know who to report sickness absence to, including the alternative designated contact in the line manager's absence.
- Monitor review, and manage sickness absence with the aim of reducing sickness absence levels within their area of responsibility in line with this Policy and Procedure.
- Maintain contact with employees during their absence and ensure that where necessary appropriate support measures are offered.
- Undertake a return to work interview with any employee who has been off work due to sickness absence.
- Commence attendance management monitoring periods for employees if they reach the attendance triggers as per section 15.

Occupational Health is responsible for:

- Providing advice and guidance on what steps the Service and/or employee may take and the impact of ill health on work.

HR Services is responsible for:

- Providing support and guidance to managers and employees in dealing with and managing sickness absence and ill health using the Service's related Policies and Procedures.

Service Centre is responsible for:

- Providing statistical information and reports to assist managers in monitoring sickness absence.

Payroll is responsible for:

- Advance notification to employees and other relevant parties of changes to Statutory and Occupational Sick Pay.

Definition

For the purposes of this document wherever the term 'line manager' is used this refers to the immediate line manager. In the case of a member of support staff this refers to the person identified as 'responsible to' on their job description. However, in the case of an operational Firefighter or a Firefighter (Control) this would be either the Crew or Watch Manager.

3 INTRODUCTION

- 3.1 The following procedure applies to all employees of Derbyshire Fire and Rescue Service.
- 3.2 Further guidance to support this Policy and Procedure is available on FireView as part of the Well4Work Toolkit.

4 NOTIFYING ABSENCE

- 4.1 In order for service delivery to be maintained it is essential for managers to know when an employee is unable to attend work due to sickness. Failure to inform the manager of absence may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.
- 4.2 The employee must telephone either their manager or for operational staff the manager on duty on the first day of absence. Support staff should report their absence by 9am at the latest. For operational staff this should be at least

60 minutes before their shift commences. In exceptional circumstances, or if unable to contact their manager or the manager on duty, operational staff must contact Command and Control or a designated Officer. Command and Control should ensure that the station is aware of the absence as soon as possible to allow for alternative staffing arrangements to be put in place if applicable. The employee must then telephone their manager later in the working day to give them a summary of their reason for absence.

4.3 The employee must inform the manager of the following:

- The nature of their absence (this should be specific)
- Whether or not the absence is caused by sickness, injury on duty or injury off duty
- If their absence is attributable to their work
- Date on which their absence began (if not a normal working day)
- Any work commitments that may need re-arranging

4.4 If the employee believes that their absence may have been caused by their work or something that happened at work they should inform their line manager. If the employee feels it is not appropriate to speak to their line manager, then they must contact the next level of manager in accordance with their management structure. If contact cannot be made with the line manager the employee must contact Command and Control or an appropriate employee they feel comfortable with and report the matter to them. This is to enable the most appropriate form of support to be put in place and the Safety Incident Reporting System to be completed.

4.5 If the employee is unable to telephone in person, they must arrange for someone else to telephone on their behalf, in accordance with the guidance above. The employee must then make direct contact with their line manager as soon as possible thereafter.

4.6 On the first day of absence (including part day/shift) the line manager or their designated alternative contact must complete the Notification of Absence form, available on FireView.

4.7 On-Call staff and Day Staffing stations should also report unavailable due to sickness to their line manager. The line manager will complete the Notification of Absence form and amend the availability system (Gartan). If the line manager is not available, the crew member should leave a message and amend their availability to show themselves as unavailable for 'other' until such time as the line manager is able to amend the absence code accordingly. On-Call staff based on Wholetime stations must report to their On-Call line manager as Wholetime colleagues will not be able to amend Gartan.

4.8 Flexible Duty Officers should contact Command and Control or the designated Duty Officer to report their absence. Command and Control or the designated Duty Officer will complete the Notification of Absence form and this will inform the appropriate manager and Payroll immediately. Command and Control

should ensure that the Duty Officer is aware of the absence as soon as possible.

- 4.9 If the absence extends beyond 3 calendar days the employee is encouraged to contact their line manager or alternative designated contact again to give them an update on their absence and discuss if any further support can be given.
- 4.10 Employees who fall sick while on annual leave and provide a Doctor's Statement of Fitness to Work (Fit Note), and notify their line manager, or designated alternative contact, on the first day of sickness, shall be regarded as being on sick leave. The annual leave will then be credited back to the individual. If the period of absence is less than 7 days the employee may have to request a 'private' Fit Note from their Doctor. If an employee incurs a cost for obtaining a Fit Note then this will be reimbursed by the Service on production of a receipt. In the absence of a 'private' Fit Note, approval to credit back annual leave is required from the line manager.
- 4.11 Employees who are sick on the actual day that a Bank Holiday or a Concessionary Day falls shall be regarded as being on Public Holiday Leave.

5 CERTIFICATION

- 5.1 Every absence has to be certified appropriately to ensure prompt and correct payment of Occupational and Statutory Sick Pay and to ensure that accurate records are maintained. Failure to comply with the certification procedures may result in a suspension of Occupational Sick Pay. Misleading or false statements will be dealt with under the Service's Discipline Policy and Procedure.
- 5.2 If the employee continues to be absent for more than 7 calendar days (regardless of whether or not these are working days), they must consult a Doctor and obtain a Statement of Fitness for Work (Fit Note), which must be forwarded immediately to Payroll by email or post.
- 5.3 Where there is continuing sickness absence the employee must submit concurrent Fit Notes directly to Payroll to cover the whole period of absence. Any days unaccounted for will result in loss of pay. The employee must also update their line manager with a summary of the Fit Note.
- 5.4 The line manager or dedicated contact must ensure that the employee adheres to their responsibilities and that all Fit Notes from the employee are appropriate and timely and that they are consecutive. The manager will be informed by Payroll if there are any discrepancies with the Fit Notes. Failure to submit Fit Notes within a reasonable time may result in the suspension of Occupational Sick Pay.
- 5.5 The manager may require an employee to submit a Doctor's Fit Note from their first day of absence. For example if the manager is concerned at the frequency of an employee's absence, or their account of their reasons for absence (refer to Section 15 below) or following a period of authorised leave. In such cases the Service will meet the cost of any fee charged on production of a receipt.

- 5.6 An employee being monitored through the attendance management process may be asked to provide a Doctor's Fit Note for any absence. In such cases the Service will meet the cost of any fee charged on production of a receipt and such claims can be approved for payment by the individual's line manager.
- 5.7 The employee must fully complete the Notification of Return (NOR) immediately on their return. Payroll, where appropriate, will ensure that concurrent certificates are received for every day of sickness and will inform the employee and line managers where there are discrepancies. Any days unaccounted for will result in a loss of pay and/or payment being recovered accordingly.

6 MAINTAINING CONTACT

- 6.1 When an employee is absent from work due to sickness it is important that contact is maintained between the line manager or an appropriate manager and the employee. This is to ensure that the employee does not feel isolated, vulnerable or out of touch. The line manager may also need to re-allocate work so that service delivery is maintained.
- 6.2 The employee and the line manager must maintain regular contact throughout the absence. On the seventh day of absence or as soon as reasonably possibly, the line manager must contact the individual. The line manager can use MyView to access the contact details of the employee and should ensure the Record of Contact with Employee Form, available on FireView, is completed once they have done so. If an employee's line manager is likely to be unavailable for a prolonged period of time then another manager of an appropriate level must maintain regular contact with the employee. The method and frequency of the contact should be mutually agreed between the employee and the line manager. The employee should also make efforts to maintain contact with their line manager.
- 6.3 If an employee is absent from work for more than 3 weeks and the absence is expected to continue, the line manager should arrange with the employee to meet them as soon as reasonably possible. This should be at a mutually agreed venue.
- 6.4 The employee is expected to co-operate fully with the manager and/or Occupational Health with regards to maintaining contact throughout their sickness absence, this includes attending pre-arranged appointments with Occupational Health. Failure to do so will result in the suspension of Occupational Sick Pay.
- 6.5 Sometimes employees may feel fit enough to return to work but they may still be infectious from a notifiable disease; advice must be sought from Occupational Health before returning to work. Employees must also consider that although they may feel well enough to return to work they may still be contagious, and should ensure that their return will not detrimentally impact on

their colleague's health and wellbeing. If unsure then they should contact Occupational Health for further advice.

7 MONITORING SICKNESS ABSENCE LEVELS

- 7.1 All sickness absences for Wholetime operational employees must be recorded on the current electronic staffing system. This must include half days partially worked shifts and rota days.
- 7.2 Line managers are required to monitor sickness absence levels within their team. When trigger points are reached and/or where there are concerns about an employee's absence level the line manager should start attendance monitoring meetings (refer to Section 15). The line manager will confirm that monitoring is required when completing the Return to Work form on the employees return. Monitoring must commence for all individuals who reach one of the triggers in section 15. This is to ensure a consistent approach to attendance management is implemented across the Service.
- 7.3 When trigger points are reached the employee will be copied into a workflow email confirming that the line manager will undertake an attendance monitoring meeting (refer to Section 15). Employees are expected to co-operate fully in any attendance monitoring meetings. Failure to co-operate may result in the matter being escalated in line with the Discipline Policy and Procedure.
- 7.4 Line managers will monitor and manage sickness absence levels within their area of responsibility. Sickness absence which is on-going or where patterns have been identified should be managed in liaison with HR Services. Any departmental trends which are identified should be reported to the Strategic Leadership Team by HR Services.
- 7.5 HR Services will monitor absence levels across the Service and where it has been identified that individual sickness absence records are high or a cause of concern, a review of these will be undertaken. This may include analysis of absence data over the whole period of employment with DFRS and may result in the cases being progressed in line with the procedures outlined within this Policy.
- 7.6 This information will be used to produce corporate sickness absence level statistics for Key Performance Indicators. It will also be used to monitor the success of the Attendance Management Policy and Procedure and identify any causes for concern. Areas of concern will be analysed and appropriate remedial action agreed.

8 INJURY OR ILLNESS AFFECTING WORK ABILITY

- 8.1 In the case of employees returning to work following an injury or illness that might affect their ability to carry out their full duties, managers may want to contact Occupational Health for further guidance. Where a referral is required the procedure outlined below should be followed.

Employment Policy: Attendance Management v2.0 November 2018

This Policy Note is uncontrolled when printed. Please ensure you have the most up-to-date version.

- 8.2 To allow time for advice to be sought from OH prior to the employee's return, employees should give their line manager reasonable notice of their potential return. If further guidance is required an appointment should be made in advance of the employee returning to work to ensure there is capacity within Occupational Health.
- 8.3 If an employee has been on long-term absence, it may be appropriate for them to see Occupational Health to establish if any reasonable adjustments are required or whether modified duties or a phased return are appropriate. Any modified duties will be undertaken in line with the Modified Duties/Phased Return Procedure and the employee's line manager must be involved prior to any return to ensure the duties are meaningful.

Modified duties should normally be for a maximum of 3 months. Refer to Making Reasonable Adjustments for longer term modifications for further guidance.

- 8.4 A Fit Note will state either of 2 options; that the patient is "not fit for work"; or that the patient "may be fit for work taking into account the following advice" with a space for the Doctor to comment. There are 4 types of benefits listed which the Doctor can advise and are with the employer's agreement. These are:

- A phased return to work
- Altered hours
- Amended duties
- Workplace adaptations

When employees are issued with a statement of fitness, they should discuss this with their line manager as soon as possible, particularly if recommendations for a return to work are suggested. Where a recommendation for a return to work in whatever capacity is given, the line manager should discuss the practical implications where applicable and if felt appropriate to obtain further guidance from Occupational Health.

9 RETURN TO WORK MEETING

- 9.1 Upon return to work following every sickness absence the line manager or where appropriate a designated alternate manager should arrange to meet privately with the employee during the first day back. If this is not practical it should be done as soon as reasonably possible.
- 9.2 The purpose of the meeting will be to:
- Welcome the employee back to work.
 - Establish if there was an occupational, on-going health or other factor which contributed to the sickness which may need to be addressed.

- Identify if a trigger has been reached in which case an attendance monitoring meeting needs to take place.
 - Identify if a referral to Occupational Health is needed. Refer to Section 11.
 - Check that there is an accurate record of the absence and appropriate certification.
- 9.3 In the case of accident/injury at work the meeting should confirm the completion of accident/injury reports and any investigation where needed.
- 9.4 HR Services will support the manager for all sickness absence in particular for complex cases or where the case is particularly sensitive. In some cases, where an employee may have concerns which relate directly to their own line manager, an alternative manager or a more senior manager may conduct the return to work meeting. If an alternative manager is required this should be raised by the employee as soon as possible.
- 9.5 The manager should also provide the employee with information on the availability of support including Occupational Health, the Employee Assistance Programme, use of flexible employment policies and policies around modified duties/phased return as appropriate.
- 9.6 The Return to Work Meeting Record form which is pre-populated and emailed to the line manager, should be completed and sent to the Service Centre. A copy should also be given to the employee.
- 9.7 If the employee has triggered attendance monitoring and a return to work meeting is still required, this can be conducted at the same time. The employee can be accompanied by a trade union representative or a work colleague (employed by the Service), if requested.

10 ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK

- 10.1 There may be occasions where an employee is suffering from ill health, but this does not lead to absence from work. If the employee believes that their ill health is impacting upon their ability to undertake their job they should raise this with their line manager. Equally, if the line manager believes that the employee's ill health is impacting upon their ability to undertake their job, they can raise this with the employee. Also refer to the Performance and Capability Policy for further guidance, available on FireView.
- 10.2 Either way, the line manager should discuss the matter confidentially as soon as possible with the employee and if it is attributable to work then discussions must take place on how to constructively move forward. Depending on the circumstances, it may be helpful to seek advice and guidance from Occupational Health and/or HR Services. Further information is also available on FireView as part of the Well4Work toolkit.

11 OCCUPATIONAL HEALTH REFERRAL

- 11.1 The role of Occupational Health is to provide advice and guidance to the Service and its employees on the impact of an employee's ill health, on their ability to undertake their duties and what measures can be put in place to support the employee, where appropriate.
- 11.2 If the manager believes a referral to Occupational Health is appropriate they must complete the Occupational Health Referral form and Guidance Notes, available on FireView in consultation with the employee. The line manager and employee must ensure that as much relevant information as possible is provided to Occupational Health and be clear about the points on which they seek advice. A copy of the referral must be given to the employee and Occupational Health.
- 11.3 Where an employee reports an absence due to a mental health or musculoskeletal related matter, the manager will be sent an automated workflow requesting them to make an Occupational Health management referral within seven calendar days. The purpose of the referral is to ensure appropriate support can be given to the employee at an early stage.
- 11.4 In exceptional circumstances the employee may choose to contact Occupational Health directly. Occupational Health will review the circumstances and either arrange an appointment or advise the employee of a more appropriate source of support. Where an appointment is made, consent will be requested to feedback any relevant information to the line manager and HR Services. It is strongly encouraged that an employee keeps their line manager informed on any issue that may have an impact in the workplace. If consent is not given to do this then a manager may not be able to put in place any appropriate support measures to help the employee at work.
- 11.5 Where an employee is unable to get an appointment on their normal working day for an Occupational Health appointment, payment can be claimed for travel to and from the appointment and the appointment only. This should be claimed to the nearest 15 minutes.
- 11.6 Further to a referral to Occupational Health it may be deemed that there are management issues that need to be addressed. Employees are expected to co-operate in any management meeting to work out how any issues can be resolved. Failure to co-operate may result in a suspension of Occupational Sick Pay.
- 11.7 If Occupational Health believes that a report from the employee's Doctor and/or specialist would help, then the employee will be asked to co-operate however they must be made aware of their rights under the Access to Medical Reports Act. The employee's consent must be gained prior to the Service requesting a report.
- 11.8 Where the employee does not give their consent to Occupational Health seeking a report from their Doctor or specialist, and/or the employee refuses to meet with Occupational Health and/or unreasonably does not attend an

appointment, the implications of this will be discussed with the employee and confirmed in writing. This may include withholding Occupational Sick Pay. It may also be necessary to hold a Case Review Hearing, if appropriate, to make a decision regarding on-going employment, based on the information available.

12 OCCUPATIONAL SICK PAY PROVISION, ANNUAL LEAVE AND SICKNESS

- 12.1 Occupational Sick Pay is provided to staff groups in line with that outlined in the appropriate National Joint Councils, as follows:

Support Staff - Green Book
Operational Staff - Grey Book
Principal Officers - Gold Book

Copies of the Green, Grey and Gold Books are available on FireView.

- 12.2 Employees may wish to book annual leave during long term sickness. It is likely that the employee will have a high amount of leave accrued due to their absence. Substituting sickness with annual leave may increase an individual's salary if they are on half or nil pay. Individuals should request any use of annual leave with their line manager. The line manager should send a Notification of Change to the Service Centre to ensure records are updated appropriately.
- 12.3 If an individual does substitute a period of sickness absence with annual leave the period of absence will still count as one occurrence.

13 TIME OFF FOR COSMETIC AND LIFESTYLE TREATMENT

- 13.1 DFRS recognises that cosmetic and lifestyle surgical procedures are becoming increasingly available.
- 13.2 For the purposes of this Policy and Procedure and the right to sick pay, cosmetic and lifestyle surgery is any procedure that is not strictly necessary for medical or psychological reasons. This includes surgery which is concerned with the enhancement of appearance through surgical and medical techniques.
- 13.3 DFRS believes that when employees decide to undergo cosmetic and lifestyle surgery, it is largely a matter for the individual concerned. As such, individuals should ensure that they have sufficient annual leave to facilitate their surgery and any anticipated recovery period. Where this is not the case, consideration will be given to granting unpaid leave to cover any reasonable deficit.
- 13.4 Where surgery is necessary for medical or psychological reasons, such requests may require further information and, as such, will be considered on an individual basis. This is to ensure a consistent approach is applied across the Service.

- 13.5 On occasion, a cosmetic and lifestyle procedure may result in complications, such as a secondary infection, which requires more time off work than anticipated. The additional time off will normally be treated as sick leave.

14 GENDER REASSIGNMENT

- 14.1 When an employee is undertaking gender reassignment surgery the normal sick pay provisions will apply.
- 14.2 Any information provided to the line manager by the employee will be maintained in strict confidence.

15 MANAGING SHORT-TERM ABSENCE

- 15.1 An employee may meet either one or more of the following trigger points:
- Trigger A - 3 or more separate instances of sickness absence (including part day / shifts) in any six-month period (rolling calendar)
 - Trigger B - 2 or more instances that exceed 21 days absence (in total*) over the previous 12 months (rolling calendar)
 - Trigger C - Any other recurring, recognisable patterns.
- * An example of this situation is when an employee has one absence of 5 days then another absence of 18 days in the same 12 month rolling period, the total of these absences together exceed 21 days.
- 15.2 Where an employee meets any of the trigger points, an automated e-mail will be sent to the manager attaching a copy of the pre-populated Monitoring Meeting - Attendance Management Form. The manager should then review the absences with the employee at a monitoring meeting and complete the Monitoring Meeting - Attendance Management Form. This meeting must take place as soon as reasonably possible after the return to work meeting when the trigger was met. The employee can be accompanied by a trade union representative or a work colleague (employed by the Service), if requested.
- 15.3 The monitoring meeting will discuss with the employee their absence record and explore the reasons for the absences. This could include questions about whether the absences are due to an underlying illness. A referral to OH may be needed in this case (see Section 11). It should also identify any areas requiring support, review/update any risk assessments and set targets for improvement.
- 15.4 The line manager will need to determine if there is an occupational factor that contributed to the sickness absence and assure the employee that any work related issues will be considered and addressed where appropriate.
- 15.5 If the employee has a disability they must inform their line manager of any impact this may have on their attendance and record this on MyView. They

must also discuss this with Occupational Health to ensure any reasonable adjustments are in place. If an employee's line manager is not made aware of any impact they are unable to put in place reasonable adjustments in line with the Equality Act 2010. Refer to Making Reasonable Adjustments available on FireView for further guidance.

- 15.6 Employees who are considered to have a disability may still be placed on attendance monitoring in line with 12.1. Managers are advised to contact HR Services if they require any further advice in relation to individual cases.
- 15.7 Employees are encouraged to discuss with their line manager any conflict they have between their work commitments and demands in their personal lives. Managers should discuss options available including those provided under the Service's Flexible Working and Approved Leave policies.
- 15.8 After the meeting the following outcomes may apply:
- The employee may be required to submit a Fit Note from their Doctor for every instance of absence during the monitoring period (see Section 5.7) Advice may be sought from OH (see Section 11)
 - Other support mechanisms may be identified and implemented
 - Reasonable adjustments such as changes to workload, work practices or work pattern or the possibility of redeployment may be identified (subject to consultation with OH/HR Services)
 - Further meetings will be arranged to review progress
- 15.9 The employee will be informed of the satisfactory and sustained improvement needed in their attendance and advised that a further review will take place at 3 months. During this meeting the employee will be informed of the possible consequences if this is not achieved then the procedure outlined in section 17 will be followed.
- 15.10 The Monitoring Meeting - Attendance Management Form should confirm the points discussed and actions identified at the meeting and signed by both parties. A copy should be given to the employee and a copy should also be sent to the Service Centre.
- 15.11 After 3 months an automated e-mail will be sent to the manager attaching a copy of the Monitoring Review Meeting – Attendance Monitoring Form. A review meeting should take place as soon as possible and if there has been sufficient improvement the monitoring can be ended. However, if there has been insufficient improvement the manager, where appropriate, should refer the employee to OH (see Section 11) for their medical opinion and monitoring should continue for a further 3 months. If any reasonable adjustments were made then these should also be reviewed.
- 15.12 If monitoring has been extended an automated e-mail will be sent to the manager after a further 3 months attaching a copy of the Monitoring Review Meeting – Attendance Management Form. A meeting should be held and if there has been sufficient improvement the monitoring can be ended. However,

if there is still insufficient improvement the matter will be referred to the next level of manager and HR who will determine whether to hold a Case Review Hearing. The decision will be confirmed in writing. See Appendix 1 for levels of management to deal with each case review.

16 MANAGING LONG-TERM ABSENCE

- 16.1 Absences lasting over 28 continuous calendar days are considered long-term.
- 16.2 After 21 days of absence or as soon as reasonably possible, the line manager will arrange to meet or contact the employee. This should be undertaken on a regular and mutually agreed basis. The purpose of the meeting is for the line manager to obtain an update from the employee, identify areas for support and determine whether any other action should be taken. In addition, it is an opportunity for the manager to provide information to the employee on workplace developments. The employee can be accompanied by a trade union representative or a work colleague (employed by the Service), if requested.
- 16.3 All communication must be recorded using the Record of Contact with Employee Form, available on FireView.
- 16.4 Where the absence is over 21 days, the line manager should make a management referral for an appointment with OH, if not already done so. If the employee has made a self-referral, a management referral is still required to ensure updates are provided to the line manager and HR Services by OH. The line manager should supply OH with all relevant information in relation to the employee's absence. The purpose of gaining advice from OH will be to provide an updated indication of the likely duration of the employee's absence and whether any further steps can be taken to help the employee make a successful return to work.
- 16.5 Taking into account advice received from OH, one or more of the following actions may be taken:
- Reasonable adjustments such as changes to the workload, work practices or work pattern may be identified and implemented; either as part of a phased return to work or on a more permanent basis (refer to Making Reasonable Adjustments, available on FireView, where appropriate).
 - Other support mechanisms may be identified and implemented including use of the Firefighters Charity rehabilitation and recuperation centres.
 - Redeployment under the Service's Redeployment Policy and Procedure may be considered.
 - Investigations may take place into whether the employee may be eligible for ill health retirement pension benefits.
- 16.6 Where an employee has stated that work has caused or contributed to their illness, the issues must be fully explored by the manager (or an appropriate alternative manager) and steps should be taken to ensure that they are considered and addressed appropriately, preferably before the employee

returns to work. When an employee is absent with any form of work-related concerns (including concerns as a result of any grievance/discipline proceedings) and disaffection for work they must be referred to OH by the line manager as soon as possible.

- 16.7 After an employee has been absent for 28 continuous days please ensure that the employee is aware of how to access FireView. Employees can access information on vacancies, workplace developments, training opportunities and payslips via FireView from home by using the following link <http://fireview.derbys-fire.gov.uk>. If the employee is unable to access FireView, ICT should be contacted.
- 16.8 An employee's absence and progress will be kept under review. As part of this process, decisions may need to be made about the employee's continuing employment, leading to the decision to dismiss the employee due to their incapability to undertake their job due to ill health. The employee will be informed where this is a possibility.
- 16.9 Where appropriate, all employees on medically certified leave, can apply to attend the Firefighters Charity rehabilitation or recuperation centres. Forms are available via the Charity's website www.firefighterscharity.org.uk and further information is available from the Firefighters Charity representatives.
- 16.10 Employees may attend the Firefighters Charity rehabilitation centres while on modified duties or phased return with the approval of an Area Manager.
- 16.11 If an employee has returned to work on full duties and needs to attend a rehabilitation centre they may do so on full pay subject to OH and an Area Manager approval, otherwise they will need to attend in their own time by taking annual leave. This should be recorded using an E60 and forwarded to Service Centre.
- 16.12 Managers need to be aware that long term sickness absence will count in consideration of the trigger points. Where the overall sickness absence is unacceptable the matter can be referred to the next level of line manager or an appropriate manager from within the management structure and HR Services, who will determine whether to hold a case review hearing. Please refer to Appendix 1 which details the levels of management to deal with each Case Review. The decision will be confirmed in writing.

17 EXCEPTIONAL CIRCUMSTANCES

- 17.1 In the majority of cases, sickness will be managed in accordance with either the procedure for managing short term sickness absence or the procedure for managing long term sickness absence, as appropriate. However, there may be exceptional cases where sickness affects an employee who has a previous record of unacceptably high levels of short term and/or long term sickness which are not connected.

- 17.2 In these cases, it may not be appropriate to follow either of these procedures in isolation but rather link them together to manage the sickness absence more appropriately. In these instances, managers must consider whether effecting a return to work following the current period of sickness will resolve the underlying problem of poor attendance.
- 17.3 In exceptional circumstances such as these, the manager must consider arranging a case review hearing at the appropriate level, which could include dismissal irrespective of whether the employee remains in receipt of sick pay even though the current period of sickness might be long term.
- 17.4 It should be noted that a decision to dismiss on the grounds within this section are not subject to the employee exhausting their statutory or contractual sick pay. This is because a dismissal on these grounds is by reason of an overall unacceptable level of sickness rather than specifically due to the current sickness absence.

18 CASE REVIEW HEARINGS SHORT-TERM

- 18.1 Where there are continuing concerns regarding short-term absence and satisfactory improvement has not been made during the monitoring period (and after any reasonable adjustments have been made under the Equality Act, if appropriate) an individual will be asked to attend a Case Review hearing.
- 18.2 The purpose of the Case Review hearing is to consider the absences in further detail.
- 18.3 The Case Review hearing will be heard by an appropriate manager as detailed in Appendix 1. The manager will be accompanied by an HR Partner.
- 18.4 In the case of **short-term absence**, an outcome of the Case Review hearing could be to provide the employee with an improvement notice. This will outline that the current level of absence is unacceptable and will make the employee aware that if no improvement is made, their employment with DFRS will be reviewed and may be ended.
- 18.5 A trade union representative or work colleague (employed by the Service) may accompany the employee. It is the employee's responsibility to arrange any such representation.
- 18.6 The employee will be given at least 10 calendar day's written notice of the Case Review hearing.
- 18.7 The manager will present the case to the Chair of the Case Review hearing. Others involved in the employee's case such as OH will also be asked to provide any relevant information.
- 18.8 The employee and/or their representative will be given the opportunity to state their case.

18.9 When reaching a decision about whether or not to issue an Improvement Notice for unacceptable levels of short-term sickness, the following will be considered.

- The employee's fitness to undertake their normal duties.
- The impact of the employee's absence and ill health on other employees and service delivery.
- The employee's absence record.
- Financial and cost implications.
- Representations made by the employee and/or their representative.
- The actions that have been taken by the Service and the individual to enable the employee to continue in employment.
- Any previous Improvement Notices the employee has received regarding their attendance.
- Medical and/or OH advice received.

This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, while balancing the needs of the employee and the Service.

18.10 The employee will be informed of the decision and this decision will be confirmed in writing within 7 calendar days. The employee will still have the right to appeal.

18.11 Where it is decided that further action is appropriate this will be set out in the letter and the employee's situation will continue to be monitored, as agreed by the Chair of the hearing.

18.12 If there is still insufficient improvement in the employees attendance the matter will be referred to at least Area Manager level. The Area Manager, with an HR Partner will hold a further Case Review hearing and an outcome of this may be dismissal from the Service. The considerations for this will be those as listed at 1.9.

18.13 Where a decision to dismiss is made it will be confirmed in a letter which gives the employee their notice of termination of employment and their right to appeal (See Section 19 below). The reason for dismissal will depend on the individual circumstances of the case.

19 CASE REVIEW HEARINGS LONG-TERM

19.1 Where, in the case of long-term absence, options to enable the employee to remain in employment are either not appropriate or have been unsuccessful, the employee will be asked to attend a Case Review hearing.

19.2 The purpose of the Case Review hearing is to consider whether the Service has exhausted all options in facilitating a return to work, which will include consideration of any potential re-deployment opportunities. Further details can be found in the Redeployment Policy & Procedure available on FireView. However, in exceptional circumstances, a Case Review hearing will be held

prior to all options being exhausted by the Service. Advice will be taken into account from OH relating to whether a return to work in the foreseeable future is predicted. If OH consider a return to work in the foreseeable future is unlikely, and by the time any contractual notice period has expired the employee's Occupational Sick Pay will have expired, the Case Review hearing will also consider termination of employment on the grounds of ill-health, (although this will not automatically lead to a Pension Award for ill-health retirement.

- 19.3 Where a Case Review hearing is held in line with the above, this will be heard by an Area Manager. Appendix 1 shows the appropriate level of manager to deal with each Case Review hearing.
- 19.4 A trade union representative or work colleague (employed by the Service) may accompany the employee. It is the employee's responsibility to arrange any such representation.
- 19.5 The employee will be given at least 10 calendar day's written notice of the Case Review hearing.
- 19.6 The manager will present the case to the Chair of the Case Review hearing. Others involved in the employee's case such as OH will also be asked to provide any relevant information.
- 19.7 The employee and/or their representative will be given the opportunity to state their case.
- 19.8 The employee will be informed of the decision and this decision will be confirmed in writing within 7 calendar days.
- 19.9 Where a decision is made to dismiss, it will be confirmed in a letter which gives the employee their notice of termination of employment and their right to appeal (See Section 19 below). The reason for dismissal will depend on the individual circumstances of the case.
- 19.10 Sometimes with long term absence the employee may not wish to attend a Case Review hearing as s/he fully accepts there is no alternative to termination of employment. In this case, alternative arrangements could be made where the HR Partner would discuss the case confidentially with an Area Manager or above. To document this, the HR Partner will obtain the employee's written consent. The decision to terminate would then be issued to the employee in writing without the need for a hearing. The employee will still have the right to appeal.

20 RIGHT OF APPEAL

- 20.1 Where decisions are made to issue an Improvement Notice and/or terminate employment, the employee has the right to appeal.
- 20.2 An appeal must be made in writing to the Strategic HR Partner within 7 calendar days of receipt of the written Improvement Notice and/or termination of

employment. The employee must clearly state their grounds for appeal using the Appeal Form, which is available on FireView. The grounds of the appeal will be one or more of the following;

- There was a defect in the procedure
- The sanction was too severe
- New evidence is available that will have an impact on the decision

- 20.3 The Service will arrange for the appeal to be held as soon as reasonably possible after receipt of the employee's appeal. The employee will be given at least 5 calendar days' notice of the date of the appeal hearing.
- 20.4 The appeal hearing will be heard by an Area Manager and an HR Partner in the case of an Improvement Notice in the case of short-term absences.
- 20.5 Appeals against the termination of employment will be heard by an appropriate Principal Officer and an HR Partner.
- 20.6 If the employee is at Group Manager level or above a similar escalation procedure will be followed to make sure an appropriate manager deals with each decision and/or appeal (refer to page 24).
- 20.7 A trade union representative or work colleague (employed by the Service) may accompany the employee at the appeal hearing. It is the employee's responsibility to arrange any such representation.
- 20.8 During the appeal hearing, the Service and the employee and/or their representative will have the opportunity to state their case and refer to any documentary evidence.
- 20.9 The appeal panel will communicate their decision in writing within 7 calendar days of the appeal hearing.
- 20.10 The decision of the appeal panel is final and there will be no further right of appeal.

RELEVANT DOCUMENTS

Modified Duties and Phased Return Procedure
Making Reasonable Adjustments
Equality Impact Assessment – Attendance Management Policy and Procedure
Redeployment Policy and Procedure
Attendance Management - Record of contact with employee form
Return to work meeting record form
Occupational Health Referral form and Guidance Notes
Monitoring Meeting - Attendance Management
Monitoring Review Meeting – Attendance Management
Appeal form (Discipline, Attendance Management, Capability)

DOCUMENT HISTORY	
Version no.	2.0
Replaces	Attendance Management Policy and Procedure Version 1.2 issued September 2014 which has been removed from the intranet. All hard copies should be destroyed.
Summary of changes	<p>This Employment Policy has been reviewed and major changes have been made as follows:</p> <ul style="list-style-type: none"> • General update of language and terminology • Associated forms reviewed and updated • To make reference to changes from manual to online processes for return to work, monitoring meetings and review monitoring meetings • Removal of the word 'formal' from attendance monitoring meetings and review meetings • Updated and clarified information in relation to long-term and short-term absences • Included section on Exceptional Circumstances • Streamlined policy and procedure to make it easier to follow
Author	Annette Barrett, HR Partner & Paula Chand, HR Partner
Department	HR Services
Approved by	Judi Beresford, Area Manager Organisational Development

Revision history

Version	Date	Author	Changes
1.2	Sep 14	Louise Brown	<p>Minor Changes:</p> <ul style="list-style-type: none"> • Section 12.7 revised to state employees should access FireView and the Weekly Information Sheet remotely.
1.1	Oct 13	Louise Brown	<p>Minor changes:</p> <ul style="list-style-type: none"> • Update of job titles and roles in line with current organisational structure • The term 'formal warning' has been changed to 'improvement notice' • Updated and clarified information in relation to sickness monitoring • Updated to reflect changes in employment law and the use of annual leave • Clarification on the responsibilities of managers and employees. • The Notification of Return is to be completed by the individual who has been absent and not the line manager
1.0	Jan 11	Louise Brown	<ul style="list-style-type: none"> - The policy and procedure have been revised and incorporated into one document to ensure that they are clear and easy to apply. Following consultation with the major stakeholders of the policy a number of practices have been introduced to encourage support for those off sick

			and methods to reduce both long term and short term absence. - Relevant forms and processes have been updated and streamlined to ensure the appropriate stakeholders receive accurate information in a timely manner.
Unversioned			Welfare & Attendance Management Policy and Welfare & Attendance Management Procedure

Review Period

This Employment Policy will be reviewed November 2022.

Distribution

Employment Policies are published on the intranet in the month of issue. No hard copies are distributed.

Index

Keywords: sickness absence, sick leave, case review hearings, appeal form, return to work, illness, injury, occupational health, fit note, attendance, short-term absence, long-term absence, attendance monitoring

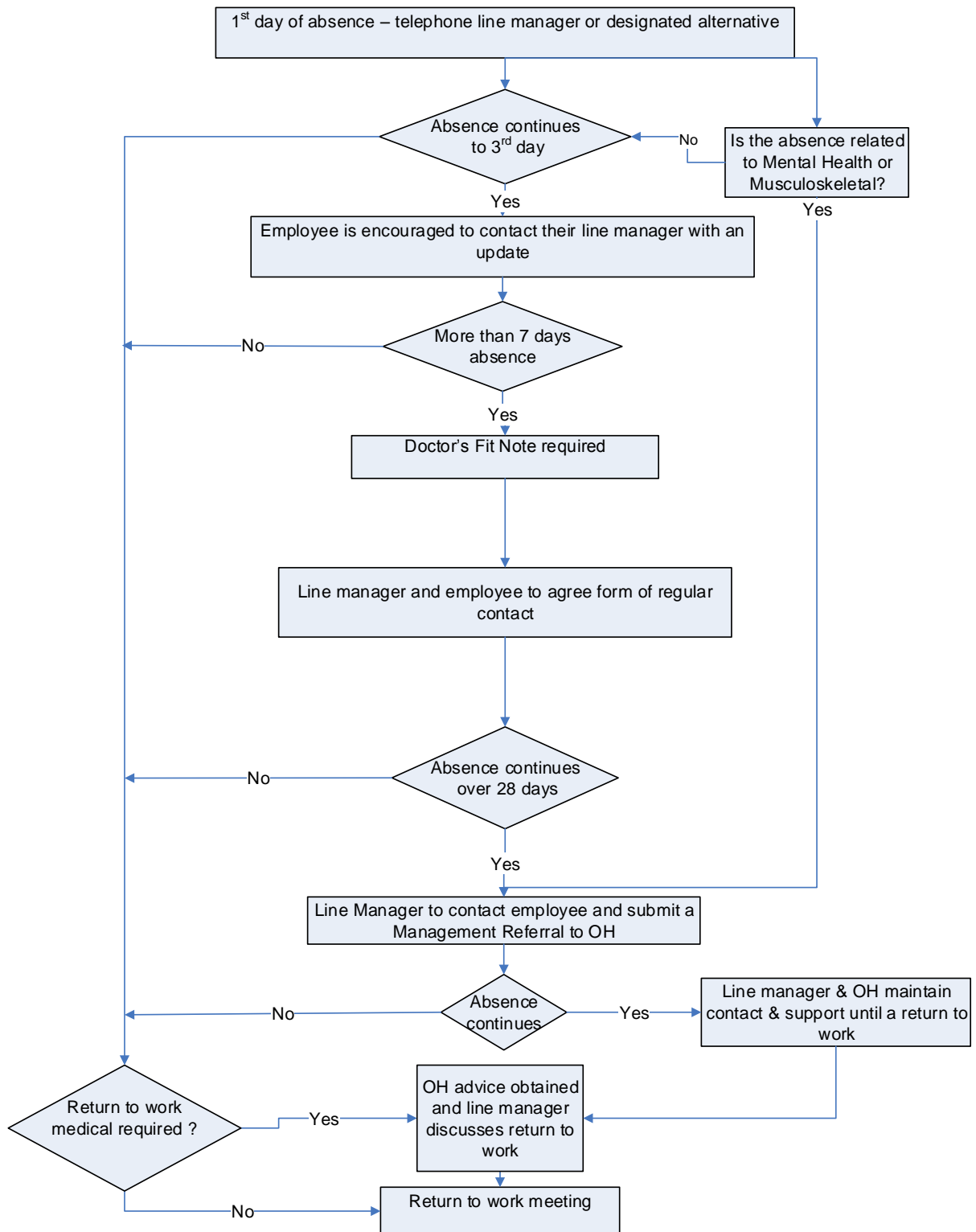
APPENDIX 1 - TABLE FOR LEVELS OF MANAGEMENT DEALING WITH ATTENDANCE MANAGEMENT

Employee role	Return to work meeting	Absence management meeting	Case Review		Appeal Hearing by different manager	Case review considering termination of employment		Appeal Hearing by different manager
			Presenting	Hearing		Presenting	Hearing	
Firefighter or equivalent	CM/WM	WM	WM/SM	GM	GM	SM/GM	AM	AM
Watch Manager or equivalent	SM	SM	SM	GM	GM	GM	AM	AM
Station Manager or equivalent	GM	GM	GM	GM	GM	GM	AM	AM
Group Manager or equivalent	AM	AM	AM	AM	AM	AM	DCFO	CFO
Area Manager or equivalent	DCFO	DCFO	DCFO	CFO	To be determined as appropriate	To be determined as appropriate	To be determined as appropriate	To be determined as appropriate

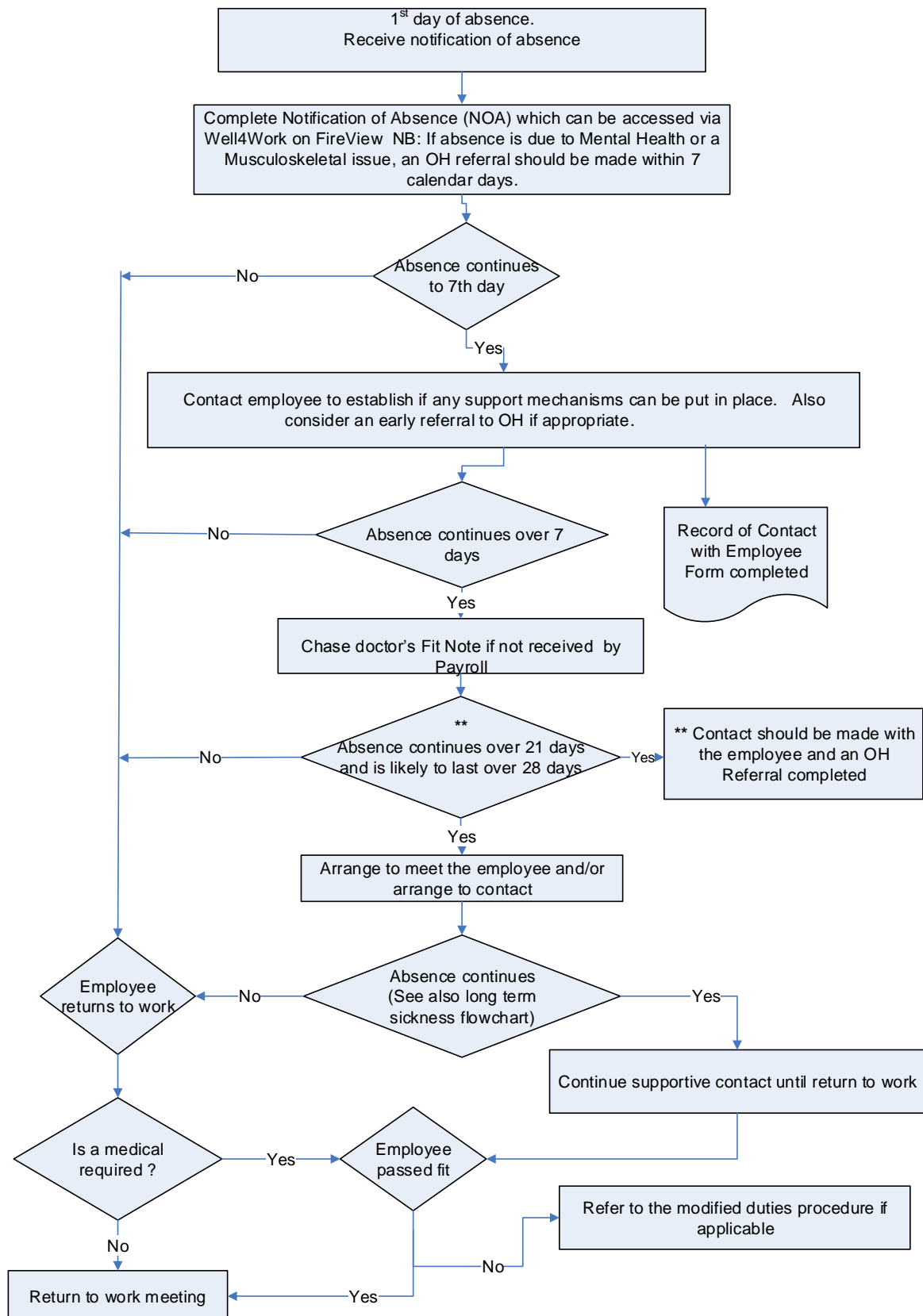
KEY

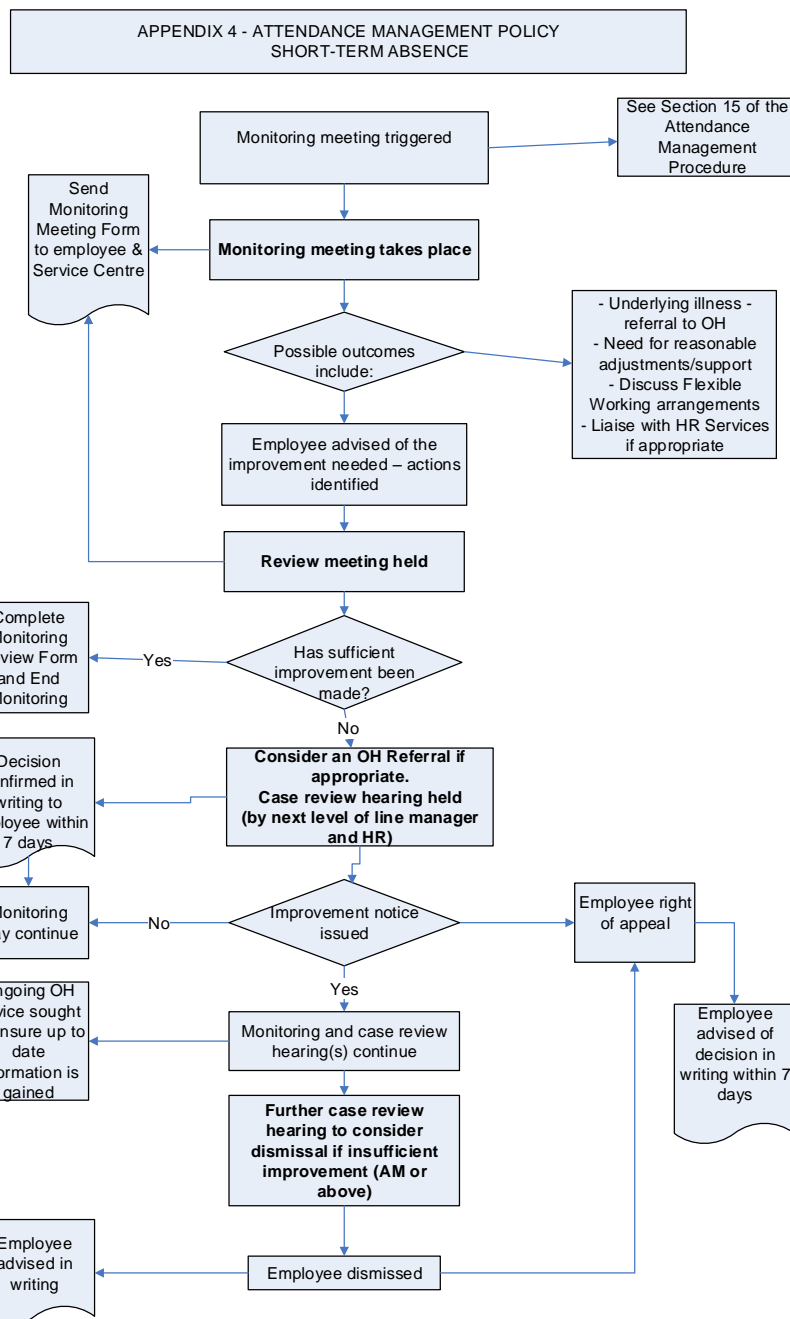
Watch Manager	WM
Station Manager	SM
Group Manager	GM
Area Manager	AM
Deputy Chief Fire Officer	DCFO
Chief Fire Officer	CFO
To be determined as appropriate	This may be an individual external to DFRS

APPENDIX 2 - ATTENDANCE MANAGEMENT POLICY
EMPLOYEE- NOTIFICATION OF ABSENCE



APPENDIX 3 - ATTENDANCE MANAGEMENT POLICY
ABSENCE NOTIFICATION - LINE MANAGER





**APPENDIX 5 - ATTENDANCE MANAGEMENT POLICY
LONG-TERM ABSENCE (28 DAYS OR MORE)**

