

<b>Subject:</b>	<b>Attendance Policy and Procedure</b>		
<b>Date of Meeting:</b>	<b>6<sup>th</sup> December 2018</b>		
<b>Report of:</b>	<b>Executive Director - Finance &amp; Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Alison Mcmanamon</b>	<b>Tel: 01273 290511</b>
	<b>Email:</b>	<b><a href="mailto:alison.mcmanamon@brighton-hove.gov.uk">alison.mcmanamon@brighton-hove.gov.uk</a></b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to brief the committee on a new attendance policy and procedure, and to seek authority to proceed with its implementation across the whole council.
- 1.2 The report also provides information on the TUC's Dying to Work Charter, designed to support staff with terminal illness, and requests approval to sign up to it as part of Our People Promise to staff.

**2. RECOMMENDATIONS:**

- 2.1 That committee approves the implementation of the new Attendance Policy and Procedure for all staff across the council as part of our work on Our People Promise.
- 2.2 That committee gives delegated authority to the Executive Director, Finance & Resources to determine the implementation arrangements for the new Attendance Policy and Procedure.
- 2.3 That committee approves the council signing up to the TUC's Dying to Work Charter which supports staff with terminal illness to either remain in work as long as they are able, or to help them to access their pension early, depending on their wishes.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The council's existing Attendance Management Procedure has been in place since July 2014. Concerns have been raised by the trade unions and the Disabled Workers & Carers Network that the procedure neither provides enough support for disabled staff, nor focuses enough on wellbeing and informal resolution of issues between managers and their staff.
- 3.2 The council's absence rate has been consistently above the target of 9.7 days (set according to CIPFA benchmarking data of similar organisations). The actual performance is improving, but with a forecast out-turn for 2018/19 of 10.09 days, further improvement is clearly required.

- 3.3 Research into effective methods of supporting improved attendance consistently shows that giving line managers responsibility for managing sickness through effective return to work meetings and other informal conversations, and providing them with the information needed to manage sickness both have a positive impact on attendance.
- 3.4 Work is already well underway to improve the health and wellbeing of our staff as part of Our People Promise. This includes a focus on both physical and mental health, and initiatives such as health checks, menopause training and mental health awareness that have been rolled out during 2018 in response to the Well Workforce Survey in January.
- 3.5 In December 2017 a new absence reporting system (First Care) was implemented to provide staff with immediate access to medical advice at any time, and real-time management information that ensures sickness is effectively managed and issues are discussed at an early stage.
- 3.6 Since the introduction of First Care the completion of return to work interviews following periods of sickness has increased from 64% to 86%, and the projected sickness rate for 2018/19 is 10.09 days compared to 10.57 days in 2017/18.
- 3.7 The review of the Attendance Management Procedure (see Appendix 1) addresses a number of issues and concerns with the current procedure and will ensure there is:
- Greater importance put on Return to Work discussions (see page 6, point 2 and page 7, point 4) which research indicates is the biggest determining factor on improving attendance;
  - Improved support for disabled staff by more clearly recording disability related absence, providing time off for treatment and appointments (see page 3, para 6.3), considering whether any changes in concern levels should be applied and ensuring that reasonable adjustments are considered at the earliest stage (page 8, para 6.3) and clearly recorded in a support plan (page 7, para 4.1);
  - A greater focus on informal resolution (see page 10, paras 1.1 and 1.2) by reducing the procedure to two formal stages and introducing an informal stage at which the line manager and the employee agree an attendance support plan (this will significantly reduce formal sickness case work);
  - Formal warnings replaced with the setting of formal review periods, which can be given at both stages of the formal two stage procedure (see page 10, para 1.2).
  - Earlier referral to Occupational Health for stress and mental health conditions (see page 3, para 7.1);
  - Greater emphasis on our duties as an employer under the Equalities Act in relation to disabled staff (see page 3, para 6.2).
- 3.8 The revised Attendance Policy and Procedure also includes the following commitments to enable the Council to sign up to the TUC's Dying to Work Charter:
- A statement at page 4, paragraph 10 saying "Where they wish to do so, employees will be supported to remain at work as long as they are able" i.e.

employees with a terminal diagnosis will not be dismissed because of their condition.

- Our EAP programme is able to provide counselling and financial information to support any employee with a terminal illness.
- Training will be provided to managers and HR staff on dealing with terminal illness.
- As part of the implementation plan for the new policy and procedure key changes, including the commitments related to the TUC charter will be publicised to all employees.
- Information about the charter can be found here <https://www.dyingtowork.co.uk/> and in Appendix 2.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Research has been undertaken into what other large public sector organisations do on attendance management and this has been taken into consideration as part of the review.
- 4.2 The new policy and procedure are seen as progressive improvements to our wellbeing approach on attendance management and so no alternative options are being proposed.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 The review of this policy stems in part from a commitment to do so given to our trade unions at the time of the implementation of the new FirstCare reporting and attendance management system and also as part of our approach to employee wellbeing. The initial draft has been the subject of extensive consultation with our recognised trade unions over a period of time as well as incorporating feedback from the Wellbeing Steering Group and our Worker Forums.

5.2 Key changes arising from the union consultation include:

- Commitments in line with the TUC's Dying to Work Charter.
- Formal review periods replace formal warnings.
- Absence related to a disability is recorded as a 'disability related absence' so this is clearly understood when looking at Attendance Support Plans and Attendance Concern Levels.
- Attendance Support Plans must be in place before hearings can be arranged under the formal procedure.
- The review period reduces from 12 months to 6 months at the informal stage.
- The notice for a Stage 2 Hearing increases from 7 to 14 calendar days bringing this into line with the notice given for the final stage of the Disciplinary Procedure.

#### **6. CONCLUSION**

6.1 This revised policy and procedure reflects the council's well-being agenda and includes recommendations made by our trade unions, workers forums and the well-being steering group to provide a more supportive policy and procedure for our workforce.

- 6.2 This new policy and procedure meets one of the aims of Our People Promise which is to support employee well-being at work.
- 6.3 Signing up to the TUC's Dying to Work charter would demonstrate the council's commitment to supporting staff with a terminal illness and would also help to meet the above aim on well-being within Our People Promise.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7 It is expected that the management and implementation of the policy outlined in the report will be undertaken within existing resources. Any reduction in sickness absence arising from the extra support measures could save money with regard to costs of cover and would be more efficient for the council.

*Finance Officer Consulted: Peter Francis*

*Date: 12/11/18*

### Legal Implications:

- 7.1 The proposed new Attendance Policy and Procedure complies with the council's statutory responsibilities and the relevant Codes of Practice, in particular the Employment Statutory Code of Practice issued by the Equality and Human Rights Commission.

*Lawyer Consulted:*

*Elizabeth Culbert*

*Date: 13/11/18*

### Equalities Implications:

- 7.2 The Attendance Policy and Procedure EIA has been updated to reflect the content of the new policy and procedure and is attached at Appendix 3.

### Sustainability Implications:

- 7.3 None

### Any Other Significant Implications:

- 7.4 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. New Attendance Policy and Procedure
2. TUC Dying to Work Charter information
3. Equalities impact Assessment