Policy

Attendance Support

URN: J-P-024

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Host Force:	Dorset Police
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Policy Owner:	Alliance Head of Employee Relations
Policy Author:	Strategy & Policy Lead (ER)
Associated Procedure(s):	J-Pr-018 Attendance Support Step by Step J-Pr-020 Absence Recording Step by Step

Applicable to:

Devon & Cornwall Police	☒
Dorset Police	☒
OPCC Devon & Cornwall	☐
OPCC Dorset	☒
Officers	☒
Staff	☒

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1.0 Policy Summary

1.1 Devon & Cornwall Police and Dorset Police (the Force) recognise that the wellbeing of its staff is vital to successfully delivering the best possible service to the communities they serve. Each Force values the importance of balancing work with a healthy lifestyle to help ensure maintenance of good physical and mental health.

1.2 All police officers and police staff are expected to take personal responsibility for ensuring good attendance levels and effective performance of duties, by demonstrating a clear commitment to:

- seek to achieve and maintain a healthy lifestyle;
- seek early help and support from the Force and / or primary health care providers when encountering personal health issues;
- help the Force to maintain a healthy and safe workplace; and
- actively work with management if able to do so, at an early stage of ill-health to regain wellness and engage with a supportive return to work.

1.3 This policy applies to all individuals in the Force: police officers,(excepting student officers), including members of the special constabulary, police staff (employees) including apprentices, individuals on secondment (subject to the terms of the secondment) and those within the scope of the Strategic Alliance and (subject to the terms of the secondment or posting) other regional initiatives. The policy excludes those police officers and employees in probation as separate policies and guidance exist for those individuals (Please see the People Portfolio pages of the Intranet for ‘Probation’.

1.4 Agency workers remain employees of the agency and are, therefore, covered entirely by the agency’s policies and procedures on managing attendance.

1.5 Procedural guidance has been developed to provide support for line managers who have agency workers within their team and have concerns regarding an agency worker’s performance and / or attendance.

Please note: Where this policy refers to other Force policies or procedures, individuals should refer to the specific document to establish whether they are covered by the relevant provisions

2.0 Roles and Responsibilities

2.1 The roles and responsibilities for the delivery of this policy are highlighted throughout the document and include the individual, line managers, senior managers, HR Operations - Delivery, Occupational Health (OH) and Health and Safety, who each have a part to play either in their own and / or others health and wellbeing, including supporting, maintaining, monitoring and managing attendance at work. All individuals must ensure they are aware of their full responsibilities as detailed through the Attendance Support Step by Step (J-Pr-018) procedure and accompanying guidance.

3.0 Introduction

3.1 The Force recognise the contribution of its entire staff and are committed to creating a fully inclusive working environment, valuing the differences that a diverse workforce can bring. The Force are committed to being equal opportunities employers in line with advice and guidance provided by the Equality & Human Rights Commission. In line with the Equality Act 2010 and the Force will not unlawfully discriminate on the grounds of, by perception, or by association with, any of the nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other factor which cannot be justified.

4.0 Principles

This policy is supported by a series of practical procedures to assist with its effective and consistent implementation. The overriding principles of the policy are:

4.1 Despite organisational and personal commitments to wellbeing, it is inevitable that in any organisation there will be some individuals who through illness or injury need time off to get well again. Evidence shows, however, that helping people to return to work as soon as practical helps to improve the health and wellbeing of individuals and a well-run attendance management programme is a vital component to providing that support.

The Forces' key expectations and requirements are that our people will:

- seek to achieve and maintain a healthy lifestyle;
- seek early help and support from the Force and/or primary health care providers when encountering personal health issues;
- help the Force to maintain a healthy and safe workplace;
- take time-off sick when they are too ill to work and
- where able, to actively work with management at an early stage of ill-health unless the illness prevents this, to regain wellness and engage with a supportive return to work.

4.2 Where an individual is unable to achieve and sustain satisfactory attendance levels or unable to complete meaningful work, their line manager is responsible for providing reasonable support and managing the attendance in accordance with this policy. Senior managers are expected to ensure attendance is managed effectively in their area of control.

4.3 Each force will provide reasonable support and assistance to all staff who find themselves unable to attend work due to illness. This relies upon the individual working positively with the organisation to regain their wellbeing where possible and return to work as soon as reasonably possible.

4.4 Whilst local management has a clear role in managing attendance, individuals within the People Portfolio function will provide support where relevant and are available to answer queries about the attendance support policy and procedure.

4.5 Where the reason for being away from work does not relate to illness, please see relevant Force policies / procedures, for example dependents / compassionate leave available via the People Portfolio Pages of the intranet.

4.6 It is recognised that a period of illness can be difficult and worrying for individuals, therefore, each case will be approached in a supportive and fair manner. It is, however, also recognised that in some cases (e.g. life changing illness) that a bespoke response may be relevant and specialist staff are available to help managers deal with such cases.

4.7 The Force will view, very seriously, instances of individuals claiming sickness absence or adjustments to hours and responsibilities to aid their wellbeing, where this is subsequently found to be false. In such cases those involved will, in normal circumstances, be subject to disciplinary / misconduct proceedings.

5.0 Supporting Attendance

5.1 The Force is committed to supporting individuals to achieve and maintain a healthy lifestyle; to support this the Force provide a wide range of provisions that promote health and wellbeing for example, workplace gyms, Employee Assistance Programme (EAP), private medical interventions, specialist support and Force sports clubs. Details of the wide range of support available are provided through the Health and Wellbeing intranet site.

5.2 When individuals are too ill to attend work, line managers will provide support through early interventions, and work with individuals through a number of informal and formal processes to support and facilitate a return to work. For those cases where informal supportive measures do not produce regular and reliable attendance, the formal stages of attendance support (employees) or Unsatisfactory Performance Procedures (UPP) (police officers) are available to the Force. Please see the People Portfolio A-Z pages of the intranet for further guidance.

5.3 Line managers should be able to recognise changes in individuals arising from issues connected to wellbeing and attendance, which should be reflected within PDR reviews on a case by case basis.

6.0 Notification of Absence

6.1 Individuals who are unable to attend work due to sickness are required to make personal telephone contact, unless the nature of the illness prevents this, with their line manager or a suitable alternative manager. As much notice as possible should be provided and must be prior to the commencement of the working day / shift to report the circumstances of the absence. The absence should be recorded on the Force system ‘Myself’ by the person who receives the notification. If the immediate supervisor did not personally receive the notification, they are required to contact the individual within 24 hours or as soon as possible thereafter, to offer support as required regarding the absence.

Individuals should give an indication of the likely duration of the absence, agree with the line manager how and when next contact will be made, and ensure the line manager has their up to date contact details.

7.0 Keeping in Touch

7.1 It is essential that regular, effective contact through an agreed means, is maintained between the line manager and individual whilst they are away from work due to illness. The line manager and individual are therefore required to continue to engage during the absence with regular contact maintained ideally on a weekly or, at a minimum, a fortnightly basis, to discuss the individual's health and wellbeing, progress towards a return to work and any support required.

7.2 For absences longer than seven days a fit note must be obtained from the GP and provided to the line manager.

8.0 Return to Work

8.1 Return to work discussions are an important aspect of supporting and sustaining an individual's return to work. Line managers are responsible for undertaking return to work discussions face to face including the use of video conferencing where appropriate for **all** sickness related absences and for updating Force systems. It is the individuals' responsibility for prompt and accurate recording of their return to work.

8.2 Where an individual is returning from long term sickness, the line manager must include an assessment of the individual's needs within the return to work discussion. The line manager is responsible for undertaking a Training Needs Analysis where appropriate, and making arrangements to address any training, mentoring, or familiarisation requirements. A record of the discussion must be made and details recorded on the relevant Force system.

9.0 Monitoring and Measuring Absence

9.1 To ensure all individuals obtain the appropriate level of focus on their health when they have been away from work through illness, the Force measures and monitors attendance using Management Intervention Thresholds (MITs), which include:

a) absences of 28 consecutive days or more, and / or
b) four absences or more, within a rolling 12 month period

9.2 When a Management Intervention Threshold is reached, the line manager is responsible for taking appropriate supportive actions to help the individual improve their attendance at work. As such, anyone reaching a MIT or where there are concerns regarding attendance should normally expect their health and attendance issues to be the subject of an attendance support meeting with their line manager.

9.3 A proactive approach will be taken to managing attendance in order to support individuals; this might include, for example, the implementation of reasonable

adjustments or recuperative duties to support the individual in their return to work.

9.4 It is essential that line managers ensure an individual's absence from work is recorded promptly and accurately on Force systems. It is essential that all individuals ensure they fully understand their responsibilities including promptly recording their return to work, as failure to do so, may affect their pay.

9.5 Disability, or pregnancy related absences should all be recorded. Any pregnancy related absences that occur from the first notification of the pregnancy until their return from maternity leave are excluded for the purposes of the MITs. Line managers are responsible for ensuring that pregnant individuals receive the appropriate support, including completing risk assessments during the pregnancy with adjustments to work made as appropriate.

10.0 Case Management Approach

10.1 Informal support will be provided prior to consideration of the commencement of any formal arrangements and may consist of, for example, return to work discussions, Attendance Support Meetings (ASM) or Case Conferences as appropriate to the circumstances.

10.2 As part of the informal process and any associated Attendance Support Action Plan , further absences will be reviewed to enable the Force to continue to work with the individual to support improved wellbeing and attendance. The plan will outline any steps to be taken to improve wellbeing and attendance, clarify what supportive action will be provided by the Force, for example, referral to OH, recuperative duties, adjusted duties or in some cases consideration of medical redeployment, and detail the anticipated improvements in health and attendance where appropriate.

10.3 Where a Management Intervention Threshold has been reached, a mandatory ASM must be held between the line manager and the individual to discuss the individuals' attendance at work and any appropriate support required. ASM's are supportive interventions and must be held for all individuals exceeding the MITs, or where there are any other concerns regarding wellbeing and / or attendance, to ensure all individuals receive the appropriate support. An informal Attendance Support Action Plan should also be created. Typically, the plan will be reviewed at around three months, or sooner if appropriate. This does not apply to those in their probationary period; those already in an informal or formal stage of the process. For pregnancy related absences appropriate supportive interventions should be recorded on an informal basis only.

10.4 The manager is responsible for holding a meeting at any time where there are concerns with attendance. The line manager may also arrange a case conference where it is considered beneficial to the circumstances, including where a sickness duration extends up to, or will exceed, three months, if deemed necessary.

10.5 The informal attendance support stage should only be used once in any 12 month period with the expectation that this stage should not be repeated.

However, the duration may be extended depending on the circumstances. If the individual has been unable to improve their attendance through informal processes, a review should be held where progression to the formal stages will be considered. There will be similar reviews at the end of each of the formal stages.

11.0 Recuperative Duties

11.1 A period of recuperative duties could assist some individuals as part of a meaningful structured return to full duties with the expectation of making a full recovery and be able to return to full duty within a reasonable timeframe. This is normally a phased return to work with an incremental increase of hours and / or duties until a return to full duties is accomplished. Each case will be considered on its own merits and timeframes for this support would depend on the type and length of absence / circumstances and are to be agreed with the line manager, who will consider all information including medical / OH advice where provided.

11.2 Recuperative duties would typically be for a period of six to eight weeks and should last no longer than six months, although it is recognised that, in exceptional circumstances, it may be extended up to a further six months. For police officers, under Limited Duties guidance there is a maximum of 12 months at which point they may be considered under the adjusted duties process provided they are working their full hours.

11.3 If an individual is unable to return to their full hours within nine months, they can consider making a flexible working request to reduce their hours accordingly, on a temporary or permanent basis in accordance with HR guidance on recuperative duties and the Flexible Working Policy (J-P-186).

11.4 Line managers are responsible for undertaking regular reviews to assess progress against the recuperative duties plan, taking into consideration all information available for example, if OH recommendations were made, to assess whether the duties remain suitable. A lack of satisfactory progress against an agreed recuperative duties plan could lead to progression of formal attendance support / UPP.

11.5 For employees, where the individual remains unable to work their substantive hours and has not submitted a flexible working request to reduce their hours, then notice will be given of a temporary contractual variation at month nine, commensurate with actual hours worked, unless there were truly exceptional circumstances relating to the case. Whilst on recuperative duties, they will remain on full pay which will reduce to pay for actual hours worked on conclusion of the notice period. It is expected that the individual will make a full recovery and be able to return to duty within a reasonable timeframe.

12.0 Adjusted Duties

12.1 Adjusted duties can be used where workplace adjustments are made to overcome barriers to working. This is underpinned by the individual attending work on a regular basis and working the full number of hours for which they are paid (in either a full or part time role).

12.2 Occupational Health will recommend whether an individual should be placed on adjusted duties where the individual is unlikely to return to their substantive role for at least 12 months or longer and the decision will be confirmed or otherwise by the line manager.

13.0 Redeployment

13.1 There may be occasions where OH consider that an individual is not medically capable of undertaking their role in the medium to long term and therefore for medical reasons, recommends consideration of medical redeployment options for individuals. This will normally only be considered following measures to retain the individual in their substantive role such as OH referrals, reasonable adjustments and other supportive management actions.

13.2 In the case of an employee, when a decision is made to progress medical redeployment, the employee will no longer be able to continue in their substantive role and a medically suitable alternative role will be sought as an alternative to dismissal. With the aim of securing a permanent role, consideration of a suitable, alternative role will be provided for a period of three months at any one time including reviews, but if no suitable role is identified within a total six month period, the formal third stage meeting under Attendance Support will be initiated.

13.3 Consideration of redeployment opportunities cannot be an indefinite process and there may be occasions where available posts have not been suitable. In these circumstances, the individual may be considered for retention, if they meet the criteria and a reasonable timescale shall be applied. Where the Consideration of Retention process has been explored, and the individual is retained, they are expected to make a return to the workplace where the line manager shall continue to undertake the management of attendance according to the next steps in the Attendance Support Policy (J-P-024) for employees and Police (Performance) Regulations 2020 for police officers.

14.0 Referrals to Occupational Health

14.1 To obtain OH advice, referrals will be made to OH, led by the line manager who should fully complete the referral form and submit to HR Operations - Admin at the appropriate point to obtain OH advice.

15.0 Employee Assistance Programme

15.1 Individuals and their immediate families have access to the Employee Assistance Programme (EAP) for support as appropriate alongside Force wellness initiatives. The EAP offers confidential support, advice and counselling 24/7 designed to help employees and police officers (full or part-time, including special constables) deal with personal and professional problems that could be affecting their home life, work life and general wellbeing. Further details can be found on the Health and Wellbeing homepage of the intranet.

16.0 Other Support

16.1 Support can also be provided to individuals from the trades unions, (for employees) if a member of a recognised trade union), Superintendents Association and Federation (for police officers), and staff support groups. People Portfolio - TU and Staff Associations and www.unisondorsetpolice.org.uk

16.2 Access to Work is a specialist disability service that provides practical advice and support to individuals who have a disability or health condition (physical or mental) that makes it hard to do parts of their job or get to and from work. It can be provided where an individual needs support or adaptations beyond the reasonable adjustments which the force has provided under the Equality Act 2010.

17.0 Medical Intervention Funding

17.1 The 'Home Office Strategy for a Healthy Police Service' emphasises the reduction of sickness absence as a fundamental way to improve efficiency. The strategy recommends medical intervention by forces as an important method of helping individuals to regain their health, achieve an early return to work and reduce the number of ill-health retirements. Each Force will, therefore, consider providing medical intervention funding where it will fast track an intervention that may help someone to improve their health and thus facilitate an earlier return to work.

18.0 Time Off for Medical Appointments

18.1 Medical appointments should ideally be attended outside of working hours. If this is not possible, reasonable time off will be allowed during working time, but appointments should preferably be made at the beginning or end of the day or during lunchtime to minimise disruption to the working day. Time allowed is for the appointment only with paid time not provided for travel to and from the appointment. Additionally, time off may be granted for disability related appointments, for non-sickness related absence in appropriate circumstances related to the individual's disability. This may apply where the individual is likely to have a disability under the Equality Act 2010 and may be considered as a reasonable adjustment.

19.0 Flint House

19.1 Flint House is the police rehabilitation centre which treats both serving and retired officers, Special Constables, Police Community Support Officers and Designated Detention Officers (employed directly by the Chief Constable or Police & Crime Commissioner) living and working within the areas covered by the southern police forces and who contribute to the scheme.

19.2 Flint House provides a range of rehabilitation services such as physiotherapy, hydrotherapy, stress counselling, general nursing care, and specialist medical interventions such as acupuncture, aromatherapy and therapeutic massage, health classes, rest and recuperation and numerous other therapies that may

assist as part of a programme of recovery and recuperation. Attendance at Flint House is available to supplement existing NHS or other private health provision.

20.0 Extension to Sick Pay

20.1 The Force provides for a period of sick pay, followed by a period of half-pay then nil pay. Consideration for an extension to sick pay will be given in the circumstances outlined in the HR supporting guidance.

21.0 Attendance Support Procedures and Disability

21.1 The Force recognises that individuals who have a disability as defined under the Equality Act 2010, may from time to time have periods of sickness absence that are either connected to, or as a direct result of their disability. The Force is committed to supporting individuals in these circumstances and will give special consideration to reasonable adjustments when progressing attendance support processes.

21.2 The test of reasonableness as to whether the adjustment should be applied will depend on the individual circumstances but, for the avoidance of doubt, an unlimited level of sickness absence will not be considered as reasonable in any situation.

21.3 In the case of Management Intervention Thresholds (MITs), these remain the same for a disabled person and a non-disabled person as it is the case that the above procedures and consideration as to reasonableness can be assessed on a case-by-case basis following the point at which the threshold is reached. This ensures that **all** police officers and employees are supported in providing regular and reliable attendance at work.

21.4 The Force have committed to supporting terminally ill employees and have signed up to the Trade Union Congress (TUC) “Dying to Work” voluntary charter.

22.0 Management of Ill Health (Consideration of Retention)

22.1 The Force are committed to the effective management of ill health and seek to:

- retain skills that support effective service delivery, which might otherwise be lost to ill health retirement;
- maintain balanced staffing levels;
- reduce the impact of ill health management on individuals and their colleagues;
- allow an individual to continue a career that supports service delivery and maintains the original investment in their training and development;
- control the associated costs of ill health management including pension costs;
- maintain operational requirements whilst adhering to people management practices and the prevailing Police Pension Regulations / the Local Government Pension Scheme (LGPS) requirements; ensuring consistent, fair and effective decisions are taken on ill-health retirement.

Please Note: Retirement on the grounds of ill health is only possible for an employee who is a member of the LGPS.

23.0 Formal Stages of Attendance Support / UPP

23.1 Where, following informal support, an individual's attendance level remains at unacceptable levels, this should, other than in exceptional circumstances, result in progression to the formal stages of the Attendance Support (employees) / UPP (police officers). This involves a three stage formal supportive process with a right of appeal at each stage. Individuals can be accompanied to the meetings by a Trade Union / Federation / Superintendents Association representative or appropriate work colleague. If the individual remains unable to achieve an acceptable attendance level after appropriate support and formal warnings / Written Improvement Notice (WIN), then regrettably the final outcome can be dismissal.

23.2 The focus remains on supporting individuals during the formal stages to facilitate improved health and attendance at work.

23.3 Individuals are required to engage with the formal stages of Attendance Support or UPP and take all reasonable steps to address the attendance issues, engaging with their managers and attending relevant meetings. If the individual is consistently unable to attend, it is possible to proceed with the formal process in their absence, ideally with input from their Trade Union / Federation / Superintendents Association representative or work colleague. Confirmation of the outcome will be provided in writing to the individual.

23.4 An appeal will be considered by an appropriate manager dependent upon the stage of the formal attendance process.

23.5 The informal stage should only be used once in any 12 month period, therefore if there proves to be a further lapse in attendance in either of the informal / formal stages, the process will proceed to, or resume at, the formal stage.

24.0 Legal Basis / Regulatory Background / Standards

The Force is obliged to abide by all relevant legislation and other guidance as appropriate:

- Authorised Professional Practice
- Code of Ethics (DCP)
- Code of Ethics (DP)
- Employment Act 2008
- Employment Rights Act 1996
- Equality Act (2010) including the Public Sector Equality Duty
- Freedom of Information Act 2000 (FOIA)
- Human Rights Act (1998)
- Local Government Pension Scheme Regulations (LGPS) 2014
- National Decision Model
- Our Purpose (DCP)

- Police (Performance) Regulations 2020
- Police Regulations 2003 (as amended)
- Records Management (DCP)
- Records Management (DP)
- Standards of Professional Behaviour – Police Officers
- Standards of Professional Behaviour – Police Staff
- The Health and Safety at Work Act (1974)
- The Police Pensions Regulations (1987), (2006) & (2015)
- UK General Data Protection Regulation / Data Protection Act (2018)
- Vision, Purpose & Priorities (DP)
- The associated Police Negotiating Board (PNB) Joint Guidance 10/04 – Improving the Management of Ill Health. Please note: References to the Police Authority within the PNB joint guidance should be read as 'Police Pensions Authority'.

25.0 Monitoring, Review, Enquiries and Feedback

Review and amendments will be coordinated by the Policy Unit.

The Alliance Head of Employee Relations is responsible for overseeing this policy to ensure a consistent Force approach is maintained. Monitoring will be primarily carried out subject to Force processes of continuing review and in line with Force governance requirements.

This policy will be reviewed every two years subject to legislation / process changes.

Please note: Where legislation / guidance changes have occurred / scheduled to occur or operational needs demand it, ahead of the revised review date, Alliance People policies and associated procedures / step by steps will be applied in line with prevailing legislation / guidance.

For day to day enquiries relating to this policy please contact HR.

We welcome any comments or suggestions you wish to share about the content or implementation of this policy. If you would like to make contact to discuss further, please email: .Policies@dorset.PNN.police.uk

26.0 Other Associated Documents and Links

A range of policies, procedural guidance and step by steps are also available in support of this policy available via the following links:

SharePoint

- People Portfolio A-Z

College of Policing

- National Decision Model
- Authorised Professional Practice

Other

- Equality Impact Assessment

27.0 Governance

The details below are only required for new documents, major amendments subject to consultation

Present Portfolio Holder:	Head of People (HR Operations)
Present Document Owner:	Alliance Head of Employee Relations
Present Owning Department:	Alliance People Portfolio
Name of Board:	Strategic People Board
Chief Officer Approving:	ACO (D&C) and ACO People, Director of People and Support Services (Dorset)
Date Approved:	12/11/2020
