

Subject:	Attendance Policy and Procedures		
Date of Meeting:	24 October 2019 10 October 2019 – Policy & Resources Committee		
Report of:	Executive Director Finance & Resources		
Contact Officer:	Name:	Laura Keogh	Tel: 01273 290511
	Email:	laura.keogh@brighton-hove.gov.uk	
Ward(s) affected:	All (All Wards);		

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 decide on an implementation timetable for the new Attendance Policy and Procedure.

Full Council

- 2.3 That committee recommends to Full Council that the council signs 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 staff with disabilities, 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 an outturn for 2018/19 of 10.08 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 over the past year in response to the Well Workforce Survey in January 2018.
- 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 72%, and the sickness rate for 2018/19 was 10.08 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 (page 6, point 2 & page 7, point 4) which research indicates is the biggest determining factor on improving attendance;
 - Support for staff with disabilities by more clearly recording disability related absence, putting more emphasis on providing paid time off for treatment and appointments (page 3, para 6.3) and ensuring that reasonable adjustments are considered and recorded in a support plan at the earliest stage (page 8, para 6.3, page 7, para 4.1);
 - A greater focus on informal resolution (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);
 - Earlier referral to Occupational Health for stress and mental health conditions (page 3, para 7.1);
 - Greater emphasis on our duties as an employer under the Equalities Act in relation to staff with disabilities (page 3, para 6.2);
 - A commitment from the council on how we will support staff with a terminal illness to remain in work for as long as they are able or to meet their wishes in terms of leaving our employment as soon as possible (page 4, para 10.1). This commitment is part of the TUC's 'Dying to Work' campaign, which we are seeking support from Full Council to sign up to.

Information about the campaign can be found here <https://www.dyingtowork.co.uk/> and in **Appendix 2**. The charter asks employers to sign up to the following principles:

- We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

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 implementation of the new Attendance Policy and Procedure has been discussed with the council's recognised trade unions, workers forums and the Well-being Steering Group. Prior to the implementation of the new FirstCare attendance management system and new sickness reporting process, we agreed with the trade unions that we would review the existing Attendance Management Procedure in light of their feedback on this. The new policy and procedure detailed in this report is in response to this.
- 5.2 Throughout the review of this policy our recognised trade unions and the Disabled Workers and Carers Network have been fully involved in its development. The focus of these discussions have been on how we work collaboratively together to improve the experience of disabled staff in the workplace and to ensure that our policy/procedure is more supportive in enabling attendance at work.
- 5.3 Issues that the unions have raised through consultation have been addressed including:
 - Agreement to reduce the review period during the informal stage to 6 months rather than 12 months.
 - Agreement to increase the period of notice given before convening an absence hearing to 14 calendar days rather than 7 calendar days (which is in

line with notice given for gross misconduct cases in the Disciplinary Procedure).

- Supporting a request to Full Council to sign up to the TUC's *Dying to Work* Campaign.
- Replacing formal warnings with formal review periods.
- Agreement to only use the new procedure for new sickness cases and that any existing sickness cases will continue to follow the current procedure.
- Agreement that If the attendance team are reduced in number or disbanded altogether then there will be immediate negotiations with the recognised trade unions on a new Attendance Support Procedure being put in place within 6 months of the change to the team.

5.3 The unions have confirmed that they support the implementation of the new Attendance Policy/Procedure and would like a policy review after 12 months, which has been agreed to.

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:

7.1 There are no direct financial implications expected, as the management and implementation of the policy will be undertaken within existing resources. Any reduction in sickness absence, arising from the extra support measures outlined in the report, would save money with regard to costs of cover and be more efficient for the council.

Finance Officer Consulted: Jeff Coates

Date: 2/10/19

Legal Implications:

7.2 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: 30/9/19

Equalities Implications:

- 7.3 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:

- 7.4 None

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

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

