

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|------------------------------|
| Report to: | Executive Committee |
| Date of Meeting: | 5 January 2022 |
| Subject: | Supporting Attendance Policy |
| Report of: | Head of Corporate Services |
| Corporate Lead: | Chief Executive |
| Number of Appendices: | Two |

Executive Summary:

The Council's Absence Management policy was last written in 2015 and updated in 2018. It is therefore due for review. This is the revised policy, renamed 'Supporting Attendance'.

The policy has been significantly rewritten and split into 'policy', 'guidance', and 'toolkit'.

Recommendation:

- 1) To APPROVE the revised policy and associated documents.**
- 2) To AGREE that the policy should be reviewed every three years.**

Reasons for Recommendation:

The revised policy and associated documents provide a stronger basis for the compassionate but effective management of attendance and absence within the Council.

Resource Implications:

There are no direct resource implications but the revised policy will allow attendance issues to be addressed more effectively and efficiently which will ultimately have a positive resource impact.

Legal Implications:

The relevant legal implications have been considered as part of the review of the policy. Having an up-to-date policy provides the authority with a framework for dealing with attendance issues in a lawful, fair and transparent way.

Risk Management Implications:

There is a risk that mismanagement of attendance issues on an individual basis can result in dissatisfied and unsupported employees and consequently grievances and ultimately tribunal claims. This policy gives a clear framework for effective management of attendance issues, supported by the advice and expertise of the HR & OD Team.

There is a risk that in not having clear and effective policies, supported by management training, that a culture of absence develops which then has a detrimental impact on productivity and ultimately the ability of the Council to achieve its goals.

Performance Management Follow-up:

1. Revised Supporting Attendance Policy and Guidance to be published by HR & OD Manager on the intranet.
2. Sickness absence rates will continue to be monitored daily by the HR & OD team, reporting to the relevant Lead Member, to Management Team and also to Overview and Scrutiny Committee on a quarterly basis.

Environmental Implications:

There are none in this report.

1.0 INTRODUCTION/BACKGROUND

1.1 It is critical for the effective operation of any organisation that sickness absence is managed effectively. Failure to deal appropriately with sickness absence can result in a wide range of negative impacts, from individual grievances and tribunal claims, to wider issues including the development of a culture where frequent absence is accepted as the norm, reputational damage and reduced capacity impacting the Council's ability to achieve its goals. On a personal level it can also mean that wellbeing issues are not picked up at an early stage and therefore escalate into more serious absence and can leave staff feeling unsupported and unvalued.

1.2 The policy has been substantially revised with the aims of:

- Ensuring the document covers all of the necessary areas.
- Making what is necessarily a lengthy document as clear and user friendly as possible by splitting it into policy (broad statements and 'must do's), a guidance document ('how to' guidance) and a toolkit of template letters, flowcharts and reports.
- Softening the language throughout. Within our Council it is also very important that any policy reflects our values, in particular that we value our staff. The rewritten policy, guidance and toolkit aims to reposition the policy in terms of a culture-appropriate supportive approach, whilst also improving the efficacy and speed at which we can manage issues around attendance.
- Emphasising the support we give to employees and stressing the importance of the informal conversations and return to work conversations in addressing issues before they become more significant.
- Matching the tone of the policy of the culture of the Council, particularly in relation to the short term sickness process.
- Streamlining processes and making them more efficient and effective.
- Limiting Member involvement to only cases involving Chief Officers, in line with the revised Disciplinary Policy.

Ultimately to provide the mechanism to bring sickness absence levels in the Council down.

2.0 POLICY KEY CHANGES

2.1 Some key elements of the previous policy have been retained: in particular the points at which a formal process would be initiated; our 'attendance triggers' have remained unchanged.

2.2 As the policy has been rewritten and split, it is not possible to clearly show the changes as tracked changes, but the table below details the key changes:

| Summary of Change | Intended Impact |
|--|--|
| <p>Split into policy (key principles and statements), guidance (more detailed information and meeting outlines etc.) and have built a toolkit to support consistency (letters and report templates).</p> | <p>The policy has been split into policy, guidance and toolkit. Supporting Attendance policies are usually quite big documents in order to cover the different ways in which long term and short term absence issues need to be managed, as well as the overarching issues and approach to key issues where legislation impacts such as disability, pregnancy, leave etc. The split helps to keep these important documents manageable.</p> <p>This is intended to streamline the policy document whilst also providing additional clear guidance and consistency/efficiency of process with template letters and reports.</p> |
| <p>Changed the document title to Supporting Attendance rather than Absence Management.</p> | <p>To place a more positive emphasis on attendance rather than managing absence.</p> |
| <p>Included more context about our supportive approach to employee wellbeing and softened a lot of the language. Words like 'failure to achieve' and 'unacceptable' put managers off using the process and don't fit very well with our culture.</p> | <p>Underlines our overall culture as a Council. The language softening removes phrases like 'failure to achieve' and 'unacceptable' whilst still following a process, which is clear for employees and managers, reflecting our Council culture better and hopefully making it feel more appropriate, encouraging managers to feel comfortable using it.</p> |
| <p>The short-term sickness absence formal process has reduced to a three-step process, from a four-step process.</p> <p>At the first step there is no longer a formal caution. At the second step a 'final formal advice' (caution) would be given, at the third step termination of contract will be an option.</p> <p>The existing trigger points will remain.</p> | <p>To make the process timelier and more efficient where attendance is a persistent issue.</p> <p>To make the short-term sickness process feel more appropriate so that managers are encouraged to use it, particularly in terms of getting the formal process going.</p> |
| <p>Long term sickness absence - an option has been added for mutually agreed termination (where everyone accepts that an employee will not be coming back to work) in place of a Final Long Term Sickness Case Review.</p> | <p>In these cases, someone still needs to legally terminate the contract, but this option allows the employee to be more actively part of the decision and to leave with more dignity and less formally than going through a Final Long Term Sickness Case Review – it also saves manager time as no report is necessary for this route.</p> |
| <p>Return to work after long term sickness absence – a new element has been added whereby if someone returns from long-term sickness and then hits absence triggers again within the next 12 months then we would manage this from the second step of the short-term sickness process.</p> | <p>To allow a more effective approach in cases with people who have long-term and short-term absence without ever hitting a formal stage.</p> |

| | |
|--|---|
| <p>The current policy is silent on issues such as IVF, sickness in pregnancy, gender reassignment and has more limited information on annual leave and sickness, which has been addressed in this review.</p> | <p>To ensure the Council's position is as clear as possible on complex and potentially sensitive matters.</p> |
| <p>In the current policy members from the Employee Appointments and Disciplinary Committee [EADC] would hear appeals against all dismissals.</p> <p>The new policy provides for Officers managing the Supporting Attendance process, except in the case of Chief Officers where the EADC will need to be involved.</p> | <p>This makes better use of Member time and involvement for only the most senior cases.</p> |
| <p>An appendix has been added to provide clarity around how and when we would agree an extension of half and full pay sick pay</p> | <p>Reducing the risks of dissatisfied employees who haven't been granted additional half and full pay sick pay by setting clear process and criteria.</p> |
| <p>An appendix has been added to add clarity around how we would manage claims for injury allowance (a provision set in the Green Book which is separate to insurance claims and essentially replaces contractual sick pay with 'injury allowance' payments of the same amount where the injury resulting in the current absence is wholly as a result of the injured employee's work for the Council)</p> | <p>Provides a framework for managing claims for injury allowance and may also deter insurance claims.</p> |

3.0 OTHER OPTIONS CONSIDERED

3.1 It would have been possible to do a less comprehensive review of the existing policy, but this would have reduced the potential impact that this policy is able to make.

4.0 CONSULTATION

4.1 This policy has been consulted on with Management Team, the HR & OD Team and the Council's recognised Trade Unions: GMB and Unison.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Equalities and Diversity Policy.
Health and Safety Policy.
Disciplinary Policy.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Employee Relations Act.
General Data Protection Regulation.
Equalities Act.
Access to Medical Reports.
Statutory Sick Pay Regulations.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Introduction of this policy should have a positive impact on resources in that it will enable the Council to manage attendance both more supportively but also more effectively and efficiently, ultimately improving attendance levels.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 Introduction of this policy supports our social responsibility to be responsive and supportive employers to those living with health conditions.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Introduction of this policy will support clarity and consistency of approach when managing complex equalities issues, such as supporting attendance where a member of staff has a disability, or is pregnant.

Increased efficacy and efficiency in managing unsustainable levels of absence also represents better value for money to taxpayers.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: Current [Sickness](#) Absence Policy.

Contact Officer: HR & OD Manager, Tel: 01684 272239
Email: eleanor.hutchison@teWKesbury.gov.uk

Appendices:

1. Draft Supporting Attendance Policy.
- 2 Draft Supporting Attendance Guidance.