

DWP briefing

Department for Work & Pensions Group

To: Branch Secretaries, Additional Branch Contact, Regional Secretaries and GEC

Date: 27th March 2017
DWP/BB/031/17



Public and
Commercial
Services Union

Attendance Management: Promoting health, safety & wellbeing - April 2018

A new attendance management approach

A new attendance management approach for DWP will be introduced, following consultation with PCS, from 3rd April 2018. The new arrangements, set out in the new policy, procedures and advice products, intend to deliver a *welfare focused* approach for managing attendance sensitively so that warnings will only be issued *where necessary, rather than being the preferred way, of achieving satisfactory attendance*. This policy applies to all employees of the Department including those on temporary contracts and fixed term appointments. It does not apply to agency workers or contractors. Different attendance management arrangements apply to employees on probation. The policy complies with the Equality Act 2010.

Managing attendance sensitively

From 3rd April 2018, the attendance management policy states: *DWP's approach to health and wellbeing is a "whole person" one. This means we aim to reduce sickness absence by, wherever possible, helping prevent health problems occurring in the first place through our culture, prevention and early intervention. Where a health problem already exists, we will do what we can to reasonably help reduce the impact of that problem.*

Principles and aims which underpin the new policy and procedures include:

- *The employee, not the process, will be the focus of line managers when managing sickness absence. Decisions will be based only on the individual circumstances of each case and by following a fair and consistent process. Decision makers will always stand back from the detail to check that the outcome feels right, proportionate and reasonable for all parties involved.*
- *Warnings will be considered no earlier than at the relevant trigger points and issued in cases where necessary, rather than being the preferred way, of achieving satisfactory attendance. Dismissal or demotion will be considered only as a final option where the level of sickness absence cannot reasonably be supported.*

Focusing on work

The Policy supports job security with a *focus on what employees can do, or might be able to do with help, not on what they can't and encourage open, supportive conversations*. This will include:

- *Acting early to identify any help and support that might be needed to stay in or return to work, possibly on adjusted duties;*
- *Implementing reasonable workplace adjustments as quickly as possible and keeping these under review;*

During continuous sickness absence, the manager will support an employee and work with them to identify any help needed so that the employee can return to work as soon as they are well enough.

Reasonable adjustments

Adjustments that are reasonable must be implemented if the employee is disabled but, in accordance with DWP's work focussed approach, managers should consider reasonable adjustments to overcome all health barriers to good attendance and performance whether the employee is disabled or not. In the case of disabled colleagues, it may be appropriate to increase the employee's trigger point. This is known as the Disabled Employee's Trigger Point All adjustments implemented must be periodically reviewed but not so frequent that it becomes onerous and bureaucratic (Procedure 9)

Health & Attendance Improvement Meeting (H&AIM)

When a trigger point is reached the manager must issue the employee with an invitation to a formal meeting called the *Health & Attendance Improvement Meeting (H&AIM)* giving at least 5 working days written notice, They must be allowed to be accompanied by a work colleague or **trade union representative** of their choice. If the employee or companion cannot attend on the appointed date, the employee has a right for the meeting to be rescheduled providing their alternative date is within 5 working days and is reasonable. (See New Procedure 23 & 24)

The H&AIM must be welfare focused. Its main purpose is for the manager to understand more about the employee's absence(s), including more about their illness, the treatment they are having or had and what might be done to achieve a satisfactory level of attendance:

- (a) There is no pre-determined outcome to the support-focussed H&AIM;
- (b) Most of the time should be spent discussing support, help and health / wellbeing improvement, focusing as much as possible on practical things that might be done;
- (c) Consider whether advice from Occupational Health is required
- (d) Reasonable adjustments and other corrective/supportive measures should be considered and discussed. In relevant cases, it may be appropriate to award or increase a DETP.
- (e) At the end of the meeting the appropriateness of a warning must be considered but this must not be the main point of the discussion.

Deciding a warning

New Procedure 26 -30 for cases where a warning may be appropriate requires that:

*The manager must decide **whether there are reasonable grounds** to issue a formal warning. **Warnings are not automatic or a default outcome but require a positive, case-specific decision by the line manager.** For disabled colleagues an isolated or short/moderate increase in disability related absence wouldn't justify a warning. Warnings are appropriate in cases where there is a risk that poor attendance will continue. If a warning is given, the ideal outcome is that attendance improves and escalation to the next level of formal action is not required.*

A decision to give, or not give, a warning is for the line manager to reasonably make applying the standards set out in the relevant part of the HR Decision Makers guide. If they wish, they may confidentially consult experienced management colleagues and Employee Services on 0845 241 5352 for advice. They may be referred to Civil Service HR Casework if the case is complex. If any advice is accepted it will be incorporated into the decision and owned by the line manager. The line manager must account for and explain their rationale acting upon their own authority in line with the Attendance Management policy and procedures (**Procedure 28**)

In deciding if a warning is appropriate, a line manager will consider what is fair and reasonable in the circumstances and have regards to (under Procedure 28):

- (a) *The level, frequency and nature of the sickness absence;*
- (b) *Information about the treatment the employee is undergoing and the likelihood of improvement – Occupational Health advice might be sought on this;*
- (c) *The employee's long-term attendance record;*
- (d) *The employee's length of service and overall performance and attitude to work;*
- (e) *The steps the employee is taking to improve their own health and wellbeing.*
- (f) *What feels right and fair when standing back from the detail and considering the whole of the case.*

A warning is not required when there is a reasonable expectation of improvement... A manager should also not give a warning if any one of the following circumstances applies; (**Procedure 30**)

- (a) *The absence is pregnancy related;*
- (b) *Reasonable adjustments have been identified but not yet made;*
- (c) *The employee is disabled, the absence is directly related to the disability, and it is reasonable to increase the trigger point;*
- (d) *The absence is directly caused by an operation or treatment which could help to improve attendance or prevent sickness absence;*
- (e) *Reasonable absences due to the after effects of infertility treatment or gender reassignment;*
- (f) *Personal injury due to an assault at work;*
- (g) *Absence due to injury leave, up to a maximum of 6 months;*
- (h) *Absence due to an accident caused by a third party in certain circumstances;*
- (i) *There is medical evidence to show the absence is due to a notifiable communicable disease;*
- (j) *The absences have been agreed as part of working Part Time on Medical Grounds;*

- (k) *It would be perverse, unfair or disproportionate to give a warning taking into account the exceptional nature and/or circumstances of the absence **and** the employee's otherwise satisfactory attendance record.*

PCS guidance for members and representatives

PCS will provide guidance for members but the successful application of new policy and procedure for a *welfare focused* approach for attendance management will need managers and PCS Representatives to work together to effectively implement it in practice.

PCS Briefings will provide guidance for members and representatives but the DWP Attendance Management Policy and Procedure, as published on the DWP intranet, must be used in practice to support representation or discussions for each individual case.

The implementation of new arrangements will mean that certain local or regional or business practices under the previous process should end. This may not be immediately but it would be reasonable for local representatives to ask local management for details of plans to remove any additional practices. These include:

- **Day one contact for sickness absence:** *employees should experience a high-quality, supportive conversation with a manager they know. This must be their normal line manager unless the role has exceptionally and temporarily been assigned to someone else* (Procedure 4) This means that it must not be normal practice for AA/AO/ EO grade employee to report sick leave to a SEO or above, who is not their line manager, for completion of the First Call Checklist
- **A decision to give, or not give, a warning is for the line manager to reasonably make** *applying the standards set out in the relevant part of the HR Decision Makers guide.* (Procedure 28) This means that all practices where a line manager was expected to complete a form for a senior manager, before they were able not to give a warning, must end.
- **It may be appropriate to increase the employee's trigger point.** *This is known as the Disabled Employee's Trigger Point (DETP). (LINK) All adjustments implemented must be periodically reviewed but not so frequent that it becomes onerous and bureaucratic* (Procedure 9). Line managers should decide this, taking advice from OHS and CSHR Casework as necessary. There is no requirement for a more senior manager to decide.
- **Dismissal may be considered if the individual circumstances justify it,** as described in Procedure 58. Line managers must not automatically refer all long-term absence cases for consideration of dismissal after a set number of days.

The normal employee relation process should be used by PCS Representatives to support the cultural changes expected. Cases where there are grounds for serious concern that the appeal decision is *fundamentally flawed* should be reported to Group Office, using the contact details below, for consideration under Attendance Management Procedure 81. Further advice may be also be requested from Group Office when needed.

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