people policies

Supporting Attendance Policy

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Policy

Purpose of the policy

The Supporting Attendance Policy creates a framework for managers to use to support employees to attend and remain at work. Bristol City Council is committed to employee health and wellbeing, and we know that it is good for our health to be at work.

The council aims to actively promote wellbeing, and encourages people to engage with Health at Work activities. Everyone experiences sickness from time to time, and this is not usually a problem. However, when an employee is absent for long periods, or for frequent short periods, this can cause disruption to services, increasing pressure for colleagues, and is not good for the individual.

This policy aims to support those who are unwell, by exploring ways that we can support employees to make a full recovery, and return to work as soon as possible.

Employee's responsibilities

- If you are going to be absent from work you must tell your manager as early as possible by the notification method agreed in your work area.

- You must give the reason for your absence, say how long you think you will be absent, and agree with your manager when you will next get in touch.

- If you can, it would be helpful if you could tell your manager if there are important or urgent appointments/work that will need to be covered in your absence.

- You must take responsibility for your absence, by keeping in touch with your manager while absent, sharing information with them about ways to support you and following recommendations from your doctor or Occupational Health, or the government's new Fit for Work service (FFW), if applicable.

Manager's responsibilities

- To promote employee wellbeing and participation in Health at Work activities and use of the Employee Assistance Programme.

- To agree a consistent and appropriate method and frequency of contact with absent employees on your team to keep in touch, and explore ways to support them back into work. The level and nature of the contact can differ dependent on the reasons for absence.

- To ensure that medical advice is considered and any reasonable adjustments are put in place to enable the employee to make a full recovery and return to work. In some cases it may be appropriate to await the implementation of any recommended reasonable adjustments or the receipt of medical advice before taking formal action.

- Where employees have hit a review point, demonstrate that adequate support has been given, before issuing warnings at the appropriate level so that the employee knows that the level of absence is unacceptable, and action may be taken up to and including dismissal.

- To carry out return to work interviews, and formal attendance review meetings as appropriate, and ensure that all action taken is properly recorded and monitored using the HR System.

Trade union representative's role

- To support and advise members.

- Attend attendance review meetings, and if unable to attend, find a suitable alternative date or a replacement representative.

- Work with all parties to facilitate timely resolution.

- To work with managers, HR and staff to ensure the policy is adhered to.

Employee Wellbeing

We are committed to promoting and supporting employee wellbeing. Some ways that wellbeing can be improved include:

- Work-life balance options through flexible working where this has no detriment on the business.

- Taking of regular breaks, and participation in Health at Work activities, particularly physical activities at lunchtimes.

- Working to remove the stigma around psychological ill- health and stress issues, by all our people feeling they can talk about these openly.

- Using the Alcohol and Substance Misuse policy to support people to seek help if they have a problem.

- Managers focusing return to work discussions on helping employees to return to and remain at work, and encouraging early return to work and rehabilitation for employees who have been absent.

People should let their manager know if there are any adjustments that could be made to help them return to or remain at work.

Pregnancy related sickness

Women have the right not to be subjected to unfair treatment at work because of pregnancy or childbirth, or for exercising the right to take maternity leave.

All pregnancy related absences (this includes sickness absence as a result of a miscarriage) must be recorded in the normal manner but will not count towards review points, and are disregarded for the purpose of determining whether a notification or warning should be issued. Return to work discussions must be held as usual.

Work related injury / illness

Only those injuries or illnesses covered by the reporting requirements of the Reporting of Injuries, Diseases and dangerous Occurrences Regulations 1995 (RIDDOR) can be classified as work related injury/illness. Work-related stress does not come under this category.

Disability related sickness

We are committed to having a representative workforce, and will take reasonable steps to support the attendance of disabled employees, making reasonable adjustments as necessary to help disabled employees to remain in the workplace.

Definition of a disability

The Equality Act 2010 definition of a disability is "a physical or mental impairment, which

has a substantial and long term adverse effect upon their ability to carry out normal day to day activities". The illness or condition is considered long term if it has lasted, or could last 12 months or more.

The definition of disability applies from the time of diagnosis for those employees with progressive conditions including HIV, multiple sclerosis and cancer. Employees with psychological ill-health may also be protected.

Reasonable adjustments

Under the Act, employers have a legal duty to make "reasonable adjustments" where working arrangements place a disabled person at a substantial disadvantage from those that are not disabled. A reasonable adjustment may be, but is not limited to any of the following:

- An adjustment to the working environment or equipment that the employee must use, e.g. changes to the workstation or building

- An adjustment to the employee's duties

- An adjustment to the employee's review points for absences related to their disability or impairment

There is further information in the **Reasonable Adjustments Policy** and **Guidance**.

Paid time off to attend hospital appointments

Reasonable paid time off to attend hospital appointments in connection with disability should be given, taking into account the needs of the service.

Impairment Related Sick Leave

Managers of disabled employees who meet the Equality Act definition should record all sickness, including absences relating to their impairment. Sickness related to their impairment must be recorded as impairment related sickness. The same certificating processes and return to work discussions apply.

Managers can ask Occupational Health for advice and guidance. All Occupational Health referral forms and responses must be shared with the employee.

Dismissal

Under the Equality Act 2010, dismissal (including compulsory ill health retirement) of a disabled person for a reason relating to their disability would need to be justified within a level 3 dismissal hearing and the reason for it would have to be one which could not be removed by any reasonable adjustment. Managers should work closely with Occupational Health and HR if dismissal is a possibility.

Process

Notification of absence

If an employee is unable to attend work because they are unwell, they must let their manager know this as soon as possible using the locally agreed notification method.

The manager must receive, discuss and agree the following information from the employee:

- Reason for absence (also see appendix A if an absence is a result of work activity).

- Expected duration of absence if known.

- Any adjustments that may be needed to support their return.

- An appropriate form and frequency of contact.

- Any immediate support required.

- Agree that they will update you before their expected date of return to say if they still expect to return on that date.

The manager must update the HR system, and continue to update this after each contact with the employee.

The Employee should call before their expected date of return to say whether they will still be returning or not.

When the employee confirms that they will definitely be returning to work, the manager must talk to them about what support they may need. They should also discuss whether they might need a phased return, referral to OH, an informal meeting before their official return date, or any other adjustments to help in their return to work.

Return to work discussion

A return to work discussion must be held between the manager and employee on the day the employee returns to work. The discussion should take place face to face wherever possible, though if this is not possible, over the internet or phone is acceptable. The conversation must always take place in a private area, where other employees cannot hear, and this is the same for telephone conversations.

The return to work discussion is informal and supportive, intended to welcome an employee back and check that they are fit to return to their full duties, find out why they were away and let them know any news.

The return to work discussion must consider:

- Has the employee completed the sickness absence self-certification form? This is a requirement after every absence through sickness.

- Employees must provide a fit note from their doctor if their sickness absence was for eight consecutive days or more.

- Does the employee need any adjustments or referrals?

- If they have been absent due to psychological ill- health including stress, the manager should make them aware of the Employee Assistance Programme and discuss what support can be given. This could include carrying out a Stress Risk Assessment.

- Are there any difficulties being experienced by the employee, either at work or at home, which are affecting their attendance?

- If the absence resulted from work related activity it should be discussed. See Appendix A.

- In cases where there is room for improved attendance an employee must be told:

  - o what is expected and the likely consequences if this does not happen.

  - o if their level of absence is putting their job at risk

  - o The impact their absence has had on the business and their colleagues if they have hit review points and what that means for them (i.e. they will be invited to an attendance review meeting at level 1, 2 or 3).

Notes of the return to work discussion must be shared with the employee and entered onto the HR system.

When an employee hits a review point, they must be invited them to an attendance review meeting (level 1, 2 or 3, as appropriate). The review points are:

- Six days of absence within the previous three months

- Three separate incidents of absence within the previous three months

- 12 days of absence within the previous 12 months

- Six separate incidents of absence within the previous 12 months.

Attendance review meetings

The review meeting invitation letter must include:

- The level of the meeting and its possible outcomes
- The employee's right to accompaniment
- The date of meeting, allowing enough time to organise TU representation – up to five working days
- Reference to the policy

It is important for the manager seeks to create an open and supportive environment for the review meeting. The aim of the meeting is to ensure that both employee and manager are doing everything possible to support the employee's attendance. It is important that employees make their manager aware of anything they are doing to support their own attendance (for example, following doctors' advice, living a healthy lifestyle, attending appointments if appropriate). It is also important that they let their manager know if there is anything at all that they could do to support them increase their ability to attend and remain at work.

There are 3 levels of review meeting:

- Level 1 – dealing with the notification of unacceptable attendance. This meeting explores the reasons for unacceptable levels of attendance. The manager and employee should discuss ways that the employee could be supported to improve their levels of attendance, and the manager will usually issue a notification of unacceptable attendance with a review date.

  However, immediately issuing a notification may be unhelpful or insensitive in some cases. For example, the reason for absence could be serious illness and regular communication and involvement is more important.

  Another example could be where an absence results from a significant injury and medical advice provides an expected fitness for work date (eg a broken limb). A notification may not be appropriate initially.

  However, in these cases a review date should still be set.

- Level 2 – dealing with ongoing or repeated levels of unacceptable attendance. This meeting will be held where a further review point is met during the term of the Level 1 notification of unacceptable absence. The meeting should review what was done at the level 1 meeting, and consider further what can be done to support the employee and help improve and maintain their attendance, A further notification of unacceptable attendance is usually issued with a review date.

- Level 3 – dealing with serious or repeated levels of unacceptable attendance, which is causing an adverse impact on the service, where the outcome could be dismissal. Possible outcomes from this meeting are dismissal, ill-health retirement, medical redeployment, and in very exceptional circumstances, a reissued notification of unacceptable absence or no further action.

In most sickness absence situations, the Levels above should be followed through consecutively starting at Level 1. However, there may be occasional circumstances where it is appropriate to start at a higher level attendance review meeting or by-pass a level.

Situations where this may be appropriate include, for example:

- When an employee has received repeated notifications of unacceptable attendance and / or warnings and absence initially improved but returns to be unacceptable after a review date has passed;

- When the reason for absence is serious illness and a sensitive and sympathetic approach is paramount. This may involve starting at a higher level providing good communication and support has been ongoing throughout the period of sickness.

In all sickness absence cases, managers should be clear with the employee what level they are using at any time.

At the attendance review meeting – refer to the attendance review checklist. Managers should use this as a prompt so that they cover the right issues, using discretion if some aspects of the checklist are not appropriate to the circumstances, and consider all the information the employee gives them.

The manager must issue a letter summarising the meeting, and this must say:

- What the outcome was

- What support will be provided

- What improvement is required

- The manager's reasons for choosing the outcome, including the key points discussed in the meeting. The manager must also give their reasons for not issuing a notification of unacceptable absence if they have chosen not to do so.

- What the appeal rights are for a notification of unacceptable absence if one is issued, or for dismissal if that is the outcome.

Medical redeployment

This applies when Occupational Health formally confirm that an employee is, or soon will be, medically unfit to return to their substantive post but may be well enough to undertake alternative/ less onerous duties and responsibilities.

The manager will hold a level 3 attendance review meeting with the employee to discuss Occupational Health advice and arrange for the employee to enter the redeployment scheme when given 12 weeks' notice of termination. Please see the Redeployment Scheme for full details.

Ill-health retirement

This applies where an employee is a member of the Local Government Pension Scheme and Occupational Health confirm that the employee is, or soon will be medically unfit to undertake their post or any other suitable post available.

If the Occupational Health physician recommends that medical redeployment is not applicable due to the medical condition of the employee, or if redeployment has not been successful, the manager will then hold a meeting to consider termination of employment.

The manager will arrange a level 3 attendance review meeting to consider termination of employment on grounds of Ill Health Retirement. In the absence of an Ill Health Retirement recommendation from Occupational Health, termination will be on grounds of medical capability.

Corporate redeployment must have been undertaken prior to an application for ill-health retirement, except where Occupational Health have already confirmed that medical redeployment wouldn't be possible due to the medical condition of the employee.

Additional guidance and support

Everything that you need to know and do to when you are going through a supporting attendance matter is contained within this policy, but for additional information, templates and guidance please refer to the following links..

Additional guidance

The Council uses an **Employee Assistance Programme (EAP)** to deliver counselling support for employees. The EAP provides confidential, short-term solution focused counselling for employees with concerns affecting their personal/work performance.

EAPs address a broad and complex body of issues affecting mental and emotional well-being, stress, grief, family and relationship issues.

The EAP offers:

- Free and confidential assessments via free phone number (0800 111 6387) 24 hours a day, 365 days a year.

- A signposting service for many issues ranging from legal issues, debt management, and a number of other areas that can affect our lives

- Short-term counselling and follow-up services for employees with the option of self or management referral

- Mediation

- Stress management and wellbeing advice and support via a web-based service **www.my-eap.com** (enter organisation code BCCwell).

Attendance Review Checklist

Attendance Review Meeting Questions

Supporting Attendance Guidance

Health and Wellbeing at Work

- o Occupational Health (OH) promotes the health and well-being of employees by preventing work-related ill health and by providing specialist return to work advice.

- o OH provides independent, impartial advice to employers and employees on the effects of work on health and the effects of health on work.

- o Counselling and mediation

- o Employee Health Checks

Security Planning Template (in relation to relapsing mental illness)

Associated policies

Code of Conduct for Employees

Maternity and Caring Employee Scheme

Flexible Working Policy

Leave Policy

Reasonable Adjustments Policy

Letters and templates

Supporting Attendance letter templates

Dismissal and Re-engagement

Form to register an appeal against dismissal from BCC

Gross Misconduct Dismissal

Misconduct Dismissal

External websites

NHS Choices provides useful information and advice about various health issue and general well-being. Topics include menopause, progressive disorders, psychological ill-health, weight loss, sexual health and care home.

Appendix A

Absence as a result of work activity

When an employee is absent as the result of work activity, one of the following categories will apply and should be recorded on a 'Health and Safety Incident Form':

Industrial injury: is a physical or mental injury that follows an incident or exposure that occurred suddenly or within 5 days as a result of a failure of work equipment or poorly maintained equipment or PPE. Example: A broken drill bit damages an employee's eye.

Work related injury: is a physical or mental injury that follows an incident or exposure that occurred in connection with being employed at work, carrying out paid duties. Example: Witnessing a suicide whilst working.

An occupational disease: is a disease that is caused by the work or working conditions. The disease may develop due to short- or long-term exposures. Example: An employee's hearing becomes impaired after prolonged exposure to noisy environment.

Managers should follow the supporting attendance process as normal. During return to work meetings, unless information has been gathered previously as a result of an investigation into the incident or illness, it should be discussed and documented.

Pay during absence resulting from an industrial injury/disease is treated separately from an employee's sick pay entitlement and should be recorded separately.

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment. Sick pay for periods of absence in respect of one does not affect the sick pay entitlement of the other.

History of most recent policy changes – must be completed

Version	Date	Change
2.5	06 October 2021	Fixed broken links
2.4	11 September 2018	Removed reference to Fit for Work scheme. All Return to Work information must be entered on to the HR system.
2.3	5 September 2018	Added links to the Reasonable Adjustments Policy and Guidance
2.2	18 September 2017	HR contact details updated
2.1	20 January 2017	Added section entitled "Work related injury / illness" on page 5