



**Policy Reference No: PM02**

# **Attendance Management Policy**

## **St Helens Borough Council**

**Effective from: 01/01/2026**



# Attendance Management Policy

## Policy Information

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|--------------------------------|----------------------------------------|
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| 01/06/2022  | Jane Carter and Vicky Yates-McCowan | 1              | Policy Consolidation Review |
| 01/01/2026  | Phil Ingham                         | 2              | Review                      |

## Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

### Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



## Introduction and Purpose

St Helens Borough Council promotes the attendance of employees at work acknowledging that employment has a positive effect on employees' general health and well-being. Whilst the Council encourages maximum attendance, it does recognise that from time-to-time employees will be unable to attend work due to sickness and ill-health.

The purpose of the Council's Attendance Management Policy is to encourage employees to achieve and maintain high levels of regular attendance and to support consistent and fair treatment of all employees. The policy is intended to help ensure that sickness absence is managed fairly and effectively, and appropriate support is provided to employees including those with a disability and/or long-term medical condition.

## Policy Statement

The Attendance Management Policy provides a framework for managing situations where employees are unable to attend work due to sickness or ill-health.

When an employee is unfit to attend work, the Council will always consider individual circumstances and where appropriate will seek expert, medical opinion. Consideration will be given to any reasonable adjustments that may be required for employees who are disabled.

At the heart of the policy are three principal objectives:

- Early, regular contact with those absent from work;
- Collaborative working between management, employees, employees' representatives, People Management and Occupational Health to promote an early and sustained return to work;
- A focus on rehabilitation and resettlement into the workplace

Inevitably, there will be occasions when repeated short term or ongoing long term sickness absence is no longer sustainable, when the Council may need to consider action under the Attendance Management Procedure.

## Scope of the Policy

This policy applies to all employees of St Helens Borough Council with the exception of staff employed by schools.

The Attendance Management Policy forms part of an employee's contract of employment.

## Definitions and Abbreviations

In the Policy, the following words and phrases mean:

**Council** - St Helens Borough Council

**Employee** - Those employed by St Helens Borough Council including agency/consultancy staff, secondees to the organisation and those employed under partnership arrangements including those employed in schools.

**GP** - General Practitioner

**RTWI** - Return to Work Interview

**IVF** - In Vitro Fertilisation

## **Equality, Diversity and Inclusion**

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.

## **Reporting a Sickness Absence**

Employees are required to report any sickness absence to their line manager in accordance with the sickness absence reporting procedure which is contained within the Long Term Sickness Absence Procedure accessible [via this link](#). Both managers and employees have a responsibility to maintain contact during any periods of sickness absence. On day 8 of any continuing period of absence an employee is required to obtain a fit note from their GP who will have undertaken an assessment of their fitness for work.

## **Fit Notes**

A fit note is advice from the employee's doctor based on an assessment of an employee's fitness to return to some form of work. They are not binding on either the employee or the Council, however the Council will use the fit note for certification purposes in relation to pay.

The advice provided by the fit note will either be "Not fit for work" which means the doctor's assessment of the employee is that they have a condition that prevents them from working for the stated period of time or "May be fit for work taking account of the following advice" which means the doctor's assessment of the employee is that their condition does not necessarily stop them from returning to work if certain adjustments to working hours or duties are implemented for a specified period.

## **Occupational Sickness Pay Scheme (OSP)**

There is a provision in the Sickness Absence Scheme for employees to receive pay for up to the following periods:

During 1<sup>st</sup> year of service 1 month's full pay and (after completing 4 months service) 2 months half pay

|                                                            | <i>Full Pay</i> |   | <i>Half Pay</i> |
|------------------------------------------------------------|-----------------|---|-----------------|
| During 2 <sup>nd</sup> year of service                     | 2 months        | + | 2 months        |
| During 3 <sup>rd</sup> year of service                     | 4 months        | + | 4 months        |
| During 4 <sup>th</sup> and 5 <sup>th</sup> year of Service | 5 months        | + | 5 months        |
| After 5 years of service                                   | 6 months        | + | 6 months        |

The Council reserves the right to terminate employment before the expiry of contractual / occupational sick pay.

In the case of half pay periods sick pay will be an amount equal to half of normal earnings plus an amount equivalent to Statutory Sick Pay, so long as the total sum does not exceed normal pay.

## Referrals to Occupational Health

A referral to Occupational Health is a way of obtaining a view on an employee's fitness for work, as well as identifying methods of supporting recovery, rehabilitation and a return to work.

An early referral may be made to Occupational Health during the first week of absence where the reason for absence is musculoskeletal, stress related or related to mental wellbeing. In all other cases a referral will be made when it is known that an absence will exceed two weeks.

Occupational Health will provide a written outcome of the information obtained during the appointment which will include an opinion on the future fitness for work of the employee.

Employees are expected to attend any occupational health appointment. Any reason for non-attendance will be explored and if necessary, employees will be instructed to attend. If an employee does not attend and no medical opinion is provided by occupational health, a decision may still be taken in respect of an employee's continued employment.

If necessary, Occupational Health will seek the necessary permission from the employee to approach their GP and/or Consultant if relevant medical information is required.

Managers are required to consider, assess and where possible, comply with Occupational Health advice. Employees are encouraged at all times to follow the advice of Occupational Health and management in order to facilitate their return to work.

## Occupational Health Referral Outcomes

Following an appointment with Occupational Health a report containing advice for the management of attendance will be provided. The report will contain an outcome which will include an opinion on the future fitness for work of the employee. The possible outcomes are:

- Employee Fit to Return to Work
- Fit to Return to Work with Short Term Adjustments/Phased Return
- Review the Case at a Future Date
- Unfit for Employment in Existing Occupation/Redeployment for Medical Reasons
- Unfit for Employment for an Acceptable, Specified Period
- Unfit for Employment for an Unacceptable Specified Period or an Unspecified Period

- Permanently Unfit for Employment

Further information relating to the possible outcomes from Occupational Health is accessible [via this link](#).

### **Employee Viewing the Report / Consent to Release**

Employees can view the report before it is provided to management and give consent to its release. Guidance on this will be provided by Occupational Health. Any request for change must relate to fact, not opinion. Should an employee choose not to give consent to the report being released, future decisions on continuing employment may be made without current Occupational Health advice.

## **Welfare Meetings**

When an employee is likely to be absent for more than two weeks, or where an early referral is warranted, the manager will contact People Management and arrangements will be made for a welfare meeting to take place between the manager and employee to discuss any barriers to a return to work, to discuss and agree a plan for a return to work, or if relevant to discuss the report from Occupational Health.

Following a referral to Occupational Health, any subsequent management actions and expectations will take account of the Occupational Health report content. Following advice from People Management, managers will make decisions based on the information and advice received, together with any other available evidence including the needs of the service.

Welfare meetings will normally be held in the workplace however should an employee request a neutral venue this should be considered in context of the request. In some circumstances, it may be appropriate to hold these meetings virtually via Microsoft Teams.

Employees can be represented at the meeting by either a Trade Union Representative or workplace colleague. As no warnings will be issued at a welfare meeting and therefore it is expected that employees will attend welfare meetings should representation be unavailable. Employees are required to attend welfare meetings when requested to do so.

## **Workplace Adjustments**

The Council is not normally a provider of clinical interventions, however, in order to facilitate an early and/or sustained return to work it may provide certain interventions for the purposes of rehabilitation via Occupational Health. These interventions will be provided based on clinical considerations as determined by the Occupational Health Service and need to be agreed by the manager as some may incur additional costs. Key interventions include:

- Physiotherapy
- Counselling/psychotherapy

The Council also supports the principle of exploring workplace adjustments both to facilitate and assist with recovery and to promote an early and sustained return to work. Reasonable workplace adjustments will be considered when determined by Occupational Health as being clinically appropriate and an effective part of a care pathway aimed at assisting recovery and facilitating a return to work or advised via Access to Work.



Employees will usually fall into either Location Based or Hybrid/Agile Working categories, depending on the requirements of their role and the needs of the service, with further detail set out in the Hybrid and Agile Working Policy. Managers must apply this policy with due regard to an employee's designated working category when considering workplace adjustments, ensuring that any arrangements align with role requirements, service needs, and the policy's underlying principles.

## Return To Work Interviews

A return-to-work Interview (RTWI) will take place after every sickness absence, regardless of the duration of absence. They are management meetings that can identify problems and issues in the workplace or at home, which may impact on an employee's ability to attend work. They provide a forum for discussion and help pinpoint any underlying pattern of absence or cause of absence, which can be addressed. They reinforce the emphasis that the Council places on good attendance and demonstrate to employees that their absence is noticed.

A formal return-to-work interview will take place when a particular trigger has been reached. Employees may be accompanied by a Trade Union representative or workplace colleague at a formal return to work interview.

## Outcome of Return-to-Work Interview

At the end of the Return to Work Interview (RTWI), the employee will be told one of the following:

### 1. Absence Will Be Monitored

If the total sickness absence in the last 12 months is **less than 10 working days** (or the part-time equivalent) **and fewer than 3 separate occasions**, the employee will be advised that their attendance will simply be monitored.

### 2. Informal Alert

If, in the last 12 months, the total sickness absence is **10 days or more** (or the part-time equivalent) **or this is the third occasion of absence**, the employee will receive an **Informal Alert**.

This means their level of absence is a concern.

An Informal Alert stays active for **12 months** from the date it is given.

**If an Informal Alert is already in place, the manager must decide what happens next.**

This depends on how much time the employee has been off and the reasons for it. The options are:

**1. No Formal Action** – The current Informal Alert stays in place until it expires.

**2. Consider a Formal Warning** – The RTWI will be paused, and a formal meeting will be arranged.

Managers should make sure employees do not keep having absences without action being taken, unless there are exceptional circumstances.



## Formal Return to Work Considerations

Managers must treat all employees fairly and consistently. If a manager believes a formal warning is needed, they should take the correct steps.

The purpose of a formal warning is not to say the sickness isn't real. It is to let the employee know that their attendance is below what is expected, and if it doesn't improve, they could eventually lose their job.

**Important:** A formal warning can only be given if an Informal Alert is already active.

### Things Managers Must Consider Before Giving a Formal Warning:

- Does the employee have ongoing health problems?
- Does the employee have a disability?
- Is the absence linked to pregnancy or IVF treatment?

Details about these situations are in the Attendance Management Procedure which is accessible [via this link](#).

### If a Formal RTWI Meeting Is Needed:

- Tell the employee the meeting is to consider a formal warning.
- Because it's a formal meeting, the employee can bring a trade union representative or a work colleague.
- A member of the People Management team must also attend.

### Things to Consider Before Giving a Formal Warning

- Persistent Health Problems**  
If an employee has ongoing health issues causing frequent absences, explain how this affects their job and that formal warnings may follow if it continues.
- Purpose of Formal Warnings**  
They do **not** question whether sickness is genuine. They tell the employee that attendance is below expectations and that dismissal could happen if things don't improve.
- Underlying Factors**  
Consider issues like disability or illness from workplace accidents. This doesn't mean ignoring the absence—it may mean getting advice from Occupational Health, HR, or your line manager.
- Pregnancy or IVF-Related Absence**  
Do not issue warnings for sickness linked to pregnancy or IVF. If pregnancy-related illness causes concern, seek advice from HR and Occupational Health.

A risk assessment must be done as soon as you know the employee is pregnant, and reviewed if medical issues arise.

## Formal Warning Structure

### Formal Warnings – How They Work

If formal warnings are needed, they usually follow this order:

1. **First Formal Warning**
2. **Second Formal Warning**
3. **Final Warning**
4. **Attendance Management Hearing** – This is a formal meeting to decide if the employee can continue in their job.

#### **Key Rules About Formal Warnings**

- Each warning normally lasts **12 months** from the date it is given.
- Warnings will be confirmed **in writing**, usually within **10 working days**.
- If absence continues to be a concern, the same level of warning can be **extended for another 12 months**, but this should be in exceptional circumstances only.
- The same level of warning should **not be given more than twice in 12 months**.
- Moving to the next level of warning is **not automatic**. Managers should consider all circumstances, especially if attendance has improved.
- If a formal warning doesn't seem appropriate after an Informal Alert, the manager can **re-issue the Informal Alert** instead. Again, this should be the exception and not the norm.

#### **Other Important Points**

- If an employee has had a formal warning in the past **two years** and their absence again reaches the trigger points, managers can issue a warning at the **same level as before**.
- When giving a **Final Warning**, the employee must be told that **further absences could lead to dismissal**.
- If there is **persistent absence over a long period (more than 12 months)**, managers can look at the total amount of sickness when deciding what action to take.
- Managers should always review **absence records and active warnings** at each meeting and keep these on the employee's file to spot patterns.

#### **Persistent Absence over significant periods of employment**

Management reserve the right to consider an employee's aggregate absence records over periods of more than 12 months and consider overall levels of attendance and previous action under this procedure.

Such instances could for example include employees who receive repeated warnings including a final warning over significant periods of time during their employment, which are punctuated by periods of some improvement and the expiry of warnings, only for further absences to occur. Or, when employees have significant periods of long-term sickness with intermittent periods of improvement.

A comprehensive examination of such persistent attendance issues may result in the consideration of continuing employment at an Attendance Management Hearing on the basis of the employee's inability to give regular and reliable service to the Council.

In all such cases, management will give full consideration to the employee's circumstances, any chronic condition / illness or illness that is deemed to be likely to be a protected characteristic under the Equality Act. The Council will always consider such cases in line with its obligations under the Equality Act and its position as a reasonable employer.

## **Right of Appeal Against Warnings**

Following each issue of a formal warning there will be a right of appeal to a higher level of management. The employee may be represented by a Trade Union Representative or work colleague.

## **Attendance Management Hearing**

An Attendance Management Hearing is convened when an employee's persistent, intermittent or aggregated absence is a cause for concern and the escalation of warnings have failed to result in attendance which is deemed to be acceptable to the Council. Possible decisions taken at the hearing could include:

- a) dismissing the employee because of unacceptable persistent absence;
- b) re-issuing a Final Warning and confirming that their absence remains a cause for concern which could lead to a future decision to dismiss.

Further details of the Attendance Management Hearing can be accessed [via this link](#).

## **Medical Incapacity Hearing**

A Medical Incapacity Hearing is convened when an employee is deemed to be unfit to continue in employment. Possible decisions taken at the hearing could include:

- a) dismissing the employee on the grounds of incapacity through health reasons;
- b) referring to Occupational Health for further information;
- c) deferring the decision to a future date whilst additional information is sought, or a reasonable timeframe to allow the employee to return to work has expired;
- d) a date is agreed in which the employee will return to work.

Further details of the Medical Incapacity Hearing can be accessed [via this link](#).

The provisions of the Equality Act 2010 will be considered when determining any course of action arising from either an Attendance Management or Medical Incapacity Hearing.

## **Appeals Against Dismissal**

Appeals against dismissal will be heard by the Council's Personnel Appeals Committee. Employees have the right to appeal against the decision to dismiss and/or against the medical opinion offered by the Council's Occupational Health Physician.

Where the employee indicates as part of their appeal that they dispute the medical opinion a further independent medical assessment will be arranged as described below, prior to the dismissal appeal being considered by the Council's Personnel Appeals Committee.

## **Independent Medical Assessment**

If the employee disagrees with the medical opinion, then the case will be referred to a further Independent Occupational Health Physician. The Independent Occupational Health Physician will be identified based on the earliest availability and no prior involvement in respect of the

case. Costs of the referral for second assessment will be met by the Council. The employee will be required to give consent to release the Occupational Health file to the Occupational Health Independent Physician.

### **Internal Dispute Resolution Procedure (IDRP)**

Where the employee accepts their dismissal but wishes to dispute a decision regarding the release of their Merseyside Pension Fund (MPF) benefits, they should use the IDRP to appeal. Further information on how to dispute such a decision can be found in the Attendance Management Procedure, accessible via this link.

### **Pay during Sickness Absence**

Employees can receive Statutory Sick Pay (SSP) if they are too ill to work and if they meet the eligibility criteria. It's a payment paid by the Council for up to 28 weeks. For up-to-date information relating to Statutory Sick Pay (SSP) entitlements please visit: <https://www.gov.uk/statutory-sick-pay> or contact People Management.

Occupational sick pay will be paid in accordance with an employee's terms and conditions of employment. Further information is available [via this link](#).

### **Annual leave on return from sickness absence**

Employees returning to work in the current leave year, should be encouraged to take their accrued annual leave entitlement to assist with their rehabilitation back to work. Should they be prevented from taking all of the leave, they may be allowed to carry it forward into the next leave year, subject to the Council's policy on annual leave carry-forward.

Employees returning to work in a new leave year have the right to the annual leave they have accrued during their sickness absence in the previous leave year and can, therefore carry a maximum of their 20 days statutory annual leave forward into the new leave year.

### **Non-Medical Surgery**

This refers to surgery that is the employee's choice, that is neither a medical recommendation nor a medical imperative. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical techniques.

Absences due to this type of surgery/treatment should not be regarded as sickness absence or paid special leave. The treatment, including any preliminary hospital or doctors' appointments, should be in the employee's own time, however managers should be supportive and consider flexible working arrangements or unpaid special leave, if requested.

Should an employee become unfit to attend work due to the treatment resulting in a more serious medical problem which is certified by a GP, the normal sickness procedures/policy will apply.

### **IVF**

IVF is an example of a type of surgery or procedure that is still elective in that it doesn't address an acute or life-threatening condition, that nonetheless may justify special leave. The key

characteristic of this type of procedure is that it would have a substantial impact (not trivial) on improving the quality of life of the employee.

An application for special leave for IVF treatment should be discussed with the line manager to enable the appropriate working arrangements to be made. Again, managers should be supportive and consider flexible working arrangements or time off in accordance with the Leave & Time Off Policy.

Should an employee become unfit to attend work as a result of any of the above treatment, which is certified, the normal sickness procedures / policy will apply.

## **Cancer**

St Helens Borough Council acknowledge that cancer may impact on employees and their work and therefore specific guidance has been developed to help support staff. Further guidance is available in the St Helens Borough Council's Cancer Guidance accessible via the following links:

[Manager Cancer Guidance](#)  
[Employee Cancer Guidance](#)

## **Support for Staff who are terminally ill**

The Council supports the principles of the TUC Dying to Work Charter and will fully support employees diagnosed with a terminal illness, treating them with dignity and respect.

The Council is committed to making any reasonable adjustments where necessary, to assist those employees who would like to remain in work, where possible.

## **Exceptional Cases**

There may be occasions where the nature of the absence is such that strict control measures or absolute adherence to the Attendance Management Procedure is not appropriate, e.g., absence arising out of disability or pregnancy, terminal illness or severe mental health issues. Such cases should be dealt with fairly and sympathetically at all times and welfare and support provided, together with professional medical or other assistance where necessary. Decisions in these cases will be taken by management after seeking advice from People Management.