

DERRY CITY & STRABANE DISTRICT COUNCIL

ATTENDANCE POLICY

JANUARY 2017

1. Introduction

- 1.1 Derry City and Strabane District Council is committed to the provision of high quality and cost effective services. A key factor in the delivery of these services is the availability of competent staff to provide quality services to residents, visitors, customers and colleagues in a timely manner. The Council recognises that high levels of attendance and team working positively contribute to the effective provision of services.
- 1.2 Low levels of attendance result in service disruption, delays in the completion of work, low staff morale, additional work pressures on staff covering the absence of colleagues, lower productivity and higher employment costs associated with temporary replacement cover. Sickness absence may also have a considerable adverse impact on both an employee's physical and psychological well-being.
- 1.3 As an employer, the Council has responsibility for the health, safety and wellbeing of its employees. The Council is currently promoting its "BeWell" initiative which focuses on the physical, mental and social wellbeing of employees. This includes an employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment. In addition, the Council has a wide range of family friendly policies and procedures to promote worklife balance.

2. Policy Purpose and Objectives

- 2.1 The objective of this policy is to adopt a balanced approach towards protecting and enhancing the interests and wellbeing of Council employees by;
 - Creating a culture within which all employees work together to maximise productive attendance for the benefit of Council employees and its ratepayers.
 - Promoting good attendance and ensuring that, as far as possible, staff absence is minimised.
 - Adopting a consistent, fair, flexible and sensitive approach to the management of attendance.

- Promoting health and wellbeing throughout the organisation.
- Complying with all relevant Health and Safety legislation and through its managers, providing a safe and healthy working environment for all employees.

3. Roles and Responsibilities

3.1 Managers Roles and Responsibilities:

- Monitor and manage employee attendance and ensure that employees understand what is expected in terms of an accepted level of attendance and that their contribution to the service is valued.
- Ensure that all employees are aware of and follow all notification and procedural requirements as outlined in the Attendance Policy.
- Undertake return to work interviews and ensure that all sickness absence notification forms and return to work forms are passed to Human Resources in a timely manner.
- Ensure that a record of attendance support meetings are forwarded to Human Resources for the personal file.
- Effectively utilise reports produced by Human Resources to manage attendance and take the appropriate action with employees as outlined in the policy.
- Maintain regular contact with an employee who is absent from work; whether short term/long term. In circumstances where there is an issue of a sensitive or personal nature, contact may be made by an Officer in the Human Resources Section.
- Act fairly and consistently and in a manner sensitive to each individual case.
- Seek specialist help and advice from Human Resources when required.

3.2 Human Resources Roles and Responsibilities

- Ensure new employees, as part of the induction process, are made aware of, and understand the requirements of the policy.
- Advise new employees of the Council's "BeWell" initiative which focuses on the physical, mental and social wellbeing of employees. This includes an employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Ensure that all managers receive training to equip them with the necessary knowledge and skills to manage attendance effectively.
- Provide regular awareness sessions for employees on the Attendance policy.
- Provide managers with professional advice in relation to attendance management including attending review meetings.
- Make referrals to the Council's Occupational Health service and/or employees' GPs to establish the actual medical position of an individual employee as part of the process of managing attendance.
- Ensure accurate and up-to-date monitoring reports are produced and that meetings take place with relevant managers on a regular basis to monitor and review attendance.
- Produce regular reports for Senior Leadership Team, Council Committee and JCNC.
- Review policy and procedures annually, in agreement with Trade Unions, to evaluate effectiveness.

3.3 Employee Roles and Responsibilities

- Be fully aware of the requirements of the policy including notification and procedural requirements.
- Report absence as laid out in the policy, and participate in return to work interviews.

- Provide relevant documentation including Statement of Fitness for Work certificates in a timely manner.
- Not undertake any activity, which might be detrimental to his/her speedy return to work.
- Comply with any reasonable treatment as recommended by Occupational Health or medical professionals to facilitate a return to work.
- Co-operate with the manager to achieve an acceptable level of attendance.
- Not undertake any other employment of full-time or part-time nature while claiming sick pay unless recommended by the Council's Occupational Health Service.

4. Absence Notification

4.1 Sickness Absence (1 – 7 calendar days)

An employee must personally notify his/her immediate manager, within half an hour of their normal starting time on their first day of absence. The manager must also nominate another senior member of staff to whom absence should be reported in the event that they are not available. This should be clearly communicated to all employees. In circumstances where neither manager is available the employee is required to contact the relevant Human Resources Officer. Notification by text message or email is not acceptable.

In exceptional circumstances, such as hospitalisation, a telephone call to the manager from a relative or friend will be acceptable. In circumstances where absence is of an extremely sensitive nature an employee may notify a Human Resources Officer who will contact the manager.

In some areas of Council, due to the operational arrangements within the Directorate, alternative arrangements for notification may be required and these must be communicated to the team by the manager.

The manager should complete a Notification of Absence Form to record:

- The first day of sickness
- The reason for the absence
- The likely duration if known/applicable

During this conversation the employee is required to outline the likely duration of his/her absence. If it is indicated that the absence will exceed 3 days this will be noted on the form. However, if the employee expects to return to work within 3 days and does not they will be required to notify their manager on the 4th day of absence.

This form should be completed immediately and forwarded to Human Resources for input on the attendance management system and for Payroll purposes.

The manager should, if appropriate, also ascertain from the employee any duties that need to be carried out on his/her behalf while absent from work. If applicable, the manager should also ascertain if the absence is a result of an alleged accident at work.

It is important that the manager and employee agree how regular contact is maintained in line with this procedure.

4.2 Sickness absence (8 or more calendar days)

Where an illness is likely to go beyond 7 calendar days from the first day of absence, the employee must personally contact their manager normally within half an hour of their normal starting time on the 7th day (or next working day) of absence.

A Statement of Fitness for Work certificate provided by a GP must be submitted to the manager no later than the 8th day. The manager must forward the Statement of Fitness for Work certificate to Human Resources as soon as this is received.

4.3 Statement of Fitness for Work Certificates

- The employee must keep their manager fully up-to-date throughout the period of sickness absence and provide further Statement of Fitness for Work certificates to cover for absence, where such absence extends beyond the period covered by the initial certificate.

These should be forwarded no later than 5 working days after the last Statement of Fitness for Work certificate expires. If an employee experiences a difficulty in obtaining an appointment with their GP to obtain a Statement of Fitness for Work certificate, then they should advise their immediate manager as soon as possible.

- An employee is not permitted to return to work before the end date of a Statement of Fitness for Work certificate without advice being sought from the employee's GP or the Occupational Health service.
- Normal pay may be withheld where there is failure to notify or where absences are not covered by the appropriate certification.

4.4 Return to Work Interviews

Return to work interviews must be conducted with employees after every occasion of sickness absence. The return to work interview should take place as soon as the employee returns to work and normally no later than 5 working days of the employee returning to work. A return to work form should be completed and forwarded to Human Resources immediately.

The purpose of the return to work interview is to:

- Discuss any support mechanisms which may assist with the employee's return to work.
- Consider phased return if appropriate.
- Consider reasonable adjustments for employees (where applicable), including discussing with employees advice given on the Statement of Fitness for Work certificate.
- Outline that absence will continue to be monitored and reviewed.

In exceptional circumstances due to the sensitive nature of the absence an employee may request that the return to work interview is carried out by another manager of the same gender. The immediate manager should consider any request carefully and sympathetically.

4.5 Unauthorised Absences

Failure to follow the procedure for notification of absence will be considered as an unauthorised absence, for example:

- Where an employee (or relative/friend in exceptional circumstances) does not personally inform their manager or nominee normally within the first half hour of the normal starting time.
- Where an employee fails to submit regular Statement of Fitness for Work certificate/s when appropriate.

Unauthorised absence is considered misconduct and may be dealt with through the Disciplinary Procedures.

5.0 Injury Claims against Third Parties

If an employee is injured in an accident outside of work for which they can get compensation for lost earnings from a third party, they are not normally entitled to receive sickness pay under the scheme. However, they may be paid an equivalent allowance, which they must repay from any compensation they receive for lost earnings.

6.0 Absence Review Process

6.1 Trigger Points

The Council operates the following trigger points:

- 4 or more occasions of absence in a rolling 12 month period and/or
- 10 working days of absence in a rolling 12 month period and/or
- A pattern of absence causing concern e.g., regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays, pay day or following where a request for annual leave has not been approved.
- 20 days continuous absence (long term absence)

7.0 SHORT TERM ABSENCE

This is a series of short-term intermittent periods of sickness absences (each episode is less than 20 working days) which may or may not be related to an underlying and ongoing medical condition.

An appointment with the Occupational Health service may be arranged if deemed appropriate in order to confirm/provide a diagnosis of any potential medical condition to both the Council and the employee, and provide advice on minimising any impact on the ability to work.

It may be appropriate, on occasions, to progress to supporting the employee through the Longterm absence process.

7.1 Attendance Support Meetings

7.1.1 First Attendance Support Meeting

A first attendance support meeting with the manager will take place when the employee reaches a trigger point. A Human Resources representative may be in attendance. The employee will normally be given at least 5 working days' notice of the meeting in writing. The employee will have the right to be accompanied by a trade union representative or work colleague.

The main purpose of the meeting is to:

- Notify the employee that an absence trigger has been reached.
- Discuss the employee's attendance and reasons for the absence.
- Consider referral to the Occupational Health service or obtain medical information from the GP.
- Advise the employee of the Council's "BeWell" initiative which focuses on the physical, mental and social wellbeing of employees.
- Advise the employee of the Council's employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Consider the availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.
- Ascertain what steps the employee and/or employer can take to improve attendance.

- Indicate that the absence will continue to be monitored over a 6 month period and if there are 3 days or more sickness absence within this period a second attendance support meeting will be arranged.

The meeting also provides an opportunity for the employee to express their views and to raise any issues/concerns they may have.

A record of the meeting will be maintained on the employee's personal file.

7.1.2 Second Attendance Support Meeting

If there is no improvement in the employee's attendance and the employee is absent 3 days or more within a 6 month period a second attendance support meeting will be held. The manager and a Human Resources representative will be in attendance. The employee will normally be given at least 5 working days' notice of the meeting in writing. The employee will have the right to be accompanied by a trade union representative or work colleague.

The main purpose of the meeting is to:

- Notify the employee that an absence trigger has been reached.
- Discuss the employee's attendance and reasons for the absence.
- Consider referral to the Occupational Health service or obtain medical information from the GP.
- Advise the employee of the Council's "BeWell" initiative which focuses on the physical, mental and social wellbeing of employees.
- Advise the employee of the Council's employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Consider the availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.
- Ascertain what steps the employee and/or employer can take to improve attendance and agree an action plan.
- Indicate that the absence will continue to be monitored over a 6 month period and if there 3 days or more sickness absence within this period a third attendance support meeting will be arranged.

The meeting also provides an opportunity for the employee to express their views and to raise any issues/concerns they may have.

The outcome of the meeting will be confirmed in writing to the employee normally within 5 working days.

7.1.3 Third Attendance Support Meeting

If there is no improvement in the employee's attendance and/or the targets from the plan agreed at the second attendance support meeting are not met a third attendance support meeting will be held. The manager and a Human Resources representative will be in attendance. The employee will normally be given at least 5 working days' notice of the meeting in writing. The employee will have the right to be accompanied by a trade union representative or work colleague.

The main purpose of the meeting is to:

- Notify the employee that an absence trigger has been reached.
- Discuss the employee's attendance and reasons for the absence.
- Review the agreed action plan and ascertain what steps the employee and/or employer can take to improve attendance.
- Consider referral to the Occupational Health service or obtain medical information from the GP.
- Advise the employee of the Council's "BeWell" initiative which focuses on the physical, mental and social wellbeing of employees.
- Advise the employee of the Council's employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Discuss the availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.
- Indicate that the absence will continue to be monitored over a 6 month period and if there 3 days or more sickness absence within this period a formal case review will be arranged which could lead to dismissal on capability grounds.

The meeting also provides an opportunity for the employee to express their views and to raise any issues/concerns they may have.

The outcome of the meeting will be confirmed in writing to the employee normally within 5 working days.

7.2 Formal Case Review

If there is no improvement in the employee's attendance and/or the targets from the plan agreed at the third attendance support meeting are not met a formal case review will be arranged. The employee will normally be given at least 10 working days' notice of the meeting.

In this letter the employee will be informed that the panel may consider dismissal on capability grounds due to them being unable to provide regular and effective service to the Council.

The employee will also be advised who is on the panel which will include the Head of Service and a relevant senior Human Resources representative. The employee will have the right to be accompanied by a trade union representative or work colleague.

Details of the attendance record and agreed action plans will be discussed at the meeting, together with any other relevant information. The employee will have the opportunity to express their views and raise any issues/concerns they may have.

In determining what action to take the panel will take into account:

- a) Advice sought from the Occupational Health service and any other available medical evidence.
- b) The employee's length of service.
- c) Reasons and/or patterns of sickness absence.
- d) The likelihood of an improvement in attendance.
- e) The availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/ modification of equipment or redeployment.
- f) The degree of disruption caused by the sickness absence.
- g) The panel should take into consideration any other extenuating circumstances which may come to light during the case review.

If the decision is to dismiss on the grounds that the employee is no longer capable of providing regular and effective service to the Council and as such is potentially in breach of his/her contract, the employee will be advised of his/her right to appeal this decision normally within 7 working days of receipt of the letter containing the disciplinary decision.

The outcome of the meeting will be confirmed in writing normally within 5 working days.

8.0 LONG TERM ABSENCE

Long term sickness absence may be defined as one period of continuous absence lasting 4 weeks or more which may or may not be related to an underlying and ongoing medical condition.

Once an employee has been, or it is known will be, absent from work for a period of four weeks or longer the manager should discuss the absence with a Human Resources representative.

Where an employee is absent from work due to work related stress, a meeting will be convened as soon as possible with the employee, the manager and a Human Resources representative.

8.1 Attendance Support Meetings

8.1.1 First Attendance Support Meeting

When an employee has been absent from work for 4 weeks a first attendance support meeting with the manager will take place. A Human Resources representative will normally be in attendance. The employee will normally be given at least 5 working days' notice of the meeting in writing. The employee will have the right to be accompanied by a trade union representative or work colleague.

The purpose of the meeting is to:

- Discuss the employee's attendance and reasons for the absence.
- Determine whether the absence may be work related and if there are likely to be any limitations upon the individual's fitness when they return to work.

- Agree referral to the Occupational Health Service and/or write to GP if applicable.
- Advise the employee of the Council's "BeWell" initiative which focuses on the physical, mental and social wellbeing of employees.
- Advise the employee of the Council's employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Discuss the availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.
- Determine whether grounds exist or, are likely to exist, to consider ill-health retirement.

Employees who are not willing to attend Occupational Health Services will be advised that any decision concerning continued employment will be made on the facts available.

In the event of a difference in medical opinion, the opinion of the Council's Occupational Health Service supersedes medical advice provided by the employee or the employee's GP. A further specialist opinion may be sought in certain circumstances.

8.1.2 Second Attendance Support Meeting

A second attendance support review meeting will normally be arranged within 2 weeks of Council receiving the Occupational Health report and/or report from the employee's GP. A Human Resources representative will normally be in attendance. The employee will normally be given at least 5 working days' notice of the meeting in writing. The employee will have the right to be accompanied by a trade union representative or work colleague.

The purpose of this meeting is to:

- Discuss the Occupational Health Service report and or report received from the employee's GP and consider recommendations.

- Discuss the availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.
- Advise the employee of the Council's employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Determine whether grounds exist or are likely to exist to consider ill-health retirement.
- Agree timescales for review, if required, depending on individual circumstances.

8.1.3 Third Attendance Support Meeting

If an employee remains on sickness absence, he/she will be invited to a third Attendance Support Review meeting. The timing of this will take into consideration any advice received from Occupational Health Services and/or the employee's GP.

A Human Resources representative will normally be in attendance. The employee will normally be given at least 5 working days' notice of the meeting in writing. The employee will have the right to be accompanied by a trade union representative or work colleague.

The purpose of this meeting is to:

- Discuss the Occupational Health Service report and or report received from the employee's GP and consider recommendations.
- Determine whether the employee is able to carry out the duties of their job and if not, whether this is a temporary or permanent restriction.
- Discuss the availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.

- Advise the employee of the Council's employee assistance programme which offers a range of individual counselling and support services as well as a health cash plan scheme which assists employees access and pay for health treatment.
- Determine whether grounds exist or are likely to exist to consider ill-health retirement.
- Advise that if the sickness absence continues a formal case review will be arranged which could lead to dismissal on capability grounds.

8.2 Formal Case Review

Where an employee remains absent a Formal Case Review hearing will be arranged. The employee will normally be given at least 10 working days' notice of the meeting.

In this letter the employee will be informed that the panel may consider dismissal on capability grounds due to them being unable to provide regular and effective service to the Council.

The employee will also be advised who is on the panel which will include the Head of Service and a relevant senior Human Resources representative. The employee will have the right to be accompanied by a trade union representative or work colleague.

Details of the absence will be discussed at the meeting, together with any other relevant information. The employee will have the opportunity to express their views and raise any issues/concerns or mitigation they may have.

In determining what action to take the panel will take into account:

- a) Advice sought from the Occupational Health Service and any other available medical evidence.
- b) The employee's length of service.
- c) Reasons and/or patterns of sickness absence.
- d) The likelihood of an improvement in attendance.

- e) The availability of suitable alternative work (if applicable) or reasonable adjustments under the DDA, if applicable including phased return, changes to working pattern, duties and responsibilities, provision/modification of equipment or redeployment.
- f) The degree of disruption caused by the sickness absence.
- g) The panel should take into consideration any other extenuating circumstances which may come to light during the case review.

If the decision is to dismiss on the grounds that the employee is no longer capable of providing regular and effective service to the Council and as such is potentially in breach of his/her contract of employment, the employee will be advised of his/her right to appeal this decision normally within 7 working days of receipt of the letter containing the disciplinary decision.

The outcome of the meeting will be confirmed in writing normally within 5 working days.

9.0 Review

This procedure will be reviewed in 12 months and, if necessary, revised in consultation with recognised Trade Unions.