***SUPPORTING EMPLOYEE ATTENDANCE POLICY***

Version No 6

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Municipal Buildings

GREENOCK

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Document Control

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1 INTRODUCTION

* 1. EXECUTIVE SUMMARY

The purpose of this policy is to ensure that all absences from work are appropriately managed and those who are absent are supported accordingly. It also promotes and encourages employee wellbeing at work.

* 1. BACKGROUND

The Council believes that employees are its most valuable resource and recognises the important contribution made by regular attendance at work in maintaining high levels of service delivery.

Sickness absence is one of the Council’s Statutory and Key Performance Indicators. Information in this area is recorded and provided to the Local Government Benchmarking Framework.

Application of this policy and associated procedures ensures a fair, consistent and compassionate approach to supporting employee attendance, whilst ensuring compliance with all associated legislation.

* 1. STRATEGIC CONTEXT

Thos policy supports delivery on the Council Plan 2023/28 in relation to the following outcomes – “high quality and innovative services are provided, giving value for money” and “employees are supported and developed”.

1.4 LINKS TO LEGISLATION

Under this policy, the Council will ensure that everyone receives equal consideration and that the needs of all are taken into account as per The Equality Act 2010, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long term adverse effect on someone’s ability to carry out normal daily activities. The definition includes people with hidden disabilities (such as diabetes, epilepsy, and mental health issues). In accordance with the Act, the Council will consider and make reasonable adjustments to enable a person with a disability to work or continue to work.

This policy also takes into account the requirements of the Employment Rights Act (1996), Health and Safety at Work Act (1974)) and The Employment Rights Act (1996).

* 1. AIM

This aims of this policy are:

1. To ensure that all services are delivered efficiently and effectively. As an employer, Inverclyde Council has a duty to respond to actual and potential problems arising from absence levels particularly in relation to service delivery and staff wellbeing
2. To ensure that Inverclyde Council recognises its responsibility for the health, safety and wellbeing of its employees and, in conjunction with other policies of the Council, aims to place emphasis on the comprehensive range of services and agencies established to provide assistance to employees
3. To ensure that all employees are treated fairly and consistently, and are encouraged to seek help with any problems they might have which are resulting in non-attendance at work
4. To ensure that managers are aware of their responsibilities under this policy and associated procedures
5. To ensure that employees are aware of the terms of this policy and associated procedures and of their responsibilities to comply with them.
   1. LINKS TO CORPORATE GROUPS

This policy links to the Trade Union Liaison Group.

1. Scope

This policy and associated procedures are applicable to all Council employees. That is, to those employed under the:

• Scottish Joint Council for Local Government Employees;

• Scottish Negotiating Committee for Teachers (SNCT);

• Scheme for Salaries and Conditions of Service laid down by the Joint Negotiating Committee (JNC) for Chief Officials of Local Authorities (Scotland).

1. **POLICY CONTENT**

3.1 PRINCIPLES

The following principles should be followed

* Managers will adopt a supportive and consistent approach to supporting employee attendance, taking into account individual circumstances
* Attendance issues will be dealt with promptly, confidentially, consistently and effectively, demonstrating clear outcomes at all stages
* All appropriate efforts will be made to support and assist an employee absent due to sickness and steps will be taken to help facilitate their return to work at the earliest opportunity
* Each employee will understand that regular attendance at work is of vital importance and that supporting employee attendance procedures must be adhered to
* Employees may seek advice/support from a trade union representative at any stage of the Supporting Employee Attendance procedure, and may be accompanied by a colleague or trade union representative at absence review and capability meetings
* Advice and guidance will be provided by the Council’s Occupational Health provider where deemed appropriate.

3.2 NON-MEDICAL ABSENCE

The Council supports special leave, paid or unpaid, for necessary absences not caused by or categorised as sickness. Matters such as single day family or home emergencies, time off for close friend or relative funerals may be awarded on a compassionate basis and need not be recorded as sickness absence. Conditions surrounding these matters can be found in the supporting procedures, Family Friendly policy and the Conditions of Service document.

Short term periods of authorised leave may also be granted to care for ill relatives to allow employees to adjust to their personal circumstances and make other arrangements. Conditions surrounding these matters can be found in the supporting procedures document.

3.3 CATEGORISATION OF ABSENCE

Short Term Absence

Short term absence is defined as a period of absence lasting less than 4 weeks. It can take the form of minor one-off absences or minor absences that occur more frequently. The focus for managing short term absence is on reducing the number of incidences.

Long Term Absence

Long Term absence is defined as a period of absence lasting longer than 4 weeks. The focus for managing long term absence is on reducing the length of the absence period and supporting employee wellbeing.

Guidelines for managing both long and short term absence in practice are outlined in the Supporting Employee Attendance Procedures.

3.4 ATTENDANCE TARGETS AND TRIGGER POINTS

Attendance Targets

The Council has an average non-attendance target, adjusted periodically, which all employees are expected to satisfy and to be aware of. This target is clearly communicated at all times. It is available on ICON, through managers, and at Return to Work meetings. Details of Return to Work meetings can be found under section 5 of the Supporting Employee Attendance Procedures.

As at August 2024 the attendance target level is 9 days Full Time Equivalent (FTE) – pro rata for part time staff. That is any absence level around or above this figure must be fully reviewed and any underlying matters addressed. 9 days FTE is the maximum trigger for managers, all attendance issues should be addressed prior to reaching 9 days.

Trigger Points for Managers

Trigger points are a method of ensuring that absences are fully supported and reviewed. This is both to ensure effective management of attendance, and to ensure the Council fulfils its Health & Safety obligations as a reasonable employer

There are 5 distinct categories of trigger points listed below. These are designed to allow early intervention and support and to minimise the duration of any absence where possible and within reason;

* Mental Ill Health
* Musculoskeletal
* 4 separate episodes of absence or more in a 12 month period
* 6 days of absence or more in a 12 month period
* 4 weeks of absence or more

Trigger points are designed as a tool to raise managers’ awareness, ensure discussion and early intervention with employees in relation to potential absence concerns which may require support and in some cases further action. The 6 day target is an indicator that an employee’s absence is approaching the Council’s overall 9 day target and may require further support/action and not necessarily that an Occupational Health referral is required or a letter of concern issued. Further guidance is provided within the Supporting Employee Attendance Procedures document.

3.5 FIT NOTES AND REASONABLE ADJUSTMENTS

The Council will consider advice given by an employee’s GP on the ‘Statement of Fitness to Work’. Should the GP advise that an employee ‘may be fit for work’ all reasonable adjustments will be explored in conjunction with advice from Occupational Health.

3.6 OCCUPATIONAL HEALTH APPOINTMENTS AND REVIEWS

It is a condition of employment that an employee may be required, where it is considered necessary or advisable, to attend an appointment with the Council's Occupational Health Advisor.

Employees are expected to comply with this condition of employment particularly when they are being paid occupational sickness allowance.

The Council will ensure consideration of all information presented to them and professional judgement, service needs and risk assessment will be applied when making any decisions in relation to information presented in medical reports.

3.7 ABSENCE REVIEW AND RETURN TO WORK MEETINGS

Supervisors/managers should meet with employees who are absent from work regularly to gather facts and discuss their absence from work. Employees are obliged to attend return to work and absence review meetings in accordance with the Supporting Employee Attendance procedures and relevant conditions of service.

3.8 TERMINATION OF EMPLOYMENT

Dismissal on the grounds of incapability through ill-health may be considered where all other reasonable options, including support mechanisms, reasonable job adjustments, redeployment, retraining and, where appropriate, ill-health retirement have been exhausted. The Council may consider terminating employment on the grounds of the employee being unfit to perform the duties of the post due to ill-health or absence. Further guidance is provided within the Supporting Employee Attendance Procedures. Any appeal against dismissal on the grounds of incapability through ill-health will be heard by a Human Resources Appeal Panel (Officers).

3.9 CONFIDENTIALITY

All matters relating to employee attendance at work are confidential. The Council will ensure confidentiality of information through all relevant parties.

3.10 CONTRACT OF EMPLOYMENT

The requirement for all employees to maintain a satisfactory level of attendance is included in an employee’s Contract of Employment and Conditions of Service.

3.11 REDUNDANCY

When the Displacement Selection Criteria Matrix is being applied in relation to the *Voluntary Severance Policy* the last 3 years absence history will be taken into consideration.

3.12 ACCESS TO OCCUPATIONAL SICK PAY

Details of Sick Pay schemes are available within the relevant Conditions of Service. These can be accessed on ICON or on request from Organisational Development and Human Resources. To receive Occupational Sick Pay employees are required to follow certain notification and certification procedures as detailed within each respective Conditions of Service and in accordance with the Supporting Employee Attendance Procedures. These requirements are clearly defined and managers and employees are equally responsible for ensuring that they are adhered to.

Failure to comply with reporting procedures for sickness absences will normally exclude an employee from accessing occupational sick pay, and the absence from work may be deemed as unauthorised therefore warranting consideration under the Disciplinary Procedures.

3.13 DISCIPLINARY ACTION

In accordance with section 10.2.2 of the National Agreement on Pay and Conditions of Service *(the ‘Red Book’)* sick pay may be suspended if an employee abuses the sickness scheme. Should disciplinary action ultimately lead to termination of employment on the grounds of a poor attendance record, appeal hearings will be heard by a Human Resources Appeal Panel (Officers).

3.14 ACCIDENTS AND CRIMES OF VIOLENCE AT WORK

Details of all accidents and incidents of violence at work must be entered in the Accident Book and an Internal Accident/Incident Report Form completed (available on ICON). Please refer to the Council’s Violence and Lone Working Policy. When confirmed as an incident under this policy the absence will not be reckoned against the Council’s absence target. This also applies to teachers and the recording of absence due to workplace violence (SNCT 6.20 - 6.25).

3.15 CONTACT WITH INFECTIOUS DISEASE

Any employee who in accordance with the National Insurance Acts is prevented from attending their place of employment because of contact with notifiable infectious diseases shall advise his or her supervisor immediately and shall be entitled to full pay during the absence, subject to the deduction from that full pay of any benefit payable under the National Insurance Acts. A period of absence on this account will be classed as medical suspension, shall not be reckoned against the employee's entitlement to sickness allowance nor will it be recognised against the Council’s absence target.

3.16 PREGNANCY RELATED ILLNESS

If an illness is connected with pregnancy then the period of maternity leave will automatically begin if the illness commences or continues into the four week period before the expected week of confinement. Please refer to the Councils Family Friendly Policy for further details. Where the absence is unconnected to the pregnancy absence management procedures will apply.

**4 ROLES AND RESPONSIBILITIES**

4.1 THE CHIEF EXECUTIVE

The Chief Executive has overall responsibility for the maintenance and operation of this policy.

4.2 DIRECTORS

Directors are responsible for setting the strategic direction of their Service consistent with the principles of the policy.

4.3 HEADS OF SERVICE

Heads of Service should promote a culture whereby accurate information is recorded in relation to employee attendance, procedures are followed and appropriate supports put in place.

4.4. SERVICE MANAGERS

Service Managers should ensure employee awareness of key policies.

4.5 OFFICERS

The manager should:

* Support the health, safety, and wellbeing of employees, recognising their duty of care
* Take action to identify and reduce, where possible, underlying causes of sickness absence with a view to preventing ill health
* Ensure appropriate early intervention where ill health arises to prevent the escalation of healthcare needs e.g. temporary reasonable adjustments to hours, workload, referral to physiotherapy/counselling.
* Seek, consider, and implement Occupational Health advice where appropriate to support employee attendance
* Update and record absences in a timely manner across relevant systems.

Employees are required to familiarise themselves with the terms of the policy and procedures during the course of their employment and to ensure that they comply with them.

The employee should:

* Recognise personal responsibility to take reasonable care of their own health and wellbeing
* They must also make sure they are fit to work without detriment to themselves or others e.g. taking appropriate action where they have an infectious disease
* Actively participate in the process to avoid delays
* Communicate at the earliest opportunity any underlying health issues or other contributing factors which may impact their attendance at work

All supervisors/managers are responsible for applying the policy and procedures ensuring consistency and fairness.

Trade Union representatives will work together with managers and employees to promote a positive work environment to ensure the policy and procedures support a culture of high levels of attendance at work.

Organisational Development and Human Resources will provide advice to support managers and employees in the application of this policy and associated procedures.

**5 IMPLEMENTATION**

5.1 TRAINING

Appropriate training will be provided for managers in the effective implementation and operation of the Supporting Employee Attendance Policy and Procedure to ensure consistency and full understanding. Elements of this training are mandatory for supervisors/managers please refer to the Council’s training matrix for further information.

5.2 COMMUNICATION OF THE POLICY

The policy will be available on ICON, the intranet, as well as publically via the Council website.

**6 RISK**

6.1 LEGISLATIVE RISK

Managing sickness absence is a part of the employer’s general duty to secure the health, safety and welfare of their employees (Health and Safety at Work Act (1974)).

The Employment Rights Act (1996) requires that terms and conditions such as sickness, notification of sick pay and rules relating to statutory sick pay must either be set out in a single document such as a “written contract of employment” or “statement of the main terms and conditions of employment” or in another readily accessible document (such as a sickness absence agreement) that is referred to in the above.

Sickness absence policies must be compliant with the Equality Act 2010.

6.2 WIDER RISKS

Without this policy there is a risks of high levels of absence from sickness. High levels of sickness absence are costly and disruptive and can lead to reduced service provision, additional pressure being placed on work colleagues leading to higher levels of stress and low morale, loss of continuity for Service users, additional salary costs necessary to cover absences and reputational damage for the Council.

**7 EQUALITIES**

7.1 CONSULTATION AND ENGAGEMENT

This policy was updated in consultation with the Trade Union Liaison Group.

7.2 EQUALITY IMPACT ASSESSMENT

This policy was assessed in relation to the Council’s equality duties. All employees are entitled to use, access and be subjected to the policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their Protected Characteristics.