



**PD 610** ATTENDANCE MANAGEMENT

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**Registered Owner:** Head of People Services and Organisational Development

**Author:** Helen Woods-Policy and Wellbeing Partner

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PD 539 Police Officer Medical Retirement (A20)

**Functional owner**

**Signed:** ..... **Date:** .....

**Name:** .....

**Post:** .....

**Authorised (Head of Dept/FEG)**

**Signed:** ..... **Date:** .....

**Name:** Denise Hill .....

**Post:** Head of People Services & Organisational Development .....

**TABLE OF CONTENTS**

<b>SECTION 1 VERSION CONTROL</b> .....	<b>2</b>
<b>SECTION 2 BACKGROUND</b> .....	<b>3</b>
<b>SECTION 3 AIMS / OBJECTIVES</b> .....	<b>3</b>
<b>SECTION 4 DETAILS</b> .....	<b>3</b>
4.1 Reporting if unable to attend work due to sickness.....	3
4.2 Reporting sick whilst at work .....	3
4.3 Sickness whilst on annual leave .....	4
4.4 Medical Appointments .....	4
4.5 Contact During Absence .....	4
4.6 Return to Work Interviews .....	4
4.7 Informal Stage – Attendance Support Meetings (ASM's).....	5
4.8 The formal three stage process .....	6
4.8.1 Stage one.....	6
4.8.2 Stage two .....	7
4.8.3 Stage three.....	8
4.9 Appeals .....	9
4.10 Withdrawal of self certification .....	10
4.11 Long Term Sickness Absence .....	10
4.12 Ill Health/Medical Retirement .....	11
<b>SECTION 5 LEGISLATIVE COMPLIANCE</b> .....	<b>11</b>

**SECTION 1 VERSION CONTROL**

<b>Version No.</b>	<b>Date</b>	<b>Post Holder/Author</b>	<b>Post</b>	<b>Reason for Issue</b>
1.0	Oct 2012	Sue Peckham	Senior HR	New procedure
1.1	Jan 2014	Steve Mitchel	Senior Manager Workforce Relations	Review with Unison/GMB/Federation
1.2	Feb 2016	James Lunn	HR Senior Manager Strategy	Amended to remove typo in para 1 section 4.16
1.3	April 2019	Helen Woods	Policy & Wellbeing Partner	Review

## **SECTION 2 BACKGROUND**

Managing attendance is essential to the efficiency of Nottinghamshire Police and Nottinghamshire OPCC. The force is committed to promoting a good attendance culture and a supportive working environment. All individuals must take responsibility for their attendance at work, demonstrating a clear commitment to attendance in order to maintain high standards of service to the public.

## **SECTION 3 AIMS / OBJECTIVES**

The aim of the attendance management procedure is to provide a supportive framework for addressing non-attendance issues with a fair, timely and consistent approach.

## **SECTION 4 DETAILS**

The procedure applies to:

- All police officers except those above the rank of Chief Superintendent and those who have not completed their probation.
- All police staff and OPCC staff except those within their probationary period.
- Special constables.

The procedure must be read in conjunction with PS 147 Attendance Management Policy, and for Police Officers, the Police (Performance) Regulations 2012. The procedure is also supported by PG 023 Attendance Management – Managers' Guide to support managers to effectively manage their teams' attendance.

### **4.1 Reporting if unable to attend work due to sickness**

If an individual is unable to attend work through sickness then they have a responsibility to contact their line manager directly to advise of their absence from work before the start time of their shift and as soon as reasonably practical.

The individual should provide the following information:

- Reason for non attendance.
- Confirmation of the first day of absence.
- Probable duration and return to work date if known.
- If the absence is as a result of an injury sustained at work then this must be notified at this time.
- If there is any time critical work or attendance at court etc. to allow the line manager to facilitate alternative action.

You must also record your sickness absence by booking on (BOBO) as sick on the duty management system telephone no: 0115 967 2626.

### **4.2 Reporting sick whilst at work**

When an individual attends work, but during the course of their work day becomes ill and has to go home, this will be counted as a full sickness day unless they have worked at least half or more of their shift or contracted hours.

It is for an individual to determine their fitness to remain at work.

The individual must advise their line manager that they are unable to work due to sickness and that they are leaving the work place. The individual must also record their sickness absence on the BOBO system.

#### **4.3 Sickness whilst on annual leave**

Should an individual become ill during a period of planned annual leave, the individual must advise their line manager on the first day of sickness and must record their sickness absence using the BOBO system.

If the correct reporting procedures are followed the annual leave will be re-credited to their annual leave allowance.

If an individual has failed to follow the correct reporting procedures and wishes to have their annual leave re-credited they will be required to provide a medical certificate or fit note. Individuals are responsible for any costs associated with supplying a medical certificate or fit note.

#### **4.4 Medical Appointments**

Appointments outside of work with doctors, dentists, hospital appointments, etc. must be made in the individual's own time wherever possible.

If it is not possible to arrange such appointments in the individual's own time, the appropriate documentation must be made available to the line manager so that their shift/working day may be altered or time off agreed.

Individuals who are required to attend disability related treatment and medical appointments should seek to arrange appointments outside of work hours. However where this is not possible then a request for paid leave should be submitted to their line manager. Paid time off will be considered by the line manager taking into account what is reasonable for the individual and their department.

#### **4.5 Contact During Absence**

Contact with individuals who are unable to attend work due to sickness is essential to managing absence well.

The line manager must maintain regular contact with the individual by telephone. The telephone contact must not replace home visits.

A home visit should be arranged after an individual has been sick for 14 calendar days.

The line manager should contact the individual in advance by the most appropriate means to arrange a home visit. The visit can be arranged at a mutually convenient location should a visit to the home be inappropriate or the individual prefers this.

#### **4.6 Return to Work Interviews**

Individuals should return to work after a period of absence due to sickness or injury if they are fit to work. If an individual is in receipt of a fit note and not fully fit, this should indicate the duties/tasks that they are able to carry out.

Line managers must conduct a return to work interview and record it on DMS after every absence to ensure individuals are fit and supported on their return to work.

Line managers should remind individuals that they are required to maintain an acceptable level of attendance. If they fail to do so and the individual's absence reaches any of the trigger points, an attendance support meeting will be held and the formal procedures may be initiated.

#### **4.7 Informal Stage – Attendance Support Meetings (ASM's)**

ASM's will be triggered by:

**2 or more occasions of absence within a rolling 12 month period or any period of absence 10 or more calendar days.**

Any spells of unauthorised absence may be a misconduct issue and may count as an accrued absence under the triggering mechanism of this procedure.

Where the trigger points above have been reached which indicate the levels of attendance are becoming unacceptable or there is a cause for concern (e.g. a pattern of absence) the line manager will conduct an informal ASM before the formal procedure being commenced. Notwithstanding the above the line manager can hold an ASM at any point that they deem this appropriate or at the request of an individual.

The ASM will take place at the return to work interview. If an individual has not returned to work after 14 calendar days the ASM will be conducted as part of a home visit.

The purpose of the ASM is to identify what supportive measures can be put into place to assist an individual in maintaining appropriate levels of attendance or supporting the individual back to work.

The ASM may consider –

- Discussing the reasons for the absences.
- Supportive measures to improve attendance.
- Any temporary/permanent adjustments that can be made.
- Any arrangements for internal/external support.
- 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 return to work date.

The ASM may result in an Attendance Support Plan (ASP). An appropriate review date (normally within the next 3 months) should be agreed with the individual to review the absences and any actions/adjustments agreed. The ASP will remain in

place until the individual has returned to work and has made the necessary improvements in attendance.

It is hoped that the informal supportive measures will have led to regular attendance.

The individual does not have the right to be accompanied by a trade union/staff association representative or work place colleague at an ASM. However, requests to be accompanied will be considered.

#### **4.8 The formal three stage process**

If following attendance support measures, there has not been an improvement in attendance then consideration should be given as to whether to progress to the formal process. In deciding whether to progress to the formal stages managers must treat each case on its merits, consider the management interventions and supportive action and provide a documented rationale for escalating or not escalating to the formal process.

If the individual or their trade union/staff association representative or work colleague of choice is unavailable for a formal meeting, the individual should propose an alternative date which must be within 5 working days of the original date of the planned meeting. Notes will be taken at the stages 1 and 2 meetings. Stage 3 meetings will be tape recorded.

##### **4.8.1 Stage one**

This stage will be triggered for the following:

**3 or more occasions of absence within a rolling 12 month period and/or inability to achieve the requirements of an ASP and/or any pattern of absence that gives cause for concern.**

The line manager will write to the individual to notify the individual that a stage one meeting has been arranged. The written notification will include the following:

- Date and time of meeting.
- Summary of the reasons that the individual's attendance is unacceptable.
- What the possible outcomes of the stage one, stage two and stage three meetings are.
- That the individual should provide the line manager with any documentation that they intend to rely on at least 48 hours in advance.
- That a People Services Advisor may attend the meeting (advise name where possible).
- That the individual may be accompanied by a trade union/staff association representative or work colleague.
- All documentation which the line manager will rely upon.

The purpose of the meeting is for the line manager to explain:

- Why the individual's attendance is unacceptable.
- That the maximum outcome of stage one is a Written Improvement Notice

(WIN).

- The possible outcomes should it progress to stage two.
- That the maximum outcome of stage three is dismissal.
- That the individual and their trade union/staff association representative or work colleague will have the opportunity to respond and provide any mitigating circumstances.

The line manager will confirm the outcome of the meeting in writing with the minutes and the WIN enclosed within 7 working days of the meeting being held. The Written Improvement Notice will remain valid for 12 months. Attendance must be maintained for the 12 month period. This will be reviewed quarterly and, if the improvement is not maintained, then consideration will be made as to whether to move to the next stage.

The line manager will advise the individual in writing of their right of appeal.

#### **4.8.2 Stage two**

This stage will be triggered if the individual has been unable to make sufficient and sustained improvement in their attendance.

In determining if an individual has been unable to make sufficient and sustained improvement in their attendance reference will be made to the WIN issued. This could include the individual not meeting the attendance target or not maintaining a sufficient improvement in their attendance for the duration of the WIN.

The second line manager will write to the individual to notify the individual that a stage two meeting has been arranged. The written notification will include the following:

- Date and time of meeting.
- Summary of the reasons that the individual's attendance is unacceptable.
- What the possible outcomes of the stage two and stage three meetings are.
- That the individual should provide the line manager with any documentation that they intend to rely on at least 48 hours in advance.
- That a People Services Advisor may attend the meeting (advise name where possible).
- That the individual may be accompanied by a trade union/staff association or work colleague.
- All documentation that the line manager will rely upon.

The purpose of the meeting is:

- For the line manager to explain why the individual's attendance is unacceptable.
- For the line manager to explain that the maximum outcome of stage two is a Final Improvement Notice.
- For the line manager to explain that the maximum outcome of stage three is dismissal.
- To allow the individual and their trade union/staff association representative or work colleague with the opportunity to respond and provide any mitigating

circumstances.

The line manager will confirm the outcome of the meeting in writing enclosing the minutes and the WIN within 7 working days of the meeting being held. The Final Written Improvement Notice (FWIN) will remain valid for 12 months. Attendance must be maintained for the 12 month period. This will be reviewed quarterly and, if the improvement is not maintained, then consideration will be made as to whether to move to the next stage.

The line manager will advise the individual of their right of appeal.

#### **4.8.3 Stage three**

This stage will be triggered if the individual has been unable to make sufficient and sustained improvement in their attendance.

In determining if an individual has been unable to make sufficient and sustained improvement in their attendance reference will be made to the FWIN issued. This could include the individual not meeting the attendance target or not maintaining a sufficient improvement in their attendance for the duration of the FWIN.

The individual must be notified in writing that a stage three meeting will be arranged.

The stage three meeting must be arranged no later than 30 working days after the individual has been notified of the intention to proceed to a stage three meeting.

The Senior People Services Representative will write to the individual to notify the individual that a stage three meeting has been arranged. The written notification will include the following:

- Date and time of meeting.
- Details of the panel members for police officers. The name of the chair of the stage three meeting for police staff.
- Summary of the reasons why the individual's attendance is unacceptable.
- The possible outcomes of the stage three meetings which are:
  - Dismissal with notice.
  - Extension of the Final Written Improvement Notice or redeployment to alternative duties. These will only occur if there are exceptional circumstances.
- That the individual should provide the panel or chair (as appropriate) with any documentation that they intend to rely on within 14 working days of receipt of the notification of the stage three hearing.
- That the individual may be accompanied by a trade union/staff association representative or work colleague.
- All documentation that the panel or chair of the stage three meeting will rely upon.

#### **Panel Members**

- The panel for third stage meetings for police officers will include a chair (a

senior police officer<sup>1</sup> or the Head of People Services & OD) and two other members (a police officer at the rank of superintendent and a senior people services representative). The chair of third stage meetings for police staff will be a chief inspector or above or a senior manager grade M1 or above. The chair will be accompanied by a People Services Advisor.

- The police officer can object to a panel member, in writing to the Deputy Chief Constable, no later than 3 working days after being notified of the names. This should include the grounds for their objection. The individual will be notified whether their objection has been upheld or rejected. Where the objection is upheld the individual will be notified in writing of the names of any new panel members.

The purpose of the meeting is:

- To explain why the individual's attendance is unacceptable.
- To allow the individual and their trade union/staff association representative or work colleague the opportunity to respond and provide any mitigating circumstances.
- To advise the individual of their right of appeal.

The individual must be advised, in writing, of the decision within 3 working days of the stage three meeting.

#### **4.9 Appeals**

The individual has the right of appeal at all stages of the formal procedure.

The appeal must be made in writing to the nominated appeal official within 7 working days of receipt of the outcome of the stage one, two or three meeting. For Police Officers third stage appeals are in accordance with the requirements of the Police Appeals Tribunal.

The appeal must set out the grounds of the appeal. The grounds for the appeal may be;

- The finding of the unsatisfactory attendance is unreasonable.
- The terms of the Written Improvement Notice are unreasonable.
- The individual has new evidence/information which could not have reasonably been available at the meeting.
- That there has been a breach of procedures.

The individual may be represented at the appeal meeting by a trade union/staff association representative or work colleague.

The appeal official will arrange an appeal meeting and send written notification of the date and time of the meeting.

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<sup>1</sup> Senior Officer means a police officer above the rank of chief superintendent as per The Police (Performance) Regulations 2012

The appeal official will write to the individual within 3 working days of the appeal meeting with their decision.

#### **4.10 Withdrawal of self certification**

If an individual reaches a trigger point of more than 3 occasions of absence within a rolling 12 month period, as a result of a number of short periods of self-certificated absence, then the line manager, after consultation with a People Services Advisor, may consider withdrawing the individual's right to self certify sickness absence such that the individual will be required to provide fit notes for all future absences.

The line manager will advise the individual verbally and confirm in writing the removal of the right to self certify.

The period of the withdrawal will be determined by the line manager. If a sustained improvement in attendance is demonstrated, it should be no longer than one year.

The individual will be responsible for any costs associated with supplying a medical certificate or fit note.

#### **4.11 Long Term Sickness Absence**

Long term absence is defined as absence lasting 28 continuous calendar days or more.

The Manager should keep in regular contact with an individual, who is on long term absence, through regular home visits and ASM's. This not only allows the Manager to keep abreast of the current situation to establish when a person may be fit to return to work, but also allows the individual to keep in touch with what is happening at work and lets them know that they remain a valued member of the team.

Where appropriate, on return to work, periods of long term sickness can be taken into account when considering formal action.

If the absence continues then progression to the formal procedure, as outlined in section 4.8, can be instigated. An individual could progress through the stages and at the stage 3 meeting dismissal with notice would be considered. Dismissal should be viewed as a last resort having considered all of the options such as redeployment on medical grounds.

A referral to Occupational Health on form G249 should be made for an informed opinion on the individual's ability to carry out their role in the foreseeable future. The referral can be actioned once it is established that there is a probability of long term sickness absence (i.e. before 28 days).

Where it becomes apparent, following medical advice, that it is unlikely that a police staff member is able to return to work within a reasonable timeframe and no suitable alternative work has been identified it may be appropriate to hold a three stage meeting at an earlier stage to consider dismissal. The advice of a People Services Advisor must be sought in this case before a decision is made to progress to a stage 3 meeting.

#### **4.12 III Health/Medical Retirement**

Where a police staff member is struggling to maintain satisfactory attendance and they are a member of the Local Government Pension Scheme (LGPS) Occupational Health advice will be sought to establish if retirement on the grounds of ill-health should be considered. Further information can be found on the LGPS website.

Where a police officer may be deemed permanently disabled from performing the normal duties of a police officer they may be considered for medical retirement under A20 Police Pension Regulations (please refer to PD539 Police Officer Medical Retirement for further details). If a police officer is referred to the SMP for consideration of permanent disablement, no action shall be commenced or continued until the issue of permanent disablement has been considered and the report of the SMP has been received.

Where a police officer appeals to a Medical Appeal Board against a decision of the SMP that they are not permanently disabled or to a Crown Court against a decision not to refer the permanent disablement questions to a SMP, no action shall be commenced or continued until the appeal has been resolved.

Action can, however, be taken where a case has been referred or if the subject of appeal of the unsatisfactory attendance is unrelated to the condition forming the basis of the referral or appeal. If the appropriate manager is unsure whether any condition forming the basis of a referral to the SMP or an appeal to either a Medical Appeal Board or Crown Court is related to the unsatisfactory attendance of a police officer, then advice should be sought from the HR professional acting on behalf of the local policing body before any decision is taken to commence or continue the UPPs. Medical advice from the force medical advisor (FMA) may also be necessary.

#### **SECTION 5 LEGISLATIVE COMPLIANCE**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights and other legislation relevant to policing.