

ATTENDANCE AT WORK

Contents

1	UNACCEPTABLE ATTENDANCE PROCEDURE.....	3
2	PURPOSE.....	4
3	SCOPE.....	4
4	POLICY STATEMENT.....	4
5	RECORDING ATTENDANCE.....	5
6	RETURN TO WORK.....	6
	6.1 Resumption Medicals.....	6
	6.2 Statement of Fitness for Work (Fit Notes)	6
	6.3 Return to Work Discussion.....	8
7	UNACCEPTABLE LEVELS OF NON-ATTENDANCE.....	8
8	INTERMITTENT ABSENCE.....	9
	8.1 Significant Improvement in Attendance Levels.....	9
	8.2 No Improvement in Attendance Levels.....	9
9	FORMAL PROCEDURE.....	10
	9.1 Stage One.....	10
	9.2 Stage Two.....	11
	9.3 Stage Three.....	11
10	APPEAL.....	12
11	COMPANION.....	13
12	UNDERLYING MEDICAL REASON FOR ABSENCE.....	13
13	LONG TERM ABSENCE.....	13
	13.1 Employee Contact.....	13
	13.2 Absence Arising from an Incident Involving Assault or Abuse.....	15

13.3	Absence Arising from an Accident at Work	15
13.4	Special Medicals.....	15
13.5	Next Steps.....	16
13.6	Pregnancy Related Illness.....	16
14	RESPONSIBILITY.....	16

Appendices

Appendix I - Attendance Returns

Appendix II - Return to Work Discussion Form

Appendix III – Written Confirmation of Informal Stage of AAW

Appendix IV - Investigation for Unacceptable Levels of Attendance

Appendix V - Instruction to Attend a Stage 1 or Stage 2 Formal Hearing

Appendix VI - Written Confirmation of Stage 1

Appendix VII - Written Confirmation of Stage 2

Appendix VIII - Instruction to Attend a Stage 3 Formal Hearing

Appendix IX - Written Confirmation of Stage 3 AAW Form

Appendix X - Written Confirmation of Dismissal Letter

Appendix XI - Invitation to Attend an Appeal Hearing

Appendix XII - Written Confirmation of Appeal Hearing

Appendix XIII - The Role of The Companion at a Stage One and Stage Two Formal Hearing

Appendix XIV - The Role of The Representative at a Stage Three Formal Hearing

Appendix XV - Welfare Home Visit Letter

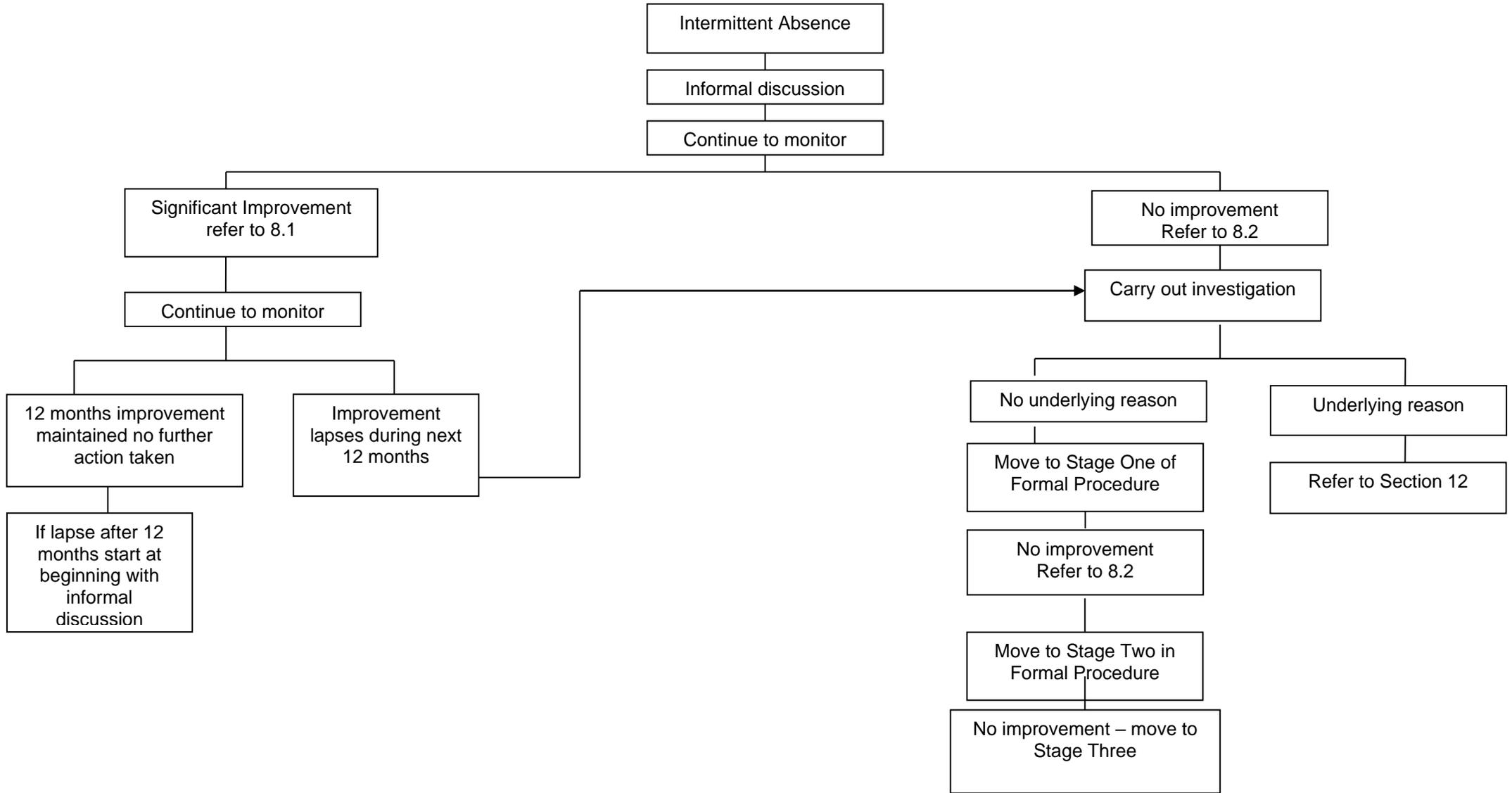
Appendix XVI - Welfare Meeting Invite Letter

Appendix XVII - Welfare Visits / Discussions – Examples of Questions

Appendix XVIII - Invitation to an Informal Absence Review Meeting

Appendix XIX – Outcome of Informal Absence Review Meeting

1. UNACCEPTABLE ATTENDANCE PROCEDURE



2. PURPOSE

To provide a procedure to monitor absenteeism, clarify employees' responsibilities and provide guidance for managers on how the Company deals with long term absence / sickness and / or a significant level of intermittent absence / sickness.

All sickness absence will be regarded as genuine unless there is evidence to the contrary, perhaps indicating that sickness claims are false. Such situation should be dealt with in accordance with the Company's Disciplinary Procedure.

The Discipline Procedure may also be used for any unauthorised absence (AWOL).

3. SCOPE

All established and temporary employees who work under a contract of employment with the Company.

4. POLICY STATEMENT

The Company is committed to ensuring that people with disabilities are supported and encouraged to achieve progress through the Company and aims to comply with the requirements of the Equality Act, 2010.

The Company does however also wish to encourage a culture where non-attendance is seen as having a high cost in terms of efficiency, the additional pressure placed upon other team members and direct costs. In order to support this approach, individual employees, managers, and specialists all have responsibilities connected with attendance and absence:

Employees

Employees have a responsibility to keep absence to a minimum and must not use sick leave unless they are medically unfit to attend work or remain at work. They are required to:

- comply with the absence reporting requirements as detailed in the Company's Absence Reporting policy and provide fit notes promptly if required
- attend for a medical examination with the Company's Occupational Health Provider if required
- meet with their line manager on return from sick leave or when requested to discuss sickness problems

Managers

Managers have overall responsibility for attendance monitoring and management, including welfare support. They are required to:

- regularly review the levels of sickness of their employees and meet with them on their return to work
- maintain regular contact with those employees on long term sick leave
- treat medical information on employees as confidential and only disclose it to authorised persons

Specialists

Human Resources provide procedural guidance to managers. They can also have a welfare support role.

General and Medical Practitioners and / or the Occupational Health Provider retained by the Company offer expert medical guidance and provide objective support to employees with health problems. In addition to support and counselling provided by the employee's GP, NHS or specialist external counselling may also be arranged through the Company's Employee Assistance Programme (refer to Advice, Support, and Counselling policy).

5. RECORDING ATTENDANCE

Each Line Manager is responsible for recording attendance in their area. Whilst the administration can normally be delegated, the authority for review, action and authorisation of attendance is at Line Manager level or their delegated supervisor.

When an employee is absent through sickness their fit notes and / or Sick Pay Claim Form / Employee Statement (see Absence Reporting Policy for details) must be given to the Line Manager where it will be held locally. When an employee is absent for reasons other than sickness written notification must be provided by the employee. In all cases, details of the absence, using the correct absence code (refer to Attendance Returns, Appendix I), the duration of the absence along with an instruction as to whether the employee should be paid must be recorded on the Weekly Roster Sheet and the Adjustment Sheet which must then be sent to the Payroll Department for action.

Local arrangements must be in place to capture employee absence details to enable managers to identify employees that trigger the unacceptable levels of non-attendance, detailed in Section 7.

Where action is necessary, as detailed in Section 7, the procedure outlined in Section 8 should be followed as soon as possible after the employee has returned to work. In any event such action should normally be initiated within two weeks of the employee's return.

6. RETURN TO WORK

6.1 Resumption Medicals

All Safety Critical employees must have a resumption medical if they have been absent for more than 28 days or if during their absence they have been using a prescribed medication to control an ongoing condition.

All employees (including Safety Critical employees) should have resumption medical if they have suffered from any of the following, regardless of how long they may have been absent:

- any episode of psychiatric disturbance
- any episode of convulsion, loss of consciousness, disturbance of consciousness or dizziness
- any episode of visual disturbance
- any incident or accident where there is reason to believe that the physical or mental health of the individual might have been a causal factor or adversely affected by it
- any significant traumatic stress
- any other circumstances or medical condition which might impair the individual's ability to carry out their normal duties

Where the fitness of an employee returning to work gives cause for concern, the employee will be requested by their manager to attend resumption medical.

6.2 Statement of Fitness for Work (Fit Notes)

The fit note allows doctors to state either that the employee is 'not fit for work' or that they 'may be fit for work' taking account of advice specified by the doctor. The purpose of the fit note is to facilitate a return to work in circumstances where adjustments can be made that would assist the employee to resume work sooner than might otherwise be the case.

The fit note gives doctors the opportunity to highlight one or more of four options to help facilitate the employee's return to work. These are:

- a phased return;
- amended job duties
- altered hours of work; and
- workplace adaptations

The doctor may also write any comments on these options and / or any other option that they believe may be appropriate in the circumstances. The fit note also makes it clear that the options recommended by the doctor are dependent on whether they are available and the Company are in agreement with them. There is no legal obligation on the Company to comply with any recommendations made on a fit note.

When an employee informs their manager that they are in receipt of a fit note that states that they 'may be fit for work' the manager should meet with the employee to discuss the recommendations. Managers need to explore all options to assist an employee to return early. Employees may be used in a variety of ways on development work, training, or administrative tasks, where possible. Managers may also look for opportunities outside their immediate area.

Where appropriate, in particular when returning from long term sick, these discussions should include advice from the Company's Occupational Health Advisors.

If a return to work is possible, the manager and employee should agree any temporary changes to their job or hours and what support will be provided and for how long.

If it is not possible to facilitate the changes recommended by the doctor, the employee and manager should read the fit note as if the doctor had advised that the employee is 'not fit for work'. In these circumstances the employee does not need to go back to the doctor for a new fit note to confirm this. The manager should keep in regular contact with the employee and, where appropriate, the Company's Occupational Health Advisors to ensure a return to work can be facilitated as soon as possible. If the employee is not able to resume to full duties within the foreseeable future refer to section 13.5 – Next Steps.

If the employee and the manager agree that it is appropriate for the employee to return to work before the end of the 'not fit for work' statement period, they may do so, in some circumstances depending on the nature of the illness. The Occupational Health provider should be consulted to obtain medical advice. It is not necessary for them to return to the doctor to confirm they are fit for work, however, if safety critical, it may be necessary to send them for a resumption medical, refer to Section 6.1 above.

The Company will in any circumstance consider the guidance provided by the Company's Occupational Health provider in the first instance.

6.3 Return to Work Discussion

After any period of absence, all employees will be seen by their supervisor / manager as soon as possible, but normally within five days of their return to work, to:

- allow the employee to explain the reason for their absence
- check whether there are any underlying problems causing their sickness / absence, whether they should be referred to Occupational Health for a special medical (via the online portal) or whether they may require counselling
- check whether any other action can be taken to prevent further absence
- ensure the employee is aware of the Attendance Policy

The Return to Work Discussion Form (Appendix II) should be completed by the supervisor / manager.

7. UNACCEPTABLE LEVELS OF NON-ATTENDANCE

Due to the nature of many of the jobs and staffing levels within the Company, high levels of absenteeism or repeated spells of sickness / absence cause considerable disruption. They also place an undue burden upon other team members. Therefore, all managers will investigate non-attendance where the levels trigger any one of the following:

- 10 days or 5 instances in 52 weeks. For Drivers, Engineers, and any other employees who work a 4-day week, the trigger would be 8 days or 5 instances in 52 weeks.
- 5 days or 2 instances in 13 weeks. (5 days is equivalent to 1 week for employees working 5 days per week, therefore employees whose roster is based on less than 5 days per week the trigger may be based on the number of days they normally work in a week). For example, Drivers, Engineers, or any other employees who work a 4-day week, would see a 4 day or 2 instances in 13 weeks trigger.

A further trigger may be identified where there is a recurrent pattern of sickness absence. For example, where sickness is taken prior or immediately after leave, rest days, or occurs in a pattern outside the usual Company triggers. If it is apparent that there is a pattern, the manager should hold an absence review meeting, highlighting the potential pattern, and follow up with a letter explaining the pattern and future expectations regarding attendance. Managers should seek advice from their Area HR Manager and look at Management Guidance regarding this trigger (Template invite and outcome documents are available as Appendix XVIII and XIX).

8. INTERMITTENT ABSENCE

Managers will be encouraged to initially address a situation of poor attendance by discussion with the individual concerned. In many cases an informal discussion may suffice and will enable the manager to decide if there is a need to involve the Human Resources Department.

A brief note of the discussion should be kept on the employee's file and a letter confirming the content of the discussion (Appendix III) given to the employee.

Any informal discussion must be conducted in an appropriate place and manner. The meeting should be held in either an office or in an area that will allow discussions to take place confidentially.

This is an informal discussion and as such, there is NO statutory right to be accompanied.

Following this discussion, the manager should continue to monitor the employee's attendance over the next 52 weeks from the date the employee returned to work.

Employees who have a sickness absence, which may or may not be a trigger, but have not had any sickness absences in the previous 18 months, will not be regarded as having poor attendance. Therefore, no action should be taken on this occasion, other than the normal Return to Work discussion. This one period of sickness absence will not be counted towards any future trigger.

8.1 Significant Improvement in Attendance Levels

Where the improvement in the individual's attendance, following an informal discussion, is maintained over the following 12 months, it will be deemed that there is no longer an issue to address.

8.2 No Improvement in Attendance Levels

If unacceptable levels of attendance continue, the manager will carry out an investigation to determine if formal action is appropriate (Appendix IV). This investigation will normally include:

- a discussion with the employee to determine the reasons for poor levels of attendance
- consideration of whether an underlying medical reason exists for the absence

Provided the investigatory meeting is confined solely to ascertaining facts there is NO statutory right to be accompanied.

In cases where an underlying medical reason for the absences has been identified, refer to Section 12 before taking formal action.

If there is no underlying medical reason for the absence, then the Formal Procedure may commence.

Where formal action is necessary, this should normally be instigated within 28 days of the employee's return to work.

9. FORMAL PROCEDURE

9.1 Stage One

The employee will be instructed to attend a formal hearing arranged by their manager (Appendix V). The instruction to attend the hearing will be confirmed in writing. Whenever practicable, at least five working days notice of the hearing will be given.

The employee will have the right to be accompanied to the hearing as detailed in section 11. If the employee is being accompanied, they must give prior notification of who their companion will be, so that the Company can arrange their release from work. The employee may request a postponement of the hearing of up to five working days to enable their companion to attend the hearing.

No pack will be produced for the first and second stage AAW hearings, as the employee would have received any medical reports and doctor's certificates and would have had all the information previously. Should the employee require copies of any information, they should request this from their Line Manager 48 hours before the hearing.

The manager chairing the hearing will also be accompanied by a notetaker.

At the hearing the procedure will be as follows:

- the manager chairing the hearing will open the hearing by explaining the reasons why the hearing has been arranged and detailing the alleged failure to meet the required standards;
- the employee will then be given the opportunity to respond to the allegations;
- the detail of the employee's response will then be discussed, the manager will ask questions to ensure that they have a full understanding of the employee's case or until the full content of their response has been clarified;
- the companion may add their input to the hearing and may confer with the employee;
- once all the evidence has been heard, the hearing will then be adjourned for a short time whilst the manager decides what action is appropriate;

- the hearing will be reconvened and the employee will be informed as to what action, if any, is being taken and the appeals procedure will be explained.

If a warning is necessary, a First Written Warning will be issued and it will specify that if attendance does not sufficiently improve then Stage Two of the procedure will be invoked.

The outcome of the hearing will be confirmed to the employee in writing (Appendix VI), together with details of the required improvement and time scales. A copy of this and notes of the discussion at the hearing will be retained on the employee's file. Normally this documentation will stay in the file but the warning will be disregarded 12 months after the hearing.

9.2 Stage Two

If, during the life of the First Written Warning, attendance does not improve to an acceptable standard, the employee will be instructed to attend a Stage Two hearing by their manager (Appendix V). As with Stage One, they will have the right to be accompanied as detailed in Section 11 and a pack will not be produced for this stage.

The manager must inform the Area Human Resources Manager of the Stage Two hearing.

The procedure will be the same to that of Stage One.

If a Final Written Warning is necessary, the employee will be informed that if their attendance does not improve, Stage Three will be invoked, and they could be dismissed from the Company's employment. As in Stage One, attendance will be expected to improve to an acceptable standard within the specified time scale.

The outcome of the hearing will be confirmed to the employee in writing (Appendix VII) using the same procedure as Stage One. A copy of the documentation and any notes will be retained on the employee's file. Normally this will be retained on the file but disregarded 12 months after the hearing.

9.3 Stage Three

Where the required improvement in attendance stated at Stage Two has not been made in the specified time scales, a Stage Three hearing, which may result in dismissal, will be warranted.

As with the previous stages, the employee will be instructed to attend a formal hearing (Appendix VIII). At this stage of the procedure, the employee has the right to be represented by their companion as detailed in Section 11.

The manager chairing the hearing will be accompanied by a notetaker and a Human Resources Manager may also attend.

The procedure will be the same to that of Stage One. However, a pack containing all the paperwork from all the previous stages should be prepared and a copy given to both the employee and the manager chairing the hearing at least 48 hours prior to the hearing. Any new paperwork relevant for the Stage 3 hearing, e.g. Return to Work meetings, medical reports, fit notes, attendance reports, etc, should also be included in the pack.

After consideration of the facts, the manager should complete the Written Confirmation of Stage 3 Attendance at Work Hearing form (Appendix IX) during the adjournment.

If the decision is taken to dismiss the employee, the letter confirming the dismissal should also be completed (Appendix X) and handed to the employee at the end of the hearing. A copy of the form, dismissal letter (where applicable), and notes of the discussion at the hearing will be retained on the employee's file.

10. APPEAL

Any employee who is dissatisfied with the outcome at any stage of the Formal Procedure may appeal to the manager who has taken the decision.

The appeal must be made in writing within seven calendar days of the decision being communicated to the employee at the hearing and should clearly state the basis on which the appeal is to be made.

One appeal will be allowed at each stage of the Procedure. It does not apply to informal meetings as detailed in Section 8.

The employee will be asked to attend a hearing to consider the appeal. This invitation will be confirmed in writing (Appendix XI).

At the hearing the employee has the right to be accompanied as detailed in Section 11. In the case of an appeal against dismissal, the employee has the right to be represented by their companion at the meeting. The meeting may be postponed by up to five working days to enable the employee's chosen companion to attend.

The appeal meeting will be chaired by the appropriate senior manager and a notetaker will be present. The manager will not have been previously involved, directly or indirectly, with the case.

The outcome of the hearing will be confirmed to the employee in writing using the Written Confirmation of Appeal Hearing Form (see Appendix XII). This will normally be completed by the manager during the adjournment and handed to the employee at the hearing. A copy of this and notes of the discussion at the hearing will be retained on the employee's file.

The decision will be final.

Where at appeal a dismissal decision is upheld, the dismissal date will be as determined at the Stage Three hearing. In the event that the Stage Three decision is revoked at the appeal hearing, reinstatement or re-engagement will apply.

An HR Manager will be available, if required, to give any assistance to the Appeal Manager. The HR Manager will not have been previously involved, directly or indirectly with the case.

11. COMPANION

The person chosen by the employee as their “companion” may be either:

- a fellow employee; or
- a full-time official employed by a trade union; or
- a lay trade union official, as long as they are certified as having experience of, or having received training in, acting as a companion at such a hearing.

Appendix XIII may be provided to a companion in order to assist in explaining their role of accompanying the employee at a formal Stage One or Stage Two hearing.

Appendix XIV may be provided to those companions who are attending a Stage Three hearing where they may represent the employee as opposed to accompanying him / her.

The Company reserves the right to refuse to accept an individual’s choice of colleague where their presence would prejudice the hearing or who might have a conflict of interest.

The Human Resources department must be consulted with regard to any queries or concerns over any particular companion.

12. UNDERLYING MEDICAL REASON FOR ABSENCE

Where an underlying medical condition has been identified as the reason for an employee’s unacceptable levels of intermittent absence, the Company must seek medical guidance on the employee’s capability to carry out their duties and whether reasonable adjustments to the working environment and the individual’s responsibilities are required. In these circumstances, steps in Section 13.4 should be followed.

Where an employee has triggered and attendance levels continue to fall below the Company standards, and / or exceed the levels advised by the Company’s Occupational Health Provider / employee’s specialist as reasonable due to the underlying medical reason, formal action may be taken under this procedure.

13. LONG TERM ABSENCE

13.1 Employee Contact

The following guidelines have been prepared to assist Line Managers with the management of employees whose sickness absence becomes long term; that is, those employees who have been or are likely to be continuously sick for 28 days or more.

Once the Line Manager or delegated supervisor is aware that the employee is absent they should contact the employee as soon as is practically possible, normally by phone, to enquire after their health and whether there is anything the Company can do to assist.

NB: If an employee is hospitalised as a result of an accident or emergency, then the Line Manager or delegated supervisor should consider visiting the employee in hospital, depending on the circumstances of the case. If an employee is hospitalised for an arranged operation, then the Line Manager or delegated supervisor should normally visit the employee in hospital or at home as soon as possible after the operation.

When an employee has been off sick for more than seven days, the Line Manager, or delegated supervisor, should contact the employee by phone on a regular basis (normally at least once a week) to enquire after their health and whether there is anything the Company can do to assist. There may be occasions where the manager / supervisor feels it would also be appropriate to arrange for the Occupational Health Nurse / Doctor to talk to the employee. If the employee is unable to visit Occupational Health, then the manager / supervisor should discuss this with their Area HR Manager, as a telephone appointment with Occupational Health may be arranged.

If the absence is likely to continue for more than 28 days, then the supervisor / manager should contact the employee by phone or letter to arrange a welfare home visit (see Appendix XV). If the employee does not wish to be visited at their home, then a mutually agreeable location may be used (see Appendix XVI). There is no statutory right to be accompanied at a welfare meeting. However, in exceptional medical circumstances the employee may request to be accompanied and managers will consider this request with the AHRM. Questions should be asked with empathy and interest and the employee treated with dignity (see Appendix XVII for example questions). A note should be made of what was said and placed on the employee's file.

Where the employee continues to be absent, the Line Manager or delegated supervisor should arrange further welfare visits using the same procedure as described above. These should normally take place at least every four weeks. This should not preclude the Line Manager or delegated supervisor from maintaining verbal contact with the employee between visits. If considered appropriate, the Area Human Resources Manager may accompany the Line Manager or delegated supervisor.

During the welfare home visits, modified duties or hours of duty should be discussed, if it is considered appropriate, to assist the employee with a gradual return to work. The provisions of Section 6 (Resumption Medicals) would apply in these circumstances. If any medical restrictions are advised then they must be considered and discussed with the employee.

13.2 Absence Arising from an Incident Involving Assault or Abuse

In cases of absence which has resulted from an incident in which an employee has been abused, threatened, or assaulted by a member of the public arising out of the course of their employment, the chain of care support procedure should be followed.

Absences arising from these situations will not normally be included when reviewing the trigger levels for unacceptable levels of non-attendance.

13.3 Absence Arising from an Accident at Work

Absences arising from an accident at work will be treated on an individual basis and will not normally be included when reviewing the trigger levels for unacceptable levels of non-attendance.

However, where the accident is caused by negligence on the part of the employee, i.e. not using / wearing the appropriate equipment / clothing provided, or not concentrating fully whilst carrying out their duties, the triggers referred to in Section 7 will apply.

13.4 Special Medicals

The objective of a special medical is to provide the manager with sufficient information enabling a decision to be made as to how to proceed.

If there is no indication of an employee resuming work, a Special Medical should be arranged to ascertain the prognosis of the employee's medical condition. Template letters are contained in the Organising Medicals Guidelines.

A special medical may also be requested where:

- an underlying medical condition has been identified as the reason for an employee's unacceptable levels of intermittent absence
- a case of occupational ill health is suspected or alleged

Any employee who refuses to provide their consent for a medical report to be obtained by the Company under the Access to Medical Reports Act 1988 or refuses to attend a medical examination with the Occupational Health Provider should be warned that this may impact on continued payment of Company Sick Pay and employment. This will also mean that the Company will be forced to make a decision about the individual's capability and likely return to work based on such information as is available, which could be to the individual's detriment.

If the Company's Occupational Health Provider recommends counselling this should be arranged via the Company's Employee Assistance Programme (EAP) using the appropriate referral form. However, if Cognitive Behavioural Therapy is recommended, this may be arranged through either the Occupational Health Provider or the EAP. The employee may also arrange their own counselling via their GP / specialist.

13.5 Next Steps

Once sufficient medical advice is available, a further meeting with the employee must be arranged to discuss it. The employee has the right to be accompanied to this meeting by a fellow employee or trade union representative.

Where medical opinion confirms a potential recovery to full health in the near future it may be appropriate, where possible, to offer projects / secondments / light duties as an interim measure to assist the employee in their return to work.

Where the medical report indicates that there is no foreseeable return to the employee's normal job refer to the Capability – (Medical) procedure.

Where the medical report states that the employee is U2 (permanently unfit for all railway work), refer to the Ill Health Severance Policy.

13.6 Pregnancy Related Illness

Where an employee's absence is due to pregnancy or childbirth during maternity leave, dismissal will not be considered. Instead the employee may remain on sick pay, subject to fit notes being supplied. However, if the employee is able to come to work, but in the opinion of the employee's doctor or the Occupational Health Doctor, the individual is unfit to continue in her current duties, and no suitable alternative employment can be found, she should be placed on special leave on basic pay, until the beginning of the fourth week before the expected week of childbirth or until the baby is born, whichever is earlier. Maternity leave and pay (if eligible) will then commence.

14. RESPONSIBILITY

All those persons referred to within the Scope of this policy are required to be familiar with the terms of this policy.

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the Human Resources department prior to any action being taken.

The Human Resources department has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments, or alterations to the policy can only be implemented following consideration and approval by the Human Resources Director.