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## Improving Health and Attendance

# Attendance Management Policy and Procedure

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## Attendance Management Policy and Procedure

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### Background

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North Yorkshire County Council (NYCC) values the contribution of its staff in the delivery and maintenance of quality services to the community. Whilst recognising that employees may be prevented from attending work through ill-health, NYCC has a duty to maintain service delivery and minimise disruption. NYCC is therefore committed to managing attendance and sickness absence and believes that it is the responsibility of NYCC's managers, trade unions and employees to work together to promote the management of sickness absence and ill health.

The well being of NYCC employees is paramount and the Council is committed to providing appropriate support and encouragement to employees who are ill and to take all reasonable steps to assist them to return to work as soon as possible.

However, the need to balance the interests of the individual employee with the requirements of the service must be understood and when it becomes necessary, discussions will be held with employees concerning their level of attendance, particularly when it reaches a level where it is giving cause for concern and could lead to their job being at risk. Where issues relating to sickness absence are raised with employees this will be undertaken in a consistent, fair and supportive manner.

The aim of this procedure is to provide a framework within which employee and manager can work together in a supportive and co-operative manner to proactively manage and prevent unnecessary sickness absence.

Employees must be aware that all sickness absence has an impact on the services the Council provides. As an employer, NYCC will ensure that sickness absence records are kept and attendance levels monitored to ensure that employees are appropriately supported whenever they are absent, or upon return to work following absence.

If appropriate, employees must be made aware that absences could have an impact on their incremental progression.

When the procedure outlined has been followed and the level of attendance has not improved, despite all the support provided, the employee will be informed that their employment is at risk.

In managing attendance before, during and after any period of absence due to sickness, managers should consider if there are any options that could assist the employee in achieving a higher level of attendance. North Yorkshire County Council has a wide range of options and managers should consider if these options will work operationally within their local term and record the outcome of the discussion with the employee. See [Attendance Management: Manager's Guidance](#).

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### Scope

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This policy applies to all employees of North Yorkshire County Council, including school based employees where the governing bodies of individual schools have adopted the policy.

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## Purpose

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- To be consistent and fair in the application of the attendance management policy.
- To provide appropriate support to employees during an absence and when returning to work.
- To prevent where possible sickness absence caused by or as a result of accidents/injuries at work.
- To set and review targets for North Yorkshire County Council, Directorates, Schools, managers and where appropriate, individual employees to improve attendance.
- To regularly monitor and review action taken by managers within this policy.
- To provide adequate support to managers to manage attendance effectively.

In order to achieve the above aims this policy and procedure will promote:

- The role of attendance management within performance management, appraisal and recruitment, selection and induction.
- Minimising risks to health and safety in the workplace.
- Work life balance solutions to support attendance.
- Discussion and dialogue as key factors in resolving attendance issues.
- Managing the period of absence to support both the team and the individual.
- Clarity of roles and responsibilities in relation to managing attendance
- Support of disabled employees through the application of disability equality principles.
- A supported return to work and taking account of rehabilitation needs.
- Confidentiality, sensitivity and equity.
- Use of management information and key data.

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## Exclusions to Attendance Management Policy and Procedure

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The following appointments are not classed as sickness for the purposes of the attendance management policy:

- GP appointments
- Dental appointments
- Hospital appointments
- Any form of absence that is not related to the sickness of the employee

Where these prevent attendance at work, evidence of appointments must be seen and approved by managers (See [Leave procedure](#)).

It is expected that where possible, the employee will take all reasonable steps to attend the above appointments whilst avoiding disruption to the workplace e.g. in the employees own time or at the start or end of their working day/shift.

The following will be recorded as absence, but will not be included in calculating absence for the purpose of attendance management procedures or the criteria for incremental progression.

- Absence which is as a direct consequence of pregnancy.
- Disability related absence (e.g. any absence which is related to a disability as defined by the Disability Discrimination Act 1995), up to 10 days in any rolling year, by agreement with the manager (subject to guidance as detailed in a [Guide to Incremental Progression](#)).

Absences arising out of an accident, assault, injury or disease whilst undertaking the duties of the post will be recorded as absence and will be included in calculating absence for the purpose of attendance management procedures or the criteria for incremental progression. However all such absences will be subject to investigation in accordance with NYCC's [Health and Safety Policy](#).

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## **Roles and Responsibilities**

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### **Manager responsibilities**

Attendance management is a key responsibility for all managers and forms part of the behaviour and skills framework for managers. Effective attendance management contributes to better quality services.

All managers must be fully conversant with this policy and their responsibilities under Health and Safety legislation and the Disability Discrimination Act 1995.

Managers must accept primary responsibility for the monitoring of sickness within their team/unit and should be aware that the way staff are managed can affect the amount of sickness absence they incur. NYCC will provide induction training for new managers in managing attendance and training in the effective implementation of this policy and procedure for existing managers.

### **Employee responsibilities**

NYCC expects its employees to make a full commitment to the job for which they are employed.

### **The Role of Human Resources**

Human Resources are responsible for providing timely and up-to-date professional advice, guidance and support to managers and employees to effectively manage attendance. This will include:

- Supporting managers at appropriate stages within the procedures.
- Providing advice on alternative strategies to manage attendance effectively.
- Ensuring that managers are aware of the limitations of action with applicable legislation.

### **The Role of Health and Wellbeing Services**

The Health and Wellbeing Services team will support managers through the provision of timely, detailed reports on employees for whom they receive referrals.

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## **Referrals to Health and Wellbeing Services for short and long term absences**

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A Health and Wellbeing Service referral can be made at any time dependent upon the particular circumstances and where appropriate. At the point where a sickness absence becomes long term (e.g. more than 4 weeks) the manager must contact Health and Wellbeing Services for advice, even if there is a prolonged illness or injury where substantial and complex treatment is expected.

The Occupational Health Advisor will provide advice on a likely timescale for a formal occupational health referral to be instigated taking into account the individual circumstances. The advice received from the Occupational Advisor must be documented as part of the case management of the individual.

Where there is any suggestion of any work related factors, the individual should be referred immediately to Health and Wellbeing Services, for occupational health assessment. Consideration should be given to a referral where there is concern regarding an employees health even if they are not absent from work.

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## **Disability Discrimination Act 1995**

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Legislation in the form of Disability Discrimination Act 1995 (DDA) and amendments governs disability and employment making it unlawful to discriminate against a disabled person.

A disabled person is one who has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

The DDA requires NYCC, as the employer, to make reasonable adjustments to the employment arrangements or the workplace if these cause substantial disadvantage to the employee compared with someone who is not disabled.

Where a manager suspects that an employee is disabled under the provisions of the DDA they should seek advice from Human Resources and/or Health and Wellbeing Services for advice regarding disability and possible adjustments.

The approach NYCC takes in managing employees with regard to attendance issues is to treat each case as if it were covered by the DDA. Further guidance is available in the [Attendance Management: Managers Guidance – Section 4](#).

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## **Statutory Obligations**

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This policy recognises the requirements to comply with the following legislation where applicable:

- Disability Discrimination Act 1995
- Health and Safety at Work Act 1974
- Management of Health and Safety Regulations 1999
- RIDDOR – Reporting of Incidents, Diseases, Dangerous Occurrences Regulations 1995 (as revised 1999)
- Human Rights Act 1998

In application of this policy it is expected that managers (including Headteachers and School Governors) will follow the principles of the above legislation regardless of the reason for absence.

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## **Links with Other Policies**

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The following policies must also be used to inform the Attendance Management Policy:

- [Leave Policy](#)
- [Redeployment and Redundancy Policy](#)
- [Substance Misuse Policy](#)
- [HIV and Aids Policy](#)
- [Health and Safety Policy](#)
- [Equalities in Employment](#)
- [Resolving Issues at Work Policy](#)
- [National terms and conditions for employers e.g. Green Book, Burgundy Book](#)
- [Pay and Reward Booklet](#)

This policy and accompanying procedures are not intended to replace or undermine the provisions contained in any nationally agreed documents.

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## **Evaluation and Review of Attendance Management Information**

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Management information relating to absence statistics will be produced for all Directorates which will assist in highlighting specific issues to be addressed by Directors/Heads of Service/Headteachers.

## Attendance management framework for short and medium term absence

Meeting type	Purpose	Who attends	Options for actions
Attendance Consultation Meeting (ACM)	Exploratory and Supportive	Line manager Employee	<ul style="list-style-type: none"> <li>Take none, situation resolved</li> <li>Set targets and review date in 3 months</li> <li>Begin to monitor</li> <li>Consider referral for Occupational Health advice (particularly in cases of potentially serious ill health)</li> </ul>
ACM 3 month Review	Offer support Review progress Decide actions	Line manager HR Services Rep If required. Employee can be accompanied by a work colleague	<ul style="list-style-type: none"> <li>Satisfactory progress, end process</li> <li>Insufficient progress set one month review date</li> <li>No progress, issue Formal Notification with one month review</li> <li>Consider re-referral to Occupational Health</li> <li>Consider whether ill health retirement application to Health and Wellbeing Service may be appropriate</li> </ul>
One month review from ACM 3 month review	Offer support Review progress against targets Decide actions	As above	<ul style="list-style-type: none"> <li>End (sufficient progress made)</li> <li>No progress or Insufficient progress issue Formal Notification with one month review</li> <li>If on Formal Notification and no progress made issue Final Notification with one month review</li> </ul>
Reviews where Notifications have been issued	Offer support Review progress Decide actions	As above	<ul style="list-style-type: none"> <li>If on Formal Notification and progress made, continue monthly reviews up to a maximum of 6 months.</li> <li>If on Formal Notification and no progress issue Final Notification with one month review</li> <li>If on Final Notification and progress made continue monthly reviews.</li> <li>If on Final Notification and no progress refer to Attendance Panel</li> </ul>
Appeal against Final Notification	Review decision making process	One senior manager* One HR Services Representative Line Manager Employee Representative	<ul style="list-style-type: none"> <li>Uphold appeal</li> <li>Overturn and recommend other action under the policy</li> <li>End procedure</li> </ul>
Attendance Panel	Consider evidence Hear representation Decide on course of action	Two senior managers** HR Services Representative Line Manager Employee Representative	<ul style="list-style-type: none"> <li>Extend period for improvements and or continue with monthly reviews</li> <li>Terminate employment</li> </ul>
Appeal Panel	As above	One senior manager* Member Line Manager HR Services Representative Employee Representative	<ul style="list-style-type: none"> <li>Uphold appeal but apply other sanction</li> <li>Overturn appeal and confirm termination</li> </ul>

\* Appeals panels in schools must comprise of a minimum of three non-staff governors. There must not be fewer Governors on the Appeals panel than on the Attendance panel.

\*In schools the Governing Body may choose to delegate authority to the Headteacher to take action up to and including dismissal. However where panels are involved this should comprise of three non staff Governors or, if this is not possible, two non staff Governors.

## Attendance management framework for long-term absence

