



CITY OF YORK COUNCIL

Attendance Management Policy and Procedure

ATTENDANCE MANAGEMENT POLICY

1. Introduction

As an organisation we aim to maximise attendance at work whilst recognising that employees will from time to time be unable to come to work due to sickness. We will look to minimise absence due to sickness through early intervention, employee support and through the promotion of health, safety and well-being initiatives.

This policy and procedure details the Council's approach to encourage attendance at work through managing short and long term sickness absence.

Other policies are in place, which deal with absence from work for other reasons such as Dependant care leave, Special leave and Compassionate leave.

2. Scope

This policy applies to all City of York Council employees.

It is our policy to ensure that:

- As an organisation we are sensitive and supportive to those suffering from the effects of ill health.
- Discussion and constructive dialogue with employees will take place to support and resolve attendance issues.
- Return to work interviews are conducted and recorded appropriately following each period of sickness absence.
- There is a procedure which sets out how employees who are absent from work for a short or long period of sickness must notify and certificate their absence, which identifies how sickness absence from work will be managed and ensures employees are warned of the possible consequences of continuing unsatisfactory attendance.
- Trigger points are established to guide when formal review meetings should take place, to ensure fair and consistent application.

- Occupational Health services are available and employees may be requested to consent to be examined by the Occupational Health service and agree to allow the advisor to provide a medical report to the Council, where reasonably asked to do so. Similar referrals could be made to the Osteopath Service under the same terms of the Occupational Health contract.
- All sickness absence is accurately recorded identifying the reasons for the absence.
- Records of all absences, discussions, medical certificates and information relating to an employee's health are kept confidential and in accordance with the requirements for special categories of personal data under the General Data Protection Regulation (2016/679 EU) (GDPR) and Access to Medical Reports Act 1988.
- Managers are provided with appropriate training in managing sickness absence and promoting wellbeing, to support and deal effectively with absence.
- Employees have the right to be accompanied by a Trade Union representative or work colleague at any Formal meeting.
- There is an appeals process through which employees can raise concerns about the application of the Formal stages of the procedure.
- Employee's receive payment in accordance with their pay and conditions of service during any period of absence, conditional upon complying with the Council's procedure for notifying of absence, provision of ongoing medical evidence / certification and attendance at Occupational Health and Osteopath appointments when referred.
- That employees and managers are aware of their responsibilities in accordance with the Equalities Act 2010, Health and Safety Act 1974 and other relevant employment legislation and codes of practice.

ATTENDANCE MANAGEMENT PROCEDURE

The following procedure applies to all employees of the Council, in accordance with the Council's Attendance Management Policy.

1. Notifying of Sickness Absence

- 1.1. An employee must notify the City of York Council's Absence Line on **01904 809584** if they become unwell whilst at work and need to leave early. Similarly any illness which may affect the ability to carry out normal duties must be reported to the City of York Council's Absence Line on **01904 809584** and to your line manager.

The City of York Council's Absence Line is led by trained call handlers and where required, employees will have access to OH Nurses, who will provide employees with access to 24/7 medical advice for the early intervention of sickness absences.

- 1.2. When an employee is unable to attend work because they are ill or injured, they are required to follow the reporting procedure set out below:
- Notify the City of York Council's Absence Line on **01904 809584** on the first day of absence by their normal start time, but no later than one hour after this, stating the reason for the absence and the possible date of return. Or as per local reporting procedures where alternatives are in place, such as reporting absences an hour before normal start times if minimum staffing levels and cover is required.
 - In exceptional circumstances only, if you are unable to telephone in person to report the absence on the first day, arrange for someone else to telephone in on your behalf. Beyond the first day, you personally have a duty to maintain regular contact with your line manager.
 - If the absence is a result of an accident or an injury sustained at work then this information must be made known during your initial call to the City of York Council's Absence Line and when completing the Return to Work Form process on-line. You must also ensure that the accident/incident has been recorded on the H&S Portal.
 - Where the absence continues, as a minimum you must contact your line manager on the 4th day of absence giving an update on the reasons for the absence and possible date of return. If the absence continues, you and your

line manager should agree the frequency for continued contact on a regular basis and as a minimum, every two weeks.

- As soon as a return to work date is known you must inform your line manager, providing as much notice as is reasonably practical but at least one day's notice. If you have been signed off by a GP Fit Note and expect to return to work on a phased return, you must provide sufficient notice for your manager to seek medical advice and guidance on the content of the phased return to work from Occupational Health or the Osteopath.
- You must also contact the City of York Council's Absence Line on **01904 809584** to confirm the details of your return to work.

The City of York Council's Absence Line will:-

- Ask you to confirm your Payroll Number, Post Title, Department and your Line Manager's name.
- If you have more than one post / contract with The City of York Council, you must provide details of each post title, department and line manager and confirm whether you are unfit for work in each of the posts.
- Clarify the reasons given for your absence and provide any initial medical advice, intervention or signposting.
- Confirm the absence is actually sickness related and does not fall under a different leave policy, for example Dependant Care Leave.
- Establish how long you expect to be absent.
- Ensure that you are aware of the Attendance Management policy & procedure.
- Agree further contact required, in line with notifying of absence policy & procedure.
- Confirm if the absence is related to an injury/incident at work and therefore needs reporting on the H&S Portal.

2. Certification & Fit Notes

2.1. Every absence has to be certified to ensure prompt and correct payment of Occupational (OSP) and Statutory Sick Pay (SSP).

- For 1 to 7 calendar days of any absence an employee, on return to work, must complete the Return To Work on-line process with their line manager.
- From the 8th calendar day onwards, including Saturday and Sunday, the employee must obtain a 'Statement of Fitness for Work' (Fit Note) from a

medical practitioner/hospital. Fit Notes must be sent to the line manager and they are then scanned and emailed to the HR Business Support for recording on the employee's personal file. If you have more than one post / contract with The City of York Council your Fit Note must confirm your fitness to work in each post.

- Where there is continuing sickness absence the employee must submit to their line manager on time, concurrent fit notes to cover the whole period of the absence, including weekends, bank holidays, non-working days and school holidays.
- An Occupational Health report that confirms that an employee is unfit to attend for work is sufficient to maintain payments of OSP and SSP until a GP's Fit Note is received.

2.2 It should be noted that failure to follow the reporting and certification procedures set out above may lead to the absence from work being considered as unauthorised absence, resulting in loss of pay and possible disciplinary action.

3. Sickness during Annual leave

3.1. Employees who are on annual leave and become sick during that time will be regarded as being on sick leave from the date a 'Fit Note' is provided. In addition to this note, you should advise the City of York Council's Absence Line on **01904 809584** as per the notifying of sickness absence procedure detailed above.

3.2. Employees who have an annual leave entitlement may request to take annual leave during periods of long term sickness. Any such requests should be made to your line manager and they will be considered in accordance with the Annual Leave policy.

4. Maintaining contact

4.1. After the initial call to the City of York Council's Absence Line on 'Day One' of the period of sickness absence, the employee has a duty to keep their line manager regularly updated on their situation throughout the period of absence. They will give them as much information as possible about the absence, any treatment that they have had or are planning to have and any indication of a return to work date.

This should be done by telephone or as per an alternative agreement with their line manager.

- 4.2. If an absence becomes long term, regular contact must be maintained, the method and frequency to be agreed between the line manager and employee dependent upon the circumstances.

5. Recording & Monitoring sickness absence levels

- 5.1. All absences and the reasons for them will be recorded accurately on the Council's Payroll system.
- 5.2. This information will be used to monitor the Council's sickness absence levels and identify any causes for concern.
- 5.3. When an employee contacts the City of York Council's Absence Line on day one of the absence, the absence will be opened by Business Support on the Payroll system.
- 5.4. When the employee contacts the City of York Council's Absence Line to confirm a return to work date, the absence will be closed by Business Support on the Payroll system.
- 5.5. Line managers will maintain contact throughout all absences with their employees and must monitor sickness absence levels for their team and take any action as necessary when trigger points are reached and/or where there are concerns about an employee's absence levels.

6. Return to Work

- 6.1. Following all periods of sickness absence a return to work interview will be held with the employee by their line manager. This will ideally be held on the first day of the return to work but must be held within three calendar days of the return to work.
- 6.2. The purpose of the meeting is to:
- Discuss the reasons for the absence and ensure the member of staff is fit to return to work. Records of all absences, discussions and medical certificates will be kept confidential.
 - Check that the necessary certification has been completed and provided.

- Discuss the details of the return to work, based on any advice given by a GP in the Statement of Fitness for Work.
- Explore the need for specific support or workplace adjustments and where appropriate consider a referral to Occupational Health for advice.
- Establish if the sickness is work-related and whether there are any health and safety issues or work related factors that need to be addressed.
- Provide an update on workplace developments including how the work has been covered in their absence and how the workload can be organised to accommodate any backlog.
- Clarify expected standards of attendance including absence triggers and possible consequences where standards are not met.
- As appropriate identify and raise any concerns regarding absence levels and triggers and consequences where standards are not met.
- It is worth noting that the date that the employee reports that they were fit to return to work may be prior to their next working day. For example if an employee works Monday, Tuesday and Wednesday and report sick for those 3 days, they may report themselves as being fit for work on the Thursday.

6.3. The return to work interview should be recorded by the line manager on the Return To Work on-line system.

7. Underlying Personal Circumstances

7.1. Should it be established that the employee's sickness is related to their personal or domestic life, the employee will be made aware of the services and support that can be provided through the Council and Occupational Health's counselling service, the Employee Assistance Programme (EAP).

8. Occupational Health Referrals

8.1. It may be necessary to refer an employee to Occupational Health to:-

- determine an employee's fitness for carrying out their job;
- determine whether the employee is fit to return to work after a period of sickness absence, or when this might be the case;
- prevent discrimination against employees on the grounds of disability or assess the need to make reasonable adjustments to the working environment; or
- prevent a significant risk to the health and safety of the worker, or others;
- comply with other legal obligations;
- Obtaining a medical report on an employee involves processing an employees personal data under the General Data Protection Regulation (2016/679 EU) (GDPR).

8.2. As part of an employee's conditions of employment, all employees are required to attend an Occupational Health or Osteopath appointment when requested. Where an employee is unable to attend a particular appointment they must let their manager know immediately so that alternative arrangements can be made.

8.3. Where an absence lasts for four weeks or is expected to, the employee will normally be referred to Occupational Health.

8.4. Where a referral to Occupational Health is made, the manager will complete an online Occupational Health referral form ensuring that as much relevant information as possible is given to the Occupational Health provider. All referrals and the reasons for them will be made in consultation with the employee who will be made aware of the content of the referral prior to appointment. Occupational Health will determine the appropriate form of assessment, be it by telephone consultation or a face to face appointment with an occupational health advisor or physician.

8.5. Appointment times for which are notified via the employees line manager. Where an employee is unable to attend an appointment, they must contact their manager at the earliest opportunity to discuss the reasons and ensure the appointment is re-arranged.

8.6. If an employee refuses or fails to attend an interview with Occupational Health or does not provide their consent for a medical report to be obtained from their GP, their entitlement to OSP and SSP may be suspended. Failure to attend the

Occupational Health service on a second occasion will lead to an investigation into the reasons and disciplinary action may be taken.

- 8.7. In addition the Council will proceed to hold appropriate review meetings and make decisions regarding the employees' absence without the benefit of medical advice.

9. Disability

- 9.1. An employee is classed as disabled under the Equality Act 2010 if they have a physical or mental impairment that has a 'Substantial' and 'Long-term' negative effect on their ability to do normal daily activities.

- 9.2. 'Substantial' is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed.

- 9.3. 'Long-term' means 12 months or more, eg a breathing condition that develops as a result of a lung infection.

- 9.4. In such cases 'reasonable adjustments' will be considered and provided to help support and maintain the employee's employment.

- 9.5. The type of adjustment provided to support a disability will vary on a case by case basis depending on the medical condition or impairment identified and suggestions made by Occupational Health and / or the employee could include:

- Changes to the workload, work practices or work pattern environment, either as part of phasing the employee back to work or on a permanent basis.
- Provision of physical adaptations or aids.
- Other additional support identified e.g. counselling.
- Exploring flexible working opportunities.
- A variation to a formal review period.
- Additional time off for a reason directly related to their disability.
- More generous and flexible trigger points for absences relating to the specific disability.

- 9.6. The Council aims to support disabled people in a positive and proactive way to eliminate and avoid any discrimination and disadvantage.

10. Management of Sickness Absence

- 10.1. Where absence levels become a cause for concern, due to trigger points being reached, this procedure must be invoked to ensure a fair and consistent approach to the management of sickness absence.
- 10.2. The Council recognises that there are many different types of absence which can be generally categorised as:

Short Term Absences

Defined as an episode which does not exceed 4 calendar weeks (i.e. repeated days of full or partial absence, frequent or persistent in nature);

Long Term Absences

Defined as a continuous absence of four calendar weeks or more.

- 10.3. This procedure applies to all types of sickness absences.

11. Trigger points

- 11.1. During every return to work interview the overall levels of absence should be assessed. If it is determined that one of the trigger points below has been reached then either an informal or formal review meeting should be arranged as detailed below. The triggers are:
- Three periods of absence in a rolling three month period.
 - Four periods of absence in a rolling six month period.
 - 10 or more working days in a twelve month period or pro-rata for part-time employees and those on compressed hours or other flexible working arrangements. The 10 days is based on a full-time employee working 37 hours per week equally over 5 days from Monday to Friday. For a part-time employee who only works Monday and Tuesday the pro-rata trigger is 4 working days, so 2/5^{ths} of the 10 working days trigger.
 - A trend of an unacceptable pattern of absence e.g. regular Mondays / Fridays.

- A period of continuous absence lasting 4 weeks or more.

12. Exceptions to the trigger point system

- 12.1. Absences due to pregnancy or related illness will be discounted when calculating the levels of attendance for the purposes of taking action under this procedure.
- 12.2. Absences due to disability related illnesses are recorded. However managers will, when considering sickness absence in relation to disabled employees, consider appropriate 'reasonable adjustments'. One adjustment maybe to accept some level of absence from work for absences connected with the disability only. Managers should seek advice from Human Resources in all instances when you are considering these adjustments.

13. Review Meetings and Stages

- 13.1. There are four stages to the sickness absence procedure, as noted below:
- Informal Meeting.
 - First Formal Review meeting.
 - Second Formal Review meeting.
 - Final Formal Review meeting.
- 13.2. The purpose of the review meeting is to investigate the reasons for the absence, identify support to facilitate a sustained improvement in attendance, or where a return to work is not foreseeable consider what other action can be taken.
- 13.3. Once a meeting has taken place and the evidence considered, the manager may issue a warning to improve attendance and agree a timescale for improvement. Alternatively, mitigating factors may make it inappropriate to issue a warning and to instead extend a current warning.
- 13.4. A formal warning is live for a specified period during which the employees absence will be monitored. If the employee fails to attain the improvements in attendance set or they hit a further trigger at any point during the warning period, the manager will progress to the next stage in the absence management procedure. They will not wait until the end of the warning period to take action. A warning will cease to be 'live' for the periods detailed in the summary table below,

however the warning will remain on the employees personal file as a record of their employment history.

Stages	Review Meeting Convened When?	Held By?	Potential Warning And Its Length	Appeal Held By?
Informal Meeting	A trigger point is reached / as part of the return to work interview.	Line Manager	Informal Warning to be noted on Self Certificate (Return To Work) form.	No right of appeal against an Informal Warning.
First Formal Review Requires 7 calendar days notice of the meeting.	Another trigger point is reached and/ or there has been no significant improvement in attendance following the informal warning, or where the absence continues for more than four weeks and there is no sign of a return to work.	Line Manager or nominated manager by Chief Officer.	First Formal Warning lasting 12 months. Letter confirming outcome sent within 7 calendar days.	Line Manager's or Hearing Manager's Manager.
Second Formal Review Requires 7 calendar days notice of meeting.	Further trigger point has been reached and/ or there has been no significant improvement in attendance at any point during the 12 month review period following a First Formal Warning. A return to work cannot be foreseen or is not sustained in the agreed timescales.	Line Manager or nominated manager by Chief Officer.	Final Formal Warning issued lasting 12 months Letter confirming outcome sent within 7 calendar days.	Line Manager's or Hearing Manager's Manager.
Final Formal Review Requires 14 calendar days notice of meeting.	No significant improvement in attendance at any point during the 12 month review period following a Second Formal Warning. A return to work cannot be foreseen or is not sustained in the agreed timescales. Where options to enable the employee to remain in employment are either unreasonable, inappropriate or have been unsuccessful.	Chief Officer or nominated Head of service by Chief Officer. Chair of 2 nd Formal Review Meeting presents the management case.	Dismissal (or) Extension to a 'final warning' and or ill health retirement in cases of permanent incapacity Letter confirming outcome sent within 7 calendar days.	Appeals against dismissal are heard by the Corporate Appeals Committee Comprising of 3 elected members. Appeals against warning extensions

				are heard by the Line Manager or Hearing Manager's Manager.
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14. **Formal Review Meetings**

14.1. Formal review meetings will normally take place sequentially in stages after an informal discussion or the Return to Work Interviews have failed to attain the improvements in attendance required or a further trigger has been reached.

- First Formal Review.
- Second Formal Review.
- Final Formal Review.

14.2. The exception to this is when managing long term sickness, please see Section 17 below.

14.3. Before a Formal Review Meeting is convened, medical advice/opinion on the employee's health issues will, in most cases, be sought through a referral to Occupational Health or the Osteopath Service.

14.4. An employee must be referred to Occupational Health for an up to date Occupational Health report prior to any review meeting that considers termination of employment.

14.5. Review meetings will be held by the employee's line manager except for final review meetings which will be held by a Chief Officer as per the summary table above. In all cases a Chief Officer can nominate another manager to carry out the review as business needs dictate.

14.6. The employee will be invited to attend the review meeting, informing them of the reasons for the meeting and of their right to be accompanied by a workplace colleague or trade union representative.

14.7. The employee will be provided with:

- Advance notice of the meeting. A minimum of 7 calendar days notice for a first and second review meeting and 14 calendar days for a final review meeting.
- A letter which sets out the date, time, venue, reasons why the meeting is taking place and possible outcomes.
- The right to be accompanied by a Trade Union representative or work colleague.

14.8. Where an employee or their chosen representative is not available at the scheduled time an alternative meeting will be re-arranged within 7 calendar days of the original meeting.

15. At the meeting

15.1. The manager holding the review will explain the reasons why the meeting has been arranged, detailing absence issues and the investigatory action undertaken to date e.g. the return to work interview, medical advice obtained through Occupational Health/Osteopath and or statements of fitness received.

15.2. The employee and their representative will be given the opportunity to respond and discuss the current situation regarding their absence.

15.3. The meeting will be adjourned whilst the line manager decides what action is appropriate. The employee will then be informed as to what, if any, action will be taken, such as warnings issued, targets to improve attendance and the implications of hitting further trigger points.

15.4. A representative from the HR Department may be present at any stage of the formal procedure.

15.5. The employee will receive written confirmation of the outcome of the formal review meeting within 7 calendar days of the meeting taking place. This will include the level of any warning issued to improve attendance, how attendance is expected to improve and any other remedial action/support agreed. Where a warning is

issued, the right of appeal against the warning will be stated with details of how this can be raised. If further information is required before a final decision can be made, the outcome letter may be issued later than the 7 days outlined above.

- 15.6. A copy of all documentation relating to the review meeting will scanned and emailed to Business Support be put on the employee's personal file.

16. Final Formal Review Meeting

- 16.1. Where there are continuing concerns regarding short term absences and previous warnings have been given, or where in the case of long term absence, options to enable the employee to remain in employment are either unreasonable, inappropriate or have been unsuccessful the employee will be asked to attend a Final Review Meeting.
- 16.2. The purpose of a Final Review Meeting is to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment or whether employment should be ended due to the employee's incapability to undertake their duties effectively because of ill health.
- 16.3. A Chief Officer or nominated Head of Service, advised by a member of the Human Resources department, will hear the final review.
- 16.4. Others involved in the employees' case such as the manager will also be asked to provide information on what action has been taken.
- 16.5. When reaching a decision on whether or not to end an employee's employment, the Hearing Manager will consider issues such as:
- The employees complete absence record.
 - What actions have been taken to attempt to enable the employee to continue in employment.
 - The warnings received.
 - The medical advice received.
 - A recommendation for ill health retirement and whether the employee is a member of LGPS and fulfils the criteria to access the pension scheme.

- The impact of the employees' absence and ill health on other employees and service delivery.
- The ongoing costs of providing cover for the employee.
- Any other relevant information presented by the employee and their individual circumstances.

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

16.7. Where it is decided that rather than dismissal, further action is an appropriate sanction the Hearing Manager may extend the 'final warning' for up to a further one year period advising that dismissal may arise if there is not a sustained improvement in attendance or a return to work.

16.8. The employee will be informed of the decision in writing within 7 calendar days of the meeting. Where a decision to dismiss is made, the letter will inform the employee of notice of termination of employment and their right of appeal.

16.9. If the Final Formal Review Meeting is considering short term sickness triggers and the decision is taken to dismiss the employee, the dismissal is enacted with immediate effect and notice paid in lieu, based on their contractual notice.

16.10. If the Final Formal Review Meeting is considering long term sickness absence and the employee is permanently unfit for their substantive post and any other post in the Council and the decision is taken to dismiss the employee, the dismissal is enacted with immediate effect and notice paid in lieu, based on their contractual notice.

16.11. If the Final Formal Review Meeting is considering long term sickness absence and the employee is permanently unfit for their substantive post but may be fit enough to consider redeployment opportunities and the decision is taken to dismiss the employee, the employee is issued with contractual notice of dismissal, during which time redeployment will be considered. Employees should be placed back on full pay for their period of notice, if their pay has reduced.

17. Long Term Sickness

17.1. Whilst the procedure remains the same as managing absence for short term sickness, it is recognised that in the case of long term sickness not all stages in

the procedure may be needed and the procedure can be entered at any level. This will be dependent upon the individual employee's circumstances. As part of the formal review process, a meeting will be arranged to discuss the likely date of a return to work and what duties if any the employee could undertake. The review meeting will:

- Establish the likely duration of the sickness absence and an indication of when the employee will be able to return to work and/or the anticipated next steps in their treatment.
- Consider medical, Occupational Health or other external advice.
- Review actions or reasonable adjustments that can be taken to support a return to work.
- Explore why the employee has been unable to return to work or alternatively not perform to the new arrangements that may have previously been agreed.
- Establish if retirement on the grounds of ill health may be a consideration. This only applies to employees in the Local Government Pension Scheme.
- Provide information to keep the employee updated on what is happening at work during their absence.
- Provide an update on the employee's status of pay. The Human Resources Business Centre can provide you with this information.

17.2. In limited circumstances and providing that all the consultation stages are documented and a final Occupational Health report supports dismissal, it may be appropriate to only implement the First and Final Formal Review stages of the procedure. For example where ill health retirement with full acceptance by the employee is the likely outcome. Managers must seek the advice of the Human Resources department in these circumstances.

18. Right of Appeal against Formal Action

- 18.1. An employee has the right to appeal against any formal warning or dismissal on the grounds of ill health/attendance.
- 18.2. In order to exercise this right, the employee must write to the manager who made the decision within 14 calendar days of receipt of the letter/notice of termination of employment. In their letter the employee must state their grounds of appeal.

- 18.3. The council will arrange for the appeal to be held following receipt of the employee's appeal letter. Details of who hears an appeal is outlined in the table on pages 13-14.
- 18.4. The employee has the right to be represented at an appeal by a Trade Union representative or work colleague.
- 18.5. During the appeal hearing, the Council and the employee and/or their representative will have the opportunity to state their case and provide any documentary evidence.
- 18.6. The Chief Officer will communicate their decision in writing, within 7 calendar days of holding the appeal. The decision of the appeal is final within the Council's internal procedures.