



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

PD 610 ATTENDANCE MANAGEMENT

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Linked Documents: PS 147 Attendance Management Policy
PG 023 Attendance Management – Managers Guide
PD 539 Permanent Disablement and/or Medical Retirement for Police Officers,
Police Staff Medical Retirement Process,
PD 556 Unsatisfactory Attendance Procedures (For Police Officers),
Injury Award Procedure for Police Officers

Authorised (Head of Dept/FEB)

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
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 para 1 section 4.16
1.3	Nov 2017	James Lunn	HR Senior Manager Strategy	Amendment to include requirement for Third Stage Meeting to be tape recorded.

SECTION 2 BACKGROUND

Managing attendance is essential to the efficiency of Nottinghamshire Police. 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 unsatisfactory attendance 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 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 2008. The procedure is also supported by PG 023 Attendance Management – Manager Guide to support managers effectively manages their teams' attendance.

4.1 Reporting if unable to attend work due 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. Notification by text is not acceptable except in exceptional circumstances.

The individual should notify 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, ect to allow the line manager to facilitate alternative action.

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 'sick day' for either Statutory Sick Pay (SSP) or administrative purposes.

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 line manager should follow normal reporting procedures.

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.

The annual leave can be re-credited to their annual leave allowance on proof of sickness.

For all periods of reported sickness whilst on annual leave a medical certificate or fit note is required. 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 individuals own time, the appropriate documentation must be made available to the line manager so that their shift may be altered or time off agreed.

4.5 Return to Work Interviews

Individuals should only return to work after an 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 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, the formal procedures may be initiated.

4.6 Home visits

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

4.7 Telephone contact

The line manager must maintain regular contact with the individual by telephone.

The telephone contact must not replace the home visits.

4.8 Supportive action

Supportive action should be offered prior to the formal procedure being commenced.

4.9 Withdrawal of self-certification

If an individual reaches a trigger point of more than 3 occasions of sickness 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 HR 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.

4.10 Trigger points – short-term or ad hoc absence

4.10.1 Stage one

This stage will be triggered for frequent short-term absence. Frequent short-term absence is defined as “3 or more occasions of sickness absence within a rolling 12 month period or 10 calendar days in a rolling 12 month period.” These will be the trigger point for a line manager to effectively manage an individual's absence through a formal procedure.

4.10.2 Stage two

This stage will triggered if the individual has a further 2 occasions of sickness absence or 7 calendar days within a 6 month period. The Written Improvement Notice will remain valid for 12 months. Attendance must be maintained for the 12 month period. If the improvement is not maintained within the 12 months, then the next stage of the procedure may be invoked.

4.10.3 Stage three

This stage will be triggered if the individual has a further 2 occasions of sickness absence or 7 calendar days in a 6 month period.

Line managers will manage an individual whose pattern's of absence, whilst not exceeding the above trigger point, is still a cause for concern.

4.11 Trigger points – long-term absence

Where an individual is unable to carry out their role due to medical incapacity, although the absence is in excess of 28 calendar days, but is not likely to affect their long-term ability to continue in their role the process in 4.10.1 should be invoked.

Stage one will be triggered for continuous long-term absence of 28 days or more when the individual's medical incapacity is likely to be long term.

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 before the 28 days once it is established that there is a probability of long absence.

4.12 Reasonable Adjustments

The line manager should consider whether reasonable adjustments can be made to the individual's working environment in order to enable the individual to continue in their role.

Occupational Health can assist with determining what reasonable adjustments can be made to the working environment to support the individual to be able to continue in their role.

HR can provide support and assistance when considering whether the cost or impact of the proposed adjustments is appropriate in the circumstances.

If the reasonable adjustments can be made and are not cost or impact prohibitive, then the adjustments should be made.

4.13 Recuperative Duties (Phased return)

A short-term rehabilitation plan may assist an individual to return to work sooner, or recover their ability to perform their role to the required standard.

The line manager should refer the individual to Occupational Health for recommendations on any restrictions on recuperative duties as part of a rehabilitation plan.

Referral to Occupational Health should be via form G249.

If the line manager cannot implement, or disagrees with, the recommendations of Occupational Health, further advice should be sought from the HR Advisor.

The length of the recuperative plan (phased return) should be kept to a minimum and should normally be no longer than 6 weeks. There may be exceptional circumstances when this needs to be extended further, in which case the line manager must liaise with the HR Advisor.

4.14 The Three Stage Process

Prior to initiating the formal procedure at stage one, the line manager must consider the management interventions and supportive action that has been offered.

The line manager must be satisfied that all reasonable and supportive actions have been offered to support an improvement in attendance.

If reasonable supportive actions have not been put in place then the stage one process should not be initiated.

The line manager should meet with the individual and offer reasonable and supportive interventions to assist in the improvement of attendance.

If the line manager considers that reasonable supportive actions have been offered and there has not been an improvement in attendance then stage one of the procedure must be initiated.

Template letters to assist managers are contained on the HR pages of the Force intranet. Please see following link:-

<http://intranet/Departments/HumanResources/Performance/SicknessManagementTemplates.shtml>

4.14.1 Stage one

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 HR 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.

If the individual or their trade union/staff association representative or work colleague of choice is unavailable for the meeting, an alternative date should be proposed which must be within 5 working days of the original date of the planned meeting.

Minutes will be taken of the meeting.

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 within 7 working days of the meeting being held.

The line manager will send written minutes of the meeting and the WIN within 7 working days of the meeting.

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

4.14.2 Stage two

If the first formal stage has failed to produce the desired improvement in attendance then a stage two meeting should be arranged by the individual's second line manager.

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 an HR 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.

If the individual or their trade union/staff association representative or work colleague of choice is unavailable for the meeting, an alternative date should be proposed which must be within 5 working days of the original date of the planned meeting.

The meeting will be minuted.

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 within 7 working days of the meeting being held.

The line manager will send written minutes of the meeting and the Final WIN within 7 working days of the meeting.

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

4.14.3 Stage three

Should the stage two, Final Written Improvement Notice not bring out the required improvement in attendance then a stage three meeting should be arranged.

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.

Wherever practical the meeting date and time for the third stage meeting should be mutually agreed between the Senior HR Partner and the individual. Where this is not

possible, then the Senior HR Partner may specify a date and time for the third stage meeting.

If the individual or their trade union/staff association representative or work colleague of choice is unavailable for the meeting, an alternative date should be proposed which must be within 5 working days of the original date of the planned meeting.

The Senior HR Partner 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 are:
 - Extension of the Final Written Improvement Notice or redeployment to alternative duties. These will only occur if there are exceptional circumstances.
 - Dismissal with notice.
- 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 chair for third stage meetings for **Police Officers** will be a Chief Superintendent or the Head of HR & OD. Panel of three members (This will include; a Police Officer at the rank of C/Supt and a Senior HR Partner).
- Chair of third stage meetings for **Police staff** will be Chief Inspector or a third Line Manager Grade M1 or above. The chair will be accompanied by a HR Advisor.
- The police officer has the right to object to a panel member. The objection must be made in writing to the Deputy Chief Constable no later than 3 working days after the notification.
- The police officer must include in their objection the grounds upon which they object to the panel member.
- The Deputy Chief Constable will inform the police officer in writing whether their objection is upheld.
- If the Deputy Chief Constable upholds the objection, a new panel member will be appointed as soon as reasonably practical.
- The police officer may object to the new panel member appointed and must take the same action as before. The Deputy Chief Constable will consider and write and advise the police officer of the decision.
- The police staff member has the right to object to the appointment of the chair of the stage three meeting. The objection must be made in writing to the Head of HR & OD no later than 3 working days after the notification.

- The police staff member must include in their objection the grounds upon which they object to the chair.
- The Head of HR & OD will inform the police staff member in writing whether their objection is upheld.
- If the Head of HR & OD upholds the objection, a new chair will be appointed as soon as reasonably practical.
- The police staff member may object to the new chair appointed and must take the same action as before. The Head of OD & HR will consider and write to advise the police staff of the decision.

The meeting will be tape recorded.

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.
- The individual must be advised of the decision within 3 working days of the stage three meeting.
- The individual must be advised of their right of appeal.

4.15 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 5 working days of receipt of the outcome of the stage one, two or three meeting.

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 representative/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.

The appeal official will write to the individual within 5 working days of the appeal meeting with their decision.

A police officer after a stage three meeting has the right of appeal to the Police Appeals Tribunal.

4.16 Medical Retirement (A20)

Where 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 he or she is 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 is the subject of appeal if the unsatisfactory attendance is unrelated to the condition forming the basis of the referral or appeal. Any such situation the f 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.