

# GWENT POLICE

## SICKNESS - MANAGEMENT OF SHORT TERM (OR INTERMITTENT) ABSENCE PROCEDURE



Heddlu  
Gwent  
Police

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## 1.0 Procedure Identification Page

**Procedure Title: Management of Short - Term (Or Intermittent) Absence (All Police Staff)**

**Reference: 116/7 b [issue 2](#)**

**Underlying Documents: Gwent Police - A Guide to Managing Sickness Absence, Your Guide to Sickness Absence and Attendance.**

**Procedure Ownership:** Head of Human Resources

**Portfolio/Business Area Owner:** ACPO Support

**Procedure Written By:** Personnel Manager / Policy Officer

**Department Responsible:** Human Resources

**Procedure Lead:** Personnel Manager

**Links to other Policies/Procedures:** Equal Opportunities/Sickness Absence/Access to Medical Reports/Health and Safety/Occupational Health Screening for Environmental Risk.

**Procedure Implementation Date:** 27<sup>th</sup> January, 2005 reviewed and **[approved PSG 6<sup>th</sup> Feb 07](#)**

**Procedure Review Date:** two years from date of approval

## 2.0 Procedure Statement & Intentions

### 2.1 Principle & Scope of Procedure:

This procedure applies to all members of police staff with the exception of those who are within their probationary period. A separate procedure exists for dealing with police officers who have short-term, frequent absence.

Gwent Police is committed to reducing the levels of short-term absenteeism amongst all police personnel. While all employees are encouraged to adopt a healthy lifestyle for their personal well-being, it is recognised that in many cases there is little that employees can do in order to prevent themselves from falling ill. However, while an employee may be genuinely ill or suffer from a condition which requires them to be frequently absent from work, the strain that the absence puts on colleagues and the disruption caused to work, often makes frequent absence intolerable.

The procedure which follows has been developed with the emphasis upon helping employees who are frequently absent from work to improve their attendance levels. However, a necessary part of the procedure is a system of cautions or warnings which could lead to an employee being dismissed if he/she fails to meet the required standards of attendance.

Managers will be required to take the provisions of the Disability Discrimination Act 1995 fully into account when implementing this procedure. Where an individual's sickness absence is related to their disability, then the case must first be discussed with a Personnel Manager or the Head of Human Resources in order to ensure that all reasonable adjustments have been taken into account. The provisions of the Sex Discrimination Act 1975 must also be adhered to and therefore, pregnancy and maternity-related illness must be discounted when assessing an individual's attendance record under this procedure.

- Staff will be treated consistently and fairly, with appropriate consideration being given to individual circumstances
- Individual cases will be treated on their merits
- Matters relating to the health of staff will always be treated confidentially
- Responsibility for managing long term sickness lies with line managers, with advice and support being available from Human Resources

This procedure does not apply to employees who have been deemed, in accordance with the provisions of the Local Government Superannuation Scheme, by the Independent Medical Practitioner to be **permanently incapable** of fulfilling their current role or a similar role within Gwent Police.

ACPO Guidance on the Management of Staff Attendance In The Police Service October 2000.

'It is vital for management to concentrate on attendance rather than health: the issue is managing absence. Thus whether an individual absence is caused by a genuine illness or not is irrelevant. If there is a medical issue then medical advice and assistance is needed, either from the individuals general medical practitioner (GP) or from the Force Occupational Health service as appropriate, but the management of attendance is the responsibility of line managers. “

## **2.2 Aims of Procedure**

Suggested Aim:-

To provide a fair, efficient and effective procedure for dealing with short term (or intermittent absences).

## **3.0 Introduction**

### **3.1 Origins/Background Information**

Managers within the police service have a duty of care towards their staff, to maintain good standards of health for all, and to provide appropriate levels of welfare and support. This includes an obligation to provide, as far as is possible, given the exigencies of effective policing, appropriate working practices and duty patterns and a supportive environment. Gwent Police recognises that its employees are its most valuable resource and it is committed to being a caring organisation. The Force will provide support and assistance to officers and staff who are unable to work as a result of sickness or injury. Supervisors have a duty to ensure sickness absence is effectively managed to support the organisations objectives.

### **3.2 Motivators/Driving Forces**

The ideal is for there to be no sickness absence but in reality anyone is liable to be ill time to time. However it is important that our approach is positive and that the reasons for absence are identified and that staff are encouraged to improve and congratulated where good performance is achieved. It is essential that staff

are aware that every absence will be recorded, and that their line manager is primarily there to help them and is able and willing to mobilise resources of the organisation on their behalf. Where attendance has fallen below the level of acceptability, then individual attention must be drawn to this fact. However, if the appropriate help and warnings do not achieve an improvement, then the final outcome may be dismissal.

### **3.3 The Legal Basis and Legitimate Aims**

The legal basis for this procedure is the Employment Rights Act 1996 which states that capability may be a fair reason for dismissal. The procedure observes the provisions of the Employment Act 2002 (Disputes Resolution) Regulations 2004 and the relevant sections of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

### **3.4 The Appendices**

Summary of Formal Stages of the Procedure

## 4.0 Implications of the Procedure

### 4.1 Financial Implications/Best Value

There should be no additional financial implications with the introduction of this procedure.

### 4.2 Human Resources/Training

Line managers will be required to support staff to ensure that the aims of this procedure are complied with.

### 4.3 Strategic Plan Links

People are the principal means by which we can deliver our aim of becoming the safest place to live, work and visit .

### 4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act and Amendment Act
- Disability - Disability Discrimination Act
- Gender – Sexual Discrimination
- Equal Pay Act
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

#### **4.5 Consultation**

ACPO

Divisional Commanders/ Departmental Heads

Unison

Gwent Disability Network

Welfare Officer

Advisory Conciliation and Arbitration Service (ACAS)

Force Solicitor

### **5.0 Human Rights Consideration Certification**

#### **5.1 Auditing for potential interference and discrimination**

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 3

Article 8

Article 9

Article 10

Article 11

Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

## **5.2 Key Human Rights Principles**

Q1. What is the legal basis for your procedure?

Section 3.3 refers

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure?

Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

Section 6.2 refers

Q4. What are the minimum standards of documentation in relation to decision making?

Section 6.2 refers

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?  
Section 6.2 refers

### **5.3 Rights, Publication, Audit and Inspection**

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties? Please outline the relevant sections that cannot be disclosed.

This procedure can be disclosed

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this procedure will have recourse to civil law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this procedure. Where dismissal is contemplated an individual has a statutory right to attend a hearing to discuss the matter. This includes a statutory right to be accompanied to the meeting by a trade union representative or a work colleague. There is also a statutory right to appeal.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

This procedure document can be scrutinised during Inspection undertaken by HMIC.

### **5.4 Certification of Compliance**

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

## **5.5 Legal Vetting**

**There are no issues in this procedure under ECHR which cannot be resolved.**

**This procedure has been vetted.**

## **6.0 Guidance, Procedures, Tactics**

### **6.1 Risk Assessments and Health and Safety Considerations**

Police personnel are required to consider making the appropriate risk assessment when implementing this procedure.

Police personnel should apply the Gwent Police Service Dynamic Assessment. A training package in the use of this risk assessment will be provided to all police personnel.

## **6.2 Specific Instructions, tactics, methods, practices and procedures**

### **6.2.1 Introduction Return to Work Interviews**

6.2.2 Managers are required to carry out a Return to Work Interview following every period of absence as outlined in the document "A Guide to Managing Sickness Absence". The interview should be robust in its approach, offering help and support but also stressing the importance of good attendance in the workplace.

6.2.3 The trigger points for consideration of implementation of the formal procedure will be:

3 spells of sickness in six consecutive months

In addition, any sickness occurring after 01.02.07 which means that an individual has:

4 spells of absence in 12 consecutive months

or

which exceeds the current annual Force target, or which produces a clearly defined pattern of absence, will lead to consideration of the formal procedure.

Should an individual return from a period of sickness absence and be in danger of hitting any of the above triggers with a further period of sickness, then the consequences of this will be clearly outlined to the individual during the Return to Work Interview.

### **6.2.4 Formal Procedure**

6.2.5 Line Managers must ensure that they monitor levels of attendance and should be particularly vigilant when absence is becoming persistent and/or a pattern in absence is beginning to develop. Where the trigger point of three periods of absence in six months is reached, then consideration must be given to instigating formal action as set out below.

6.2.6 While it is important to seek to achieve consistency in the treatment of staff in the application of this procedure, it is also important to be *reasonable* in the treatment of staff. Therefore, it is essential to give full consideration to the pattern of absence when contemplating formal action. For example, it would probably be unreasonable to treat a long-standing employee who suddenly falls

ill for a few days, but with a previously unblemished sickness record, in the same way as a newly appointed employee who has had a day off every month in three months since starting employment.

6.2.7 All the action which the manager may take during the formal procedure is taken with the intention of trying to understand and resolve the problems which keep the employee away from work. However, it must be made clear to the employee that, although the sickness may be genuine, it is the level of absenteeism which cannot be tolerated.

6.2.8 Prior to the instigation of any action under the formal procedure, a personnel officer / personnel manager will have been consulted.

6.2.9 At all stages of the formal procedure, the employee will:

- Have the right to be accompanied by a trade union representative or work colleague;
- Have the right of appeal against any disciplinary action.

6.2.10 The manager must write to the employee to invite them to an interview prior to each occasion when formal action is contemplated. This letter will set out the reasons why the interview has been convened and the employee will be given 5 calendar day's notice of the meeting.

### **6.2.11 Stage 1 Interview – Oral Warning**

If any of the trigger points have been reached, an employee may be called to attend a formal interview with their line manager.

During this Stage 1 meeting, the manager will have a copy of the individual's sickness record available, along with details of return to work interviews which have been conducted. The manager should aim to have a full and open discussion with the individual and may cover the following issues during the meeting:

- The reasons for the absence and the frequency with which the employee is absent;
- Any help that may be offered by the force in order to enable the employee to overcome the health problems, including support available through the

Occupational Health Unit;

- Whether there are any work-related issues which are impacting upon their health and attendance.

During the meeting the employee must be advised of the following:

- The impact that sickness has upon the efficiency of the section/ department and the impact upon work colleagues;
- The need for the employee to achieve an improved level of attendance;

At the conclusion of the interview, the employee may be issued with an Oral Warning. However, each case must be judged on its own merits and the manager will consider any mitigating circumstances.

Should an Oral Warning be issued, then the employee will be advised that should there be a failure to improve, then a Written Warning may be given.

The manager will provide the employee with a summary of the points covered following the interview.

This warning will be disregarded and removed from an employee's file after 12 months, provided there has been no more than one further period of absence from the date of the Oral Warning.

#### **6.2.12 Stage 2 Interview – Written Warning**

If, following an Oral Warning, there are two further occasions of absence during the current warning period, then the employee may be required to attend an interview under Stage 2 of the procedure.

During this Stage 2 interview, the manager will have a copy of the individual's sickness record available, details of return to work interviews which have been conducted and a copy of the record which was made during the Stage 1 interview. The following may be discussed:

- Whether the employee has sought medical help, either from their own GP or via the Occupational Health unit;
- Any other positive steps which the employee may have taken in order to improve their attendance and whether there are any further steps which the force can take in order to address the situation.

During the meeting, the employee must be advised of the following:

- the impact that the repeated sickness is having upon the efficiency of the section/ department and the impact upon work colleagues;
- The need for the employee to achieve an improved level of attendance;

At the conclusion of the interview, the employee may be issued with a Written Warning. However, each case must be judged on its own merits and the manager will consider any mitigating circumstances.

Should an Written Warning be issued, then the employee will be advised that should there be a failure to improve, then a Final Written Warning may be given.

The manager will provide the employee with a summary of the points covered following the interview.

This warning will be disregarded and removed from an employee's file after 12 months, provided there has been no more than one further period of absence from the date of the Written warning.

### **6.2.13 Stage 3 Interview – Final Written Warning**

If, following a Written Warning, there are two further occasions of absence during the current warning period, then the employee may be required to attend an interview with their second line manager.

During this Stage 3 interview, the manager will have a copy of the individual's sickness record available, details of return to work interviews which have been conducted and a copy of the records which were made during the Stage 1 and 2 interviews. During this meeting the second line manager will:

- explore fully the reasons for the continuing absence;
- discuss any further options available in order to assist the employee in improving his/her attendance levels;

At the conclusion of the interview, the employee may be issued with a Final Written Warning. However, each case must be judged on its own merits and the manager will consider any mitigating circumstances.

Should an Final Written Warning be issued, then the employee will be advised

that should there be a failure to improve, then they may be dismissed.

The manager will provide the employee with a summary of the points covered following the interview.

This warning will be disregarded and removed from an employee's file after 12 months, provided there has been no more than one further period of absence from the date of the Final Written Warning.

#### **6.2.14 Stage 4 - Hearing**

If, following a Final Written Warning, there are two further occasions of absence during the current warning period, then the employee will be required to attend a hearing which will be presided over by the Assistant Chief Constable, Deputy Chief Constable or the Director of Finance and Administration. A Personnel Manager will attend the hearing in an advisory capacity. The Chief Officer will consider all the facts in relation to the case. Prior to the hearing, the Chief Officer and Personnel Manager will have been provided with the following documentation, although any other relevant information may also be presented:

- a copy of the individual's sickness record;
- a copy of the summaries of the meetings which took place under Stages 1 to 3 of this procedure.

The purpose of the hearing is to review the facts of the case, listen to and question the employee concerned and decide on the outcome of the case.

In opening the hearing, the Chief Officer should indicate that he/she has read the papers, refer to any matters which he/she considers particularly relevant and invite the manager presenting the case and the employee to say anything they want to say about the poor attendance and its causes.

The employee or the presenting officer may call witnesses to attend the hearing, details of whom should have been provided in advance to the individual who has arranged the hearing.

If, during the course of the hearing, the Presiding Officer considers it necessary to seek legal or other relevant advice on a particular point, then the hearing may be adjourned while such advice is obtained. A verbatim record of the proceedings at the hearing must be taken, normally by means of a tape-recording.

The possible outcomes as a result of a hearing held in accordance with Stage 4

of the procedure are:

(1) Dismissal

or

(2) where the hearing determines that, due to the circumstances of the case, dismissal may not be appropriate at that point, then consideration may be given to extending the Final Written warning for a further 12 months. This warning will be disregarded and removed from an employee's file after the further 12 months, provided there has been no more than one further period of absence from the date of the extension of the Final Written Warning. However, if there are two further occasions of absence from the date of the extension of the warning period, then the employee will be required to attend a second hearing in accordance with Stage 4 of this procedure.

### **6.2.15 Appeals**

In relation to warnings given under Stages 1,2 & 3 of the procedure, an employee may appeal to their next line manager. An employee should submit an appeal to that manager within 7 calendar days of being notified of the decision. This should be in writing and must state the reason for the appeal.

The manager to whom the appeal has been submitted will invite the employee to attend an appeal hearing. The employee will be notified in writing of the appeal hearing date and will give a minimum of 7 calendar day's notice from the date he/she is notified of the arrangements to the actual date of the hearing. The employee will have the right to be accompanied at the hearing by a trade union representative or a work colleague.

Where an employee has been dismissed or had a Final Written Warning extended in accordance with Stage 4 of the procedure, he/ she has the right of appeal to the Chief Constable. Should an employee wish to lodge an appeal, he/she must do so within 10 calendar days of receipt of the notification of dismissal. The notice of the appeal must detail the grounds on which the appeal is based. The appeal should be submitted to the Head of Human Resources.

Where an employee has appealed against a decision to dismiss, then he /she must be invited to attend an appeal hearing.

Appeal decisions will be final.

### **6.2.16 PROTECTIVE MARKING**

[http://hq2a/stage/support/standards/info\\_security/policy/protective%20marking.doc](http://hq2a/stage/support/standards/info_security/policy/protective%20marking.doc)

## 7.0 Promotion and Distribution

In order to highlight the existence of this procedure to staff there will be the following :

- GO entry following ratification
- Publication on the Force Intranet

## 8.0 Monitoring / Review

Monitoring of sickness is carried out via the Force Information application DELPHI. The Force Strategic groups will monitor sickness absence on a regular basis. Managers and Supervisors also have responsibilities as outlined in A Guide to Managing Sickness Absence.

*The principles of the Race Relations Amendment Act will be adhered to in that any recognisable adverse social impact should be identified and appropriate action taken.*

## SUMMARY OF FORMAL STAGES OF PROCEDURE

3 periods of sickness in 6 months / 4 periods of sickness in 12 months or sickness exceeding the Force target, or clearly defined pattern of absence

