



DERBY CITY COUNCIL

Attendance Management Procedure for school based and centrally attached staff in the Education Service

1 INTRODUCTION

- 1.1 The Council, in consultation with recognised trade unions, has agreed this procedure to manage attendance.
- 1.2 To be effective, all departments must apply this Attendance Management Procedure fairly, consistently and uniformly. Heads and managers must pay particular attention to the provisions for disabled people in section 7.
- 1.3 Everyone involved in attendance management procedures, in whatever capacity, must maintain confidentiality throughout.
- 1.4 This procedure will make sure that:
 - attendance is recorded and managed
 - employees are interviewed about absences, when appropriate
 - problems are identified at an early stage and action and support agreed
 - employees are supported and encouraged to attend work regularly
 - the cost and disruption of absence to services is kept to a minimum.
- 1.5 Appropriate cases will be dealt with under the separate Ill Health Procedure or Procedure for Improving Employee Performance.
- 1.6 This document details the responsibilities of the Director of Education, the Chief Personnel Officer, the Departmental Personnel Officer, Heads and Governing Bodies and individual employees, the procedures to follow and the appropriate action to take.

2 DIRECTOR OF EDUCATION

- 2.1 The Director must make appropriate arrangements to manage attendance in the department. He must make sure procedures are in place to monitor absence levels and oversee action taken. Attendance management should also be included as an item at team meetings.
- 2.2 The Director must nominate a Records Officer to maintain accurate attendance records for individuals and the department, with a responsibility to bring to Heads and managers' attention cases requiring action.

Personnel Handbook

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The Director will notify the departmental trade union representatives of the name of their department's Records Officer.

- 2.3 The Chief Personnel Officer, each month, will provide departments with a summary of attendance management monitoring and cumulative records over the previous 12 months.

3 DEPARTMENTAL RECORDS OFFICER

- 3.1 Each nominated Records Officer must maintain accurate, up to date, strictly confidential attendance management records for employees in their department.
- 3.2 They must include this minimum information on attendance management for individual employees from the start of employment:
- time, day and date of start of any absence
 - time, day and date of return to work
 - reason given for absence
 - whether absence is caused by reported injury at work
 - whether absence is caused by work related issues
 - whether absence is self-certified or covered by medical certificate
 - whether the employee is required to produce a first day medical certificate
 - length of each absence in working days
 - cumulative total absence in working days
 - date and details of any attendance management interviews.
- 3.3 Included on the personal file will be documents such as self-certification forms, medical certificates and doctor's letters. These files are highly personal and must be kept secure with access restricted to the manager, Departmental Personnel Officer or Records Officer. Employees can see their personal file in accordance with the Council's policy on access to personal files.
- 3.4 The Records Officer will provide up to date accurate information on absences and take a pro-active role by making sure the cases they have alerted Heads and managers about are acted upon. The Records Officer will do this by completing the first part of the Attendance Management Action Form – Appendix 1

4 GOVERNING BODIES

- 4.1 In schools with delegated budgets the governing body is responsible for ensuring that this procedure is adopted and applied.
- 4.2 The day to day management of the procedure is the responsibility of the Head or a designated member of the senior management team.

In the case of an issue associated with the attendance of the Head the application of the procedure is the responsibility of the chair of governors.

- 4.3 It will be necessary to identify a member of staff to maintain attendance management records at school level as outlined in 3.2 above.

5 PART DAY ABSENCES

- 5.1 Employees who attend work and become sick during the day must inform their Head immediately. If it is advisable for the employee to leave work due to their sickness, Heads must make sure that the employee can safely return to their home or other preferred destination.
- 5.2 The sick absence should be recorded clearly showing the scheduled attendance time and the period of time the employee attended.
- 5.3 Part day absences are recorded as half a day sick absence for employees regardless of the proportion of their scheduled attendance they have worked.

6 MANAGEMENT ACTION

- 6.1 Heads or a designated member of the senior management team are responsible for applying this procedure to employees who are absent. This is important because they are more likely to know the individual circumstances of each employee.
- 6.2 Heads must:
- consider the circumstances of each case and, where appropriate, speak to the employee before they return to work, for example after long term sickness, stress related absence
 - speak to the employee on their return to work after **every** absence regardless of length. Refer to 'Return to Work after Sick Absence - Guidance for Managers'
 - confirm the reason for absence
 - confirm with the employee that they are fit to be at work
 - identify any return to work problems, at an early stage
 - make sure they complete Part B of Employee Sickness Notification Form.
- 6.3 Heads must take further action under this procedure if a full-time employee's periods of absence hit any of these 'trigger points'
- five periods of sick absence in any rolling twelve months **or**
 - ten working days lost over two or more occasions in any rolling twelve months.

These trigger points are adjusted for part-time employees. See Appendix 2.

6.4 All pregnancy related or disability related sick absences must **not** be included in any trigger calculations. To do so would be discriminatory. However, Heads must continue to help and support employees, for example by discussing reasonable adjustments. Discussions on return to work should continue to make sure any problems are tackled at the earliest opportunity.

6.5 Heads must consider each case carefully and decide what action to take. It is not appropriate to do nothing. Action can include:

- arranging an attendance management interview, following the guidance in section 7 of this procedure
- deciding not to interview at this stage but continue to manage attendance by specific actions
- organising a welfare visit for any employee who has been absent for three weeks on one occasion due to stress or mental related illness, by completing a Welfare Referral Form
- employees contacting the welfare section or their Head completing a Welfare Referral Form **at any time**. The Welfare Service supports and offers assistance to all people by providing confidential help and advice
- getting advice and support from the Departmental Personnel Officer. This must be done **before** beginning the Ill Health Procedure.
- asking the Departmental Personnel Officer to refer the employee to the Council's doctor. Heads may consider this option when there is no improvement in attendance after management interviews. In most cases, referral would be after approximately three months continuous absence. However, this could be earlier in other circumstances such as repeated frequent, or intermittent short absences where there is no improvement in attendance. It is critical to supply the Council's doctor with the employee's job description and an accurate summary of their work activities.

A referral will clarify whether the employee:

- is permanently unfit
 - is unfit now but may recover
 - is unfit for their present job but may be considered for redeployment
 - shows no medical reasons for level of absence
- starting the Council's Procedure for Improving Employee Performance process or the Capability Procedure for teachers **This is extreme and would not be an early option but only used after all other actions have been exhausted. Using these procedures does not mean that the employee's genuine illness is disputed. It investigates their capability to perform work duties with continual sickness absence or attendance monitoring and enables appropriate action to be taken.**

6.6 Heads must record all action taken on the Attendance Management Action Form – Appendix 1. They must make sure the departmental Records Officer has up to date accurate information of all action taken.

7 ATTENDANCE MANAGEMENT INTERVIEWS

- 7.1 When an employee hits the trigger points, Heads must establish the reasons for absence and decide whether or not it is appropriate to arrange an interview. In other, exceptional, circumstances, Heads must consult the Departmental Personnel Officer when an employee's attendance causes genuine management concern. Before taking this decision, Heads must make sure they have accurate information. This means not relying solely on computer printed information but making a physical check of the employee's file, including all sick absence notification forms, in liaison with the Records Officer. Look for trends or patterns of absence, in particular self-certified absences.
- 7.2 Heads must not interview employees to ask them to improve their attendance in any disability related or pregnancy related sick absences as this is discriminatory. However, Heads should discuss any difficulties the employee is experiencing and how these may be addressed outlined in paragraph 5.4.
- 7.3 The Head must inform the employee, in writing, at least five working days before the interview of their right to trade union representation. The letter should include a record of their attendance. Heads must make sure the employee has been given a copy of this Attendance Management Procedure.
- 7.4 The aim of the interview is to improve attendance. The approach should be one of constructive, concerned management involvement. The purpose of the interview could include:
- confirming accuracy of information
 - investigating absences promptly, to minimise repeats
 - expressing concern over level of absences
 - giving the employee the opportunity to explain their sickness absence
 - identifying any work-related problems which may need management action
 - identifying domestic or personal problems which need other help
 - identifying anything which needs further action or investigation
 - exploring and implementing solutions for better attendance, for example requiring the employee to provide a first day certificate where the doctor will provide one
 - explaining consequences of continuing poor attendance
 - explaining future attendance arrangements, for example, phased return, part day attendance, later start time.

Just interviewing the employee and seeking explanations for absences will not, in itself, improve attendance or reduce sickness levels. At the end of the interview, specific actions should be agreed with stated timescales. These may be actions by the Head and/or the employee. The Head must make sure the employee understands that their attendance is causing concern and further action may be necessary to achieve a sustained improvement.

- 7.5 The Head or Records Officer must make an accurate record of the interview and conclude it by summarising the agreed action on the Attendance Management Interview Summary – Appendix 1. Heads must give the employee a copy, within five working days, and agree a review meeting date, where appropriate. Heads must inform the departmental Records Officer of all action taken, on the appropriate form at Appendix 1, and keep them informed of any subsequent relevant action or results.
- 7.6 If it is clear during the interview that absences are because of domestic or personal problems, and not medical reasons, options for helping the employee include:
- offering the Council's welfare service
 - offering the Council's employee counselling and support service
 - considering flexible working options such as a temporary change to time of starting work
 - seeking advice, help or information from the Departmental Personnel Officer
 - providing information on local organisations that may be able to help.
- 7.7 If the employee feels the absences are work-related, for example unmanageable workloads, working relationships or potential grievances investigate the circumstances jointly and, if valid, take action where practicable. Any significant cost or safety implications may need to be referred to the governing body. Any health or safety issues that are identified must be referred to the departmental safety adviser, or the Corporate Safety Advisor and the trade union safety representative.
- 7.8 If the majority of absences under investigation are self-certified, advise the employee to consult their doctor to find out whether medical treatment is appropriate.
- 7.9 There may be cases, even when the absences have been covered by medical certificate, that still warrant further investigation or a second medical opinion from the Council's doctor. If it is necessary to apply for a medical report from a doctor who has been responsible for the employee's clinical care, then the employee's written consent must be obtained before an application is made, using the consent form in Appendix 1. This legal requirement for consent is covered by the Access to Medical Reports Act 1988.

If the Council's doctor seeks further medical reports, he will get the employee's written consent and would usually show the employee the content of those reports. The Council's doctor would usually discuss the content of his report with the employee and provide a copy for the employee. If there is a difference in medical opinion about an employee's fitness for work, the Council or the employee may ask for the case to be submitted to an independent medical referee, chosen jointly. The employing department will meet any costs associated with obtaining a medical report including travelling expenses for examinations. When this is being considered, Heads must liaise with their Departmental Personnel Officer.

- 7.10 If the Head proposes using the Attendance Management Procedure for Improving Employee Performance, Capability or Ill Health Procedure they **must** discuss this with the Departmental Personnel Officer beforehand.

8 **DISABLED EMPLOYEES**

- 8.1.1 This section describes the procedures to use for employees who are protected by the Disability Discrimination Act. Read it together with 'Disabled People Working at Derby City Council Guidelines' which describes responsibilities under the Disability Discrimination Act and who it applies to.

- 8.1.2 When applying the Attendance Management Procedure, Heads must make sure they do not discriminate against disabled employees covered by the Disability Discrimination Act.

- 8.1.3 Heads or employees who are in any doubt over the right course of action to take must ask their Departmental Personnel Officer or the Equalities Unit for advice **before** making a decision.

8.2 **Disability related sick absence**

- 8.2.1 Employees who are protected by the Disability Discrimination Act and whose illness directly relates to their impairment should record their absence using the standard forms and supply medical certificates as with other sick absences. The cause of sick absence should be shown as disability related. An example is an employee with severe asthma or epilepsy, unable to attend work due to an attack or seizure, would be absent due to disability related sickness absence.

- 8.2.2 Heads must speak to the employee on their return to work after every disability related sick absence regardless of length. They should discuss reasonable adjustments, referring first to 'Disabled People Working at Derby City Council Guidelines'

- 8.2.3 Disability related sickness absences are **not** included in the attendance trigger calculations described in section 5.

However, Heads do need to make sure the employee is fully aware of reasonable adjustments, such as:

- making sure the employee knows about disability leave
- reviewing any changes to the job or the way it is done
- arranging reasonable adjustments
- arranging to review existing reasonable adjustments.

Heads must record all actions agreed.

8.2.4 When there has been long-term - over five weeks continuous - disability related sick absence, in addition to keeping in regular contact with the disabled employee, Heads should consider whether it would be beneficial to offer welfare services. If the absence continues, Heads should consult their Departmental Personnel Officer to consider whether it is appropriate to follow the Ill Health Procedure.

8.3 **Non disability related sick absence**

8.3.1 Any sick absence that is not related to the employee's disability does not fall under the scope and protection of the Disability Discrimination Act. These absences should be recorded and managed using the standard Attendance Management Procedure described earlier.

8.3.2 If Heads decide to have an attendance management interview they must **not** ask a disabled employee to improve their attendance due to any disability related sick absences, as this is discriminatory.

8.3.3 As well as the possible actions outlined at section 5, Heads must also consider carefully the employee's working arrangements and physical environment to assess whether any reasonable adjustments are necessary and to review any already in place. They should get advice from the Departmental Personnel Officer or Equalities Unit.

8.4 **Disability leave**

8.4.1 If an employee is protected by the Disability Discrimination Act, the employer has a duty to make reasonable adjustments. Disability leave is a form of reasonable adjustment that enables a disabled employee to take authorised absence during working hours for rehabilitation, assessment or treatment related to their impairment. **This type of leave is not sickness absence and should not be treated as such.**

8.4.2 If an employee does not want to use disability leave because they do not believe they are disabled, or do not wish to be included under the definition, disability leave does not apply.

8.4.3 The amount of disability leave authorised will depend upon the individual circumstances, but will generally be for short-term absences. This may be to attend appointments, in connection with their impairment or any technical aids they use.

Examples that may warrant disability leave include:

- having their hearing aid tested
- attending mobility training with a guide dog or training with a hearing dog
- hospital or specialist 'check ups' which may include monitoring related equipment or treatment
- rehabilitation for someone who is newly disabled or whose impairment has changed significantly
- assessment for someone who has dyslexia
- counselling for someone who has a mental health problem
- hospital treatment as an out-patient
- recovery time after having treatment or having a severe asthma or epilepsy attack
- dialysis treatment
- physiotherapy sessions.

8.4.4 Heads may ask the disabled employee for an official letter confirming the purpose of the disability leave and the length of time required.

8.4.5 If an employee is covered by the Disability Discrimination Act they may apply for disability leave. This should usually be done in advance of the leave required by using the Disability Leave Request Form at Appendix 1. There may be exceptions such as technical equipment not working properly when applying in advance is not possible. The Departmental Personnel Officer or the Equalities Unit will give advice about approving disability leave.

When authorised, this leave should be recorded as:

- authorised absence on flexitime sheets
- 'disability leave' for other records.

Copies of completed forms should be kept on an individual's personal records file.

8.4.6 Heads should assess whether any change to reasonable adjustments should be made to assist the employee, as described in Disabled People Working at Derby City Council Guidelines.

9 ABUSE OF THE SICKNESS SCHEME

- 9.1 In accordance with National Conditions of Service, the Council may suspend sick pay if an employee abuses the scheme or is absent because of:
- sickness due to, or attributable to, deliberate conduct prejudicial to recovery
 - misconduct or neglect
 - active participation in professional sport
 - injury while working in their own time on their own account for private gain or for another employer.
- 9.2 The Council will tell the employee of the grounds for suspension and the employee has the right to raise a grievance if they believe the suspension is inappropriate. If the Council decides that the grounds for suspension are justified, no payments will be made for that period of absence.
- 9.3 Where there is clear evidence of repeated abuse of the sickness scheme, it should be dealt with using the Disciplinary Procedure.
- 9.4 Heads must seek advice from their Departmental Personnel Officer if they are considering suspending sick pay.

SICKNESS NOTIFICATION PROCEDURE

1 Introduction

You must follow these notification and certification procedures if you can't work because of illness, industrial injury, disease or accident. This will make sure we calculate your sickness benefit entitlement correctly.

2 Notification

- 2.1 If you can't attend work then you, or, if this is not possible, someone on your behalf must tell the school as soon as possible, or within one hour of your normal start time and provide this information:
- your name
 - reason for absence and general nature of your illness
 - when the first day of sickness occurred
 - whether your absence was due to an injury sustained at work
 - expected date and time of return to work, if known
 - whether you need any help or advice.
- 2.2 If your absence continues longer than you first said, you must contact your school again. You must give details of the general nature of your illness and the probable length of your absence.
- 2.3 You must provide a doctor's certificate if your absence extends beyond the seventh calendar day. You must submit subsequent doctor's certificates to cover your absence if it extends beyond the period covered by the first certificate. They must be at the same intervals required for National Insurance and Statutory Sick Pay, SSP.
- 2.4 If the first doctor's certificate covers more than 14 days, or where more than one certificate is necessary, you must, before returning to work, get a final certificate showing your return to work date and your fitness to resume your normal duties.
- 2.5 You must return to work as soon as you are fit. You must not resume work if a medical certificate covers your illness until your doctor has certified that you are fit to return to work.
- 2.6 When you return to work, you must complete a self-certification form.

3 **Sickness benefit**

- 3.1 The Council is responsible for paying Statutory Sick Pay, SSP, for up to **28** weeks. To be eligible, you must pay Class 1 National Insurance contributions at full or reduced rate and not be in one of the excluded categories listed in paragraph 3.8. SSP is subject to the usual deductions for tax and National Insurance. If you are receiving occupational sick pay and SSP, the SSP payment will be shown as an offset on your pay slip.
- 3.2 After 28 weeks, you are no longer entitled to SSP. At least four weeks and definitely no later than two weeks before this, the department will provide a changeover form, **SSP1**. You must complete this form and return it direct to the Benefits Agency to claim Incapacity Sickness Benefit. You may lose benefit if you delay.
- 3.3 Entitlement to Incapacity Benefit depends on whether you have paid sufficient National Insurance contributions over the relevant tax years.
- 3.4 The Benefits Agency will arrange to pay the benefit into a bank or building society account or at a post office and send form IB30 to you to confirm eligibility for Incapacity Benefit and the level of payment. You must send this form to education personnel.
- 3.5 If no Incapacity Benefit is payable, the Benefits Agency will normally send form IB35 and IB202 which you must send in to your department.
- 3.6 Even if you are not entitled to benefit, you must still get medical certificates from your doctor and send them in to your school to cover your absence.
- 3.7 Your department must notify you in writing before any changes in occupational sick pay entitlement occurs, such as transfer to half pay and when total entitlement ends.
- 3.8 **You are excluded from SSP if you:**
- are aged 65 or over
 - are on a temporary contract of less than three months
 - don't earn enough to pay National Insurance contributions
 - go off sick within 57 days of exhausting a previous SSP claim with the Council or another employer
 - claim state Sickness or Incapacity Benefit or Maternity Allowance
 - have not started work under your contract of employment
 - are off sick during a strike, while abroad outside the EC or in legal custody
 - are expecting a baby soon, or have just had a baby.

If you are in any of these categories you must claim through the Benefits Agency, but payment depends on circumstances.

4 **Payments for sickness absence**

Periods of paid sickness leave are determined by length of service and are in accordance with the National Scheme of Conditions of Service. Allowances are:

For teachers:

- during 1st year of service - full pay for 25 working days and after completing four calendar months' service , half pay for 50 working days.
- during 2nd year of service - full pay for 50 working days and half pay 50 working days.
- during 3rd year of service - full pay for 75 working days and half pay for 75 working days.
- during 4th and successive years of service - full pay for 100 working days and half pay for 100 working days.

Extensions of the allowances for teachers with long service (full and half pay not to exceed 200 working days in total) :

- 10 years' full-time service - additional 23 working days at full pay but less than 20 years
- 20 years' full-time service - additional 46 working days at full pay but less than 30 years
- 30 years' full-time service - additional 69 working days at full pay and over

For the purpose of calculating entitlement to sick leave the year is deemed to begin on 1 April of each year and end on 31 March of the following year.

For non teaching staff:

- during 1st year of service - one month's full pay and, after completing four months' service, two months' half pay
- during 2nd year of service - two months' full pay and two months' half pay
- during 3rd year of service - four months' full pay and four months' half pay
- during 4th and 5th years of service - five months' full pay and five months' half pay
- after 5 years' service - six months' full pay and six months' half pay.

The period of allowance will be calculated on a rolling year basis. All absences in the 12 months immediately before the first day of any sickness absence will be deducted from the maximum period of allowance. The balance of allowance will be allocated to the latest sickness absence.

5 **Sickness while on annual leave**

- 5.1 If you fall sick during annual leave, you must provide evidence so that the leave can be suspended and treated as sick leave. You must get a medical certificate from a doctor as evidence of your incapacity. However, if you experience difficulty getting a medical certificate, you must follow the usual notification and self-certification procedure.
- 5.2 You will be regarded as being on sick leave from the date of your medical certificate or from the date we receive telephone notification. Further annual leave will be suspended from that date. We will refund the cost of your medical certificate.

6 **Abuse of the sickness scheme**

- 6.1 In accordance with National Conditions of Service, the Council may suspend sick pay if you abuse the scheme, or are absent because of:
- sickness due to or attributable to deliberate conduct prejudicial to recovery, or
 - misconduct or neglect, or
 - active participation in professional sport, or
 - injury while working in your own time on your own account for private gain or for another employer.
- 6.2 The Council will tell you the grounds for suspension and you have the right to raise a grievance if you believe the suspension is not appropriate. If the Council decides that the grounds for suspension are justified, you will not be paid for that period of absence.
- 6.3 If there is clear evidence of repeated abuse of the sickness scheme, it will be dealt with using the Disciplinary Procedure.
- 6.4 Heads must seek advice from Education Personnel if they are considering suspending sick pay for any employee.

7 **Third party accidents**

If you are injured in an accident that is the fault of a third party, you must inform your department. You are not entitled to allowances under the sickness pay scheme when you are absent from work as a result of an accident, if somebody else may be liable to pay you damages. However, you will receive discretionary payments equal to sickness pay entitlement. Your department will provide you with the appropriate form to complete in these circumstances. If your claim succeeds, you must repay the Council the total paid to you but we don't reclaim it if your claim fails.

ATTENDANCE MANAGEMENT FORMS

These are the forms to use in managing attendance included in this Appendix.

- Employee Sickness Notification sections A and B
- Attendance Management Action Form
- Attendance Management Interview Summary Form
- Access to Medical Reports Consent Form
- 'Access to Medical Reports – Your Rights'
- Request for Disability Leave

CONFIDENTIAL - EMPLOYEE SICKNESS NOTIFICATION

A

Employee's surname _____ First name _____

Payroll number _____ Location _____

Brief description of illness _____

First day, date and time of absence - include non-work days _____
see overleaf for guidance

Expected day, date and time of return to work _____
see overleaf for guidance

Industrial injury

Is absence caused by an industrial injury or industrial disease? Yes No

Is absence caused by an accident at work? Yes No

Third party accident - see note 6

Is absence caused by an accident involving a third party? Yes No

Are you considering claiming for damages? Yes No

If yes, get an Indemnity Form from your Departmental Staffing Officer

Date and time information received _____

Information received by _____ Information provided by _____

Retain this form for your records.

1 The Council is responsible for paying Statutory Sick Pay, SSP, for **28 weeks** if you are an employee paying Class 1 National Insurance contributions, including women paying reduced rate. SSP is subject to the usual deductions for tax and national insurance. If you are receiving occupational sick pay and SSP, the SSP payment will be shown as an offset on your pay slip.

2 Entitlement to SSP stops after 28 weeks of sickness involving one absence or a series linked under the regulations. After this, you must claim Incapacity Benefit from the Benefits Agency. Your school will send a claim form to you well before your SSP ends. **You must complete and return it immediately to the Benefits Agency, or you may lose benefit.**

3 If entitled, the Benefits Agency will arrange to pay the benefit into a bank or building society account or at a post office and send form IB30 to you to confirm eligibility for Incapacity Benefit and the level of payment. You must send this IB30 in to your department immediately.

4 **Excluded groups.** The Council **don't** pay any SSP if you:

- are aged 65 or over.
- are on a temporary contract of less than three months
- don't earn enough to pay National Insurance contributions
- go off sick within 57 days of exhausting a previous SSP claim with the Council or any other employer
- claim state sickness or incapacity benefit or maternity allowance from the Benefits Agency
- have not started work under your contract of employment
- are off sick during a strike, abroad outside the EEC, or in legal custody.

If you fit into one of these categories, you must claim through the Benefits Agency, but payment will depend on your circumstances.

5 Even if you are not entitled to SSP, you must still send medical certificates in to your department.

6 After 57 days back at work, your SSP entitlement resumes, providing you have had no further sickness absence of four or more days in this period.

7 You will not receive any SSP during your 18 week Maternity Pay Period, as you will receive Maternity Pay benefits during this period. You do not need to contact the Benefits Agency to try to claim SSP, as you will not be eligible for this.

8 **Third party accidents**

If you are injured in an accident, which is the fault of a third party, you must inform your department. You are not entitled to allowances under the sickness pay scheme when you are absent from work as a result of an accident, if somebody else may be liable to pay you damages. However, you will receive discretionary payments equal to sickness pay entitlement. Your department will provide you with the appropriate form to complete in these circumstances. If your claim succeeds, you must repay the Council the total paid to you but we don't reclaim it if your claim fails.

CONFIDENTIAL - EMPLOYEE SICKNESS NOTIFICATION A

Employee's surname _____ First name _____

Payroll number _____ Location _____

Brief description of illness _____

First day, date and time of absence - include non-work days _____
see overleaf for guidance

Expected day, date and time of return to work _____
see overleaf for guidance

Industrial injury

Is absence caused by an industrial injury or industrial disease? Yes No

Is absence caused by an accident at work? Yes No

Third party accident - see note 6

Is absence caused by an accident involving a third party? Yes No

Are you considering claiming for damages? Yes No

If yes, get an Indemnity Form from your Departmental Staffing Officer

Date and time information received _____

Information received by _____ Information provided by _____

Retain this form for your records.

Complete this section immediately on your return to work

B

Last day, date and time of absence including non-work days _____
not your first day back – see reverse for guidance on completion.

I attach/have already sent a medical certificate to cover my sickness absence or declaration of self certificate.

1 I certify I was not able to attend work due to illness and the reason was _____

2 I understand that giving false information may result in my sickness pay being withheld and disciplinary action taken against me.

3 I declare the information provided is true, and is accurate to the best of my knowledge.

Your signature _____ **Date** _____

I confirm that I have carried out a return to work interview.

Head's signature _____ **Date** _____

Return the completed form to your school immediately, marked 'confidential'.

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GUIDANCE TO COMPLETE EMPLOYEE SICKNESS NOTIFICATION FORM

Q What is the first day I should enter for ‘First day, date and time of absence – include non-work days’?

A Include non-work days as these are used when calculating SSP payments. They are not used for calculating our trigger points. For example, if you work Monday to Friday and are unable to attend for work on Monday due to sickness. If you were well on Sunday but not on Monday the first day of absence should be shown as Monday. If you were unwell on Sunday as well as Monday show the first day of absence as Sunday.

Q What is the last day I should enter for ‘Last day, date and time of absence – include non-work days’?

A This is **not** your first day back at work. Include non-work days as these are used when calculating SSP payments. They are not used for calculating our trigger points. For example, if you work Monday to Friday and return to work on Monday following sick absence from the previous week. If you were well on the Saturday, although you did not return until the Monday, the last day of absence should be shown as Friday. If you were unwell on Saturday and Sunday, but were well on Monday, show the last day of absence as Sunday.

Q If I work Monday to Friday and my sick absence goes over a weekend I know how to fill the form in but what is recorded?

A Payroll includes Saturday and Sunday in the total number of days when calculating SSP entitlement. For attendance management purposes Saturday and Sunday are not counted

Q What is an industrial injury?

A A personal injury arising out of and in the course of employed work. This includes an injury caused by accidents, incidents of abuse, aggression and violence, and those due to prescribed industrial disease and injuries, such as asbestosis and occupational deafness, contracted while working. Contact your Health and Safety Officer for advice.

Q When do I need a medical certificate?

A You must get a medical certificate if your sick absence lasts longer than seven days, including non work days. For example, if you work Monday to Friday, and are sick from Monday, you need a medical certificate if you are still sick on the following Monday.

Q How do I get further help and information?

A Contact education personnel for advice. The Attendance Management Procedure is part of the Personnel Handbook – your school will have a copy for you to look at and there is a handbook in all Council buildings.

ATTENDANCE MANAGEMENT ACTION FORM

To: **Head's name** _____

Employee's name _____ Post _____

Place of work _____

Has reached a trigger point under the attendance management procedure as they have incurred the following sick absences over the previous 12 month period. These computer details should be checked with the personal file.

| | From | To | Days | Reason |
|---------------------------|------|----|------|--------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| Total number of occasions | | | | |

You are now required to consider carefully what action to take. It is not an option to take no action.

Suggested actions are described overleaf and in paragraph 5.5 of the procedure. Get advice from your Departmental Personnel Officer. Use a separate form for recording an interview.

Record actions you have or will take together with the dates and return this form to Education Personnel within ten working days.

| Action | Date | Comments |
|--------|------|----------|
| | | |
| | | |
| | | |
| | | |
| | | |

From: Name _____ **Date** _____

I have decided to take the actions recorded above.

Head's signature _____ **Date** _____

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Attendance Management Action Form Guidance Notes

Deciding what action to take when an employee reaches a trigger point is key to effective attendance management. As their Head you are most likely to know the person best and therefore the most effective action to take.

This is an important part of your job as a Head. Its not just about the process its about making sure we provide advice and support to help employees improve their attendance. **Taking no action is not an option.**

Listed are some actions you can choose.

- If an employee has been absent for three weeks due to stress or mental related illness a referral to welfare must be made.
- The Welfare Service supports and offers assistance to people. Referrals can be made by an individual or their manager at any time by completing a welfare referral form.
- Obtain help and advice from your Departmental Personnel Officer. You must do this before beginning the Ill Health or Capability Procedure.
- Arrange an attendance management interview – see guidance notes on reverse of interview summary form.
- Refer to occupational health for advice.
- Look at work life balance issues and suggest any changes, perhaps on a temporary basis.
- See if there is any pattern to the absences, such as frequent Fridays.
- Check return to work interviews have taken place and any actions agreed taken place.
- Take specific actions to help improve attendance, for example:
 - make sure the employee takes a lunch break.

The list provides suggested actions but is not exhaustive.

You will usually find that there are several actions you decide to take rather than just one. Remember to record them all on this sheet, keep a copy and return it to education personnel within ten working days.

Remember the process is supportive and seeks improvement - it is **not** disciplinary.

If you suspect the employee is abusing the sickness scheme consider disciplinary action. Consult your Departmental Personnel Officer for help and advice.

Attendance Management Interview Guidance Notes

Before the interview:

- give sufficient information and notice to the employee and remind them they can be accompanied
- get the facts by checking attendance records and gathering additional relevant information
- make arrangements in plenty of time – divert the phone, make sure the room will be quiet and private and that you will not be interrupted.

During the interview:

- tell the employee it's not a disciplinary interview but clearly indicate you are concerned and want to help by finding out the root of the problem so you can try and improve the situation
- invite the employee to talk by making encouraging noises and nodding
- use open questions to get information such as what, when, how, who?
- find out the details by asking questions such as "tell me how you feel" and "what treatment have you sought?"
- only use questions that require a 'yes' or 'no' answer to find out the facts such as do, can, are, is?
- don't use questions about disabilities, age, race, gender, religion, sexuality or pregnancy such as "do you think it's because of your age?"
- don't use questions which may hurt or embarrass such as "you seem to be a rather sickly lot at your house, don't you?"
- pause after asking a question. Tolerate silence.
- listen carefully to make sure you pick up all the key facts or inferences
- explore solutions together by offering help, if it is available, and helping the employee to find out what they can do to help improve their sick absence
- agree actions and timescales and any review periods
- make notes, but remember it is not an interrogation.

After the interview:

- on the front of this form, record what has been discussed making sure you record what everyone said.
- make a note of actions which have been agreed, who will do them and when
- send a copy of the form to the employee to sign and let them have a copy for their own records
- diary actions and any further review meetings so you don't forget
- send the completed form to Education Personnel for the employee's personal file.

**DERBY CITY COUNCIL
ACCESS TO MEDICAL REPORTS
CONSENT FORM**

We need to ask your doctor for a medical report about you. **Read the attached 'Access to Medical Reports - Your Rights' leaflet before you complete the rest of this form.**

Seeing your medical report

You have a legal right to see your medical report before it is sent to us.

Tick the appropriate box.

I do want to see the medical report before it is sent to the Council.

I do not want to see the medical report before it is sent to the Council.

Important

You must contact your doctor if you want to see your medical report before it is sent to us. We cannot organise this for you.

However, we will tell your doctor that you want to see the report and we will write to tell you the date we applied for it. You have 21 days from this date to see the report.

Written consent

Legally, we must get your written consent to apply for the report. Please read, sign and date this declaration to give your consent.

Declaration

I understand my rights under the Access to Medical Reports Act 1988. I give you my consent to apply for a medical report from my doctor. I understand that you will keep this original and send a copy of it to my doctor. The copy will be as valid as the original.

Your signature _____ Date _____

Please tell us

Your doctor's name _____

Your doctor's address _____

Your doctor's telephone number _____

Your consultant's name _____

Your consultant's address _____

Your consultant's telephone number _____

Thank you, now please send this consent form to:

Occupational Health Physician, Derbyshire Fire and Rescue Service, Old Hall,
Burton Road, Littleover, Derby, DE23 6EH.

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DERBY CITY COUNCIL

ACCESS TO MEDICAL REPORTS

YOUR RIGHTS

While you're employed by the Council, we may sometimes need to see a medical report on your physical or mental health. The Access to Medical Reports Act 1988 gives you certain rights in these situations.

Your rights

- 1 You can ask your doctor not to give us a medical report about you.
- 2 We must have your written consent before we ask your doctor to supply a medical report.
- 3 You can ask your doctor to let you see your medical report before they give it to us. Your doctor may charge you for photocopying and posting the report but your department will refund this.
- 4 After you've seen your medical report, you have the right to ask your doctor not to give it to us.
- 5 You can also ask your doctor to amend your medical report, before it is sent to us, if you feel the report may be inaccurate or misleading.
- 6 If your doctor does not agree to the amendments then you can:
 - tell your doctor not to give us the medical report
 - attach a statement to the medical.
- 7 Your doctor must keep a copy of any report supplied for at least six months. You have the right to see this copy.
- 8 Sometimes, your doctor may not allow you to see certain parts of the medical report. If a report:
 - gives information which would seriously harm your physical or mental health or that of others
 - identifies someone who has supplied the doctor with information about your health

then the people concerned must give their consent for you to be allowed to see that part of the report.

Keep this leaflet, you may want to read it again.

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REQUEST FOR DISABILITY LEAVE

Complete section 1 and pass the form to your Head for approval before you intend to take disability leave. Your Head may ask for official confirmation of the purpose and length of disability leave required.

See over for guidance notes.

Section 1

| | |
|----------------------------------|------------------|
| Name | Contracted hours |
| Dates of leave requested From | To |
| Reason | |
| Signed | Date |

Section 2 - to be completed by the Head

| | |
|---|------|
| This disability leave *is/is not approved | |
| I told the employee about this on | |
| Comments - including reasonable adjustments made to reduce the need for disability leave. | |
| Signed | Date |

Return this form to your Departmental Personnel Officer marked 'confidential'.

Disability Leave Guidance

- 1 Disability Leave may be granted to disabled employees covered by the Disability Discrimination Act, who have to take absences from work because of their impairment. Leave will be granted for absences for rehabilitation, assessment or treatment.
- 2 The amount of Disability Leave authorised will depend upon the individual circumstances, but will generally be for short term absences. Examples which may warrant Disability Leave include:
 - routine assessment of hearing aids
 - hospital or specialist 'check ups' which may include monitoring related equipment or treatment
 - rehabilitation for someone who is newly disabled or whose impairment has changed significantly
 - counselling for someone who has a mental health problem
 - dialysis treatment.
- 3 **Disability Leave is not sickness absence** and is recorded separately. It should be recorded in the same way as other leave under the heading 'Disability Leave' and as 'Authorised Absence' on flexitime sheets. Completed Request for Disability Leave forms are kept on an individual's personal records file.
- 4 If an employee does not want to use Disability Leave because they do not believe they are disabled, or do not wish to be included under the definition, Disability Leave does not apply.
- 5 **The Attendance Management Procedure and the Disabled People Working at Derby City Council Guidelines provide additional information. Contact your Departmental Personnel Officer or Equalities Unit for advice.**

MANAGING ATTENDANCE PROCEDURE LESS THAN FULL-TIME HOURS GUIDE

This guide is based on the days you work each week, rather than contractual hours.

A period of sickness absence - refers to one continuous time of sickness.

Example – Monday to Thursday work week

If your week is four days, Monday to Thursday, then Friday Saturday and Sunday are not working days.

A work day is the day you are due to work.

If you are sick Monday to Wednesday this is one sickness absence.

If you're sick Monday to Thursday and Monday of the following week this is **one** continuous sickness absence.

If you're sick Monday to Wednesday, work on Thursday, but are off sick the following Monday this is **two** absences because they're separated by the day worked Thursday.

Triggers

This is based on the number of days you attend and the triggers adjusted accordingly. They are calculated over a rolling 12 month period.

If you work four days, for example Monday to Thursday, the trigger points would be:

- four periods of sick absence or
- eight working days lost over two or more occasions.

If you work three days, for example Monday to Wednesday, the trigger points would be:

- three periods of sick absence or
- six working days lost over two or more occasions.

If you work two days, for example Monday to Tuesday, the trigger points would be:

- three periods of sick absence or
- four working days lost over two or more occasions.

If you work one or less day each week, for example Monday, the trigger point would be three periods of sick absence.

Trigger point for employees who work five days each week, for example Monday to Friday for less than a total of 37 hours

The trigger point would be the same as for a full-time employee who attends for five days. For example . . .

If this is your work pattern:

| | | | | |
|----------------------------|-----------------------------|-------------------------------|------------------------------|---------------------------|
| Monday 9 am–1 pm | Tuesday 9 am-1 pm | Wednesday 9 am–1 pm | Thursday 9 am–1 pm | Friday 9 am-1pm |
|----------------------------|-----------------------------|-------------------------------|------------------------------|---------------------------|

the trigger point would be based on an attendance of five days each week and would be:

- five periods of sick absence or
- ten working days lost over two or more occasions.

The trigger for employees who do not work the same days or hours each week

The trigger points are based on an average of your rota, rounded upwards. For example. . .

If this is your work pattern:

| | Week 1 | Week 2 | Week 3 | Week 4 |
|----------|---------------|---------------|---------------|---------------|
| Monday | 8.45 – 5 | 8.45 – 5 | 8.45 – 5 | 8.45 – 5 |
| Thursday | 9.30 – 7 | 9.30 – 7 | 9.30 – 7 | 9.30 – 7 |
| Friday | 9.30 – 5 | 9.30 – 5 | 9.30 – 5 | 9.30 – 5 |
| Saturday | 9.30 – 1 | (off) | 9.30 – 1 | 9.30 – 1 |

the trigger point would be based on an attendance of four days each week and would be:

- four periods of sick absence or
- eight working days lost over two or more occasions.

If this is your work pattern:

Week 1 - 3 days

| | | |
|----------|----------|----------|
| Monday | 9.05 - 1 | 2 - 7.05 |
| Thursday | 9.35 - 1 | 2 - 7.05 |
| Friday | | 2 - 6.00 |

Week 2 - 3 days

Monday 9.05 -1 2 - 7.05
Thursday 9.35 -1 2 - 7.05
Saturday 9.35 -1.05

Week 3 - 2 days

Monday 9.05 - 1 2 - 7.05
Thursday 9.35 - 1 2 - 7.05

the trigger point would be based on an attendance of three days each week and would be:

- three periods of sick absence or
- six working days lost over two or more periods.

If this is your work pattern:

| | Week 1 | Week 2 | Week 3 | Week 4 |
|----------|---------------|---------------|---------------|---------------|
| | - 2 days | - 3 days | - 3 days | - 2 days |
| Tuesday | 9.30 - 7 | 9.30 - 7 | 9.30 - 7 | 9.30 - 7 |
| Thursday | 10 - 4.15 | 10 - 4.15 | 10 - 4.15 | 10 - 4.15 |
| Friday | | 9.30 - 1 | | |
| Saturday | | | 9.30 - 1 | |

the trigger point would be based on an attendance of three days each week and would be:

- three periods of sick absence or
- six working days lost over two or more periods.

If this is your work pattern:

Week 1 – 3 days

Monday 9.05 - 1 2 - 7.05
Thursday 9.35 - 1 2 - 7.05
Friday 2 - 6

Week 2 – 3 days

Monday 9.05 - 1 2 - 7.05
Thursday 9.35 - 1 2 - 7.05
Saturday 9.35 - 1.05

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the trigger point would be based on an attendance of three days each week and would be:

- three periods of sick absence or
- six working days lost over two or more periods.

If this is your work pattern:

| | Week 1 | Week 2 |
|----------|---------------|---------------|
| | - 2 days | - 1 day |
| Friday | 9.30 - 5 | 9.30 - 5 |
| Saturday | 9.00 - 1 | Off |

the trigger point would be based on an attendance pattern of two days each week and would be:

- three periods of sick absence in any rolling twelve months or
- four working days lost over two or more consecutive occasions.

If this is your work pattern:

| | Week 1 | Week 2 |
|----------|---------------|---------------|
| Saturday | 9.00 - 1 | off |

the trigger point would be based on an attendance of one day each week and would be:

- three periods of sick absence.

If you work at more than one location with different Heads

If you have one contract of employment covering work at all locations the Head who looks after you for the greater amount of time takes responsibility.

If you have more than one contract of employment the attendance for each job is managed separately by the appropriate Head.