

Subject: Attendance Management Procedure
Date of Meeting: 15 November 2011
Report of: Strategic Director, Resources
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The new Attendance Management Procedure was agreed by Governance Committee in November 2010 with an implementation date of 1 April 2011 (to allow for training prior to implementation). It aimed to reduce the level of sick absence in the council through the application of a single clear procedure, and more effective management and wellbeing support.
- 1.2 It was agreed by Governance Committee that there would be a report back to the committee six months following implementation to assess the impact of the new procedure.

2. RECOMMENDATIONS

- 2.1 That the Governance Committee notes the overall improvement in sick absence rates since 1 April 2011 and the steps taken to improve managers' skill and understanding of their role in supporting staff towards better health and attendance.
- 2.2 That the Governance Committee be briefed on the average days lost to sick absence after the end of the financial year to confirm that the improvements in attendance measured to date have been sustained.
- 2.3 That, following consultation with the Corporate Management Team and managers, the Governance Committee consider the option of removing, from the Procedure, the provision that requires an Absence Review meeting to always be held after an employee reaches an Attendance Concern Level. See paragraph 3.5.3 of the report.
- 2.4 That the results of the consultation exercise with the Corporate Management Team and managers be brought back to the Governance Committee to enable it to consider the option described in recommendation 2.3 above.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Progress since 1 April 2011

3.1 Fewer days lost to sick absence

3.1.1 The management of sickness absence is an important cost and service issue at Brighton & Hove City Council. Reducing absence improves continuity of service provision, reduces the cost of agency staff replacements and lowers pressure on colleagues. Since introducing the procedure, average days lost to sickness have reduced. The period April to September usually shows lower sick absence rates due to better weather and higher annual leave. However taking into account historic winter trends, projected average days sick leave per employee for 1 April 2011 to 31 March 2012 is expected to be 9.47 days, an improvement in attendance (and productivity) of 8.84% from last year (10.38 days).

3.2 Implementation and Training

3.2.1 The key changes were briefed to employees via the Wave and the Channel.

3.2.2 Transitional arrangements were implemented for those who were under sick absence review under the old procedures.

3.2.3 Management guidance was improved on key issues such as:

- Return to work discussions
- Absence and Disability
- Using Occupational Health
- Absence Review Meetings
- Reasonable Adjustments

3.2.4 An e-learning module was implemented before 1 April 2011 to educate line managers on the new procedure and their responsibilities to support employees who are unwell. Over 250 managers have completed the course, and 94% said that they felt either 'quite confident' or 'very confident' in implementing what they had learned.

3.2.5 The HR coaching and advice team ran 16 workshops from April to July for over 180 managers to provide skills coaching in effective interviews about sick absence. Following the course 90% of managers rated their equalities and diversity awareness at 'good' or 'excellent', and 86% rated their confidence in using their interview skills as 'good' or 'excellent'.

3.2.6 Additional workshops are planned as required.

3.3 Wellbeing Support to Employees

3.3.1 Procedures for referral to Occupational Health have been streamlined and waiting times reduced to a minimum. Further wellbeing initiatives have included

- Stress Management training courses
- Stress Awareness training courses for managers
- Counselling for employees with psychological health conditions by Working Minds
- Initiatives to raise awareness of cancer.

3.4 Consultation to establish how the new Procedure was working in practice

3.4.1 Meetings were held with representatives from the trade unions and the Staff Workers' Forums to seek their views on how the new procedure was working in practice. The feedback obtained is summarised below.

3.4.2 The trade unions were consulted prior to introducing the new procedure, and due regard was given to their views that there was an inconsistent approach to attendance management interviews across the council – sometimes employees would be interviewed formally about their sick absence, sometimes not, in similar sets of circumstances. In asking managers to interview everyone who reached an Attendance Concern Level, it was intended that:

- Early intervention and support would help to reduce absence
- Disabled people would be able to discuss reasonable adjustments that were needed
- Everyone would be managed consistently, albeit as individuals.

3.4.3 The trade unions were opposed to the Attendance Concern levels (which replaced 'triggers') but it should be noted that they did not agree the previous procedures which were replaced by the single Attendance Management Procedure. A significant union concern raised since implementation has been that managers would issue warnings regardless of the circumstances, creating further stress for vulnerable or disabled employees. Evidence from a management survey indicates that although review meetings are held in line with the procedure (to give well being support and referral), formal warnings are given on less than 50% of occasions. Over 85% of managers believe they understand their duty to consider reasonable adjustments for disabled employees. HR advisers are involved in all cases where consideration may be given to dismiss employees because of their inability to maintain a satisfactory level of attendance.

3.4.4 In the social care environment, the unions believe that it is unfair to apply the same standards where employees are vulnerable to infection or required to refrain from work during infection. However, we understand the NHS applies the same standards regardless of role.

3.4.5 The Staff Forums have also been consulted on the working of the new procedure. The Disabled Workers' Forum has expressed concerns that:

- The guidance was not appropriate for disabled employees;
- They would like to see a separate procedure for disabled employees;
- Formal meetings were seen as too heavy handed;

- There was a belief that formal warnings were given most of the time or that a ‘target’ existed;
- There should be more examples showing discretion in the management approach to disabled employees.

3.4.6 No instances have been raised where disabled employees have been unfairly treated as part of the new procedure.

3.4.7 The LGBT Forum saw benefits in early intervention but raised concerns as to whether some line managers had the range of skills and competencies necessary to handle sensitive interviews. This was a common theme among all the staff groups consulted and has been recognised as a development need. This was particularly important in allowing LGBT employees to feel more confident in discussing issues in the context of their sexual orientation.

3.4.8 The BME Workers’ Forum was not aware of any specific concerns having been raised by their members about the application of the new procedure. However, they felt it was possible this was due to a reluctance on the part of the membership to come forward with any issues. However, like the Disabled Workers’ Forum, they felt that asking employees to attend a formal Absence Review meeting on reaching an Attendance Concern Level was placing extra pressure on employees who were already anxious having had time off work through sickness. These meetings could also be more problematic if there were a difficult working relationship between the employee and their manager.

3.4.9 In response to the representations made by the Disabled Workers’ Forum as set out in paragraph 3.4.5 above, the following revisions have already been made:

- The following sentence has been added to the introduction of the Procedure “Managers have a legal duty under the Equality Act 2010 to consider, and where possible, provide reasonable adjustments to employees with disabilities.”
- Two further examples of situations where the issuing of a formal warning may not be appropriate have been included in the managers’ guidance
- Some improvements have been made to the wording in the Procedure to make it clearer, particularly where the employee has a disability.

3.5 Possible changes to the Procedure following the review’s findings

3.5.1 One of the principal concerns identified relates to the mandatory requirement under the new procedure for managers to hold an Absence Review meeting in all cases where an employee reaches an Attendance Concern Level. This aspect of the procedure was introduced to promote consistency in managing sickness absence and many managers support this approach. However, it is evident that the trade unions and, in particular, the Disabled Workers’ Forum perceive this as rather “heavy handed”. It has also been suggested that this could be counter-productive to one of the aims of the Procedure which is to support employees with health issues so that they can make a successful return to work and stay in employment.

3.5.2 They have indicated that employees find the prospect of attending a formal Absence Review meeting stressful particularly if they have just returned to work after an extended period of absence as a result of their disability or a serious life-threatening illness. The fact that their manager may, in the event, use their discretion not to issue a warning at the end of the review meeting does nothing to alleviate the anxiety felt by the individual.

3.5.3 In response to the very real concerns expressed by colleagues, and following consultation with the Corporate Management Team and managers, the Governance Committee could consider the option of making the following significant changes to the Procedure:

- To place greater emphasis within the procedure that it is mandatory for managers to hold Return to Work discussions with all their staff who have been absent due to sickness. These discussions should include:
 - the reasons for the absence
 - factors that may have contributed to the sickness such as an underlying medical condition or disability
 - the nature of any support the employee may need including reasonable adjustments.
- Formal Absence Review meetings should be held with employees where the manager is not satisfied or is unsure, having taken into account any existing and/or new reasonable adjustments that have been made, that the employee's attendance will be maintained at a satisfactory level.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 Representatives of the trade unions and the Disabled Workers' Forum have been consulted over the possible option of removing from the Procedure the provision that requires an Absence Review meeting to be held after an employee reaches an Attendance Concern Level. However, there is still a need to consult fully with the Corporate Management Team and managers about the impact this change might have.

5. FINANCIAL & OTHER IMPLICATIONS

Financial Implications

5.1 The reduction in sickness absence is expected to reduce agency staff usage and is reflected in the staffing forecasts in budget monitoring reports.

Finance Officer Consulted: Anne Silley

Date: 17/10/11

Legal Implications:

5.2 None

Lawyer Consulted:

Liz Culbert

Date: 17/10/11

Equalities Implications:

5.3 Equalities data for any employees dismissed under the Attendance Management Procedure will take place as part of our annual equalities monitoring of key HR policies.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 None.

Risk & Opportunity Management Implications:

5.6 The continued implementation of the new procedure will help managers to reduce working days lost to sick absence by:

- Increasing their confidence and capability to manage attendance;
- Providing more timely support for employees with potentially long-term conditions;
- Increasing engagement with, and understanding of, the council's attendance standards and formal procedures.

5.7 There are additional benefits in staff productivity, wellbeing and morale by reducing the need for people to cover for absent team members.

Public Health Implications:

5.8 None.

Corporate / Citywide Implications

5.9 Reduced sickness absence will result in the more consistent delivery of services to Brighton and Hove residents, and lower agency costs.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Leaving the Procedure unchanged is likely to mean that there is continued disquiet from the trade unions and the Staff Workers' Forums over the way in which sickness absence is being managed.

6.2 However, managers may be reluctant to support such a significant change so soon after the Procedure has been implemented. This change will mean that managers will need to be re-trained. There is a risk that, at least in the short-term, whilst managers are getting used to the adjustment to the Procedure, sickness absence may be less effectively managed leading to an increase in sickness absence rates, costs and greater inconsistency of treatment for individuals.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 At the time the new Attendance Management Procedure was approved, the Governance Committee asked for a review to be carried out after six months to establish how the new procedure was working in practice and for the Committee to receive a report on the review's findings.

SUPPORTING DOCUMENTATION

Appendices:

1. Attendance Management Procedure

Documents In Members' Room

None

Background Documents

None