

PILOT ATTENDANCE PROCEDURE

1. PURPOSE OF PILOT

The purpose of this agreement is to pilot a new approach to the management of absence due to sickness in support of the following agreed objectives:

- making Royal Mail a better place to work for all employees
- producing a better industrial relations environment
- to benefit the customer
- ensuring the continuing and growing success of Royal Mail in the face of increasing competition

2. SCOPE

The agreement applies to all employees including trialists (but excluding casual/seasonal staff who are dealt with by separate managerial guidelines) in the designated areas/locations to comprise 50% of N.E. (Newcastle, Bradford, Darlington and Teesside) and 50 % Midland Division (Birmingham, Wolverhampton and Stoke) who become:

- absent from work due to sickness and are
- not classified as long term sick and in respect of whom medical retirement has not been considered.

3. PILOT ARRANGEMENTS

Detailed arrangements for the pilot are set out in Appendix 1.

4. 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.

5. PRINCIPLES

The principles on which this agreement is based are:-

- A focus on capability not conduct
- 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 representation at all interviews other than return to work discussions and counselling
- A request by employees for an interview with a manager of the same sex at counselling and the first and second stage interviews within the local unit will be treated sympathetically where practicable
- A right to raise a point of procedure
- Disclosure of Employee Health Service medical advice to the employee which might impact on the ultimate employment decision
- A right of appeal against dismissal
- Monthly review of the operation of the agreement as part of the pilot.

6. RETURN TO WORK DISCUSSIONS

When someone returns to work from absence the line manager must aim as soon as possible to speak with the person privately and out of earshot of others in a non-threatening and supportive way outside formal or counselling procedures with the following objectives:

- to acknowledge the employee's return and show it is valued
- to enable the employee to air any concerns

- to see if any help is needed and provide direction to encourage regular attendance
- to ensure 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 or sensitive nature if they choose not to do so.

A diary note that a return to work discussion has taken place will be made, in addition to confirmation on the self certification form.

7. COUNSELLING

This may take place at any time before the formal 1st Stage Warning where, depending on the attendance record and other matters, there is concern about an employee's attendance. In the formal procedure a manager may decide it is appropriate to undertake additional counselling.

The approach to counselling will be the same for new entrants who will remain subject to the current national standards. When the standard has been met then consideration will be given to confirming the appointment of the new entrant if they are on extended trial solely for attendance reasons.

The line Manager will not exceed their line manager responsibilities and will ensure that individuals are referred to Employee Health Service for formal, professional counselling where it becomes apparent that this is needed.

7.1 Role of Personnel

When an employee's attendance gives rise to concern, Personnel will give professional advice and guidance to line management. In drawing up this advice Personnel will take into account factors including the nature, frequency, duration and pattern of absences.

7.2 The Line Manager

The line Manager will then review all the advice and circumstances to decide whether counselling the employee is likely to:

- produce an immediate and sustained improvement and/or
- increase the employee's awareness of the standards and/or
- reveal more relevant background to the circumstances of the absences and the outlook for the future than has been possible through return to work discussions

The presumption is that counselling will take place but there may be exceptional circumstances when it is inappropriate. In such circumstances the manager will speak to the employee concerned and advise him or her accordingly and remind him or her of the standards and the considerations behind the decision not to counsel.

7.3 Arranging a counselling meeting

The employee will normally be given two working days notice of the meeting and will be:

- told of the purpose of the meeting and its objectives
- encouraged to bring anything that may be relevant (i.e., doctor's notes, medical appointments, particulars of medication, etc.)
- advised to consult his/her union representative for guidance about the process

The manager will arrange for a copy of the person's absence record (last 12 months) to be provided at the meeting.

7.4 The Counselling Discussion

A counselling discussion might include the consideration of the following:

- the causes, frequency, duration and pattern of absences
- nature of work, shift system, recent changes to the demands of the job
- work record and length of service
- relevant circumstances known to the manager (through return to work discussions or otherwise) such as
 - health declaration on joining
 - recent return from long term absence
 - recent or imminent hospitalisation
 - welfare problems
- a reminder of the services of Employee Health Service and provision of contact numbers
- action to be taken by the employee/manager including any rehabilitation measures, which might include retraining
- the prospects of improvement
- a reminder of the standards required and the implications of not meeting them

Counselling should be sympathetic and supportive, yet clearly focused on achieving improvement and maintaining standards. The manager and the employee will jointly identify any support measures that may need to be considered.

Where, despite return to work discussions and any counselling session, attendance 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.

8. 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 2 together with the process chart at Appendix 3. 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.

Individuals who are under the procedure and their representatives, who believe there have been significant procedural irregularities, may contact Personnel during the process if they cannot be clarified in the line.

Absences which count

All absences up to and including the day 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. Accidents which happen in the course of Royal Mail work would normally be discounted.

Absences which are incurred by employees who are disabled 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:

- These absences will still be recorded on the employee's sick absence record.
- The line manager will still carry out return to work discussions and counselling as appropriate. He/she will explain that the relevant absences have been discounted and discuss whether assistance from Employee Health Service or Royal Mail would help with disability-related attendance problems including consideration of any reasonable adjustments.
- Absences which are disability-related may be counted where it is justifiable to do so and in these circumstances the employee should be given advance warning

that future absences will no longer be discounted.

8.1 Stage 1 - 1st Stage Warning

When an employee's attendance first becomes unsatisfactory the employee should be interviewed in order to determine whether a 1st 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 her/his 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 1st Stage Warning that his/her attendance is unsatisfactory
- he/she must make every effort to reach Royal Mail'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 the relevant union representative for that location or 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 an 1st Stage Warning on the basis of the employee's record, and invited to put forward 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 1st Stage Warning should be confirmed in writing, along with any relevant points.

8.2 Stage 2 - 2nd Stage Warning

If an employee, who has been given a 1st 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 an 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 2nd 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 local union representative.

The employee has the right to representation by the relevant union representative for that location or 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 Second Stage Warning should be confirmed in writing along with any relevant points.

8.3 Stage 3 - Dismissal Stage

If, after receiving a 2nd 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 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 it 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 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.

Key point notes of this meeting should be taken and the employee given 3 days to comment on these, after which a decision will be taken.

At the interview the employee may be accompanied by the relevant union representative for the location or 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.

9. 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 relevant union representative or 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 5 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 in a reasonable time, an offer extending the notice period may be made, at management's discretion.

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

10. 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 days, and would be free to enlist support from the relevant union representative for that location 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.

11. RECURRENCE

If, once having come off the formal procedure, an employee's attendance record once again becomes unsatisfactory he/she will not have an automatic right to counselling.

12. AUTHORITY LEVELS

Authority levels for the various stages of the procedure will be the same as for the Conduct Code and any changes in disciplinary authority levels will automatically apply.

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 or an absence which has become long term, he/she may be dealt with under arrangements for dealing with long term absence and rehabilitation (Appendix 4).

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 Royal Mail Attendance Procedure. The employee should then be informed of his/her status under the Attendance Procedure.

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Appendix 1

DETAILED ARRANGEMENTS FOR THE PILOT

It is important the Pilot Agreement is properly deployed and evaluated.

1. Duration of pilot

The pilot will be for a period of 12 months. There will be a formal joint review at 6 months and at the conclusion of the pilot. One of the specific aspects that will be jointly reviewed at the 6 month stage will be the clarity of the standards set at Stages 2 and 3 in the light of the concerns about the rolling 6 months in a 9 month period.

2. Areas to be included

North East - Newcastle, Bradford, Darlington and Teesside
Midlands - Birmingham, Wolverhampton and Stoke

3. Training

Line Managers, Personnel Service Centre staff and CWU and CMA representatives invited to attend workshops on a joint basis, covering:

- Intention of the parties - JWP context etc.
- Terms of the Pilot Agreement - how it differs from what we have had
- what aspects remain the same
- Role and responsibilities of Personnel, line managers, representatives and employees
- Objective of counselling sessions and how these should be arranged and handled
- Evaluation arrangements

Line managers to be trained in the techniques of holding:

- counselling sessions
- formal interviews within the procedure

4. Communication

A joint communication plan has been prepared which will take into account the following:

Message Media

- Outcome of JWP and outline of way forward · Memo to Personnel Directors/Divisional Reps CWU/CMA
- Courier
- Terms of Agreement, locations affected · JWP 'Newsletter' within Divisions affected
- Programme for training, pilot evaluation and review · Briefing all management, CWU and staff at locations affected
- Start of pilot · letter to all management, CWU and staff at locations affected
- Outcome of pilot and next steps · letter to all management, CWU and staff
- factsheet for new starters during trial
- memo to Personnel Directors
- Courier
- letter to all staff participating

Measurement and Evaluation

To determine the success of the project, we need to identify the key measures which will be subject to review. A number of the following elements have been considered but the definitive list will be jointly agreed by the Pilot Project Manager in consultation with the JWP and the two Divisions concerned.

To include for both pilot, group and control group for the same month in the previous year, the following:

- Total number of days off sick per head/cost of sickness
- Number of return to work discussions
- Number of counselling sessions
- Number on stage 1, 2, 3
- Number of dismissals
- Number of appeals successful/unsuccessful
- Purpose-designed opinion survey/feedback form from participant at each stage
- Random sample of interviews
- In-process review by joint steering group comprising appropriate members of the JWP, management and reps.

The monthly measures set will show whether the new approach is robust and economically sound. In the event that it is not, then Royal Mail will, in consultation with CWU and CMA, decide what actions need to be taken.

Transitional Arrangements

For those on the formal procedure, the principle of lateral transfer will apply when transferring individuals to the new arrangements. The detailed arrangements will be agreed and communicated prior to the introduction date.

Appendix 2

ROYAL MAIL ATTENDANCE STANDARDS

These standards are designed to encourage and help employees to develop appropriate patterns of attendances. 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 taken fully into account.

1. Minimum National Standards - New Entrants on Trial

With employees new to Royal Mail 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 trial has:

Stage 1 : 2 absences or 7 days in a 6 month period

Stage 2 : 1 absence in the next 2 months

Stage 3 : 1 absence in the next 2 months

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

2. 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:

Stage 1 : 5 absences or 17 days in 12 months.

Stage 2 : 2 absences or 12 days in any 6 month period during the next 9 months

Stage 3 : 2 absences or 10 days in any 6 month period during the next 9 months

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 be put back to the previous stage of the Attendance Procedure but the criteria appropriate to a non-triallist will then apply.

Appendix 3

ABSENCE PROCEDURE FLOWCHART

Sorry - this is not available online at the moment.

Please email alawrence-jones@cwu.org for a copy.

Appendix 4

REHABILITATION PROCESS FOR EMPLOYEES RETURNING FROM LONG TERM SICK ABSENCE

1. AIMS AND OBJECTIVES

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. 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, excluding casual/seasonal staff, 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 if 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 Personnel 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 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 participating. 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 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 the line manager and Employee Health Service 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 and Employee Health Service 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.

13. MEASUREMENT AND REVIEW

Royal Mail and CWU are committed to this process which will be reviewed on an Area by Area basis. The effectiveness of this approach will be monitored at the quarterly strategic area review meeting. It is a process for reviewing trends and identifying opportunities for improvement.