

# Heddlu Dyfed-Powys Police



## **Attendance Management Policy and Procedure for Police Staff (including Sick Pay)**

Version: 1:13  
Human Resources Department  
Dated: February, 2009  
Review Date: February, 2011

## Contents

	Page
1. Policy Statement	3
2. Scope	3
3. Procedural Statement	3 – 4
4. Roles and Responsibilities	4 – 5
5. Absence Recording and Reporting System	5
6. Confidentiality	5
7. Benchmarking	5
8. Notification of Absence	6 – 7
9. Certification	7 – 8
10. Contact During Absence	8
11. Application of the Procedure	9
12. Monitoring Sickness Absence Levels	9
13. Return to Work Interview	9 – 11
14. Occupational Health Referrals	11
15. Return to Work Strategies in the Case of Sickness Absence	11 – 13
• Recuperative Duties	11 – 12
• Restricted Duties	12
• Pay During Recuperative Duties	12
• Reasonable Adjustments	13
• Treatment	13
16. Monitoring Triggers for a Review of Absence	13 – 14
17. Disability Related Leave	14
18. Management Action / Supportive Action	14 – 16
19. Formal Absence Meetings	16 – 20
• The First Meeting	16 – 18
• The Second Formal Absence Meeting	18
• The Third Formal Absence Hearing	18 – 19
• Factors to Consider Before Making a Dismissal Decision	19
• Attendance at Meetings	19 – 20
20. Procedures for Long-Term Sickness Absence	20 – 22
• Medical Retirement with Pension Benefits	22
• Dismissal on the Grounds of Long Term Ill-Health	22
21. Appeals	23
22. Cancellation of Warnings	23
23. Appeals Against Dismissal to the Police Authority	23
24. Monitoring	24
Appendix 'A' – Measuring Disruption – The Bradford Factor	25
Appendix 'B' – Procedure of the Appeals Committee	26
Appendix 'C' – Annual Leave / Compassionate Discretionary Leave / Visits to Doctors, etc.	27 – 28
Appendix 'D' – Policy in Respect of Sick Pay	29 – 32
Appendix 'E' – Equality Impact Assessment	33 – 37

# **Attendance Management Policy and Procedure for Police Staff (including Sick Pay)**

## **1. Policy Statement**

This procedure applies to all police staff (including Police Community Support Officers). The Force wishes to secure genuine equality of opportunity in all aspects of its activities as an employer and will, therefore, seek to ensure the policy and procedure is implemented in a non-discriminatory manner.

## **2. Scope**

2.1 Through application of this procedure the Force aims to:

- Ensure a fair and consistent approach to the management of absence, which applies equally to all staff;
- Maximise attendance and achieve and maintain set target levels of attendance;
- Minimise disruption to operational services, the effect on the quality of the service and the burden placed upon staff required to cover for colleagues' absences;
- Provide support to those staff who are absent from work through ill-health to encourage a planned and structured return to work;
- Provide Occupational Health support to those staff whose pattern of attendance is affected by ill-health.

2.2 This procedure applies to the processes for recording and monitoring absences and in particular as defined below:

- Self Certificated sickness absences, particularly, short term absence which may be intermittent / persistent;
- Periods of medically certificated long term absence i.e. over 28 days.

2.3 Details of the occupational and statutory sick pay arrangements for police staff are contained in the Pay and Conditions of Service document on the Force Intranet.

2.4 This procedure does not cover issues of performance in work which are dealt with either by the Performance Capability Procedure or the Disciplinary Procedure.

## **3. Procedural Statement**

3.1 Dyfed-Powys Police will encourage and support the regular attendance at work of all its staff and institute fair, effective and consistent arrangements for managing absences.

3.2 The Force recognises that staff are its most valuable resource and therefore strives to be a caring employer and will encourage and develop initiatives to promote the health, fitness and well being of its employees.

- 3.3 The responsibility to ensure the health, safety and welfare of its staff is taken seriously. The Force will promote the health, safety and well being of all employees, including use of risk assessments to identify and manage hazards impacting on health in the work place.
- 3.4 This policy will enable the Force to ensure the public receive the level of service to which they are entitled, there is minimum disruption to operational services and a monitoring of the burden placed upon colleagues or fellow officers required to cover for absent colleagues.
- 3.5 In cases where all reasonable steps have been exhausted and the pattern of absence continues to be unacceptable, then formal procedures under this policy will commence, which could result either in ill-health retirement or dismissal.

#### **4. Roles and Responsibilities**

- 4.1 BCU Commanders and Heads of Department, whether police officer or police staff have the overall responsibility for the effective management of sickness absence in her / his service area. Within each service area, Line Managers are responsible for monitoring and controlling absence on a day-to-day basis. Human Resource Managers should be consulted when Line Managers require guidance or when considering formal action under the policy.
- 4.2 **All staff** of Dyfed-Powys Police have a role to play in endeavouring to minimise their own absence. Officers therefore have a responsibility to:
- Attend work unless unfit to do so.
  - Not abuse the sickness absence procedures or sick pay scheme. Any abuse will be dealt with under the Disciplinary Procedures.
  - Bring to the attention of their Line Manager as soon as they are aware of any issue which may affect their attendance at work, e.g. child care problems, family illness, carer responsibilities, or any other reasons. Staff are reminded of the special, discretionary, parental and flexible working and time off for dependants (if applicable) provisions of the Force, and counselling services, which are available to accommodate a range of circumstances which may necessitate absence from work for reasons other than sickness.
  - Report absence as defined within, and in accordance with, this procedure.
  - Submit appropriate documentation for all periods of absence in accordance with this procedure and produce evidence of sickness when required to do so. Failure to do so may result in suspension of payment of sick pay.
  - Keep in regular contact with their designated Line Manager during the duration of their absence and, subject to genuine practical constraints e.g. hospitalisation, advise of all developments relating to their absence.
  - Take reasonable care of their own health and safety and attend work unless prevented from doing so by ill-health, authorised leave, or other authorised time off.
  - Refrain from undertaking activities during sickness absence, whether paid or unpaid, that may knowingly adversely affect a return to work. Medical advice

must be sought if the effect of an activity is unclear / unknown.

- Attend for medical examination or meetings as required where a medical condition is causing concern.
- A copy of the Sickness Absence Reporting Procedure will be given to officers on appointment.

## **5. Absence Recording and Reporting Systems**

### **5.1 Line Managers must ensure that:**

- **all absence information is recorded accurately;**
- **HR Managers are kept up to date with absences;**
- **a record should be kept of visits and contact to monitor all contact with the absent employee by the Line Manager and copied to the HR Manager;**
- **return to work documentation and interviews are completed and returned to the HR Managers within 5 working days of the return to work of the member of staff.**

**Where this is not undertaken, this will be reported upon to the BCU Commander / Head of Department.**

- 5.2 HR Managers should ensure that the data on the HR system is kept up to date and current.
- 5.3 The HR Manager will monitor absence in their BCUs / Departments and apply the Bradford scoring system and other trigger mechanisms. This system should be used to flag up areas of concern for investigation. These will be brought to the attention of BCU Commanders / Heads of Departments and action agreed.
- 5.4 The HR Manager will meet monthly with the Head of HR and / or deputy and Occupational Health to discuss any areas of concern regarding sickness absence.
- 5.5 The quarterly and annual cost of sickness absence will be published within the HR Department's Management Information Pack.

## **6. Confidentiality**

- 6.1 Confidentiality will be maintained by Occupational Health Unit staff in compliance with the Access to Medical Reports Act, 1988. Line Managers and HR Managers should keep sickness data confidential and comply with Data Protection guidance in managing personal records.

## **7. Benchmarking**

- 7.1 Absence reduction must be seen by all employees as an integral part of our best value commitment to our public. It is subject to Benchmarking and achieving targets will result in efficiency savings being made for the benefit of the Service, its employees and the wider community. Targets in relation to sickness have been set and reflect national targets established by Central Government.

## 8. Notification of Absence

- 8.1 In order for services to be maintained, it is essential for Line Managers / Supervisors to know when a member of staff is unable to attend work due to illness. Failure to inform the Line Manager / Supervisor of absence may lead to the absence being considered unauthorised, resulting in loss of pay and possible disciplinary action.
- 8.2 Staff should inform their Line Manager or another Line Manager by telephone as soon as they know they will be unable to report for work due to sickness absence. The member of staff will notify their Line Manager / Supervisor or, in their absence a fellow Supervisor if they are unable to attend for work for any reason. Exceptionally, if the member of staff is unable to telephone themselves, they should arrange for someone to telephone on their behalf. They should then make contact with their Line Manager as soon as possible thereafter. If no contact is made, Line Managers will initiate contact within 24 hours of the absence. Staff **should not** report sick to colleagues.
- 8.3 The member of staff must provide the Line Manager / Supervisor with details of:
- 8.3.1 The reason for the absence.
  - 8.3.2 When they anticipate returning to work.
  - 8.3.3 If it is due to an injury in work or any other injury.
  - 8.3.4 Any outstanding work which is urgent and requires completion or re-arranging.
- 8.4 An on line A316 form will be completed for each absence by persons receiving the notification. The A316 form will be treated as confidential and input into the DMS System by Line Managers. From 8<sup>th</sup> December, 2008 input of sickness absence will be on line via DMS which will inform the HR / Payroll System (i.e. Trent) direct.
- 8.5 Although certified unfit for duty, a member of staff may attend court as a witness, subject to her / his condition and entitlement to sickness payment will not be affected. Any court warning for any member of staff absent due to sickness must be brought to the attention of their Line Manager / Supervisor in order to review attendance in liaison with the Witness Care Unit. If a member of staff cannot attend it will be their responsibility to provide the court with a doctor's note certifying their unfitness to attend.
- 8.6 If the absence is due to an injury sustained in the course of duty the Line Manager / Supervisor who receives details should complete an accident report form (A324) within 48 hours of the injury occurring. Staff can check on line whether a report is submitted in their name. Support and, where agreed, treatment will still be provided via the Occupational Health Unit. "Three day injuries", i.e. injuries which result in the person being unable to report for work for more than three days, including weekends, must be reported to the Health and Safety Executive via the A324.

- 8.7 Where a member of staff is injured off duty, Line Managers should refer the issue to their HR Manager for the advice of the Occupational Health Unit if the injury is likely to have an impact on their ability to work when they return from sickness absence.
- 8.8 If a member of staff is absent from work due to sickness, which either the Supervisor or the officer concerned considers may be work related, the Supervisor should contact the HR Manager who may refer them to the Occupational Health Unit.
- 8.9 If the absence continues the member of staff must telephone their Line Manager / Supervisor on the 4<sup>th</sup> calendar day of absence with the reason for their continued absence and the expected date of return to work. Weekends, rest days, bank holidays, extra statutory days etc. are included in calculating the 4<sup>th</sup> day. Should the 4<sup>th</sup> day of absence fall upon a non-working day the telephone call should be made on the next working day.
- 8.10 Where a member of staff officer is in work and becomes unwell during their working day and feels unable to continue their duties they will notify their Line Manager / Supervisor of the need to leave their place of work, who should record their absence on the A316 form.
- 8.11 Where a member of staff is fit to resume duty, they should inform their Line Manager even when resuming on a leave or rest day. This is important because the days of sickness recorded may have an impact on sick pay and efficiency action taken by the Force.

## **9. Certification**

- 9.1 Every absence has to be certified to ensure prompt and correct payment of occupational and statutory sick pay and to ensure that accurate records are maintained. Misleading or false statements will be dealt with under the Disciplinary Procedure for Police Staff.
- 9.2 If the absence lasts, or is expected to last, more than seven calendar days the member of staff must obtain a medical certificate, signed by their doctor, by no later than the 8<sup>th</sup> day of absence. The member of staff will contact the Line Manager / Supervisor to inform them of the reason for continued absence and the likely duration as indicated on the medical certificate. The certificate should then be sent to the Line Manager / Supervisor within 24 hours of receipt. If there is any problem in obtaining an appointment with a doctor, the Line Manager should be made aware as soon as possible. Failure to do so will result in the withdrawal of sick pay.
- 9.3 Should the sickness continue, the member of staff must submit to the Line Manager / Supervisor concurrent medical certificates to cover the whole period of absence. Failure to do so will result in the withdrawal of sick pay.
- 9.4 The Line Manager / Supervisor must ensure that appropriate and timely certificates are received from the member of staff. However it is the individual member of staff's responsibility to obtain the certificate from their doctor.

- 9.5 If contact is not made by the member of staff as required during the absence and their absence is unexplained, the manager will take all reasonable steps to contact them e.g. telephone call, home visit. Failure to comply with absence procedures may result in a suspension of payment of occupational sick pay.
- 9.6 In some circumstances a member of staff may feel well enough to return to work prior to the expiry of the medical certificate. In such circumstances, advice should be taken from the Occupational Health Unit.

## 10. **Contact during Absence**

- 10.1 First Line Supervisors, Section Heads and Section Inspectors will also be responsible for monitoring their member of staff's absence and will liaise regularly with the relevant HR Manager.
- 10.2 When someone is away from work due to sickness it is important that weekly contact is maintained between the manager and member of staff. Keeping in touch with employees who are sick lets them know they are missed, ensures the provision of any support which they need and eases their return to work. This may be either via telephone or visit, whichever is appropriate. The Line Managers / Supervisors approach should be supportive. A home visit should be undertaken by the Line Manager or another supervisory officer known to the member of staff by the 21<sup>st</sup> day of absence at the latest.
- 10.3 There may be occasions where an individual does not wish contact with the Force directly. The member of staff **must**, however, agree an appropriate person to act as a liaison with the Force during their absence, e.g. relative or work colleague.
- 10.4 After 7 days of absence, a Liaison Officer will be appointed for the individual, this generally being their Line Manager. This person will submit a report on progress to the Line Manager or Second Line Manager as appropriate. If applicable this report should include an agreed Action Plan to assist recovery and a return to work. The Action Plan will also identify any need for medical or welfare support, which will be actioned by the HR Manager. Each case should be considered on its merits. In all cases referrals to Occupational Health, should be made at the latest after 28 calendar days' absence. HR Managers will discuss all cases, with the Occupational Health Unit and take appropriate action with Line Managers.
- 10.5 The Liaison Officer will contact the individual thereafter every week and at the end of the 3<sup>rd</sup> week of absence will submit an update report to the Line Manager or Senior Line Manager as appropriate, on the progression of the Action Plan in respect of the continued absence.
- 10.6 This period can be less if any matter needs to be brought to the notice of the Senior Line Manager. Similar update reports are to be submitted thereafter, by the Liaison Officer to the Line Manager or Senior Line Manager every 4 weeks in respect of the individual.
- 10.7 A confidential record of all reports and actions appertaining to that absence period will be maintained. These records must be stored in a secure area to maintain confidentiality. The HR Managers will prepare a weekly report for the Head of Department / BCU Commander providing details of those on sick leave, sickness triggers, Bradford score, dates of visits and numbers of times on sick leave, etc.

10.8 The HR Manager will subsequently discuss any issues with Line Managers.

## **11. Application of the Procedure**

11.1 It is accepted that there may be circumstances where the nature of the illness may make it preferable for the return to work interview or welfare visit to be conducted by a person of the same gender as the officer in place of the line manager. The Line Manager should consider this where appropriate.

11.1.1 If the absent member of staff wishes to be seen at work rather than visited at home such a request should be accommodated where possible.

11.1.2 The Force reserves the right to arrange a medical examination of an officer at any time where there is concern about their mental or physical health or sickness record, irrespective of whether they are absent from work or not.

11.1.3 Decisions will be taken on the basis of available evidence in cases where employees refuse to co-operate in the obtaining of medical evidence or to undergo medical examination.

11.1.4 Any period of sickness absence not covered by a self or medical certificate will not be paid and will be considered to be unauthorised unpaid leave.

## **12. Monitoring Sickness Absence Levels**

12.1 Each BCU Commander / Head of Department will ensure that absence forms are completed and sent to their HR Manager in line with paragraph 5.1.

12.2 The Human Resources Department will provide sickness statistics to all BCUs and Departments.

12.3 Each BCU Commander / Head of Department will consider this information at their senior management team meetings on at least a monthly basis.

12.4 Each manager must monitor sickness absence levels within their team and consult with their HR Manager when trigger points are reached and / or where there are concerns about an officer's absence levels.

## **13. Return to Work Interviews**

13.1 Following every period of absence, whether self or medically certified, a return to work interview will be carried out by the Line Manager / Supervisor on a one to one basis.

13.2 The interview should, wherever possible, take place on the day the officer returns to work. It is important that the part of A316 form indicating return to work (i.e. resumption) is completed without delay and forwarded to HR to ensure that absence records and pay adjustments can be updated.

- 13.3 The Line Manager / Supervisor should consider length of service, reason for absence, sickness record to date and the period of current sickness before deciding on the most appropriate context in which to approach the discussion. Sickness absence can be a sensitive area and no two cases are exactly alike. Previous good records should also be a consideration.
- 13.4 The return to work interview will provide the opportunity to discuss the nature of the absence and any patterns of absence, which may be occurring and to make sure the member of staff is fit to return to work and to consider any reasonable support to assist. The attention of staff should be drawn to the Force's Flexible Working Policies, time off for dependants and other provisions as appropriate.
- 13.5 In the case of the member of staff returning from long-term absence (i.e. 28 days) a return to work strategy should be agreed as appropriate with support from the Occupational Health Unit in consultation with the HR Manager.
- 13.6 Where an absence may be related to a recognised disability or be pregnancy related this should be discussed, and an appropriate way forward will be agreed to accommodate the recognised disability or pregnancy as far as is reasonably practicable. Where an absence is disability or pregnancy related, this should be recorded on the A316 and on the return to work interview form.
- 13.7 The Line Manager will ensure that all periods of absence are covered by the appropriate absence certificate in accordance with this policy.
- 13.8 The salient points of the interview will be recorded on the Return to Work Interview Form. This form will become a part of the member of staff's sickness record retained in a sickness file.
- 13.9 These should cover:
- Is the employee fit enough to be in work and fully recovered from illness and / or injury, and able to undertake the full range of duties;
  - To consider, if the employee is disabled, any reasonable adjustments to facilitate attendance;
  - The reason for absence and any possibility of re-occurrence;
  - To remind all employees of the need for good attendance in order to maintain service provision and of the financial effect that sickness has on the Force;
  - To certify the self-certification form in the light of the information given;
  - To consider factors such as stress, hazards, bullying / harassment, employee shortages, job design and size, etc.
- 13.10 Reports will be produced by HR Managers for BCU Commanders / Heads of Department outlining:
- Whether first line managers are contacting staff within 24 hours of the individual reporting sick and maintaining and recording contact thereafter;

- Whether first line managers are carrying out and recording home visits by the 21<sup>st</sup> day of absence;
- Whether line managers are carrying out and recording return to work interviews;
- Whether individuals are notifying line managers on the first day of sickness;
- Whether individuals are notifying a line manager on the first day of fitness to resume duty / work.

#### **14. Occupational Health Referrals**

- 14.1 Referral for medical assessment can be made by the appropriate Line Manager or Human Resources Manager in consultation with the Line Manager. The Line Manager or Human Resources Manager must inform the member of staff that they are referring them, the reason for doing so and send them a copy of the referral. There are a number of limited occasions when staff may self refer to the unit:
- Self referral for individuals under the substance misuse policy (currently in draft);
  - Self referral for Welfare Support;
  - For officers of senior rank, e.g. Superintendent and above.
- 14.2 The Force's Occupational Health Unit may be consulted at any stage in the procedure wherever there is a concern about the health of a member of staff but should be consulted before action is taken.
- 14.3 The purpose of referral is to obtain a medical assessment of the member of staff's health in the context of his / her employment, which will aid the Force in supporting the officer and making appropriate decisions regarding their employment. Referral is not a sanction or form of quasi-disciplinary action and must not be used or presented in this way.
- 14.4 An appointment for medical assessment will be made directly with the member of staff by the Occupational Health Unit at the earliest opportunity. The appropriate Human Resources Manager will be informed of any appointments made, who will inform the Line Manager / Supervisor accordingly.
- 14.5 The member of staff has statutory rights under the Access to Medical Reports Act, 1988. Their consent is required for the Force to apply to a doctor, who has responsibility for their care, for a statement giving information about their current health situation. The Occupational Health Unit will seek consent before making any such requests for information. If the member of staff refuses to give their consent they will be advised that any subsequent decision taken will be based on the facts that are available.

#### **15. Return to Work Strategies**

##### **15.1 Recuperative Duties**

Recuperative duties are defined as temporary rehabilitative duties or working conditions approved to assist the member of staff's ultimate return to full duty

following illness or injury by permitting return to or continued work in a less demanding or adjusted capacity. Further details of recuperative duties are covered in the Recuperative Duties Policy.

15.2 The Force will support individuals in their attempts to return to work as soon as they are able to resume working.

15.3 Any individuals incapacitated through sickness or injury may be authorised to return to work on recuperative duties provided:

- The individual indicates their desire to return to work.
- The Force Medical Adviser certifies that the individual is likely to make a full recovery and that the likelihood is that the recuperative duties will be required for a limited time, i.e. less than 6 months. This period may be reviewed and amended by the Force Medical Adviser in consultation with the Head of HR.
- The Occupational Health Adviser should be kept advised that the individual is on recuperative duties and the details of the Return to Work Strategy.

15.4 There will be monthly reviews of the Return to Work Strategy by the Line Manager and member of staff to ensure that there are no issues are left unresolved hindering a return to full duties.

15.5 Consultation will take place between Line Managers, HR Managers, the Force Medical Adviser / Occupational Health Adviser and the individual regarding the duties which can be undertaken. These will be reviewed on a monthly basis.

15.6 **Restricted Duties**

15.6.1 Restricted duties are defined as duties or conditions approved for other than recuperative purposes and can be for fixed periods for employees unable to perform one or more aspects of full operational duties for a specific reason, e.g. pregnancy / disability. Where possible, reasonable adjustments will be made to enable the member of staff to remain in their current post. Further guidance can be obtained via the Redeployment Procedure for Police Staff.

15.7 **Pay During Recuperative Duties**

15.7.1 Officers returning on recuperative duties are fit for work. On some occasions Occupational Health will recommend a staged return to work, ie reduced hours per day or days per week. Full pay will be paid during this period for the first three months and reviewed in conjunction with Occupational Health. Extensions to paid periods will be decided upon by the Chief Constable on a monthly basis taking into account the individuals illness and their progress in returning to full hours. The process will be the same as for sick pay panel. If the Chief Constable considers that the officer ought to have returned to full hours the officer will be asked to consider:

- a. Whether they wish to request part time working;

- b. Whether they wish to take annual leave to cover the hours they are not in work and then consider part time working.

If the Officer does not wish to choose either of these options the OCD/Head of department will inform them in writing that from a date no less than ten working days after the Chief Constables decision that they are required to work their full hours on whatever basis the OCD/HOD see fit including any reasonable adjustment for disability. If they do not attend work for the whole of their working hours the OCD/Head of Department may then ask the Appropriate Authority whether there is a case for misconduct ie that the officer member of staff has contravened the provision in the Police Officer/Police Staff Code of Conduct which requires them to be fit for duty.

- 15.7.2 No member of staff will normally be allowed to continue on recuperative duties for more than 6 months.

## 15.8 **Reasonable Adjustments**

- 15.8.1 A central budget will be held by HR to enable the purchase of any equipment needed for reasonable adjustment. Where reasonable adjustments are being considered, suitable independent specialist advice should be taken via the Occupational Health Unit to ensure everything reasonably practicable is done to assist the officer / member of staff concerned.

## 15.9 **Treatment**

- 15.9.1 In some instances the Force will fund private treatment to aid recovery. It is not a substitute for the NHS. The Police Authority has made available a limited budget within the Occupational Health Unit to fund private treatment. Where there is a clear cost benefit to the organisation, and availability of resources funding is available and the NHS waiting times are unreasonable consideration may be given to access private treatment. This is at the discretion of ACPO. Any treatment will be classified as a benefit in kind and as such is potentially taxable.

## 16. **Monitoring Triggers for a Review of Absence**

- 16.1 It is important for a Manager to monitor absences in their area of responsibility. This will facilitate the early identification of problems or trends. They should ensure that every effort is made to address any areas of concern which are flagged up.
- 16.2 The procedure will be triggered by one, or a combination, of the following with effect from 1<sup>st</sup> January, 2010.
- Bradford Score of 200+;
  - 3 or more instances of absence in 12 months;
  - 4 weeks' consecutive absence.
- 16.3 When a Bradford Score of 200+ or any of the above trigger points are reached, this will generate action under this procedure. If BCU Commanders / Heads of Department in consultation with their BCU Commanders / Heads of Department feel

that there are extenuating circumstances why this should not take place, then the rationale for this decision should be documented and retained on file.

**Note:** Each case must be viewed on its particular circumstances.

- Pregnancy related illness must be discounted. Where practicable, relevant advice should be taken from HR Managers on discounting any absence, which is likely to affect women only.
- In the case of a recognised disability.
- The definition of "disability" is a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. "Long term" is defined as lasting for over 12 months, likely to last for over 12 months, or likely to last for the rest of the affected person's life or likely to re-occur if in remission.
- Disability absence can be discounted except where all reasonable adjustments have been made but the employee continues to be unable to maintain a regular pattern of attendance, which is impacting on the department. In this case, advice should be sought from the Occupational Health Unit regarding alternative work, ill-health retirement.

## **17. Disability Related Leave**

- 17.1 Time off during working hours for disability related treatment e.g. rehabilitation, or assessment, will be with pay, and will not be recorded or monitored as sickness absence. Officers however should where possible, accommodate such appointments outside working hours.

## **18. Management Action / Supportive Action**

- 18.1 Managers are expected to deal with unsatisfactory attendance issues in the light of their knowledge of the individual and the circumstances giving rise to these concerns.
- 18.2 There are, however, some generally well understood principles which should apply in such circumstances:
- a) the line manager must discuss any shortcoming (s) or concern (s) with the individual at the earliest possible opportunity;
  - b) the reason for dissatisfaction must be made clear to the individual as soon as possible and there must be a factual basis for discussing the issues i.e. the discussion must relate to specific absences;
  - c) line managers should seek to establish whether there are any underlying reasons for the unsatisfactory attendance;
  - d) consideration should be given as to whether there is any health or welfare issue that is or may be affecting attendance. If a member of staff has or may have a disability within the scope of the Disability Discrimination Act this needs to be taken into account;

- e) the line manager must make it clear to the member of staff that he or she is available to give further advice and guidance if needed;
  - f) depending on the circumstances, it may be appropriate to indicate to the member of staff that if there is no, or insufficient, improvement, then the matter will be dealt with under the Formal Absence Procedures;
  - g) line managers are expected to gather relevant evidence and keep a contemporaneous note of interactions with the member of staff;
  - h) challenging unsatisfactory attendance in an appropriate manner does not constitute bullying. In considering whether action constitutes bullying, forces should have regard to their local policy on bullying.
- 18.3 The principles outlined above cover the position when a line manager first becomes aware of some unsatisfactory aspect(s) of the member of staff's attendance and is dealing with the issue as an integral part of normal line management responsibilities.
- 18.4 Management action taken as a result of identifying unsatisfactory attendance should be put on record (which may be the member of staff's PDR). In particular, the line manager should record the nature of the attendance issue; the advice given and steps taken to address the problems identified. Placing matters on record is important to ensure continuity in circumstances where one or more members of the management chain may move on to other duties or the member of staff concerned moves to new duties. It is also important to put on record when improvement has been made in his or her attendance.
- 18.5 Ideally, as a result of management action, attendance will improve and continue to an acceptable level.
- 18.6 Where there is no improvement, insufficient improvement, or the improvement is not sustained over a reasonable period of time (preferably agreed between the line manager and the member of staff), it will then be appropriate to use the Formal Absence Procedures.
- 18.7 The period of time agreed or determined by the line manager for the member of staff concerned to improve his or her attendance prior to using the Attendance Management Procedures must be sufficient to provide a reasonable opportunity for the desired improvement or attendance to take place and must be time limited.
- 18.8 Throughout these procedures, the period of time in which an improvement in attendance is expected may be extended if, due to some unforeseen circumstance the member of staff is unable to demonstrate whether or not the required improvement has been achieved.
- 18.9 Even taking into account trigger points as per the Bradford Score; there is no single formula for determining the point at which concern about a member of staff's attendance should lead to formal procedures under these Procedures being invoked. Each case must be considered on its merits. However the following points need to be emphasised:
- the intention of attendance management including formal action under this procedure to improve attendance;

- whether the member of staff will be fit to carry out his / her duties on his or her return to work;
- the duties that the member of staff may be fit to undertake;
- whether the member of staff is a disabled person within the meaning of the Disability Discrimination Act;
- whether there are any adjustments or adaptations to the work, equipment or workplace that might assist in improving attendance;
- the likelihood of the illness recurring or of some other illness emerging;
- any concerns raised by the member of staff about their health and / or working environment;
- whether the member of staff may be permanently disabled.

## 19. **Formal Absence Meetings**

- 19.1 The Force reserves the right to commence the procedures at whatever stage it considers to be appropriate in the circumstances and there is no requirement to follow each of the steps outlined below in turn. The Force may also use the Disciplinary Procedure or Capability Procedures for Police Staff where appropriate. Guidance on attendance at absence meetings is included at paragraph 19.20. In certain circumstances, the Force may hold a meeting in the absence of the member of staff, and their representative, should the member of staff fail to attend.
- 19.2 With regard to Trade Union Representatives, the formal stage of the procedure will not be invoked until the circumstances of the case have been discussed with the appropriate Regional Officer by the Human Resources Manager.

### **The First Meeting**

- 19.3 If attendance has not improved to an acceptable standard the **Line Manager** will consult the appropriate HR Manager as to whether to hold a formal absence meeting. At this stage a report should be requested from the Occupational Health Unit requesting information on the employee's health.
- 19.4 The instruction for the member of staff to attend a sickness absence meeting must be given in writing by the Line Manager, providing a minimum of five working days' notice. The letter should advise the member of staff on the details of the matter to be discussed, their right to be accompanied by a trade union representative or work colleague, and whether they need any special arrangements to enable attendance at the meeting (i.e. reasonable adjustments).
- 19.5 The Line Manager, will conduct the meeting as outlined below. It must be recognised that genuine sickness absence is not something within the employee's control and there should be no implication that the employee has done something wrong. The emphasis of the meeting is to ensure that all reasonable efforts are being made by all parties to ensure the best attendance possible. Consideration will be given to any contractual adjustments, e.g. part time working, other adjustments and medical / occupational health reports and the effectiveness of any support mechanisms that have been implemented. Any adjustments will be evaluated.

19.6 The meeting will consider:

- The reasons for non attendance and any additional support mechanisms, e.g. permanent or temporary change in hours;
- What supportive action has been provided to date;
- The occupational health advice – if this has been requested and implemented and to progress if this has not been;
- The extent to which the staff member has co-operated with any supportive management action;
- To develop and agree an action plan with set timescales (the minimum review period for this process should be one month and the maximum 3 months);
- To ensure the staff member is aware of the later stages of the management of absence policy concerning poor attendance and the possibility of dismissal.
- The Line Manager should reiterate the standards of attendance expected of all staff, discuss fully the staff member's absence record and reasons for absence and assess whether there is an underlying problem, which needs to be addressed. The Line Manager should also ascertain whether any reasonable adjustments are necessary or have been introduced to improve attendance.
- Written notes of the meeting will be prepared and circulated to the staff member concerned and their representative (if applicable). Notes will be forwarded to the HR Manager for retention.

19.7 After hearing the reasons given for the absence and consideration of the circumstances, the Line Manager may determine that:

- No further action is necessary other than to continue to monitor attendance;
- It is necessary to inform the staff member that their absence is a cause for concern and issue a first warning to improve attendance, i.e. written improvement notice (WIN). It should be confirmed that their target is to maximise attendance. They should be advised of the consequences of failure to improve attendance, i.e. the potential of dismissal;
- The member of staff should be clearly advised about what is expected of her / his future attendance at work;
- An action plan may be agreed between the Line Manager and the member of staff;
- A review date should be set of not more than three months for an improvement in attendance.

- 19.8 The Line Manager will confirm, in writing, the outcome of the absence interview at this and any subsequent stage, where appropriate detailing any agreed action and period of review, which should be no more than 3 months' maximum. The letter should also contain the employee's appeal rights (see paragraph 22). A copy will be retained on the employee's record for 12 months, and may be referred to should there be a further need to consider the employee's absence.
- 19.9 Where a member of staff refuses to co-operate in providing medical evidence, or to be examined by the Force Medical Adviser, where a medical condition is causing concern, they should be notified in writing that a decision about continued employment will be taken on the basis of the information available at the time of the hearing and that one of the outcomes which could result is dismissal.

### **The Second Formal Absence Meeting**

- 19.10 If attendance has not improved to an acceptable standard over the review period and / or a further trigger point has been reached or improvement has not been sustained since the warning was issued, a Senior Manager, i.e. senior to the Line Manager, will consult the appropriate HR Manager as to whether to hold a second formal absence meeting. If not available an up to date report should be requested from the Occupational Health Unit requesting information on the employee's health.
- 19.11 The second formal stage meeting will follow the format as described in paragraphs 19.4 – 19.9. The staff member will be given a further opportunity to explain the reasons for absence and additional support mechanisms may be considered if appropriate.
- 19.12 If the Senior Line Manager is of the view that the continuing level of absence is unacceptable for the BCU / Department to bear, then a second formal written warning, i.e. improvement notice, will be issued and the member of staff will be advised that unless an immediate improvement in attendance is achieved and sustained any further sickness absence during the review period could result in dismissal. Again, a review period of a maximum of 3 months should be given.

### **The Third Formal Absence Hearing**

- 19.13 Stage three is the final hearing. If any suggested options are unacceptable to the staff member and they have not demonstrated improved and sustained attendance since the second warning was issued to a satisfactory level during the third review period, it will be for the BCU Commander / Departmental Head and appropriate HR Manager, to decide whether to call a further formal hearing. The process will be as described in 19.4 – 19.9 above.
- 19.14 The meeting will be presided over by a Chief Officer together with a police officer of at least Superintendent rank or a member of police staff of equivalent rank.
- 19.15 The letter inviting the member of staff to the meeting should make it clear that one of the outcomes could be dismissal.
- 19.16 A representative of the Force Human Resources Department will attend in an advisory capacity to provide professional advice on attendance management policies and procedures.

- 19.17 The purpose of the meeting is to determine whether, in the context of earlier supportive action having been taken, pattern of attendance has, during the relevant period been satisfactory or not, and if it has not what action to take including whether dismissal is appropriate.

**Factors to Consider Before Making a Dismissal Decision**

- 19.18 When considering whether or not to dismiss an employee, the Chief Officer will consider:

- 19.18.1 The impact of continued absence on other employees and on operational effectiveness and the quality of service;
- 19.18.2 The employee's past record and likely future service;
- 19.18.3 In the case of illness, the nature of the illness and its impact on the person's ability to do the job whether all reasonable action has been considered under legislation;
- 19.18.4 Up to date medical advice from the Occupational Health Unit;
- 19.18.5 Any other mitigating circumstances;
- 19.18.6 Unless there are extenuating circumstances and if in the judgement of the Chief Officer, the employee is incapable of fulfilling the contract of employment by attending work on a regular basis, the employee should be dismissed with immediate effect with pay in lieu of notice given in accordance with contractual provisions. This is to be confirmed in writing by the HR department with the reason for the dismissal being that the employee is incapable of attending work on a regular basis.
- 19.18.7 The sanctions available are:
- No further action;
  - Extension of final warning (once only);
  - Redeployment;
  - Dismissal.

- 19.19 The member of police staff should be informed in writing of their appeal rights.

19.20 **Attendance at Meetings**

- 19.20.1 During all stages of the formal procedure the member of staff will have the right to be accompanied by a trade union representative or a work colleague.

- 19.20.2 The Force will try to agree a mutually convenient date and location for the member of staff and their representative / work colleague to attend formal interviews and appeal hearings. Where the chosen representative cannot attend on the date proposed an alternative date may be agreed so long as it is reasonable and falls within 5 working days of the original proposed date unless exceptional circumstances apply. Should the member of staff be unable to attend the postponed hearing, for any reason, their representative / work colleague will be asked to present their case in their absence, i.e. absence due to the sickness of the member of staff will not preclude decision-making. Where necessary, account should be taken of any reasonable adjustment necessary for an individual to attend an interview / hearing.
- 19.20.3 Subsequent to the above, non-attendance of either the individual concerned or their representative, will not invalidate the proceedings and hearings may proceed if considered appropriate. Action taken in the absence of the member of staff or her/his representative could include dismissal.

## **20. Procedures for Long-Term Sickness Absence**

- 20.1 Absences over 28 calendar days' duration are considered long-term.
- 20.2 The Line Manager / Supervisor should arrange to meet with the member of staff on a regular basis, usually at their work place or home. The purpose of the meeting will be to keep the member of staff up to date with progress, identify areas for support and determine whether any other actions should be taken, e.g. counselling, rehabilitation, etc.
- 20.3 Long-term absence through sickness, or the inability to attend work regularly and consistently because of chronic ill-health, are among the most difficult problems for managers. There is a conflict between the need to replace the employee in order to get the job done and the desire to help the sick person's recovery by maintaining job security. Some of the issues to be considered in such cases are:
- The impact the absence is having on services.
  - The advice of the Occupational Health Unit.
  - Could the employee return if some assistance was provided or reasonable adjustment made? Could some re-organisation or re-design of the job speed up a return to work?
  - Is alternative, lighter or less stressful work available, with retraining if necessary?
  - Could rearrangement of duties within the work group produce a more suitable job?
  - The employee should be consulted with and contacted regularly to establish the true medical position. The manager should discuss the problems the person is facing and try to establish the likely length of time they will be absent, without putting pressure on the person. It is important to be supportive and to take full account of the employee's opinions regarding sickness absence, likely date of return and what type of work the person may be capable of performing.

- If appropriate, consider the possibility of offering the employee alternative work. If this is an option, ensure it is discussed directly with the employee concerned at the earliest opportunity.
  - The Force should consider each case on its own merits, but also act consistently. Pregnancy related illness should be discounted since to include it would constitute sex discrimination.
- 20.4 After long absence, there is often a fear of returning to work. Advice on return to work strategies should be sought from the HR Manager and the Occupational Health Unit. An understanding approach by management, coupled with a structured return to work perhaps on a part-time basis, will build up confidence and a return to normal performance.
- 20.5 Where it is evident that an absence is to continue for more than 28 calendar days, the member of staff will automatically be referred to the Occupational Health Adviser. The purpose of gaining OH advice will be to provide an indication of the likely duration of the member of staff's absence and determine whether any steps can be taken to help her / him to return to work. Where a case has been referred to the OH Unit, the HR representative within the Unit will manage the case and liaise with the Line Manager with regard to progress, as appropriate.
- 20.6 The Occupational Health Unit will request the member of staff's consent to access their medical records, so as to ensure all relevant medical information is available to the Medical Adviser. The member of staff will be made aware of their rights under the Medical Records Act.
- 20.7 The Medical Adviser may take one or more of the following actions as appropriate:
- Continue to review the case in the light of the available medical information;
  - Refer for counselling;
  - Consider reasonable adjustments to the workplace;
  - Consider Health Capability Dismissal;
  - In the view of the employee's general practitioner, or the Occupational Health Unit, when will a return to work be possible?
  - Will there be a full recovery or will a return to the same work be inadvisable?
- 20.8 Where the member of staff disagrees with the Medical Adviser's recommendation, the HR representative will arrange an appointment with an Independent Medical Adviser.
- 20.9 There are two options:

**(a) Medical Retirement with Pension Benefits**

A meeting with the employee and the HR Manager or Line Manager will take place to ensure that they are aware of the processes and their legal entitlements. Often, if the employee is a member of the pension scheme, they will request a medical retirement and give their consent to the process. While the payment of pension is made, the decision to end employment is the Force's dismissal on capability grounds, i.e. permanent ill-health.

Where the doctor appointed by the pension fund finds that the member of staff is permanently unfit for their employment and is not suitable for any redeployment and an ill-health certificate has been completed, then an ill-health retirement will be approved. The reason for dismissal is that the member of staff is incapable of attending work for health reasons and has been declared permanently unfit for employment. The ill-health provisions of the pension regulations will be payable in such circumstances if the member of staff is in the pension scheme.

Where a member of staff's employment is terminated due to ill-health, the contractual leave entitlement will be used to calculate any outstanding leave entitlement for the current leave year only. Full contractual notice should be given.

Where there is medical evidence that a member of staff is no longer fit to fulfil the requirements of the job, the Force reserves the right to terminate the employment before the expiry of contractual sick pay, in accordance with its procedure for dealing with ill-health.

**(b) Dismissal on the Grounds of Long Term Ill-Health**

Where it is evident that the member of staff has a long term ill-health issue where it is not possible to improve attendance by any means or they cannot be ill-health retired with pension, the Force may consider going directly to Stage 3 of this procedure. If the employee is not able to attend a meeting to consider dismissal, they may nominate a trade union representative, colleague, friend or relative to represent them. No Stage 3 meeting should go ahead without a Force representative having fully discussed and documented all of the options available with the member of staff and / or their representative. This action will need to be reasonable in all the circumstances, i.e.

- No other course of action is available;
- There is no reasonable prospect of the health of the individual improving;
- There is no reasonable adjustment which can be made to improve attendance, including any of the flexible work options outlined above;
- In the event of dismissal, full contractual notice must be given and the right of appeal to the Police Authority.

## 21. Appeals

### 21.1 Absence Warning

Staff will have the right of appeal to the Line Manager above the Manager who gave the warning or their nominated representative against the issue of a formal warning. The request for appeal must be made in writing, stating the grounds for appeal, within 5 working days of receipt of the written confirmation of the Formal Warning sanctions cannot be increased on appeal. This type of appeal applies to all formal action taken under the policy. The grounds of appeal are:

- That the finding of unsatisfactory attendance is unreasonable;
- That the terms of the improvement notice are unreasonable;
- There is critical new evidence / information that would not reasonably have been available at the meeting;
- There has been a serious breach of procedures or fairness that has materially affected the findings or terms of the improvement notice;
- That the member of police staff should not have attended the meeting as it did not concern unsatisfactory attendance similar or connected to stage one.

## 22. Cancellation of Warnings

22.1 When deciding what forms of penalty shall be imposed, any previous warnings may be taken into account.

22.2 Any previous action shall, however, be disregarded for future purposes after the following periods of satisfactory attendance at work, namely:

- Formal written warning – 12 months
- Final written warning – 12 months

## 23. Appeals Against Third Formal Absence Hearing to the Police Authority

### **Appeal against third formal absence hearing (or when an absence panel is chaired by the Chief Constable)**

23.1 The employee's right of appeal hereunder, should be exercised within 15 working days of receipt of the letter informing them of their right of appeal.

23.2 The employee's appeal should be in writing addressed to the Head of Human Resources and state the grounds of the appeal.

23.3 An appeals hearing of the Police Authority Appeals Committee will be convened to hear the appeal. The Appellant is entitled to be accompanied by a trade union representative, work colleague, or, in the case of an appeal against dismissal, by a lawyer. The Appeals Committee will be entitled to take whatever legal advice it considers necessary and to arrange for either a legal adviser or the Chief Executive of the Police Authority to attend the Appeals Hearing to advise.

23.4 Details of the procedure of an appeal hearing are outlined in **Appendix 'B'**.

23.5 In the case of an appeal against dismissal, salary shall not be paid from the date of dismissal. If the appeal against dismissal is allowed and it is decided to reinstate the employee concerned, pay will be paid for the period between the termination of employment and the reinstatement or re-engagement. Continuous service will be re-established for the whole of the period of the break.

**24. Monitoring**

Monitoring of all action under this Policy will take place to ensure the fair and consistent application of this Policy. Anonymised monitoring information will be presented on at least an annual basis to the Police Authority and Equality of Service Delivery Management Group.

## **Measuring Disruption – The Bradford Factor**

The cost and disruption of persistent, short spells of absence is often greater than for occasional, longer periods of absence. To measure this problem, the Force uses a method often referred to as the Bradford Factor.

This 'Bradford' formula measures an employee's irregularity of attendance. It is calculated by multiplying:

$S \times S \times D = \text{'Bradford' points score}$

Where S is the number of spells of absence in the last 52 weeks and D is the number of total days' absence in the last 52 weeks.

So for employees with 14 duty days' absence in one year, differently distributed, the score can vary enormously:

One absence of 14 days is 14 points (i.e.  $1 \times 1 \times 14$ )

Seven absences of two days each is 686 points (i.e.  $7 \times 7 \times 14$ )

14 absences of one day each is 2,744 points (i.e.  $14 \times 14 \times 14$ )

For staff who have not been in the Force for a year take their average absence levels over the period they have been employed and calculate a projected Bradford Factor, i.e. a member of staff has 3 months' service and has had three separate days off would score – 1,728 (i.e.  $12 \times 12 \times 12$ )

## **Procedure of the Appeals Committee**

The following procedure will be used for appeals. Given that the appeal will deal with an individual's ill-health, the process will be as informal as possible, but allow each party to make its case as clearly as possible.

- (i) The Chief Constable's representative shall put the case in the presence of the Appellant and his / her representative and may call witnesses.
- (ii) The Appellant (or his / her representative) shall have the opportunity to ask questions of the Chief Constable's representative on the evidence given by him and any witnesses whom he may call.
- (iii) The members of the Appeals Committee shall have the opportunity to ask questions of the Chief Constable's representative and witnesses.
- (iv) The Appellant (or his representative) shall put his / her case in the presence of the Chief Constable's representative and shall call such witnesses as he / she wishes.
- (v) The Chief Constable's representative shall have the opportunity to ask questions of the Appellant and his witnesses.
- (vi) The Appeals Committee shall have the opportunity to ask questions of the Appellant and his witnesses.
- (vii) The Chief Constable's representative and thereafter the Appellant (or his / her representative) shall have the opportunity to sum up their cases if they so wish.
- (viii) The Chief Constable's representative and the Appellant and his / her representative and witnesses shall withdraw.
- (ix) The Committee, with the Chief Executive, if present, or adviser in attendance, shall deliberate in private, only recalling the Chief Constable's representative and the Appellant to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return.
- (x) The Committee shall give the decision to the Chief Constable's representative and the Appellant in writing within 15 working days of the meeting.
- (xi) All proceedings held under this procedure (save the members' deliberations) with the consent of all parties, will be taped and a copy made available to the individual concerned, on request.
- (xii) The appeal hearing may be adjourned from time to time.
- (xiii) The person conducting the absence hearing may modify the above procedures in the interests of justice and fairness to all persons attending the appeal hearing.

## Annual Leave / Compassionate Discretionary Leave / Visits to Doctors, etc.

### 1. Annual Leave

#### 1.1 Carry Over of Annual Leave

- 1.1.1 Employees can carry over annual leave subject to a maximum of five days per annum, unless there are exceptional circumstances and it is in the interests of efficiency to carry over more. Any untaken leave will otherwise be lost.

#### 1.2 Annual Leave Whilst on Sick

- 1.2.1 In the event of an employee falling sick during a period of annual leave, he or she should be regarded as being on sick leave from the date of the medical certificate and further leave should be suspended from that date.

- Police staff accrue annual leave whilst off sick but the normal rules regarding carry over of leave apply.
- Police staff who are off sick (particularly on long term sickness) may take paid annual leave during their sick leave. Finance should be notified of this via the line manager.
- Police staff who wish to take annual leave should book it with their line managers. The line managers should consider whether the intended holiday could have a detrimental effect on the current reason for absence and refer to OHU if necessary.
- Where a member of staff leaves the Force he / she is entitled to be paid for the unexpired portion of their annual leave for the leave year in which their last day of service falls. The calculation is:

$$(A \times B) - C$$

Where A is the period of leave to which the worker is entitled (i.e. their entitlement under regulations and local conditions of service), B is the proportion of the leave year which expired before the termination date expressed in 1/12<sup>th</sup> and C is the period of leave taken by the worker between the start of the leave year and the termination date, example given below.

For example:

(say) Entitlement 'A' = 24 days

(say) the leave year is April to March, with the leaver leaving at the end of May 'B' = 2/12

Therefore  $24 \times (2/12) = 4$  days' entitlement

'C' the leaver has taken 2 days' leave so far, the calculation is  $4 - 2 = 2$  days

Where fractions of a day occur they are rounded up or down to the nearest day.

- Where a member of staff leaves the Force having been off sick for a proportion but not all of the leave year entitlements will apply. This will remain subject to review.

### **1.3 Absence on Public Holidays**

- 1.3.1 Should a member of staff be sick for a period covering one of the set public holidays, then he / she is not entitled to have the public holiday reallocated.

## **2. Terminal Illness**

In the case of a terminally ill member of staff, there is a need to consider their situation and continued employment in a particularly sensitive way. As soon as a line manager / supervisor becomes aware that an absence is due to terminal illness, advice should be sought from the appropriate Human Resources Manager to ensure the best interests of the individual are provided for.

## **3. Compassionate / Discretionary Leave**

The term "Compassionate Leave" will now be known as "Discretionary Leave". BCU Commanders and Heads of Department will, therefore, be able to grant such leave at their discretion. Such leave will only be granted by the BCU Commander or Head of Department where an emergency or other like event occurs and "compassion" is necessary at the time (see time off for dependants' provisions).

## **4. Visits to Doctors and Dentists**

Routine visits should be scheduled outside duty time. Where this is not possible, managers should ensure time is made up later. Time off with pay should be allowed for treatment, e.g. physiotherapy, etc., to enable the individual to return to full duties. Time off in this category should not normally be made up. Time off is granted at the discretion of the BCU Commander / Head of Department.

## **5. Sickness and Suspension**

Where a member of support staff is suspended and becomes ill subsequently they should report the matter to the first line manager and supply sick notes as per this policy. The policy applies to them as per any other officer including referrals to the Force Medical Adviser and Occupational Health Adviser.

## **6. Statutory Medicals**

Time off to attend statutory medicals e.g. HGV medical, will be with pay and should not be recorded or monitored as sickness absence.

## **7. Cosmetic Surgery**

Where a member of staff undergoes cosmetic surgery, discretionary leave should not be granted unless there is a medical reason for the treatment in which case a sick note from a GP should be requested.

## **Policy in Respect of Sick Pay**

### **General Issues**

1. Sick pay entitlements are outlined in Section 4 of the Pay and Conditions of Service document for Police Staff.
2. The Force has discretion to extend the length of full and half pay.
3. A period of absence due to an injury sustained in the course of duty without default of the individual should be excluded from any calculation in respect of the period of entitlement to full or half sick pay.
4. **Grant of Sick Pay to Victims of Crimes of Violence**
  - 4.1 Where an employee is absent from work because of an injury in respect of which a claim will lie to the Criminal Injuries Compensation Authority and the employee is otherwise qualified to receive sick pay, such sick pay should be provided without any requirement to refund any proportion of it from the sum which the Compensation Authority may award.
  - 4.2 Where an award has been made by the Compensation Authority the whole part of the period of sick leave occasioned by the injury may be discounted from calculation of sick pay entitlement.
5. **Claims from a Third Party**
  - 5.1 An employee who is absent as the result of an accident should not be paid an allowance if damages may be receivable from a third party. In this event a sum not exceeding the sickness allowance provided under this policy may be advanced, subject to the employee undertaking to refund the total amount of such allowances or the proportion thereof represented in the amount of damages received. Any period of absence in such a case where a refund of the monies advanced is made, should not be recorded for the purposes of this policy. Where, however, the refund is made in part only the period of absence may be so recorded.
  - 5.2 An employee who is unable to work as a consequence of illness may be required to submit to an examination by a medical practitioner nominated by the Force subject to the provisions of the Access to Medical Reports Act, 1988. any expenses incurred in connection with such an examination shall be made by the Force.
  - 5.3 If an employee fails to observe the conditions of this policy or is considered to have prejudiced his or her recovery in some way, the payment of the allowance may be suspended.
6. **Sick Pay Extensions**
  - 6.1 The onus will lie with the individual who wishes the Chief Constable to exercise his discretion by disregarding any period of sickness or extending the relevant pay periods to forward a written application with evidence in support to the Human resources Department. Where the nature of the illness or injury clearly prevents the officer from making such an application, the onus will lie with the BCU Commander / Head of Department to make the application on the member of staff's behalf.

- 6.2 The HR Department will also monitor the situation and inform employees by way of letter, of their liability of being reduced to half pay / no pay. Staff should be reminded in writing by the HR Manager at the time they are put on unpaid sick leave of:
- Their entitlement to make an election to pay pension contributions;
  - The time limits which apply for making the election;
  - The choice of payment by lump sum or instalments; and
  - The fact that a lump sum payment may be deducted from pay as a pension contribution, but may not necessarily attract full tax relief.
- 6.3 The notice should be accompanied by a form which the member of staff is asked to complete and return WITHIN 30 DAYS of returning to duty or BEFORE HIS OR HER LAST DAY OF SERVICE, whichever is the earlier.
- 6.4 It is not possible to give a categoric assurance that any periods of sickness resulting from illness or injury, which are duty related, can be ignored in the above calculations. Each case will be considered on its merits.
- Decisions to cut to half pay / no pay or extend half pay / no pay will be reviewed monthly.
  - All reviews will be considered in the first instance by a panel comprising representatives of the relevant union, HR and the Chief Officer with Personnel Responsibility. The panel will take into consideration any representations by or on behalf of the member of staff (who may make a personal appearance if he / she so wishes) to have periods of sickness disregarded, together with any report that may be available from the Force Medical Adviser, and will make a recommendation to the Chief Constable who will advise the member of staff concerned of his decision.
  - Staff wishing to be informed of their relevant total accountable sickness periods should apply in writing to the Human Resources Department.
  - Due to time constraints on the payroll system, employees should note, in their own interests, that requests for information on accountable sickness absence and an extension of sick pay should be made at the earliest opportunity.

6.5 **Extensions of Sick Pay**

Extensions of sick pay may be given or withheld on the following basis by the Chief Constable:

- 6.5.1 The chief officer is satisfied that the member of staff's incapacity is directly attributable to an injury or illness that was sustained or contracted in the execution of his / her duty. A list of such injuries / illnesses and whether they are likely to extend sick pay or otherwise is given at (e) below.
- 6.5.2 The Police Authority has referred the issue of whether the member of staff is permanently disabled to the doctor appointed by the Local Government Pension Scheme. Discretion will be given where it is clear from the Force Medical Adviser that retirement is likely to be agreed without the need for further investigation, i.e. the case appears to be clear.

- 6.5.3 A chief officer may decide not to exercise discretion favourably in a case which is covered by those guidelines, in particular a chief officer may decide not to exercise the discretion where there is evidence of default or neglect on the member of staff's part or the member of staff's actions may be delaying the process of recovery or the officer is unreasonably failing to co-operative with a rehabilitation programme or comply with requests to attend medical examinations or supply medical information.
- 6.5.4 Other indicative examples of when favourable discretion would or would not be exercised are given below. Each case will be considered individually.

### **Physical Injury**

6.5.4.1 The following are examples, which **would** normally attract favourable discretion:

- A member of staff physically assaulted by a member of the public;
- A member of staff engaged in Force directed and authorised physical training, including necessary warming exercises, under qualified instruction, for example, a member of staff who sustains an injury whilst being instructed in Safety Training and so on, would normally attract favourable discretion. However, a member of staff who sustains an injury through default, neglect or not under instruction the above examples would not attract favourable discretions.

6.5.4.2 The following are examples, which **would not** normally attract favourable discretion:

- A member of staff suffering a sporting injury (whether or not playing for a police team);
- A member of staff injured in an accident on police premises, for example, by tripping or lifting or carrying equipment;
- A member of staff injured whilst travelling to or from work;
- The member of staff is actively engaged in a business interest during the period of absence.

### **Illness**

6.5.4.3 The following are examples, which **would** normally attract favourable discretion:

- A member of staff suffering from an illness which may be terminal;
- A member of staff suffering from a serious viral infection contracted from a prisoner;
- A member of staff suffering illness as a result of contact with a

contaminated hypodermic needle during search of a person;

- A member of staff contracting a contagious disease from a prisoner; and
- A member of staff suffering medically diagnosed post-traumatic stress disorder as a result of the performance of police duty.

6.5.4.4 The following are examples which **would not** normally attract favourable discretion:

- Chronic illness unrelated to any particular source or cause;
- Stress related illness (including psychiatric illness) resulting from working conditions generally.

## **Equality Impact Assessment**

- (a) **Legislative Basis and Legitimate Aims** (list all legislation relied upon and legitimate aims identified under the Human Rights Act)

**Police Act, 1996**

**Data Protection Act, 1998**

**Disability Discrimination Act, 1995 (as amended in 2004)**

**Access to Medical reports Act, 1988**

- (b) **Equality Impact Assessment**

**The policy proposal is designed to achieve:**

The main aim of the Policy is to provide a framework whereby managers can manage and monitor sickness absence in a fair and constructive manner, ensuring that each situation is dealt with effectively having regard to all of the circumstances of the case.

This policy does need a full impact assessment.

**Reason**

It is essential to ensure equal treatment across all diversity strands.

Signed: M.A. Waller Dated: 28/11/08

2. 2.1 What relevant quantitative or qualitative data has been considered (national or local) (age, disability, gender, race, religion / belief, sexual orientation, Welsh Language)? \*

See 2.2

*\* Delete whichever does not apply.*

- 2.2 What gaps in data / information were identified (national or local)?

Sickness information by Diversity Group and resulting action is not currently available.

- 2.3 Is further research necessary? If so please outline. If you need to monitor the impact of your policy because you cannot foresee its outcome clearly, detail your monitoring and review arrangements.

Yes – need to monitor. Full monitoring information will be available with the installation of a new HR system.

**3. Consider alternatives**

- 4.1 Summarise what changes have already been made to the policy to remove or reduce the potential for differential / adverse impact. If none put n/a

Disability related sickness and pregnancy related sickness separately identified. Duty to make reasonable adjustments outlined.

- 4.2 Summarise changes to the policy to remove or reduce the potential for differential / adverse impact that were considered but not implemented, and explain why this was the case.

N / A

- 4.3 If potential for differential / adverse impact remains, explain why implementation is justifiable in order to meet the wider aims.

N / A

**5. Consult formally**

- 5.1 Has the policy or will the policy be subject to consultation (national or local)? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took. Were Welsh Language organisations consulted?

Being consulted internally.

- 5.2 What was the outcome of the consultation?

*Delete whichever does not apply.*

5.3 Has the policy been reviewed and / or amended in light of the outcomes of consultation?

---

---

---

---

---

---

---

---

5.4 Have the results of the consultation been fed back to the consultees?

---

---

---

---

---

---

---

---

**6. Decide whether to adopt the policy**

6.1 Provide a statement outlining the findings of the impact assessment process. If the policy has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for implementation.

---

---

---

---

---

---

---

---

**7. Make monitoring arrangements**

Monitoring and scrutiny is a critical part of any policy function process.

7.1 What consideration has been given to piloting the policy?

---

---

---

---

---

---

---

---

7.2 What monitoring will be reported at a national level by the policy owning agency and / or other national agency?

---

---

---

---

7.3 Is this policy intended to be implement by local agencies (e.g. partners) that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?

N / A

---

---

---

---

7.4 Who reviews the monitoring information e.g. Police Authority and where will it be published and at what intervals?

To be considered at the Force Equality Group Quarterly once available and HR Section Heads.

---

---

---

---

(c) **Publication and Freedom of Information / Training** (detail where the policy is to be published and how distributed) (**NB** after FOI exemption process)



Is any staff training necessary and if so, how is this to be delivered?

Being considered.

---

---

---