



# ATTENDANCE AGREEMENT NATIONAL AGREEMENT BETWEEN ROYAL MAIL AND THE CWU

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1. Royal Mail and the CWU agree to the following changes to the current Attendance Procedure which has been operating since 1 July 1992 against the backdrop of a major pilot of a new Attendance Procedure being run in the Midlands and North East Divisions.

2. The key elements to this Agreement are as follows:

- The focus of this Procedure is on Capability and not Conduct.
- The Procedure is intended to encourage Attendance.
- Introduction of return to work discussions.
- The approach remains through 3 Progressive Formal Stages.
- A measurement and review process will be established nationally.
- A separate process for rehabilitation from long term sickness absence is appended.
- Absences resulting from accidents at work or an employee's disability are normally discounted.
- EHS support/advice should be available at any time.
- Requests by employees to be interviewed at stages 1 and 2 by a manager of the same sex, where this is practical within the local unit concerned, will be treated sympathetically.
- Representation at all formal stages.

3. This agreement supersedes the Royal Mail Attendance Procedure (1993 and 1996). It applies to all Royal Mail employees, except for those in the nominated Attendance Pilot area for the duration of the agreed Pilot.

4. The operation of this Agreement will be reviewed nationally in 12 months.

## ROYAL MAIL ATTENDANCE PROCEDURE

### **1. INTRODUCTION**

This procedure is designed to help Royal Mail 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. It:

- applies to frequent and/or lengthy absences from work (whether covered by a self-certificate or a Doctor's Certificate) because of medical conditions which do not justify Medical Retirement;
- applies to all employees of Royal Mail except casual/seasonal staff;
- 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 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, 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.

Minimum national standards of attendance are built into each stage so that employees clearly understand what Royal Mail requires,

No employee will be dismissed on grounds of unsatisfactory attendance if Royal Mail's standards of attendance are consistently achieved. However, those minimum standards are not intended to have the status of an entitlement. Employees will need to demonstrate - by meeting the customer 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.

## **2. APPROACH TO INDIVIDUALS**

- Each case must be treated on its merits, taking into account issues such as length of service and nature of work.
- The Royal Mail Attendance standards set out at Appendix A are minimum standards designed to ensure that 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. Further action will only be taken if he/she fails to achieve the standards of attendance appropriate to the next stage.

## **3. RETURN TO WORK DISCUSSIONS**

When someone returns to work from absence the line manager must aim as soon as possible 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 show it is valued
- for 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 kept in addition to the confirmation on the self-certification form.

#### **4. UNSATISFACTORY ATTENDANCE PATTERN**

- Where an employee's attendance becomes unsatisfactory (whether or not a letter about attendance has been sent outside the formal procedure) this needs to be explained to the employee in terms of the appropriate stage of the formal procedure. The warning should normally be given at an interview, backed up by written confirmation.
- The interview can be adjourned at any stage if the interviewee raises a factor which requires further investigation or stopped if the interviewer considers that there is no need for further action.
- The employee must be told the outcome of the interview and the stage of the Attendance Procedure which then applies.
- If at any stage of the procedure an employee makes the required improvement, s/he will be put back to the previous stage for up to 12 months; if during that period the employee meets the standard appropriate to the stage s/he will no longer be under the procedure and his/her attendance need not be monitored unless or until the attendance pattern again becomes unsatisfactory, (i.e. the employee fails to meet the appropriate standard).

The manager dealing with a case under the procedure may request a report from the Employee Health Service at any point and MUST do so (from an Employee Health Service Doctor) when dismissal is being considered.

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

The Attendance Procedure consists of 3 stages to which different standards of attendance apply. The stages are progressive and intended to explain the standards that need to be achieved and help employees maintain appropriate attendance patterns thereby avoiding the need for dismissal. 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 will not count towards the next stage of the procedure.

Individuals who are under the procedure, and their representatives, who believe there have been significant procedural irregularities may contact the Professional

Support Manager during the process to seek clarification. This is not an appeal and is not intended to hold up the case.

### **5.1 Stage 1 - 1st Stage Warning**

When an employee's attendance first becomes unsatisfactory the employee should be interviewed or written to 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 it may prove useful to show the employee his/her absence record and such practice is strongly recommended. When shown their record many employees are genuinely surprised and a friendly word can on occasions achieve a genuine change for the better.

If the employee is being interviewed, the interviewer should first ask the employee for his/her own explanation of the absence(s) and for any mitigating factors, then (assuming it is appropriate to proceed with the interview) give the employee a 1st Stage Warning that his/her attendance is unsatisfactory, that s/he must make every effort to reach Royal Mail's standards; and the specific improvement required (absence level and timescale) in order to do so. The employee should be reminded of the services of the Employee Health Service and encouraged 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 also be reminded of his/her right to approach his/her local Union representative. At the interview the employee may be represented by the relevant union representative for that location or accompanied by a friend from the same location. If the 1st Stage Warning is given at an interview, it should subsequently be confirmed in writing. If the matter is dealt with in writing the employee should be advised that the relevant manager is considering giving a 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. This should be confirmed in writing.

### **5.2 Stage 2 - 2nd Stage Warning**

If an employee who has been given a 1st Stage Warning fails to make the required improvements s/he should normally be called to a formal interview. The purpose of the interview is to warn the employee that his/her attendance is unsatisfactory and that s/he could be facing dismissal if s/he does not reach and maintain an acceptable standard of attendance.

The interviewer should first ask the employee to put forward an explanation for the absence(s) and any mitigating factors, then (assuming it is appropriate to continue the interview) give the employee a 2nd Stage Warning that his/her attendance is unsatisfactory, that if there is insufficient improvement to reach and maintain an acceptable standard s/he is liable to be dismissed, and the specific improvement required (absence level and timescale) in order to avoid the need to consider dismissal.

The employee should be encouraged to seek help from EHS or his/her own medical advisers and be reminded of his/her right to approach his/her local union representative. At the interview the employee may be represented by the relevant union representative for that location or accompanied by a friend from the same location. After the interview, the 2nd Stage Warning should be confirmed in writing.

### **5.3 Stage 3 - Dismissal**

If, after receiving a 2nd Stage Warning, there is insufficient improvement in the employee's attendance and the manager dealing considers that dismissal may be appropriate, the employee should be advised that Royal Mail is considering dismissing him/her and invited to put forward reasons why s/he should not be dismissed. The notification should be in writing and should show a full record of the absences and warnings which have led to the decision to dismiss. The employee should be advised that if s/he wishes to respond to the invitation s/he 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 dealing considers it necessary). At the interview the employee may be represented by the relevant union representative for that location or accompanied by a friend from the same location. The employee should also be advised that s/he may apply for medical retirement at this stage if s/he can produce medical evidence to support the application.

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

- advise the manager dealing 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 their 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 (the process for which is set out in the Personnel Framework) 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 interview has been held, the manager who conducted it will take a decision on dismissal. 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 the attendance standards appropriate to that stage will apply.

## **6. 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 written notification of the decision to dismiss. A hearing will normally be arranged within 4 weeks and the employee will be notified in writing of the time, place and manager dealing with the appeal 5 working days 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 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.

## **7. 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.

## **8. STAFF ON SICK LEAVE**

Where an employee is off sick and cannot attend for interview at any of the formal stages, he/she will be given the opportunity to put 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 would be processed in the normal way.

## **9. LINK TO LONG TERM SICKNESS 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 B).

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.

Appendix A

## **ROYAL MAIL ATTENDANCE STANDARDS**

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 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: 4 absences or 14 days in a 12 month period

Stage 2: 2 absences or 10 days in any 6 month period during the next 12 months

Stage 3: 2 absences or 10 days in any 6 month period during the next 12 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 B

## **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.