

## **POCL AGREEMENT : ATTENDANCE PROCEDURE**

### **Introduction**

Following a short but intense period of negotiations with POCL, the Postal Executive is pleased to be able to report that an agreement has been concluded to introduce a revised Attendance Procedure.

The revised Attendance Procedure agreement is mandatory and replaces the following Postal Instructions:

PI Q0014 – Supervision of Sick Absence  
NI Q0015 – Sick Absence Miscellaneous  
PI A0020 – Supervision of Trial on First Appointment (part) – specifically Paragraphs 12, 13 and 14 Attendance During Trial.

### **Background**

POCL have taken a decision to centralise the Human Resources functions under the auspices of the HR SAP process onto one site in Manchester.

In essence, this means that the new HR Service Centre will administer and monitor all sick absence across POCL as a whole rather than from the existing geographical locations i.e. 7 Regions, Chesterfield and London Business Units.

Inevitably the decision to centralise the Human Resources work led POCL to adopt a policy of seeking to introduce a simplified process with common standards of attendance to be applied consistently across the Business.

POCL's approach to this matter needs to be viewed against the background that the 7 Regions and Business Units had previously introduced unagreed sick absence trigger points that differ from each other. These trigger points were introduced despite the fact that the Postal Instructions – Irregular Attenders Procedure – were the only nationally agreed procedures.

In view of the prevailing situation there can be no doubt that the Union needed to erect a new national Agreement. With the centralisation of Human Resources an ideal opportunity was presented to the Union.

### **Negotiations**

On 8 January 1999 POCL gave the Union a presentation of its review of sick absence policy. POCL stated during the presentation that it was their intention to introduce a new procedure with the HR SAP system from April 1999.

At this point, the Union strongly advised POCL that the introduction of any new procedure should only occur once an agreement had been reached following meaningful negotiations with the Union. This position was accepted by POCL.

The Union was subsequently presented with a draft copy of a document entitled Healthcare & Absence Management – A Manual for Line Managers.

At this stage formal negotiations commenced with the first negotiating meeting taking place on Friday 15 January 1999, thereafter there were a further 4 meetings held in the ensuing weeks these being the 5<sup>th</sup>, 12<sup>th</sup>, 23<sup>rd</sup> and 26<sup>th</sup> January.

A significant factor that faced the negotiators was the complete lack of any Conference Policy specific to POCL on this matter. In the absence of any policy the logical approach from the negotiator's perspective was to use the Royal Mail Agreement as a starting point for negotiations. Therefore the Union's aim has been to use the Royal Mail Agreement as a working model whilst endeavouring to gain improvements.

However, the difficulty with this approach stemmed from the fact that the initial discussions were focused on the management document Healthcare and Absence Management - A Manual for Line Managers. Faced with this position, the Union's negotiators sought to move the negotiations on to the Union's agenda. To this end a formal counter proposal in the form of a draft National Agreement was presented to management at the meeting of 12 February 1999.

Management accepted the need for a national agreement rather than just agreed guidelines for line managers. Consequently, from this stage on the negotiations focused upon the Union's counter proposals rather than the management document.

A major contributing factor in the negotiations was a Special Regional Counters Representative Briefing which was held on 10 February 1999. During the course of the Briefing a presentation was given by POCL in regard to its Sick Absence Policy Review. This session was extremely constructive with the RCR's speaking freely of their experiences in dealing with the Irregular Attender cases. However, more importantly, the RCR's were also afforded the opportunity to voice their opinions as to how a new procedure should operate and what it should contain.

At the following meetings with Management the negotiations led to the Union's proposals being jointly refined and improved upon and eventually being agreed by management.

### **Main Features of the Agreement**

1. The focus of the procedure is on capability not conduct.
2. An approach that is firm but fair.

3. All employees to be treated with dignity, respect and understanding.
4. Each case to be treated on its merits.
5. To have mitigating circumstances taken into account.
6. Agreed standards of attendance.
7. Introduction of return to work discussions.
8. A three stage progressive formal process with clearly defined stages.
9. A right to Trade Union representation at all interviews other than return to work discussions.
10. Disclosure of all Employee Health Service medical advice in cases where continued employment is in question.
11. Confidentiality.
12. Request for interviews with managers of the same sex will be treated sympathetically.
13. Absences resulting from accidents at work or any employee's disability are normally discounted.
14. Part day absences will not be recorded as sick absence providing at least one hour of duty has been performed.
15. A right of appeal against dismissal.
16. Authority levels to be the same as the Conduct Code.
17. A rehabilitation process with Trade Union involvement for employees returning from long term sick absence.
18. Formal joint reviews of the Agreement at 6 and 12 months.

### **Conclusion**

The Postal Executive are unanimously of the view that the Attendance Procedure merits the support of the membership. There can be no doubt that the Agreement enhances our representatives' ability to protect our members who unfortunately find themselves involved with the Attendance Procedure.

In concluding an Agreement we have demonstrated yet again that the Union is capable of negotiating with the employer nationally on issues that affect our members' terms and conditions of employment.

Enshrined within the Agreement is recognition of the Union and its representatives' role, in particular the issue of representation at all 3 stages of the procedure has been secured together with a reaffirmation of the principle of cross business representation.

The Agreement meets the Union's aims and aspirations and it provides our members with safeguards. This is demonstrated by the fact that we have been successful in convincing POCL to make considerable improvements to the former Postal Instructions.

Accordingly, the Postal Executive has no hesitation in recommending the Attendance Procedure Agreement and seeks the endorsement of the membership by way of a Branch ballot under the National Rule 5.2.6.

**Postal Executive Recommendation:**

**That the POCL Attendance Procedure be agreed.**

To: Andy Furey  
National Executive Council  
Communication Workers Union  
150 The Broadway,  
London  
SW19 1RX

“Dear Andy

26 February 1999

## **NEW ATTENDANCE PROCEDURE**

I believe we have made considerable progress since initial negotiations began on the above. The input we have received from Martin Collins and yourself, as well as the CMA, has been very positive and invaluable in both shaping the new Agreement and underpinning future union support and involvement in the management of sick absence. I believe the resulting Agreement reflects both internal and external best practice.

In framing the Agreement we have sought to provide a procedure which is both fair but firm with a clear emphasis on supporting the individual. The Agreement signals the importance of the rights of the individual and is designed to complement the partnership between POCL and the unions.

The following underlying principles have been applied:

- A focus on capability and not conduct.
- Agreed standards of attendance which are well communicated.
- Confidentiality – information safeguarded on a need to know basis.
- A progressive formal process covering attendance during which employees are encouraged to meet the agreed standards.
- A right to trade union representation at all attendance related interviews other than Return to Work.
- Disclosure of Employee Health Services medical advice to the employee which might impact on the ultimate employment decision.
- A right of appeal against dismissal.

The Agreement aims to strengthen the involvement of line managers in managing absence by introducing Return to Work Discussion. These Discussions are designed to emphasise the value of the individual’s contribution and to offer early support to that individual if they are experiencing health problems. In this respect all absences are assumed to be genuine and the privacy of the individual must be respected at all times. The RTW Discussions are about engendering a supportive approach to sick absence and should not be intrusive.

In conjunction with the Employee Health Services we have reviewed and simplified sick absence categories and these now feature on a new self-certification form. It is

hoped that these new categories will facilitate analysis of sick absence data and enable a more proactive approach to occupational health management.

In developing the new attendance procedures we have sought to simplify the process with common standards/thresholds of attendance throughout which can be consistently applied across the business. They strike a clear balance between the application of clear sick absence thresholds and the need to take into account an individual's circumstances by giving them every opportunity to explain the circumstances of their sick absence, ensuring that all available information is made available as necessary, obtaining expert advice from Employee Health Services and offering the support of local union representatives at every stage of the process.

Communication of the new arrangements as mentioned earlier is fundamental if there is to be a common understanding. To this end we intend to issue an explanatory leaflet to all staff as well as detailed Guidelines for all line managers. We also aim to put the new Guidelines on the intranet. The new procedures will feature in forthcoming training products for staff. Arrangements will also be made to train associated union representatives.

I believe the new Agreement represents a very positive step forward and I trust it will receive the support and endorsement of the other members of your Executive and your members.

Yours sincerely

Terry Goodin  
Head of Health and Safety"

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## **POST OFFICE COUNTERS LTD ATTENDANCE PROCEDURE**

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### **1. INTRODUCTION**

This procedure is designed to help POCL serve our customers by encouraging the high standards of attendance normally achieved and maintained by the vast majority of employees so that a reliable staffing base can be maintained and the customers continue to receive a high standard of service in the face of increasing competition.

The following procedure applies to all POCL employees:

- Consists of a series of stages at which employees will be encouraged, through advice and guidance, to improve their pattern of attendance to an acceptable standard.
- The stages are progressive and specifically intended to help employees maintain appropriate patterns of attendance, and so avoid more formal action which may lead to dismissal.
- At every stage of the procedure there is an opportunity for employees to provide an explanation for their absence(s) and for mitigating factors to be fully taken into account.
- Accidents which happen in the course of POCL work would normally be discounted.
- Absences which are incurred by employees who are disabled are treated in accordance with the Disability Discrimination Act 1995 and which, in the view of the Employee Health Service, are related to their disability, will normally be discounted. However, this may not always be the case and the following should be noted:
  - a. These absences will still be recorded on the employee's sick absence record.
  - b. The line manager will still carry out return to work discussions, explain that the relevant absences have been discounted and discuss whether assistance from Employee Health Service or POCL would help with disability-related attendance problems, including consideration of any reasonable adjustments.
  - c. Absences which are disability-related may be counted where this is justifiable to do so and in these circumstances the employee should be given advance warning that future absences will no longer be discounted.

Minimum standards of attendance are built into each stage so that employees clearly understand what POCL requires.

No employee will be dismissed on grounds of unsatisfactory attendance if POCL standards of attendance are consistently achieved. However, those minimum standards are not intended to have the status of any entitlement. Employees will need to demonstrate – by meeting the business requirements on notification and certification of absence – that the sick absence was necessary. Deliberate abuse of these provisions will constitute misconduct and may result in disciplinary action being considered.

## **2. APPROACH**

All employees deserve to be treated with dignity, respect and understanding. This should be reinforced by a supportive approach. Where practicable Employee Health Service or any other appropriate specialist support will also be provided. The aim is to encourage good attendance using return to work discussions, counselling and well understood standards. An employee can be referred to Employee Health Service when professional advice is required.

- Each case must be treated on its merits, taking into account issues such as age, length of service and nature of work.
- The POCL Attendance set out at Appendix 1 are minimum standards designed to ensure consistency, but flexible enough to be relaxed where the merits of the case justify it.
- Every employee who fails to achieve these minimum standards will have his/her attendance monitored. Action will only be taken if he/she fails to achieve the standards of attendance appropriate to the next stage.

## **3. PRINCIPLES**

The principles on which this agreement is based are:

- A focus on capability not conduct.
- An approach that will be firm but fair.
- Agreed standards of attendance which are communicated.
- Confidentiality – with information safeguarded on a need to know basis.
- A three stage progressive formal process during which employees are encouraged to meet the agreed standards.
- A right of Trade Union representation at all interviews other than return to work discussions.

- A request by employees for an interview with a manager of the same sex will be treated sympathetically where practicable.
- Disclosure of all Employee Health Service medical advice to the employee which might impact on the ultimate employment decision.
- A right of appeal against dismissal.

#### **4. RIGHTS**

Post Office Counters Limited will manage attendance in accordance with the following individual rights which it recognises are held by all its employees:

- To be treated with respect and courtesy at all times.
- To be treated fairly and reasonably.
- To know what standards are expected.
- To understand the process that applies to them.
- To have their explanation fully considered.
- To have mitigating circumstances taken into account.
- To be accompanied at formal interviews by a Trade Union Representative, or by a friend from the same work location to support or present their case.
- To be advised of the outcome of any formal interviews.
- To appeal against dismissal.

#### **5. RETURN TO WORK DISCUSSIONS**

When someone return to work from absence the line manager must aim as soon as possible (no later than 24 hours) to speak privately and out of earshot of others with the person in a non threatening and supportive way outside formal procedures with the following objectives:

- to acknowledge the employee's return and demonstrate it is valued.
- for the employee to air any concerns.
- to see if any help is need and provide direction to encourage regular attendance.

- to ensure the absence is appropriately certified.

Absences due to sickness are assumed to be genuine.

A return to work discussion will take place but employees will not be required to disclose information of a personal and sensitive nature if they choose not to do so.

An acknowledgement that a return to work discussion has taken place will be made on the self-certification form.

Return to work discussions must be fully accepted and applied if they are to add value and all staff are covered, including senior management because it is important to signal to all staff of POCL's serious commitment to proper and fair sickness management.

## **6. UNSATISFACTORY ATTENDANCE PATTERN**

Where, despite return to work discussions an employee attendance becomes unsatisfactory and does not meet the agreed standards, then subject to the consideration of paragraph 13, the attendance of the employee will be reviewed in the context of the three formal stages of the Attendance Procedure set out below:

## **7. STAGES IN THE ATTENDANCE PROCEDURE**

The Attendance Procedure consists of 3 stages to which different standards of attendance apply. These are set out in Appendix 1 together with the process chart at Appendix 2. The stages are intended to detail the standards that need to be achieved and help employees maintain acceptable attendance patterns, thereby avoiding the need for consideration of dismissal.

### **Absences which count**

All absences up to the date of the interview with the manager will be included in the overall review of absence for that stage and not count towards the next stage of the procedure.

#### **7.1 Stage 1 – 1<sup>st</sup> Stage Warning**

When an employee's attendance becomes unsatisfactory the employee should be interviewed in order to determine whether a 1<sup>st</sup> stage warning should be given that his/her attendance is falling short of the required standards. The approach should be handled sensitively. In such circumstances the employee should be shown his/her absence record. When shown their record, many employees are genuinely surprised and a friendly word can on occasions achieve a genuine change for the better.

The interviewer should first ask the employee for his/her own explanation of the absences and for any mitigating factors, taking previous counselling discussion into account. If it is not appropriate to issue a warning, the employee will be advised accordingly and reminded of the standards that apply. If it is appropriate:

- the employee should be given a 1<sup>st</sup> Stage Warning that his/her attendance is unsatisfactory.
- he/she must make every effort to reach POCL's standards, and the specific improvement required (absence level and timescale).
- remind him/her of the services of the Employee Health Service.
- encourage him/her to take advantage of the assistance on offer as well as consulting his/her own Doctor if appropriate to improve his/her attendance record.

The employee should be advised that if the standard is met he/she will be removed from the formal procedure.

The employee has the right to representation by a Trade Union Representative, or by a friend from the same location. If unaccompanied, the employee should be reminded of a right to consult his/her Union Representative.

If exceptionally the matter is dealt with in writing the employee should be advised that the relevant manager is considering giving a 1<sup>st</sup> Stage Warning on the basis of the employee's record, and indeed to put any explanation/mitigating factors. The employee should be advised of the subsequent decision and the specific improvement he/she must achieve.

After the interview, the 1<sup>st</sup> Stage Warning should be confirmed in writing, along with any relevant points.

## **7.2 Stage 2 – 2<sup>nd</sup> Stage Warning**

If an employee, who has been given a 1<sup>st</sup> Stage Warning fails to make the required improvement he/she should be interviewed. The purpose of the interview is to warn the employee that his/her attendance is unsatisfactory and that he/she could be facing dismissal if he/she does not reach and maintain an acceptable standard of attendance. In such circumstances the employee should be shown his/her absence record.

The interviewer should first ask the employee to put forward any explanation for the absence(s) and any mitigating factors, then make a decision as to whether or not a warning should be given. If not, then the employee must be

told the outcome and the stage of the procedure he/she is at, if so, the line manager should:

- give the employee a 2<sup>nd</sup> Stage Warning that his/her attendance is unsatisfactory.
- explain that if there is insufficient improvement to reach and maintain an acceptable standard he/she is liable to be dismissed.
- set out the specific improvement required (absence level and timescale) in order to achieve an acceptable level of attendance. The employee should be advised that if the standard is met he or she will be removed from the formal procedure.
- remind him/her to seek help from Employee Health Service or his/her own medical advisers.
- remind him/her of the right to approach his/her trade union representative.

The employee has the right to representation by a Trade Union Representative, or by a friend from the same location.

The employee should be advised that if the standard is met he/she will be removed from the formal procedure.

After the interview, the 2<sup>nd</sup> Stage Warning should be confirmed in writing along with any relevant points.

### **7.3 Stage 3 – Dismissal Stage**

If, after receiving a 2<sup>nd</sup> Stage Warning there is insufficient improvement in the employee's attendance and the line manager considers that dismissal may be appropriate, he/she will then write to the individual telling him/her that dismissal is being considered and inviting him/her to seek a consultation with the Employee Health Service Doctor. Regardless of whether the individual takes up the offer of a consultation, management must request a report from the Employee Health Service Doctor, when dismissal is being considered.

If the manager decides that dismissal may be appropriate the employee will be invited to interview to put forward his/her case. The notification should be in writing and should show a full record of the absences and warnings which have led to the consideration of the dismissal. Prior to interview the relevant papers (including a copy of all Employee Health Service advice where appropriate) will be copied to the individual. The employee should be advised that if he/she wishes to respond to the invitation he/she must do so within 3 working days of the date of the notification.

The employee may choose to put his/her case either in writing or at an interview (but can be called for interview if the manager considers necessary).

### **Medical Retirement**

The employee should also be advised that he/she may apply for medical retirement at this stage if he/she can produce medical evidence to support the application.

If the employee wishes to take the opportunity to apply for medical retirement, he/she should be warned that he/she must:

- advise the manager of his/her intention to apply for medical retirement within 3 working days of the date of the letter, and
- produce written medical evidence (or a letter from his/her GP/hospital indicating that a specialist's opinion is being sought) to support the application within a further 2 weeks.

An application for medical retirement will not necessarily delay the remainder of the dismissal process, but if the application is successful an employee who has been dismissed will be reinstated then retired on medical grounds, with pay for the intervening period.

When the Stage 3 interview has been held, the manager who conducted it will take a decision on dismissal, taking into account all available information and mitigating factors. If the decision is to dismiss, the employee will be advised accordingly and told the last day of service. If the manager decides dismissal is not justified, the employee will return to Stage 2 of the procedure and have the appropriate standards of attendance explained.

Notes of the key issues from this meeting should be taken and the employee given 3 days to comment on them, after which a decision will be taken.

At this interview the employee may be accompanied by a Trade Union Representative, or by a friend from that location.

When a decision has been made the individual will be advised of the outcome face to face where possible. This will be confirmed in writing with details of his/her right to appeal.

### **8. APPEALS AGAINST DISMISSAL**

If the employee wishes to appeal he/she should tell the manager who imposed the penalty within 3 working days of the decision to dismiss. A hearing will normally be arranged within 4 weeks of the notification of dismissal and the employee will be

notified in writing of the time, place and manager dealing with the appeal 5 working days prior to the interview or earlier by mutual agreement.

An employee who appeals can be accompanied by their trade union representative, or by a colleague from the same work location. The appeal is a re-hearing of the case. If new medical evidence comes to light at the appeal, the Appeal Manager may adjourn the hearing to seek the advice of the Employee Health Service.

The employee will normally be told of the outcome of the appeal within 7 working days. If there is significant delay the individual will be informed of the reason and likely new date. In all cases the employee will receive a written notification of the decision with reasons.

Dismissals will take effect from the date specified in the dismissal letter. If management is unable to arrange an appeal or come to a decision in a reasonable time, a formal offer to extend the notice period will be made.

In the event of a successful appeal and consequential reinstatement, continuity of employment will be preserved along with their employment rights.

## **9. STAFF ON SICK LEAVE**

Where an employee is off sick and says he/she cannot attend for interview at any of the formal stages, he/she will be given the opportunity of putting forward his/her case in writing, within 7 working days, and would be free to enlist support from a Trade Union representative or a friend from the same location in drafting his/her case for submission. If the opportunity is declined, the case will be processed in the normal way.

## **10. STAFF ON TRIAL (On first appointment)**

Attendance is one of the key elements of performance that is monitored during a trial on first appointment.

Patterns of attendance shown in the first year of service are usually a good indication to future attendance. Also, poor attendance that goes unchecked often does not improve but worsens.

It is therefore also important to have a procedure in place to warn staff on trial when their levels of attendance are showing signs of becoming unsatisfactory, and to encourage them to make the necessary improvements. If they do not, their trial may be extended to ensure that they can make and sustain the necessary improvements or their services may be terminated.

This procedure for new staff is a two-stage procedure as detailed in Appendix 1.

Line managers must ensure that all staff on trial are aware that their attendance records are being monitored in line with the agreed standards for new entrants on trial.

## **11. SICK ABSENCE NOTIFICATION**

When a member of staff is unable to attend work through ill health, they must notify their line manager, as soon as practicable of their incapacity for work, preferably before the time they are due to attend.

Sick leave will commence from the first day of absence and continue until

- a) The employee notifies their line manager they are now fit to return to work or
- b) The individual attends for their next period of duty.

### **Examples**

1) An individual commences sick on Friday and does not return until Tuesday – 4 days recorded (If returned Monday only their working days would be recorded).

2) A part-time employee due to work only Monday and Thursday commences sick on Monday, but returns Thursday – 1 day recorded (If return is not until Monday – 7 days will be recorded).

Individuals should at the earliest opportunity advise their line manager when they proposed to return to work.

## **12. PART-DAY ABSENCES/Doctor's/Dental/Hospital Appointments**

If a member of staff is scheduled to attend work on a particular day, but does not attend that day due to ill health, this would be recorded as a full day's sick absence, irrespective of the number of hours they were scheduled to attend.

However, if a member of staff performed at least one hour's duty on a particular day, but was unable to attend for the rest of their scheduled hours due to ill health, this will not be recorded as a sick absence.

All medical appointments should be arranged in the individual's own time whenever possible. However, if this cannot be done, time off may be allowed for attending such appointments. The line manager may ask for evidence of the date and time of the appointment, e.g. appointment card/letter. The individual should not be expected to make up the time lost.

Such appointments are not taken into account when monitoring under the Attendance Procedure.

### **13. LINK TO LONG TERM SICK ABSENCE**

If at any time, whether or not an employee is subject to a stage within the formal procedure, he/she becomes absent with a condition which is likely to result in a long term absence, he/she may be dealt with under arrangements for dealing with long term absence and rehabilitation (Appendix 3).

Where his/her absence record is such that Personnel and the line manager consider it in the business interests for that absence to be considered together with other absences as part of the review of his/her whole attendance at the appropriate stage of the Attendance Procedure, then it will be progressed under that procedure.

Where the absence is dealt with under the arrangements for dealing with long term absence, a decision will be made by Personnel and the line manager as to whether the absence counts for the purposes of the POCL Attendance Procedure. The employee should then be informed of his/her status under the Attendance Procedure.

### **14. AUTHORITY LEVELS**

Authority levels for the various stages of the procedure will be the same as for the Conduct Code and any changes that are subsequently agreed in disciplinary levels will automatically also apply.

### **15. REVIEW**

All parties are committed to the agreed procedure which will be jointly monitored, measured and reviewed following introduction to assess its effectiveness and approach.

Formal reviews will take place at 6 months and 12 months to identify any trends and opportunities for improvement.

These formal reviews will also take into account the outcome of the New Attendance Process currently being trialled in Royal Mail in respect of Counselling Discussions, Attendance Standards and the joint statement agreed on Long-Term Sickness contained at Appendix 5.

**Peter Turgoose**  
Director, Human Resources, POCL

**Tony Kearns**  
Assistant Secretary, CWU

**Terry Goddin**  
Head of Health and Safety, POCL

**Andy Furey**  
National Executive Council, CWU

These standards are designed to encourage and help employees to develop appropriate patterns of attendance. While the required standards must be met, each case should be treated on its merits and any mitigating factors the employee is able to put forward must be fully taken into account.

**1. MINIMUM NATIONAL ATTENDANCE STANDARDS EMPLOYEES NOT ON TRIAL**

Employees who have successfully completed their trial period are still required to maintain a high standard of attendance. Attendance may be regarded as warranting formal action if an employee who is not on trial has in excess of:

**Stage 1: 4 absences or 14 days in a 12 month period.**

**Stage 2: 2 absences or 7 days within the following 6 month period.**

**Stage 3: 2 absences or 7 days within the following 6 month period.**

**2. MINIMUM NATIONAL STANDARDS – NEW ENTRANTS ON TRIAL**

With employees new to POCL it is important to establish quickly a clear understanding of the need to maintain appropriate standards of attendance. Attendance may be regarded as warranting formal action if an employee who is on the trial has more than:

**Stage 1: 2 absences of 7 days within a 6 month period  
(Warning Stage)**

**Stage 2: 2 absences or 7 days within the next 6 month  
(Consideration of dismissal)**

No triallist should have his/her appointment confirmed whilst under this procedure.

In deciding whether these standards are met for employees whose trial was recently confirmed, attendance during the whole of employment is considered, not just from the date trial is confirmed. An employee whose trial has been confirmed following an improvement to the required triallist standard will then be appropriate to the non-triallist attendance standards.

**ABSENCE PROCESS FLOWCHART**

**APPENDIX 2**

**HUMAN RESOURCES SERVICE CENTRE MONITORS EMPLOYEES RECORDS**

**STAGE 1**

Employee fails to meet the POCL standards of attendance if their absence exceeds 4 absences in a 12 month period AND/OR 2 absences totalling more than 14 days in a 12 month period.

<b>NO WARNING GIVEN</b>	The Service Centre issues a minute to the Line Manager to Consider Stage 1 interview	
	The Line Manager holds Stage 1 interview	
<b>MEETS STANDARDS</b>		Gives Stage 1 Warning
		Fails to meet standard
<b>NO WARNING GIVEN</b>	2 <sup>nd</sup> Line Manager holds Stage 2 interview	
<b>MEETS STANDARDS</b>		Gives Stage 2 Warning
		Fails to meet standard
	Manager holds Stage 3 interview	
<b>MEETS STANDARDS</b>	Another Stage 2 Warning	
		Dismissal
		Appeal

# **REHABILITATION PROCESS FOR EMPLOYEES RETURNING FROM LONG TERM SICK ABSENCE**

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## **APPENDIX 3**

### **1. AIMS AND OBJECTIVES**

POCL and CWU are fully committed to this process.

The aim and objective of the process is to facilitate the early return of employees from long term sick leave, who are both able and willing to return on rehabilitation to modified duties/attendance. This would be a temporary alteration to the full duties/hours of an employee's grade and is primarily aimed at those whom it is anticipated will eventually resume the full range of work for which they were employed.

This will be achieved by a proactive approach which also may be initiated by an individual wanting to return from long term sick absence. The approach will be supportive and caring, making full use of advisory services, management expertise and the nominated union representative for each Area, working towards regaining the individual's full potential thereby benefiting the individual and the business. The advisory services open to be consulted will include the 'in house' Employee Health Service together with the Disability Advice Centre, in addition to external specialist organisations.

### **2. RIGHTS AND OBLIGATIONS**

- All employees returning from long term sickness absence, irrespective of grade or length of service, have the right and obligation to be considered for the rehabilitation process is supported by the Employee Health Service. There is no guarantee that suitable new or modified duties will be found.
- Confidentiality is fundamental. All information divulged to line managers and union representatives is on the understanding that strict confidentiality is maintained. Employees have the right to access to material as specified under the Data Protection Act: the 1988 Access to Medical Records Act and the 1990 Health Records Act.
- The individual has a right to state their point of view throughout the process.
- Travel to and from the workplace remains the responsibility of the individual.
- Employees on rehabilitation are obliged to advise their line manager as soon as possible if their circumstances change and they find rehabilitation duty too demanding or are able to resume normal duties earlier than expected.

- Where an individual's rehabilitation duty consists of reduced hours, the employee will endeavour to arrange any medical appointments outside duty time.
3. In those cases where Employee Health Service advise that an employee's full return from sick absence would be hastened by returning, in the first instance, to a modified duty or hours, the Human Resource Service Centre will advise the employee's line manager. Advice may also be sought at this stage from the Disability Advice Centre or external specialist organisations, e.g. Royal National Institute for the Blind.
  4. On receipt of notification, the line manager will attempt to identify suitable work and attendance patterns for the employee concerned. There will normally be discussion in advance with the employee as training may be required and with the local union representative on this and the operational consequences (e.g. duties).
  5. The line manager will advise the individual of proposed arrangements detailing duty content, hours of attendance and duration, and invite his/her participation. Full information on financial (including pensionable) considerations will be provided. This discussion will include listening to the individual's point of view. Retraining may be an appropriate consideration at any stage.
  6. Once the employee accepts rehabilitation and returns to work he/she will be regarded as having returned from sick leave providing he/she adheres to the rehabilitation arrangements.
  7. Whilst on rehabilitation the individual will continue to be reviewed by the monthly case conference. Additionally the line manager should take a particular interest in the welfare of the employee.
  8. If it does not prove possible to establish a suitable rehabilitation duty at the employee's office of work, the manager should contact neighbouring offices where, through consultation between management and the nominated Union representative for the Area, efforts will be made to identify suitable work. In the event that suitable work is identified, the individual will be temporarily transferred and the employee will be reimbursed for any excess travel costs.
  9. Where an individual is considered to be disabled under the Disability Discrimination Act 1995, the process will be widened to ensure that the other Post Office businesses are contacted in order to identify suitable opportunities. This process will be considered in other suitable cases.
  10. At the end of the agreed rehabilitation period, the arrangements will be reviewed by Human Resources in conjunction with the line manager and the Employee Health Services if the individual is still not able to resume the full range of duties.

**11.** Where either (1) an employee refuses an offer which, in the opinion of both the Line manager, the employee's GP and the Employee Health Services, is a reasonable one, or (2) it has not been possible to propose suitable rehabilitation arrangements within a reasonable period, it will be necessary to consider what action should be taken in respect of the continued absence and inform the individual accordingly.

**12.** The rehabilitation process does not cover:

- (a) cases where permanent arrangements are required;
- (b) cases of terminal illness;
- (c) cases where there is a known deteriorating condition.

Note: There may also be cases where employees in work need reasonable adjustments where medical circumstances make their current duties temporarily too demanding. Such cases should be treated reasonably.

**REHABILITATION FLOWCHART**

**APPENDIX 4**

Employee on Long Term Sick Absence considered by OHA or EHS doctor for rehabilitation.

Employee on Long Term Sick seeks consideration of rehabilitation measures and assessed by EHS.

No measures recommended.

Advice may be sought from DAC and Area Rep.

Measures recommended by EHS to HRSC and then line manager with notification to DAC/Area Rep.

Continue on due process (DDA related under Link to Long Term Sick Process).

Notification by Personnel to the individual and GP of the rehabilitation options being considered with sufficient time to receive advice before any discussion with the Line Manager.

Line Manager Discussion with relevant Trade Union Rep on duties and training.

Employee refuses offer of rehabilitation.

Full supportive and caring discussions between Line Manager and employee considered proposed options for rehabilitation in line with the criteria in the DDA for reasonable adjustments and aimed at concluding in agreement on terms and period of temporary arrangement.

Need to contact other Personnel Units of PO business to identify/effect suitable opportunities.

Assessment of employee at work station (or work area) on return to work involving : risk, assessment, individual, line manager, Area Safety Rep, OHA if required. Option or immediate review of arrangements if warranted.

Review of OHA (with performance report from Line Manager) normally after 4 weeks from return: open to advice to maintain, increase or reduce activities and stating time for next review. The review must include a chance for the individual to state their point of view before the next steps are determined. Normally revised arrangements will be discussed in advance by the Line Manager and their Trade Union Representative.

If there is a perceived disagreement between EHS and GP, a phone call should be made by any party to the EHS Area Office to seek advice on further action.

**KEY**

HRSC - Human Resource Service Centre  
 DDA - Disability Discrimination Act  
 OHA - Occupational Health Authority

DAC - Disability Advice Centre  
 GP - General Practitioner  
 EHS - Employee Health Services

## **AGREED JOINT STATEMENT ON LONG-TERM ABSENCE**

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## **APPENDIX 5**

The Royal Mail/CWU JWP expressed concern over the fact that there was no agreed procedure to cover those employees on long-term sickness absence for whom the Attendance Procedure and Medical Retirement are not appropriate. In such cases where sick absence cannot continue, the Business has no option but to dismiss the employee without any benefits.

During its benchmarking, the JWP found evidence where other companies had an approach where employees on long-term sickness absence left the company either on enhanced pension terms or with a compensation payment funded out of current expenditure.

Currently the Post Office Pension Schemes have different criteria for medical retirement and the terms attached apply equally, irrespective of the nature of the illness or the degree of incapacity.

The JWP noted the work that had previously been undertaken in conjunction with the Employee Health Service which had developed definitions (to replace the existing definition of medical retirement) to differentiate between those employees on long-term sickness absence who were (a) not able to work again, and (b) likely to be able to work again on leaving the business for health reasons.

In the light of the above, the JWP believed that the current costs incurred by the Pension Funds on medical retirement should be reviewed with the objective of determining whether it would be possible to re-target the existing expenditure and provide a different level of benefit according to the two definitions of incapacity.

In the event that it is possible to operate a two-tier benefit system, a revised process in respect of employees on long-term sickness absence who leave the business on medical grounds can be developed and implemented without undue difficulty.

The JWP recognised that in the absence of such an approach the current unsatisfactory position will remain where a number of employees on long-term sickness absence will be dismissed without benefit under a procedure that is not agreed.

The JWP by itself cannot bring this matter to a satisfactory conclusion. The JWP strongly recommends that a study is undertaken by the Post Office Group and the Unions centrally as a matter of urgency to conclude whether it would be possible to re-target pension benefits according to need and to decide in the light of this what action needs to be taken.

