

	<p style="text-align: center;"><b>General Purposes Committee</b> 12<sup>th</sup> May 2009</p> <p style="text-align: center;"><b>Report from the Assistant Director of Human Resources</b></p>
<p><b>For Action</b> <span style="float: right;">Wards Affected: None</span></p>	
<p style="text-align: center;"><b>Attendance Management Policy &amp; Procedure</b></p>	

## 1.0 Summary

This report sets out the reasons for developing the new Attendance Management policy and procedure, the main differences between the existing and new policy and seeks the endorsement of the General Purposes Committee as set out in the recommendations.

## 2.0 Recommendations

It is recommended that the General Purposes Committee agree:

- 2.1 The content of the new Attendance Management Policy and Procedure and implementation with effect from May 2009.
- 2.2 That the new Attendance Management Policy and Procedure applies from the implementation date unless an employee's sickness absence is being currently managed in accordance with stage 3 of the Managing Sickness Absence Procedure, in which case that procedure will continue to apply to the employee until the stage 3 process is complete.
- 2.3 Training and development initiatives are put in place by the Corporate Learning and Development Team, to equip managers with the necessary knowledge and skills to ensure that the application of the policy and procedure does not impact unfairly or on any particular group of employees.
- 2.4 That the Assistant Director (Human Resources) is authorised, after consultation with the Borough Solicitor and then consultation with the relevant trade unions, to amend the Attendance Management Policy and Procedure from time to time.

### **3.0 Detail**

- 3.1 There needs to be a structured framework that will enable managers to proactively manage the difficult and sensitive area of employee sickness absence by promoting the health, safety and well-being of all employees to successfully reduce sickness levels across the Council. Furthermore, there needs to be a strategy in place that enables managers to dismiss employees where sickness levels reach an unacceptable level.
- 3.2 The attached policy and procedure replaces the existing managing sickness absence policy and procedure. It applies to all employees covered by the NJC conditions of service for Local Government Services or the NJC conditions of service for Chief Officers in Local Authorities with the following exceptions:
- New employees during their probationary service where separate monitoring processes apply.
  - Temporary employees with less than 6 months continuous service with the Council.
  - School based staff under LMS who are subject to separate procedures.
- 3.3 The policy is accompanied by a more detailed procedure giving additional guidance to managers with links to a range of template forms, letters and flow charts.
- 3.4 While the majority of the policy/procedure remains the same there are some amendments. Specifically these are:
- 3.4.1 Action may be reinstated at Stage 1 or 2 of the procedure. In such cases a review meeting will be held with the employee to establish whether there are mitigating circumstances which may effect attendance and warrant re-entry at Stage 1 rather than Stage 2.
- 3.4.2 Detailed guidance is now provided on the following topics:
- case conferencing facilities
  - dealing with pregnancy related illness
  - dealing with serious/terminal illness
  - how to deal with work related accidents/injuries
  - keeping in contact
  - planning & co-ordinating a return to work plan
  - retirement on health grounds
  - sickness reporting procedures
  - the role of Occupational Health
  - time off for medical appointments
- 3.4.3 It is proposed that in order to ensure the changeover from the existing Managing Sickness Absence Procedure to the new Attendance Management Policy and Procedure takes place as quickly as possible, that it will only be in

those cases where an employee is in the advanced stage of the existing procedure at the implementation date (i.e stage 3), that the existing procedure continues until the Stage 3 processes is completed.

- 3.4.4 It is also proposed that the Assistant Director (Human Resources) is authorised, after consultation with the Borough Solicitor and then consultation with the relevant trade unions, to amend the Attendance Management Policy and Procedure from time to time. The relevant trade unions will be those trade unions recognised by the Council for collective bargaining purposes for any of the employees within the scope of the Policy and Procedure. The effect of this proposal would be that amendments to the Policy and Procedure would no longer require the General Purposes committee's approval. Officers consider that this proposal has the benefit of allowing desirable amendments to the Policy and Procedure to be made more quickly than would be the case now, and to free up Members' time to concentrate on other matters.

#### **4.0 Financial Implications**

- 4.1 The implementation of the new Attendance Management Policy and Procedure will be managed by service units within their existing resources. Any additional corporate costs arising from additional training for managers will be met from within the Human Resources Learning and Development budget.

#### **5.0 Legal Implications**

- 5.1 Employees dismissed on the grounds of short term or long term sickness absence are entitled to bring to an Employment Tribunal, a claim of unfair dismissal against the Council if they have the necessary continuous employment of one year and consider they have been unfairly dismissed.
- 5.2 The proposed Policy and Procedure meet the procedural requirements that have to be met for such a dismissal to be considered fair by an Employment Tribunal, with the possible exception of the provisions in the Procedure which give the Assistant Director (Human Resources) or his/her delegated representative, the discretion to refuse the employee a right of appeal where the appeal letter does not clearly and specifically state the ground or grounds for appeal and the detailed basis for each ground of appeal relied on. The ACAS Code of Practice on Discipline and Grievance says that employers should allow an employee to appeal against a dismissal decision. However, the Code is not binding on Employment Tribunals, and legal advice is that in the type of circumstances envisaged in the Procedure as allowing the right to appeal to be removed from the employee, an Employment Tribunal is likely to find that it was open to a reasonable employer to adopt this course (so that the dismissal would not be found to be unfair on this ground).

#### **6.0 Diversity Implications**

The Council wishes to ensure that its policies and procedures do not impact unfairly on employees with reference to race, sex, age, religion or belief, sexual orientation or disability. An impact assessment has been undertaken and there is some evidence to suggest some disproportionality in the

application of the current procedures. Managers will be required to ensure that their application of this policy and procedure does not have an adverse impact, for example in the unbalanced use of formal processes on particular groups of employees compared to the informal process. In future, Human Resources will monitor the application of the policy by managers.

6.2 The revised Policy and Procedure includes more detailed guidance on dealing with, for example, pregnancy, DDA related illness and phased returns to work.

## **7.0 Staffing/Accommodation Implications**

7.1 There are no staffing or accommodation implications.

## **Appendices**

Appendix 1: Attendance Management Policy

Appendix 2: Attendance Management Procedure

## **Contact Officers**

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