

ABSENCE MONITORING AND ATTENDANCE PROCEDURE FOR SUPPORT STAFF

1. Purpose of the Procedure

- 1.1 The University is concerned that each individual employee's attendance is at a satisfactory level given the particular circumstances - relating to the individual employee and the duties of their post in the University - and, if not, will take the following steps to ensure that attendance improves.
- 1.2 This procedure should be read in the context of the University's Attendance Management Policy for Support staff. References below to a 'senior manager' include a College Head of Operations, a Head of Budget Centre, or any person designated on their behalf to carry out the specified actions.

2. Monitoring and Counselling

- 2.1 The senior manager should ensure that attendance records are maintained for all Support Staff. These records are likely to include:

- The start date and end date of each absence
- The number of working days lost to sickness absence during each period
- The reason given by the employee (or recorded on the medical certificate)

The health/medical reasons given by employees (or recorded on medical certificates) are regarded as 'sensitive personal data' under the Data Protection Act and should be secured and treated with the appropriate level of confidentiality. Dates of absences, and the number of days lost to sickness absence are not classified by the Act as 'sensitive' personal data. Advice on processing personal data may be accessed at www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/employment_practices_code001.pdf or from Human Resources.

- 2.2 Absence should be monitored against the 'triggers' at which further action should be considered as defined in the Attendance Management Policy.

- 2.3 Where:

- It is clear that the absence is attributable to a single cause and that the cause of the absence no longer exists and will therefore not lead to any further foreseeable absence, or
- Having taken advice from Human Resources, it is determined that there would be no benefit from a referral to Occupational Health or counselling,

no further action need be taken, other than to keep the case under review, as appropriate.

As noted in the Absence Management Policy, absences that are disability-related or caused by a pregnancy-related illness should be recorded as such, to enable managers to take these factors into consideration when deciding on an appropriate course of action.

- 2.4 Where attendance levels are giving cause for concern, the senior manager will arrange to interview the member of staff and, as appropriate, to counsel the employee about his/her attendance.

Counselling is the stage prior to formal action being taken, and:

- Is designed to ensure that the individual is aware of the standards expected by the University and of the wider effects of the individual's absence.
- Is advisory and not in any sense disciplinary or punitive.

- Should also aim to identify any barriers to the employee attending work and seek to reach agreement on actions which can be taken to remove these barriers where possible. In the case of staff with disability-related absence, this will include identifying if any reasonable adjustments can be made to working arrangements to accommodate the staff member's needs and support attendance.

To support this process, the senior manager may, via Human Resources, refer the employee to the Occupational Health Unit. Following such counselling, written confirmation of actions should be provided to the employee.

- 2.5 The senior manager will monitor the attendance of the employee for a period not exceeding six months. If significant improvements have been made during the monitoring period but attendance levels are still giving cause for concern, the monitoring period may be extended at the discretion of the senior manager in consultation with Human Resources.
- 2.6 During any monitoring period, the employee may be requested to complete a personal sickness certificate for each period of sickness absence, however short.
- 2.7 Separate guidance is available for managers on the sickness counselling process: this is available at www.intranet.birmingham.ac.uk/hr/documents/public/sickness-counselling.pdf or from Human Resources on request.

3. Attendance Investigation

- 3.1 If, at the end of a period of monitoring as set out above, the employee's level of attendance is still giving cause for concern, or if the triggers are reached during the monitoring period, the matter will be reviewed by the senior manager in consultation with Human Resources. An attendance investigation (which will include a referral of the employee to the Occupational Health Unit if this has not already taken place) will be carried out into the circumstances.
- 3.2 The investigation will include discussions with the employee concerned, who will have the right to be accompanied at such meetings by either a member of staff of the University or a trade union representative. Accordingly, the investigation will seek to establish the cause(s) of the absence(s) (without breaching medical confidentiality) and, where the person is on long term sick leave, the likelihood of the absence continuing and the probable date of return to work.
- 3.3 Human Resources, in consultation with the senior manager and the Occupational Health Unit, may choose to suspend the employee on medical grounds pending the attendance investigation, during which time the employee will receive sick pay in accordance with the arrangements as set out in the conditions of employment for Support Staff.
- 3.4 The investigation will determine the causes of sickness absence to be categorised as either persistent absence or potential incapacity. Persistent absence is where the employee is absent on a series of occasions without supporting medical evidence: this will be referred to a disciplinary hearing under the Disciplinary Procedure for Support staff.
- 3.5 Following an investigation which identifies a case of potential incapacity (including continuing long term sickness absence, or a series of absences attributable to an underlying, medically certified condition, such that it is likely that sickness absence will recur), the senior manager in consultation with Human Resources may decide to refer the employee for a hearing under the Attendance Review Procedure set out below.

4. Attendance Review Procedure

- 4.1 This procedure is designed to ascertain the capacity of the individual to carry out the duties of his/her employment; to assess whether it may be feasible to make new or further adjustments to enable the employee to carry out the duties of the employment; and to determine what action the University should take as a result.

- 4.2 Human Resources will advise the member of staff of the senior manager's decision to refer him/her for an attendance review hearing, and send him or her a copy of this procedure, together with a copy of the investigation report to be considered by the panel.
- 4.3 The member of staff shall be given at least five working days notice of the review hearing, conducted by the senior manager, accompanied by a representative of Human Resources ('the panel'). Occupational Health reports will be available for consideration by the panel. The member of staff will have the opportunity of making representations in writing or in person and may be accompanied at the review hearing by a trade union representative, or by a friend who is a member of staff of the University. In a case where it is appropriate to call witnesses, the member of staff may question witnesses either directly or through the representative or friend and may call witnesses, who will be liable to be questioned.
- 4.4 In the case of the trade union officials elected by the University branch of a recognised Union, while normal standards will apply to their employment, no action at this stage should be taken until the circumstances of the case have been discussed with a full-time official of the relevant recognised trade union.
- 4.5 Attendance review hearings may be convened during a period of sickness absence and, while reasonable effort will be made to ensure the individual can attend, the review hearing may proceed in the absence of the employee in a case where s/he is unfit to attend and likely to remain so for a period of more than three weeks. An employee who is unable to attend the review hearing may be represented in his/her absence by a trade union representative or by a friend who is a member of staff of the University, failing which the hearing may proceed in the absence of the employee and his/her representative.

5. Options

- 5.1 After the review hearing, and an adjournment to consider the evidence, the senior manager, advised by the Human Resources representative, will determine what action to take. The following options are available:
 - 5.1.1 A decision on what action to take may be deferred e.g. pending further medical reports.
 - 5.1.2 The member of staff may return, or continue to work, with adjustments, where appropriate, to enable him/her to do so, subject to any suitable monitoring and review arrangements.
 - 5.1.3 If it is decided that the individual is incapable of returning to his/her job, the University may attempt to re-deploy the member of staff to another suitable vacancy.
 - 5.1.4 The University may determine to dismiss the member of staff on grounds of incapacity, with payment of salary in lieu of notice.
 - 5.1.5 Such other action as may be appropriate in the circumstances (e.g. ill health retirement, if appropriate).

6. Notification of Decision and Right of Appeal

- 6.1 Normally, after an adjournment to consider the evidence, Human Resources shall inform the member of staff in person, and representative if present, of the decision. This will be confirmed in writing, normally within five working days after the decision has been reached, by Human Resources, with a copy to the representative. The letter confirming the decision will also set out the procedures for appeal.

7. Appeal

- 7.1** Where a member of staff wishes to appeal against a decision under this procedure, he or she shall give written notice to the Director of Human Resources within five working days of receiving the letter confirming the decision which is the subject of the appeal.
- 7.2** The appeal will be heard by a senior member of staff of the University (e.g. a Head of School, Deputy Pro Vice-Chancellor or Senior Officer) in the Chair and the Director of Human Resources, or nominee. Both persons hearing the appeal will have previously been unconnected with the case. The person who conducted the original interview which is the subject of the appeal or a representative of the appellant's College/Budget Centre will also be present to advise the appeal hearing of the reasons for the original decision but he/she shall otherwise take no part in determining the appeal.
- 7.3** The purpose of the appeal is to give the member of staff the opportunity to present the grounds of the appeal. The member of staff may be accompanied by a trade union representative, or a friend who is a member of staff of the University, who may present the appeal on his or her behalf.
- 7.4** The appeal may be:
- Allowed, and appropriate arrangements will be made as a consequence, or
 - Dismissed
- 7.5** The decision following the appeal hearing represents the University's final decision on the matter, and will be confirmed in writing within five working days of the hearing.

Human Resources

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