



National Offender Management Service

Michael Spurr
Chief Executive
National Offender Management Service

20 February 2017

NOMS ATTENDANCE MANAGEMENT POLICY

Dear Sarah,

I am writing in response to your recent letter outlining your concerns in relation to the new Attendance Management Policy (PI 01/2017) implemented on 5th January. Thank you for raising these important points with me.

I understand your reservations about the implementation of the new policy but want to be clear that our fundamental commitment to the health and well-being of staff has not changed. Your points regarding assurance that the policy is implemented consistently and fairly and that the guidance which we provide gives full clarity in this respect are ones which I agree with. I agree that a discussion between your representatives and our attendance policy leads with a view to discussing the guidance already available, improving this where necessary and also discussing how we might build on assurance in respect of its application would be valuable to the process. I have asked Jim Fraser to liaise with you accordingly to arrange something in the near future.

I recognise that you have a number of concerns about the implementation of the new policy which I will address below.

Guidance/Training

There seems to be some confusion of the guidance available to staff and managers to support the implementation of the new policy. There are 18 'How to Guides' available on the NOMS intranet that support staff and managers through a number of different scenarios relating to attendance management. These 'How to Guides' were shared with trade unions in 2015 and have been available to all staff on the intranet for over 12 months. There have been some minor amendments to these documents following the introduction of the new policy and they will be shared with trade unions.

Further guidance for staff is also available on the My Services site. The My Services attendance pages have been re-written following the introduction of the new policy and also because of the re-launch of My Services following the introduction of the Single Operating Platform (SOP). Colleagues in the HR Directorate will share the new My Services pages along with the How to Guides and would be happy to meet with you to ensure the guidance available meets staff needs.

The revised How to Guides and new My Services site provide managers with the appropriate guidance and information to support staff when they are ill and to promote wellbeing and this

letter confirms our commitment to work with Trade Unions to strengthen guidance to support the implementation of the new attendance policy. Having the appropriate guidance in place to support staff and managers reinforces our continuing commitment to promote the health and well-being of our employees and to support colleagues to effectively return to work after illness. As I have stated previously, it is imperative that we address poor attendance issues appropriately, but this must not be to the detriment of staff who have suffered genuine illness and need help and support to regain full health and to return to work.

Wellbeing Strategy

The NOMS Wellbeing Strategy was first published in 2015 and will be re-published this year as part of a larger re-launch of the wellbeing agenda within the new HMPPS. It will bring the National Probation Service (NPS) in line with Public Sector Prisons ensuring that wellbeing interventions are fully integrated within all areas of the organisation. The strategy will be formally launched following the Wellbeing Learning Day in March.

Wellbeing activities are discussed monthly at national level and circulated through the established attendance lead network by HRBP's to all regions and divisions. We are currently developing a number of key wellbeing interventions, some of which will be shared for discussion at the Wellbeing Learning day in March.

The Wellbeing Zone, which is a website and mobile app, includes useful information on personal training programmes, weight management, healthy eating, nutritional advice, stress management solutions and general advice on healthy living and is accessed by staff through the intranet. The site also contains the Wellbeing Calendar which details key wellbeing events throughout the year.

Some NPS regions are currently providing dedicated resilience training for their staff where required and the North East Division have recently worked with internal Communications to develop a poster campaign advertising the wellbeing offer to their staff to ensure that everyone is fully aware of what is available and how they can access it.

Communications to staff

The communications that were issued to staff when the policy was implemented directed staff and managers to various sources of guidance. The new policy and the guidance available on My Services is very clear that managers have the discretion to determine whether it is appropriate for a Written Improvement Warning to be given when an employee reaches or exceeds their Trigger Point. A Written Improvement Warning is not intended to be punitive. It should remind the employee of the attendance standard expected of them and encourage them to work with you to find ways to improve their attendance.

In my letter of 3rd January I described the transitional arrangements in place relating to Serious Underlying Medical Condition (SUMC) as this will no longer be considered for exclusion in the new policy. However, prior to the policy implementation on 5th January, some employees may have had an absence excluded due to a SUMC under the old policy and as part of the transition to the new policy this absence (not the medical condition) will continue to be excluded if it is still within the 12 month rolling period.

The summary of key changes document is one of a number of different guidance documents issued available to staff and managers to support the implementation of the new policy. Promoting the health and well-being of our employees and supporting colleagues to successfully return to work following an illness is certainly not something new, this new policy and supporting guidance simply reinforces our continued commitment to support staff and promote the health and wellbeing of all our employees.

Civil Service policy

An Attendance management module has now been included in the First Line Managers Core Programme so training in the application of the policy will be covered. This programme is currently in pilot phase. A full First Line Managers Attendance training programme was previously rolled out across all divisions within NPS and the principles of this programme can still be used when applying the new policy.

Trigger Points

There has been no change in policy in relation to sick leave excusal for either NOMS / HMPPS or the NPS. Sick leave excusal was only introduced for NPS staff in December 2015 following consultation with probation trade unions. There are slight differences in how sick leave excusal is managed in the NPS which relate to differences in how the Civil Service Pension Scheme and the Local Government Pension Scheme are applied and how injury allowance awards are assessed under the Local Government Injury Allowance Regulations.

Managers discretion and trigger points

As I have already mentioned, the new policy and the guidance available on My Services is very clear that managers have the discretion to determine whether it is appropriate for a Written Improvement Warning to be given when an employee reaches or exceeds their Trigger Point. There is a dedicated page on My Services that has detailed guidance for managers on unsatisfactory attendance exclusions and managers in discretion.

Following our meeting on 20th December and my subsequent letter to you on 3 January I can confirm that paragraph 2.49 was amended in the final published version of the policy, following the concerns raised.

Equality Issues

The HR directorate are currently in the process of reviewing and revising the original Equality Impact Assessment and also putting it into the new Equality Analysis format as per PI 19/2016 Implementation of Equality Analysis policy. The concerns of all our Trade Unions will be considered in the revised document and this will be shared with all Trade Unions.

I understand your concerns around the timing of the policy implementation, but as I have explained previously we had no choice to implement now to align with the rest of the Ministry of Justice and the wider Civil Service.

SUMC

AS I mentioned in my letter of the 3rd January the removal of reference to SUMC does not mean that colleagues with chronic, long term or terminal illness will suffer detriment. The guidance to managers will make clear that staff who have a terminal or long term chronic condition (such as cancer) should not be subjected to attendance management procedures but should be provided with ongoing help and support. There is a dedicated how to guide advising managers on how to support employees with a serious or terminal illness.

In view of the concerns you and other trade unions have raised with regard to the implementation of this policy, I have asked the HR Directorate to conduct quarterly reviews of the policy implementation. HR Directorate colleagues will discuss the outcome of these reviews with trade unions at the monthly Attendance Trade Union Briefings.

I hope this provides you with further clarification and reassurance on the implementation of the new policy and I remain committed to continuing to work with you and Trade Union colleagues to promote improved occupational health across the Agency.

Yours sincerely,

Michael Spurr

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