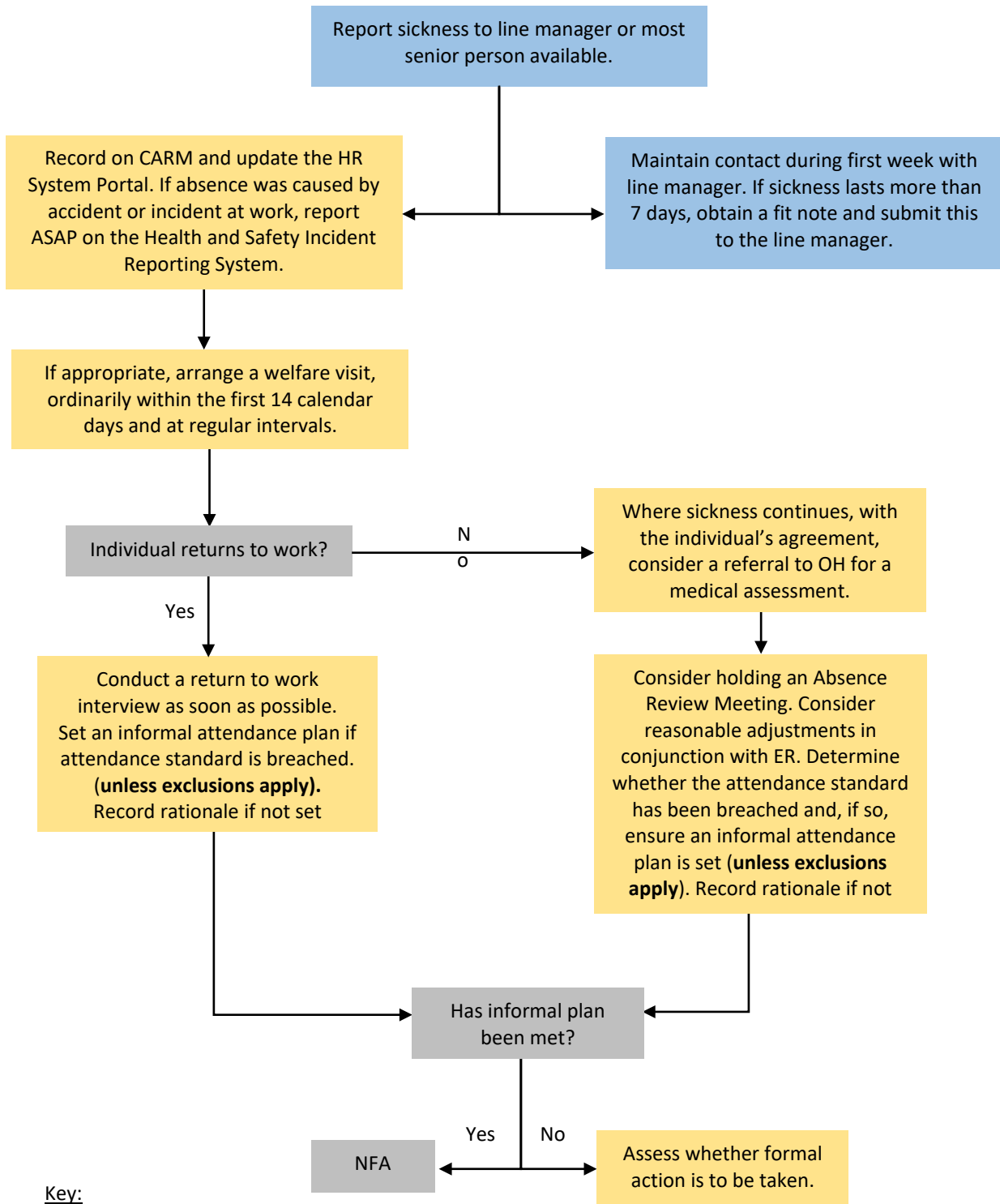


Attendance Management

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Flowchart



Key:

- Individual
- Line manager

NB The consideration of setting an informal attendance plan is not limited to the point at which an individual returns to work. The contents of a plan may differ depending upon whether the individual is currently absent or has returned to work.

Policy Statement

Summary

All officers and staff must take personal responsibility for maximising their attendance at work in order to provide a high level of service to the public of West Yorkshire and to minimise the impact that absence has on their colleagues. Where an individual is absent from work due to sickness, the organisation will, in line with our values, treat them with fairness, integrity and respect. In line with the National Decision Model, managers are expected to use the information available to them, including this policy and procedure, to effectively manage attendance.

To achieve this, the organisation will:

- Empower managers to make decisions around attendance, with the expectation that they will be accountable for any decisions they make.
 - Have an attendance standard which individuals are expected to meet.
 - Have processes in place to record and monitor sickness absence.
 - Provide support to enable individuals to return to work as soon as possible.
 - Have processes in place for formal action when informal action and support has failed.
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Scope

This policy applies to all police officers and police staff (except that during their probationary period, attendance issues for student officers and probationary staff must be managed as per Police Regulation 13 and the Probationary Procedure – Police Staff policy).

Principles

General

- All matters relating to ill health and absence will be dealt with confidentially.
- Managers will record the rationale for their decisions on the on the HR System Portal, whether action is taken or not.
- Information will only be shared in line with medical confidentiality guidance and legislation.
- All sickness absence must be reported and recorded.
 - Police officers – Only full day sickness absences for police officers are regarded as periods of sickness. If an officer leaves their shift before the scheduled finish time, this is not regarded as a period of sickness.
 - Police staff – If a member of police staff finishes work early due to sickness in the first half of their shift or working day then this is regarded as a full day's sickness otherwise this is not regarded as a full day's sickness.

- Sick pay for police officers is as per Police Regulations and for police staff as per Police Staff Terms and Conditions.
- Sick pay is paid on the basis that if any individual should successfully pursue a third-party insurance claim for loss of earnings as a result of an accident or incident, they will be required repay sick pay to the value of the amount successfully claimed.
- Failure to provide a Fit Note will affect an individual's pay and could lead to disciplinary action.
- Individuals who have a recognised disability must be recorded on the HR system and any absences due to it will be recorded as disability related sickness.
- Line managers are expected to seek advice from Employee Relations (ER) teams and Occupational Health (OH) as and when appropriate.
- Staff associations and Trade Union representatives along with work colleagues may attend all meetings with individuals.
- Managers can only manage cases based on the information they have available to them.
- Attending court does not break the continuity of a sickness absence. Individuals will be paid the greater of their entitlement to sick pay on the date of attending court or the number of hours necessarily spent at court.

Attendance Standard

Attendance standard rules

- The organisation has an attendance standard which applies to everyone. Individuals will have breached the standard if in a twelve-month rolling period they have:
 - Three or more sickness absence periods; or
 - 10 or more working days' sickness.
- If an individual breaches the attendance standard, their line manager must set a plan. The expectation is that an informal plan would be appropriate, unless there are exceptional circumstances which are rationalised and documented. Exceptional circumstances are where the individual has been diagnosed with a terminal illness or where the absence relates to an injury sustained in the course of active operational duty. In all other circumstances a plan must be set. The reasons for their decision must be recorded on the HR System Portal.
- The attendance standard will apply to:
 1. Informal and formal attendance management processes;
 2. Recruitment and selection processes (as per the Recruitment and Selection policy);
 3. Promotion processes; and
 4. Requests for desirable training.
- All sickness absence will be taken into account in considering supportive measures and management processes.

- An absence will not count towards the Attendance Standard and bar the person from recruitment, promotion and training where:
 - The absence is pregnancy related;
 - The person has had zero sickness absence in the last twelve months.
 - A breach of the Attendance Standard will not bar a person from:
 - An alternative role where they have legal priority as set out in the Recruitment & Selection policy (e.g. being at risk of redundancy);
 - Applying for a career break;
 - Being moved into a temporary recuperative role;
 - Roles for which the Attendance Standard has been waived due to exceptional organisational needs; or
 - Applying for the Special Constabulary/Volunteer Programme.
 - In addition, a person can request that their line manager:
 - Excludes particular period/s of absence from counting towards the Attendance Standard; or
 - Allows them to access recruitment, promotion or training even where they breach the Attendance Standard.
 - The line manager will decide such requests, and must consider:
 - Was any absence caused by a disability as set out in the Equality Act?
 - Was any absence due to an injury on active duty/operational training?
 - Were there two or more absences for the same reason that should be linked as one occurrence? And:
 - Has the individual demonstrated good attendance and commitment in general?
 - If such a request is declined, the person can appeal. This must be in writing to the second line manager within 14 calendar days of the decision.
 - Where an individual and a line manager do not agree whether something is disability related a referral will be made to OHU to ask specific questions in relation to symptoms associated with a person's condition to assist with decision making.
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Sickness Procedure - Responsibilities

Individuals

Individuals are responsible for:

- Informing their line manager (or other appropriate line manager) as soon as possible on the first day of sickness that they are unable to attend work because they are either ill or injured, including when on annual leave, public holidays, TOIL, or Flexi leave;
- Informing their line manager if they are due to attend court;
- Speaking to their line manager at a frequency agreed with them to provide an update on their condition and their expected return to work date. Local reporting arrangements may apply;

- Obtaining a fit note if their sickness lasts longer than seven calendar days and sending this to their manager. Where the Department for Work and Pensions issue a Return to Work Plan, a doctor's fit note is not required;
 - Engaging with the organisations in attending Absence Review Meetings if appropriate; and
 - Considering giving informed consent to attend a medical referral at OH and the subsequent sharing of the OH referral reply with their line manager.
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First line managers' responsibilities for initial absences

First line managers are responsible for:

- Ensuring the HR System Portal is updated;
- Updating the individual's sick leave on CARM including cancelling any pre-planned leave;
- Completing case notes and determining any absences that are agreed to be linked or excluded;
- Where the absence relates to an accident or injury at work, entering details on to Health and Safety incident reporting tool;
- Where the incident occurs on police premises, ensuring the details are recorded on the incident reporting system;
- Making initial contact to explore in detail the nature of the absence;
- Agreeing an appropriate level of contact with the individual to further discuss their absence;
- If appropriate, visiting the individual within the first 14 calendar days to discuss the individual's sickness and keeping them up to date with work issues; and
- Asking individuals whether they want to be contacted by a Police Federation or Trade Union representative.

First line managers' responsibilities for continued absence

- If sickness continues, deciding whether an OH referral is needed and gaining the consent of the individual;
- If the individual refuses to attend OH, engage with the referral process or release a report, making a decision based on the available information;
- Holding Absence Review meetings, if needed;
- Having a return to work interview as soon as is practicable after the individual returns to work;
- Determining whether the attendance standard has been breached, and if so ensuring that an informal attendance plan is set.
- Recording the supportive measures that will be put in place to ensure that the individual resumes full working duties and is able to maintain satisfactory attendance;
- Deciding whether a police staff member should be placed on recuperative or restricted duties;
- Applying temporary restricted duties if appropriate for police staff;
- Deciding whether a police officer should be considered for adjusted and recuperative duties in accordance with the Limited Duties policy;

- Deciding whether formal action should be taken, where informal action has failed;
 - Deciding whether a member of the Police Treatment Centre can attend the Centre in duty time. The decision must be based on the benefit to the organisation;
 - Deciding whether absence can be excluded from the attendance standard;
 - Considering (in consultation with Employee Relations and OH) whether the absence is as a result of a medical condition which is regarded as a disability under the Equality Act and what reasonable adjustments are appropriate (please refer to the Disability policy);
 - Determining (in consultation with Employee Relations and OH) as to whether a medical condition that is not specifically defined as a disability will be managed in accordance with the principles of the Equality Act (please refer to the Disability policy); and
 - Participating in discussions with the individual and Employee Relations about making reasonable adjustments at the earliest opportunity.
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Second line managers

Second line managers are responsible for:

- Deciding on any appeals around exclusions under the attendance standard. This must be done within 28 days of receiving the appeal.
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Employee Relations

Employee Relations are responsible for:

- Supporting line managers in respect of making Equality Act determinations and advising on appropriate reasonable adjustments;
 - Supporting line managers (in consultation with OH) as to whether a medical condition that is not specifically defined as a disability will be managed in accordance with the principles of the Equality Act;
 - Providing advice and guidance to managers and individuals as and when required; and
 - Intervening when line management action may result in the organisation failing to meet its statutory and legal obligations.
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Supportive Measures

Occupational Health and Police Treatment Centre

- The purpose of the OH referral is for the manager to gain medical advice on how to support an individual with a health condition in a work context in order to assist their recovery and return to work.
- The referral must be discussed with the individual and their written consent must be sought.
- OH are required to record relevant personal information provided to them on the individual's medical record. This constitutes personal data under the Data Protection Act. The individual has a right to view all information

recorded on their medical record, but managers are not permitted to view without the consent of the individual.

- Use of Police Treatment Centre as appropriate for members.
- As part of the consent process individuals will be made aware that if they are referred for any treatment and it is determined that the cost of this is a benefit in kind (as per current HMRC rules) the individuals name, employee number, DOB and value of treatment will be shared by Occupational Health with Pay Section and any tax liabilities will be deducted accordingly (further details in relation to taxable benefits can be obtained from Pay Section).

Absence Review

- The purpose of the meeting is to identify what action can be taken to assist an individual in returning to work and/or maintaining appropriate levels of attendance.
- Absence Review Meetings will be attended by the individual and their line manager, Employee Relations and/or other appropriate managers may also attend.
- A Police Federation, Trade Union representative or workplace colleague may also attend with the individual.
- If the officer or member of staff is prevented from attending for justifiable reasons, they must be offered an alternative time and date to attend a re-arranged meeting.
- Individuals are expected to make every effort to attend but if they prove unable to attend a re-arranged meeting it may proceed in their absence, but you will need to inform the individual of the outcome as soon as possible.
- An informal attendance plan may be developed by the line manager after the absence review meeting.

Terminal diagnosis

- West Yorkshire Police has signed the TUC's recognized Dying To Work Charter.
- This acknowledges that individuals who receive a terminal diagnosis require support and understanding.
- Further information and guidance is available on the intranet.

Informal attendance plans

- The line manager will ensure an informal attendance plan is put in place if an individual has breached the attendance standard except where the individual has been diagnosed with a terminal illness or has suffered an injury whilst on active operational duty. The rationale for not setting a plan must be recorded on the HR System Portal.
- Where an individual breaches the attendance standard due to a medically diagnosed critical or serious condition, e.g. non terminal cancer, the attendance plan must focus only on support measures including:
 - Any agreed recuperative plan.

- Any adjustments that can/have been put in place to support the individual in the workplace.
- Confirmation that the individual is aware of the support available through the Employee Assistance Programme.
- The purpose of all other attendance plans where the attendance standard is breached is to assist in reducing sickness and/or supporting the individual back to work.
- These plans must detail:
 - Actions to improve attendance;
 - Any arrangements for internal/external support;
 - The period of review (usually three months);
 - The attendance level required to be achieved;
 - If relevant, a return to work date that is reasonable, appropriate and proportionate in the circumstances; and
 - Potential consequences of achieving or not achieving the plan.
- Where due to a disability an attendance uplift has been given attendance plans must show separately the number of days and occasions for normal absence and those for disability related absence. In cases where an uplift has been given, the attendance plan must also specify when a breach occurs, and the maximum number of days/occasions allowed. An informal attendance plan will be set in all cases unless a terminal illness has been diagnosed, or the absence relates to an injury received in the course of active operational duty. In these cases, the decision not to set a plan must be clearly rationalised and documented. The rationale must be explained to the individual and recorded on the HR System Portal.
- The purpose of the plan is to assist in reducing sickness and/or supporting the individual back to work.
- The plan must identify:
 - Actions to improve attendance;
 - Any arrangements for internal/external support;
 - The period of review (usually three months);
 - The attendance level required to be achieved;
 - If relevant, a return to work date that is reasonable, appropriate and proportionate in the circumstances; and
 - Potential consequences of achieving or not achieving the plan.

Police officer adjustments and support

- Supportive measures for police officers, including recuperative duties and adjustments, are covered by the Limited Duties policy.
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Recuperative duties (police staff)

- Recuperative duties may be implemented to support an individual back to full duties following a period of sick leave.
- Where reduced hours have been agreed, any plan would normally start with the individual working 4 or more hours a day. In exceptional circumstances and only on medical advice it may be agreed that a return to

work on less than 4 hours is appropriate. People Services Teams must be notified of a return to work on recuperative duties and the individual's working hours, in order that the HR system can be updated accordingly. An individual will not receive additional payment if they work more than the reduced hours that have been agreed but no more than their normal working hours. In addition, if they take a day's leave a full day will be deducted from their entitlement and not the reduced hours they are working.

- Recuperative duties will be planned and not normally exceed six weeks and must generally be undertaken at their normal place of work or, where this would assist a return to work, at other organisation locations.
- The plan will outline the hours to be worked over the recuperative period and must be a phased progression to normal working hours.
- The individual will be treated as if working their normal hours for the purposes of pay and leave.
- If exceptional circumstances apply – e.g. the recuperative period needs to extend beyond six weeks - then a further referral will be made to OH, if required.
- Where an individual has exceeded 12 weeks on reduced hours/alternative shift patterns, the Medical Capability policy may be considered.

Restricted duties (Police Staff)

- An individual may be placed on restricted duties if due to their medical condition they cannot carry out a particular part of their role.
 - Temporary restrictions may be applied by the line manager if the duties need to be restricted for less than twelve months.
 - Restricted duty cases will be reviewed at least every twelve months.
 - Where temporary restrictions to duties go beyond 12 months, the Medical Capability policy may be considered.
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Limitations Recording form

- The Limitations Recording form can be accessed online.
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Formal Action

Procedure

- If sickness absence persists and supportive measures such as the informal attendance plan do not succeed then the line manager must decide whether formal action is needed.
- It is expected that in all but exceptional circumstances, which must be clearly articulated and recorded, that formal action will be taken.
- The relevant policies are:
 - Unsatisfactory Attendance Procedure – Police Staff; and
 - Unsatisfactory Performance (UPP) – Police Officers.

- Where an underlying medical condition affects the member of police staff's ability to carry out their role, the Medical Capability policy may be applied. Line managers must read this policy.
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Additional Information

Compliance

This Policy complies with the following legislation and policy:

- Data Protection Act 2018
 - Equality Act 2010
 - Disability policy
 - Recruitment & Selection policy
 - Unsatisfactory Performance Police Officers (UPP) policy
 - Unsatisfactory Attendance Procedure – Police Staff policy
 - Medical Capability – Police Staff policy
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Supporting information

The supporting information for this policy can be accessed online.
