

Attendance Management Policy and Procedure Changes

Summary of Proposed Changes – Identified at meeting on 25 January 2016 and submitted by email on 18 and 21 March 2016: Area of TU Concern/Management Response

Proposed Change	TU Concern	Management Response
<p>The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.</p>	<p>ACAS guidance does not specifically reference Attendance Management</p>	<p>Whilst we accept that Attendance Management does not naturally fall under the title 'conduct' for information, ACAS consider this under conduct it states:</p> <p><i>“Conduct issues include insubordination, negligence, using illegal practices, falsifying records, theft, bullying, dangerous behaviour, fighting or hostile behaviour, poor attendance record and/or poor time-keeping.”</i></p>
<p>The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.</p>	<p>The process is 'accelerated' for employees</p>	<p>Policy amended to include the discretion for manager to 'reissue' the first warning if appropriate.</p> <p>N.B There is still an obligation on managers to explore reasonable measures prior to a warning being issued. There is still an opportunity for appeals at each warning.</p>

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The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.	The option for a manager <i>not</i> to issue a warning at HRM needs to be reflected in policy narrative in line with flowchart	Noted – policy updated to reflect this
The number of warnings prior to a dismissal has been reduced in line with the ACAS minimum; a first and final warning.	If there are unique/extraordinary general health occurrences e.g. a pandemic. Managers need to be mindful of how they are responding to staff absences	Noted – policy updated to reflect this
	Management should look at individuals records, e.g. absence history and long service	Noted
	Managers may not be equipped to have discussions on stress	Ensure procedure clearly signposts to stress policy
	Need to avoid confusion over school staff who do not need to phone FirstCare to report an absence	Management will amend wording Accordingly
4.2.13 A further monitoring period of 12 months should then be set and if the employee either triggers again or fails to their attendance levels, a further meeting will be convened and a referral to a dismissal hearing will be considered.	The term ‘dismissal’ hearing is used	In the spirit of being open and transparent it is important that staff are fully aware that the potential outcome of a continuation of employment hearing may result in a dismissal
4.3.3 The type of contact will depend on the circumstances, initially the manager should contact the employee by phone.	Meeting or contacting an employee by day 8 of an absence may cause additional stress	An extensive study carried out by the HSE illustrates that contact at the initial stage of an absence with an employee is vital in supporting them back to work ‘...nowhere

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<p>If this is not possible a letter may be appropriate. An informal meeting may follow and can be held somewhere away from the work place if appropriate. Visits will be pre-arranged.</p>		<p>is this more crucial than at the initial stage of a stress-related illness or absence. It is widely accepted that when an employee is first absent with illness due to work-related stress, they should be contacted by someone from the organisation within a week' as a supportive measure. The policy will coordinate this approach as in line with 'best practice'</p>
<p>2.1.2 To ensure the line manager is clear about the absence the employee will need to let them know:</p> <ul style="list-style-type: none"> • The reason they are unwell 	<p>Employee may not yet have a diagnosis – suggestion for 'if possible' to be added</p>	<p>Noted – policy updated appropriately</p>
<p>2.3.4 If the employee feels able to return before their 'fit note' expires they can either visit their GP again or ask their manager to complete a risk assessment.</p>	<p>Managers are not qualified to make decisions around health assessments</p>	<p>Any medical concern will be deferred to clinical opinion. Policy updated to reflect.</p>
<p>4.1.1 As noted in paragraph 2.5 if an employee is absent from work a 'Return to Work' conversation should always take place. If the absence is frequent or over 8 days in length the formal procedure will also apply.</p>	<p>To be amended in line with the flowchart to ensure due consideration is given in respect of the issue of any potential warning</p>	<p>Agreed- policy updated</p>
<p>4.1.1 As noted in paragraph 2.5 if an employee is absent from work a</p>	<p>Managers will issue warnings without due consideration.</p>	<p>If an employee is absent either over 8 days or there is a 3:6 trigger, a health review meeting should always to take place in</p>

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<p>'Return to Work' conversation should always take place. If the absence is frequent or over 8 days in length the formal procedure will also apply.</p>	<p>Proposed for consideration to be given for RTW conversations to act as a triage for managers to determine whether a health review meeting should take place</p>	<p>order to ensure consistency and to fully explore and identify and support measures that may be needed. Warnings will be issued where a manager is concerned.</p> <p>Procedure and checklists updated to ensure this clear.</p>
<p>4.2.5 If reasonable adjustments are identified a 'Reasonable Adjustment Statement' should be completed and formally recorded. The form and further guidance be found here. The manager should meet with the employee at regular intervals in order to review how effective adjustments are in line with the employees needs and those of the service.</p>	<p>Medical intervention should be sought in order to qualify a reasonable adjustment</p>	<p>Employees have insight into their own conditions and will be aware of adjustments needed and we do not want to serve as a barrier to this by stating that only adjustments suggested by Occupational Health should be considered.</p>
<p>4.2.7 If an employee requires ongoing support for a medical condition, it is recommend best practice that the line manager maintains a record of conversations and actions that have taken place.</p>	<p><i>Typo</i> recommended</p>	<p>Wording amended</p>
<p>4.2.15 If the employee fails to improve their attendance level and a Final Written Warning is live, the manager may refer to a hearing to consider the continuation their employment at this meeting. The manager will need to</p>	<p>4.2.15 the suggested wording 'and there are no recognised exceptional circumstances' should be added</p>	<p>Agreed – policy updated accordingly</p>

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show that reasonable adjustments have been explored and the employees absence is of concern.		
4.2.16 A continuation of employment hearing will be held when the employee has had a further trigger within a 12 month period of a Final Written Warning issued.	For it to be added that it is up to the Managers discretion as to whether a “dismissal hearing is held” as the absence may not be connected in any way to the sickness record that created the final warning and particularly around pandemic illnesses or problems with the buildings staff are working in that may add to the one off illness. Also this allows for someone for instance who may break a limb and therefore it is not a re-occurrence of previous absence.	Agreed – policy updated accordingly
	Under 3.4 we would ask that a further bullet point be added to that section to bring out the manager’s ability to have the discretion, under the public sector equality duty, to allow additional time off for those staff who fall under the Equality Act 2010	Whilst we recognise that reasonable adjustments should always be fully explored, allocating additional days for sickness is not considered to be a reasonable adjustment in line with recent case law.
2.2.1 Employees should note that disciplinary proceedings may be considered by their line manager in the event that they (note that this list is not exhaustive): <ul style="list-style-type: none"> • Fail to notify their manager of an absence 	What will happen to managers/Headteachers who don’t initiate/maintain reasonable contact? Both parties are responsible for regular contact.	The usual performance management standards will apply as needed to managers who do not adhere to the process

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<ul style="list-style-type: none"> • Fail to respond to reasonable communications from their manager during their absence • Falsify an absence • Work for another organisation whilst on sick leave from ESCC 		
4.2.2 When a short term absence trigger is breached, a meeting to discuss the employees' health should be arranged.	As this is a 'HRM' can it be clarified in this paragraph.	Policy updated accordingly
4.2.9 If the manager is concerned regarding the level of absence and no support measures are identified, a First Written Warning can be issued at this meeting.	Clarify – if support measures are identified can a First Written Warning be issued?	Noted – policy updated accordingly
Related Issues		
Communication of new policy	It should not be presented as formally agreed by TU's	Noted – however, management will reference the collaborative nature of the process in any communications released.

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Training for roll out of new policy	Managers will not be fully briefed	A range of resources will be available to support managers ranging from 'Brief Bites' training (2.5 hour sessions) guidance on the intranet and circulation of the policy to DMT, HRMB and Health and Safety steering groups