

Subject: Attendance Management Procedure
Date of Meeting: 16 November 2010
Report of: Strategic Director, Resources
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Wards Affected: All

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to brief the Governance Committee on the council's revised procedure for the improved management of sickness absence within Brighton & Hove City Council and to seek approval for the implementation of the new Attendance Management Procedure.

2. RECOMMENDATIONS

- 2.1 That the Governance Committee approves the new Attendance Management Procedure.
- 2.2 That the impact of the new procedure be monitored after implementation and a report be presented to the Governance Committee in 12 months time.

3. BACKGROUND INFORMATION

3.1 Drivers for change

- 3.1.1 The management of sickness absence is an important issue at Brighton & Hove City Council. There is a significant opportunity to improve continuity of service provision, to reduce the cost of agency staff replacements and to enhance employee well-being. Benchmarking has been carried out with other Councils achieving lower sick absence rates to identify more effective approaches to managing attendance.
- 3.1.2 In line with corporate value for money objectives, pilot projects were initiated during 2008 and 2009 to trial improved approaches to attendance management, resulting in a decrease in sick leave, savings in days lost and a reduction in agency staff required.
- 3.1.3 Lessons learned from these pilots together with the findings of the Equality Impact Assessment (EIA) on the current procedure and feedback from the Staff Forums, trade unions and managers have informed the development of the new attendance management procedure.

3.2 Key issues identified by stakeholders for change

3.2.1 The issues identified were:

- Having two different separate procedures to cover short-term sickness absence (the Absence Management Code of Practice) and long-term absence (the Capability Procedure) was confusing and had led to claims of procedural error;
- The process was difficult to follow and needed to be clearer;
- There was some evidence of inconsistent treatment affecting some equality groups (particularly disabled and BME staff) who were more likely to be subject to absence management procedures than others;
- Meetings to review attendance issues needed to facilitate problem-solving and well-being.
- Some line managers did not see attendance management as their role or view it as a priority workforce issue.

3.2.2 It was recognised that to be successful, attendance management needed to be actively supported by senior management. Draft objectives and a draft procedure were therefore presented to all the Council DMTs during January to March 2010 to ensure their support. DMT feedback was included in the final draft of the procedure.

3.3 Features of the new Procedure

3.3.1 The following improvements have been incorporated:

- It is now a single procedure encompassing the management of all sickness absence issues
- Staff who have mental health or musculo-skeletal conditions are fast-tracked for occupational health appointments, promoting earlier recovery
- Absence management is presented as a problem-solving rather than a 'disciplinary' process
- Absence Review Meetings are required to be held for all staff reaching Council 'Attendance Concern Levels' (replaces 'triggers'), to avoid inertia or inconsistent treatment of employees with protected characteristics¹ such as BME staff.
- Attendance Concern Levels have been re-set at three (from four) spells of absence in six months. This ensures that standards are understood and support can be offered quickly
- There is new guidance for employees on the purpose of the Absence Review Meeting and how to prepare and engage to make it an effective process from the employee's perspective
- There is more advice for line managers on supporting sick employees, particularly those with disabilities and mental health conditions

¹ 'Protected characteristics' replace 'equality strands' and were expanded by the Equality Act 2010 to include marriage and civil partnership, pregnancy and maternity, and gender reassignment.

- Managers are advised to give a formal warning in most absence reviews. There is discretion not to warn (for example where the nature of the absence makes recurrence unlikely or where an exemplary employee has an unusual bout of illness). However, the aim is to move the frequency of warnings from 'rarely given' to 'usually given'
- There is clear guidance on time off for medical appointments and planned treatment to manage or improve conditions as part of reasonable adjustments for disabled staff rather than showing this as sick leave
- The appeal process has been improved with emphasis on appeal grounds being provided in advance
- The new integrated procedure provides a step by step approach for managers to follow, supported by a flowchart.

3.3.2 Careful consideration was given to whether the procedure could be presented in a less detailed format. However, employment law and the consistent standards expected of large public sector employers in handling sick absence and disability issues lead to the view that it is better to support line managers with step by step guidance.

3.3.3 The new procedure and flowchart is attached at Appendix 1. Contained in the text are links to additional advice, model letters and meeting plans. This approach has been taken to keep the procedure in an easy-to-use format with links on the Wave, but full copies will be available for anyone without ready access to the Wave.

3.4 Implementing the new Procedure

3.4.1 A communications package will be developed for the Wave supplemented by briefings via internal communications channels.

3.4.2 Units are asked to monitor the implementation of the procedure, ensuring that attendance improvement is perceived by all managers as an important business measure.

3.4.3 A redesigned training package for managers on effective attendance management will support the roll out of the new procedure, based on a half-day course with pre-reading material, to be delivered in-house by the HR Coaching and Advice team. Training will be targeted at:

- Managers whose Unit decide to make the training mandatory;
- Managers of staff who have not yet conducted a formal attendance interview.

3.4.4 New, mandatory e-learning in equality and diversity has been launched for all employees and a programme for managers of blended learning in equality and diversity will be launched shortly.

3.5 Measuring the effectiveness of the new Procedure

3.5.1 A key measure of the effectiveness of attendance management will remain average days lost to sickness absence per employee.

3.5.2 Case management actions including warnings will continue to be monitored overall and by protected characteristics.

4. CONSULTATION AND ENGAGEMENT

4.1 Elizabeth Culbert and Ian Yonge were consulted for legal advice.

4.2 The trade unions have been consulted on the new procedure and, wherever possible, their comments have been taken into account.

4.3 Recommendations from the Staff Forums as part of the EIA have been incorporated into the new procedure.

4.4 The Headteachers' Steering Group has been consulted on the proposed version that will apply to Schools and it supported the changes. Schools will be invited to adopt the new Procedure.

5. FINANCIAL & OTHER IMPLICATIONS

Financial Implications

5.1 There will be no additional direct costs as a result of introducing this procedure. There will be an increased commitment of management time in interviewing staff on attendance matters. Assuming the results of implementation of this procedure mirror the results of both Attendance Pilots then savings in terms of reduced days lost, and cash savings through reduced agency costs, will be achieved.

Finance Officer Consulted: Anne Silley

Date: 20/10/10

Legal Implications:

5.2 The proposed new Attendance Management Procedure complies with the council's statutory responsibilities and the relevant Codes of Practice, in particular the Codes issued by the Equality and Human Rights Commission.

Lawyer Consulted: Liz Culbert

Date: 03/11/10

Equalities Implications:

5.3 An Equality Impact Assessment has been conducted and published on the Absence Management Code of Practice and the findings are reflected in the Attendance Management Procedure. A copy of the Assessment Summary is at Appendix 2.

5.4 The procedure incorporates a supportive approach to equalities by ensuring that managers offer assistance through Occupational Health advice, staff counselling, reasonable adjustments and flexible working. This ensures that staff with disabilities or longer-term health problems are helped to remain at work where

possible. New Managers' Guidance on Reasonable Adjustments was introduced in May 2010.

Sustainability Implications:

- 5.5 The policy will be published on our intranet and hard copies will be circulated only to those staff without intranet access.

Crime & Disorder Implications:

- 5.6 None.

Risk & Opportunity Management Implications:

- 5.7 The 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.
- 5.8 There are additional benefits in staff productivity, wellbeing and morale by reducing the need for people to cover for absent team members.
- 5.9 There are employee relations risks associated with the trade unions' opposition to changing the short term 'trigger' point from four to three absences in six months. These risks are likely to be adverse communications and pressure on union facility time to allow them to represent employees in an anticipated higher number of formal interviews.

Corporate / Citywide Implications

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

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Attendance Management Procedure
2. Sick Absence Equalities Impact Assessment Summary

Documents In Members' Rooms

None

Background Documents

1. Documentation linked to the Attendance Management Procedure is available in the Members' Room