

# ANGUS COUNCIL

## SUPPORTING ATTENDANCE POLICY

### 1. Policy Statement

Angus Council recognises the importance of maintaining the health and wellbeing of employees and is committed to providing systems of management, which actively promote and encourage mental and physical health and wellbeing at work.

The council values all its employees and is committed to providing support and assistance in maintaining attendance at work or in the management of ill health or incapacity.

Managers have a critical role in supporting attendance and health and wellbeing at work within their teams and services. The council will provide training and guidance to all levels of management to develop the skills and competencies necessary to fulfil these responsibilities, our duty of care and to promote fair and consistent practices.

It is recognised that the level of attendance of employees contributes significantly to the council's overall performance, productivity and effective delivery of services. Attendance will therefore be monitored and will be managed under the Supporting Attendance Policy and associated procedure.

The Supporting Attendance Procedure outlines the expectations and responsibilities of employees, managers and Human Resources in relation to supporting attendance.

This policy is intended to complement and safeguard employees' legal rights and should be read in conjunction with the associated Supporting Attendance Procedure.

### 2. Definition

'Supporting Attendance' is the term used to broadly describe the procedures, strategies and preventative measures that are taken collectively to support employees to be well, remain in work, facilitate a return to work and support the effective delivery of the services of the council.

'Sickness' or 'absence' are the terms that describe where an employee is incapable of carrying out the work he or she is employed to do due to a physical or mental health condition or concern and as such is not currently attending work.

A 'Supporting Attendance Meeting or Supporting Attendance Review' are the terms used to describe supportive meetings that take place between a manager and employee when; reaching one of the council's Attendance Concern Points, reviewing attendance over a formal improvement period or during periods of long term absence, establishing what collective measures may support an employee to return to work or making improvements in their attendance

An 'Attendance Improvement Period' is a specified period of time during which it is expected that a sustained improvement in attendance is achieved.

A 'Sustained Improvement in Attendance' is the term given to the standard of attendance required to no longer progress through the stages of the Supporting Attendance Policy. This is achieved where the employee has no more than two occasions of absence which does not exceed 3 working days during an Attendance

Improvement Period. An adjustment to this standard may be accommodated where a disability impacts on attendance.

Where a sustained improvement in attendance is not achieved, an earlier review meeting will be scheduled.

'Wellbeing at Work Meeting' is the term used to describe a supportive meeting that takes place between a manager and an employee due to an isolated, fluctuating or recurrent health concern which does not impact on attendance at work but affects health or wellbeing at work or the ability to carry out duties. These meetings are held to ensure the employee is managing any condition/s at work, to help maintain attendance at work, determine if any further support may be required and to review any supportive measures that may already be in place.

### **3. Scope**

The provisions of this policy and associated procedures apply to all employees of Angus Council. Where there are differences in the application of the procedures for Local Government employees and Teachers and Associated Professionals, these will be clearly identified.

This policy does not apply to other types of absence from work e.g. special leave or annual leave.

### **4. Principles/Objectives**

Managers will adopt a supportive and constructive approach when supporting attendance issues, taking into account individual circumstances.

Attendance concerns will be dealt with promptly, confidentially, consistently and effectively, demonstrating clear outcomes at all stages.

All efforts will be made to support and assist an employee absent due to sickness with steps being taken to help facilitate their return to work at the earliest opportunity.

Managers will be mindful of their obligations under the Equality Act 2010 and consider reasonable adjustments, seeking advice from occupational health, including the pace of progression in managing attendance where absences are related to a disability.

Employees will know and understand that regular attendance at work is of vital importance and that the supporting attendance procedures must be adhered to.

Employees may seek advice from a trade union representative at any stage of the Supporting Attendance Policy and may be accompanied by a work colleague, trade union representative or an official employed by a trade union during any Supporting Attendance Meetings or Reviews. It is the employee's responsibility to arrange any such representation.

In addition to a range of health and wellbeing resources, the council offers an Employee Assistance Programme which includes a confidential counselling service to employees who have concerns which may be affecting their general health and wellbeing.

Advice and guidance will be provided by Human Resources and the council's Occupational Health provider, where appropriate. An employee may be asked to attend an appointment with Occupational Health where there is a concern about their health or level of attendance. An assessment can provide objective information to assist management in their discussions with employees and to support decision making.

## **5. Related Legislation**

The council is aware of the implications of and its responsibilities under the Equality Act 2010.

## **6. Overview of Supporting Attendance Procedure**

### Wellbeing at Work Meetings

A Wellbeing at Work Meeting is held where an employee's health is having an impact on work, or vice versa. The purpose of this meeting is to discuss the impact of any health concern, consider any support, reasonable adjustments or advice from external agencies, to help maintain attendance and minimise any adverse impact on health.

### Return to Work Discussions

Return to Work Discussions are held between a manager and employee after every period of absence. They are documented discussions used to welcome the employee back to work, explore the reasons for absence and provide any work-related updates occurring during the absence. Should an employee chose to withhold their reason for absence, it may not be possible for the manager to provide appropriate support.

### Short-Term Absence

#### Identifying an Attendance Concern

In order for attendance to be effectively supported it is necessary to identify what constitutes an Attendance Concern.

The council's Attendance Concern Points are as follows;

- 3 or more separate occasions of sickness absence (of any length) in a rolling 12 month period, or from the end of an Attendance Improvement Period that has ended in the last 12 months
- a total of 6 working days\* sickness absence accrued over more than one occasion of absence, in a rolling 12 month period (*\*pro-rated for part time employees*), or from the end of an Attendance Improvement Period that has ended in the last 12 months.

Where absences relate to a disability, managers should consider the appropriate pace of progression through the Supporting Attendance Policy and apply discretion where appropriate. An adjustment to an Attendance Improvement Period can be accommodated for an individual on these grounds. However, a Supporting Attendance Meeting should still take place in order to discuss and document the outcome and any adjustments or support identified and agreed,

Absences related to pregnancy should be discounted for the purposes of calculating Attendance Concern Points.

The initial meeting will typically be a Stage 1 Supporting Attendance Meeting. However, where an employee has previously reached an Attendance Concern Point and an Attendance Improvement Period has ended in the previous 12 months, a Stage 2 meeting is not automatically triggered, but the employee may be invited to a Stage 2 Supporting Attendance Meeting depending on the individual circumstances of the case. A Stage 2 meeting is appropriate when an employee's absence shows a pattern of persistent short term absence. Should the employee be invited to a Stage 2 Supporting Attendance Meeting the range of possible outcomes from that meeting are set out in the Supporting Attendance Procedure and does not automatically mean an Attendance Improvement Period at Stage 2 is put in place.

### Stage 1 - Supporting Attendance Meeting and Review

Upon reaching an Attendance Concern Point, the employee will be invited to attend a Stage 1 Supporting Attendance Meeting. An outcome of this meeting may be a Stage 1 Attendance Improvement Period. A manager may apply an alternative outcome for example, no further action.

Where a Stage 1 Attendance Improvement Period is issued, a sustained improvement in attendance is expected during this time. A review will take place the end of the Stage 1 Attendance Improvement Period, or earlier where a sustained improvement is not achieved. An outcome of this meeting may be a Stage 2 Attendance Improvement Period.

### Stage 2 Supporting Attendance Meeting and Review

Where a Stage 2 Attendance Improvement Period is issued, a sustained improvement in attendance is expected during this time. A review will take place at the end of the Stage 2 Attendance Improvement Period, or earlier where a sustained improvement is not achieved. Where there are concerns about an underlying health condition Occupational Health advice should be sought. An outcome of this meeting may be a Stage 3 Attendance Improvement Period.

The employee will be advised that there is a risk to their ongoing employment if no sustained improvement is achieved during a Stage 3 Attendance Improvement Period.

### Stage 3 Supporting Attendance Review and consideration of dismissal

Where a Stage 3 Attendance Improvement Period is issued, a sustained improvement in attendance is expected during this time. A review will take place at the end of the Stage 3 Attendance Improvement Period, or earlier where a sustained improvement is not achieved.

If during a Stage 3 Attendance Improvement Period the employee has not achieved a sustained improvement in attendance, the case will be considered by an appropriate manager at either a Capability Hearing or Attendance Hearing, and a potential outcome is dismissal.

- A Capability hearing is appropriate where ill health impacts on short term attendance.
- An Attendance hearing is appropriate where short term absences persist due to some other substantial reason.

Consideration will be given to alternative outcomes including reasonable adjustments, redeployment or ill health retiral as appropriate.

### Long Term Absence

A long term absence is a continuous period of sickness absence of 4 weeks or longer. If an absence reaches 21 days and it is expected, or known, that an employee will not be returning within the following 7 days, the manager will contact Human Resources to plan the appropriate steps and timescales.

Ongoing contact should be maintained throughout a period of long term absence and the frequency and means of this contact should be established early in the absence.

Ongoing Supporting Attendance Meetings will also take place as required during the absence. Discussions during these meetings will include updates on the employees' health, the likely duration of the absence, consideration of advice from Occupational Health and any reasonable adjustments or supportive strategies that may help a return to work.

### *Long Term Absence – Consideration of Dismissal*

Whilst the majority of employees will have a successful return to work in some cases there is insufficient improvement to an employee's health which can lead to a position where the council cannot sustain the employee's level of absence any longer. In other cases, medical advice may indicate that the employee will not be able to return to their role or that a return to work date is not foreseeable.

In these circumstances the case will be considered by an appropriate manager at a Capability Hearing and dismissal on the grounds of ill health is a possible outcome. Consideration will be given to alternative outcomes including reasonable adjustments, redeployment or ill health retiral as appropriate.

## **7. Right to Appeal**

Any employee who considers that the procedure has been unfairly or incorrectly applied to them at any stage may address the matter through the Council's Grievance Procedure. There is however a specific right of appeal against dismissal.

Employees have the right of appeal against dismissal under the supporting attendance procedure. An appeal must be submitted within fourteen calendar days of receiving written confirmation of dismissal and must state the grounds for the appeal. The confirmation of dismissal will detail to whom the appeal should be addressed.

Appeals against dismissal will be heard by an Appeals Sub-Committee which is comprised of elected members. At an appeal hearing you have the right to be

accompanied by a work colleague or a representative of a trade union or official from a trade union. It is your responsibility to arrange any such representation.

The decision reached at an appeal hearing is final; however, any right to make a claim to an employment tribunal is unaffected by this procedure.

## 8. Monitoring and Review of Policy

The policy and associated procedures will be reviewed regularly and amended in line with any changes in legislation.

## 9. Links to other HR Policies / Further Support

[Employee Assistance Programme - PAM Assist](#)

[Alcohol and Drug Misuse Policy](#)

[Special Leave Policy](#)

[Flexible Working Procedure](#)

[Carers Policy](#)

[Time off for Dependants](#)

[Management of Stress at Work Policy](#)

[Mental Health and Wellbeing Policy](#)

[Occupational Health Consultation Policy](#)

[Safety Health and Wellbeing – stress, mental health and wellbeing guidance](#)

[Employee Health and Wellbeing Strategy](#)

## 8. Data Protection

The council processes personal data, including information about an employee's health and wellbeing, in accordance with its data protection policy, human resources data protection policy and employee privacy notice. Data collected while managing a case when an employee is absent from work due to sickness, or returning from a period of absence, has a health concern, requires a health check or other matter involving an employee's health and wellbeing is held securely and is accessed by, processed by and disclosed to, managers, human resources, and occupational health, only for the purposes of managing the case as set out in the employee privacy notice. Further information can be found at Employee Matters - [Human Resources – Data Protection](#) or contact [Human Resources](#).

**Should you have any questions or wish clarification please contact Human Resources.**

March 2021

Document Control

Date	Brief Summary of changes	Review Date
March 2021	New Supporting Attendance Policy Agreed - Replacement of PAB 35 and AJNCT 32 Sickness Absence Procedure	September 2023