

# Human Resources policy

## Attendance

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## Contents

1. Introduction .....	3
2. Policy purpose.....	3
3. Related policies & employment legislation .....	3
4. Our responsibilities.....	3
4.1 Employee responsibilities .....	3
4.2 Manager responsibilities.....	4
4.3 Human Resources responsibilities .....	4
5. Reporting procedures.....	5
6. Unauthorised leave .....	5
7. Planned absences.....	5
8. Long-Term Absence.....	6
8.1 Employee Assistance Programme .....	7
9. Employees with Long Term Health Issues .....	7
9.1 Individuals with a Disability.....	7
9.2 Special Leave.....	7
9.3 Other long term health issues .....	8
10. Contact with infectious diseases .....	8
11. Returning to work .....	8
11.1 Absence Recording and Return To Work Interview.....	8
12. General Principles of the Formal Procedure .....	9
12.1 Right to be accompanied.....	10
12.2 Dealing with delays .....	10
13. Level 1 meetings .....	10
14. Level 2 meetings .....	11
15. Attendance hearings .....	12
16. Appeals procedure .....	12
17. Sick Pay .....	13
17.1 Recovering Payments from Third Parties.....	13
17.2 Grants of Sick Pay to Victims of Crimes and Violence .....	14
18. Equality Impact Assessment .....	14
19. Changes to Policy .....	14

## 1. Introduction

We recognise that from time to time you will not be fit enough to attend work due to sickness or ill health.

However, it is your responsibility that these periods are minimised and that you make yourself available for work on an on-going basis.

## 2. Policy purpose

This document is designed to offer guidance on how to manage sickness absence and to:

- Assist us all in achieving and maintaining regular and reliable levels of attendance at work;
- Encourage healthy living, job satisfaction and encourage attendance;
- Ensure that individuals with genuine illnesses are treated sensitively;
- Set out the necessary steps for fair and consistent treatment of those of us individuals with attendance issues;
- Ensure attendance is managed effectively and that the sick leave scheme is not abused;
- Ensure that the principles of the Equality Act 2010 are taken into account;
- Assist managers in ensuring adequate employee resources.

This policy replaces all previous sickness and attendance procedures and policies and shall continue in operation until further notice

## 3. Related policies & employment legislation

We remain up to date and compliant with all current employment legislation.

In particular:

Social Security Act 1998

[Health and Safety at Work, etc. Act 1974](#)

[Workplace \(Health, Safety and Welfare\) Regulations 1992](#)

Disciplinary, Conduct and Capability Policy & Procedure

## 4. Our responsibilities

We are all responsible for keeping our absences to a minimum and supporting those who are ill.

Each case of absence will be managed on its merits. The targets detailed in this policy are examples of when formal action may commence. Managers will monitor attendance and take formal action as they see appropriate.

Whilst supporting those with serious medical problems, the principles and provisions of this policy will still apply.

### 4.1 Employee responsibilities

We encourage you to look after your general health and well-being, which will in turn enable you to be fit for work. Where your attendance levels become of concern to your manager, it is important that you remain open to suggestions

regarding improving your attendance and that you participate fully in any formal procedure.

Whilst we do not encourage you to attend work if you are unwell, you are requested to consider the impact that your absence will have and where possible, advise your line manager of any appointments or tasks that will need to be covered.

It is also important that you ensure that you are fit for work before you return.

#### **4.2 Manager responsibilities**

As a manager, you are responsible for managing your team's attendance at work; supporting the achievement of our targets; and providing team members with appropriate support during periods of absence. This includes monitoring absence levels, keeping HR and payroll up to date with any individual absences and liaising with HR to arrange welfare meetings or medical assessments.

Attendance records are held on a computerised system which you can access in relation to individuals in their department.

You should also identify ways to reduce absence levels within your team by identifying risk factors e.g. working environment.

When a member of your team returns to work after any period of sickness absence or after working alternative duties whilst covered by a fit note, it is important to complete a return to work interview and the relevant documentation, which is available on the Intranet.

During attendance meetings, consider discussing the impact of the individual's attendance record on the team. Discussions may also focus on whether any reasonable adjustments can be made to support future attendance. If it is identified that they have a disability, as defined in the Equality Act, you should discuss with HR whether any reasonable adjustments are required.

If you have any concerns over the individual's state of health, you are encouraged to discuss them with HR who can provide guidance.

#### **4.3 Human Resources responsibilities**

The role of the HR department is to provide support and advice to managers and individuals to ensure that we achieve regular and reliable attendance levels.

This will include:

- Overseeing absence levels across the organisation, reviewing specific cases with line managers as necessary;
- Ensuring that this policy is applied consistently;
- Arranging medical assessments as required;

- Highlighting trends and absence patterns;
- Assisting managers making reasonable adjustments as required

HR maintains attendance records on a computerised system. HR can keep absence reasons confidential, if it is appropriate in the circumstances.

## 5. Reporting procedures

### 6. Unauthorised leave

If you are absent from work without following the above absence reporting procedure, you may be subject to disciplinary action.

It will normally result in company sick pay being withheld. Each case will be investigated and dealt with on its own merits.

Absences over seven consecutive calendar days:

If your absence lasts more than seven consecutive calendar days, including rest days and weekends, fit note(s) are required to cover your absence from the eighth day onwards.

This should be sent to HR, preferably within 48 hours of visiting your medical professional. Your line manager will send HR any fit notes received.

If a fit note is not submitted, we reserve the right to withhold pay as your absence will be classed as unauthorised.

It is important that you do not change any information on fit notes, including dates. If you have any concerns about the reason written, please contact HR in confidence. Any unauthorised alteration to a fit note will be treated as an offence of gross misconduct.

If you fall ill abroad, sick notes from a medical professional can be submitted in order to claim sick pay. You should contact HR to advise them of the situation and to agree arrangements.

Conduct Whilst On Sick Leave:

Whilst on sick leave there may be occasions where you wish to visit your work place, to attend an organised social function or meet work colleagues.

It is requested that you discuss and agree this in advance with your line manager or HR.

To enable us to continue to provide support during periods of absence, please make sure we can contact you.

### 7. Planned absences

There may be times when you are aware in advance of a period of absence, for example to undergo a planned operation after which you are not able to return to work immediately.

In these instances, you are encouraged to discuss with your manager as soon as possible the date(s) you expect to be absent from work. Managers will agree with you arrangements for maintaining contact and sending in fit notes during the period of absence.

During the planned absence, you should follow the procedures detailed in 7 and 8 regarding the provision of fit notes and conduct whilst on sick leave.

## 8. Long-Term Absence

Long-term absence is defined as absences of four or more consecutive weeks.

Regular, appropriate, contact should be maintained during long term absence and to co-operate in determining a strategy to facilitate a return to work.

A medical opinion may be requested to assess: the extent of the continued absence; identify any reasonable adjustments that can be made; and consider the prospects for a return to full employment in the foreseeable future. (See section 9).

Your medical practitioner may also refer you to the Fit to Work scheme.

We may also consider the following:

- Holding welfare meetings with both a member of HR and your line manager at regular intervals after four weeks of sickness absence.
- Making reasonable adjustments to your role, workplace or working hours to aid your return-to-work as advised by your medical professional or occupational health.
- Maintaining regular contact with you using a consultative approach that has been agreed with you, HR and where appropriate, your Trade Union representative, medical practitioner and Fit for Work case manager.

In some instances, when returning to work from long term absence, you may need confirmation, you are fit to return, and this will be discussed with you

### Occupational Health:

We have an appointed occupational healthcare provider who provides a range of services to assist us in the management of employees with health issues.

They can give advice on the impact to your role and provide individuals with access to confidential advice and assistance on a variety of issues.

Where we have concerns regarding your health or absence reasons, you may be asked to provide consent for us to involve the services of the occupational healthcare provider. Your rights will be explained to you at the point of the request. If you choose to withhold consent, we will base any decisions on the other information available at the time, including whether to proceed to formal procedure.

### **8.1 Employee Assistance Programme**

Our occupational healthcare provider also runs an Employee Assistance Programme. Further details can be obtained via the intranet, your line manager or HR.

## **9. Employees with Long Term Health Issues**

Some individuals may have health issues that impact on their daily lives over a longer period of time or permanently. We are committed to working with you to provide appropriate support.

We will continue to implement the provisions of this policy; however it may not be necessary to go through each level of the absence procedure, if this is not deemed to be beneficial. Each case will be dealt with on its own individual merit.

It is important that you and your manager work together to support you in an appropriate way.

### **9.1 Individuals with a Disability**

Disability is defined in the Equality Act 2010 as ‘a mental or physical impairment which has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities.’

HR will provide advice on whether this definition applies in individual circumstances.

Where a medical specialist foresees that your attendance will reduce over a set period, your attendance will be monitored over this duration. If the specialist is unable to comment on the likelihood of absence then monitoring will still take place on an on-going basis. If there is no improvement, dismissal may be an option subject always to the considerations of reasonable adjustments, alternative employment and/ or a flexible working arrangement.

If you become disabled during your employment, you may be asked to give consent for referral to our occupational health provider to confirm you are ‘disabled’ within the definitions of the Equality Act. It will be essential to obtain a formal medical report to confirm this and to assess whether you can continue to perform the main functions of your job with reasonable adjustments being made to it.

### **9.2 Special Leave**

If you are covered under the definition outlined above and require leave relating to your disability but which is not sick leave, your manager may agree to authorise paid special leave. HR will advise managers where special leave may apply.

Examples where special leave may apply are, but not limited to:

- Assessment for dyslexia
- Hearing aid tests/ fittings

- Training with a guide dog
- Hospital treatment as an outpatient

### 9.3 Other long term health issues

Some individuals may suffer conditions that are not a disability, but that nevertheless have an impact on their normal day-to-day activities for a prolonged amount of time.

Some conditions (e.g. the menopause, asthma, emotional health) may benefit from you and your line manager working together to identify possible permanent/ temporary adjustments to the work environment or duties undertaken.

You are encouraged to raise with your line manager any medical/ health issues that may/ are impacting on you. Open discussions at an early stage can facilitate an open and supportive approach and may help to avoid absences, aid a return to work, or avoid the need for long term absence.

## 10. Contact with infectious diseases

If you are not incapable of work, but are deemed, in accordance with the Social Security Acts, to be incapable of work because of contact with infectious diseases, you will receive full pay less any benefits payable under the Act(s).

A period of absence on this account will not count against your entitlement to occupational sick pay, but will be recorded for absence monitoring purposes.

## 11. Returning to work

Following any period of sickness absence, or alternative duties under a fit note, there are a number of steps that will be followed, depending on the length and type of absence.

These will include:

- A return to work interview (this should happen on every occasion);
- Considering a phased return to full duties. Where your entitlement to sick pay has expired, has the discretion to make salary payments pro rata;
- Refresher or update training – for example, if returning from long term absence; and
- Considering any reasonable adjustments (temporary or permanent) that are required.

There is a requirement to ensure that you are fit to return to work/ your normal duties. If either you or your manager are in any doubt, contact HR for advice. You should return to work under the advice of your medical professional supported in writing with a fit note.

### 11.1 Absence Recording and Return To Work Interview

Following any period of sickness, you will have a return to work interview and complete the Return to Work Interview Form with your line manager.



This normally takes place on the first day back to work but no later than 48 hours after your return. The purpose of this is to:

- Establish you are well and fit enough to return to work in your normal duties.
- Discuss if you have been on a course of treatment and if it is now complete.
- Discuss any work related implications of prescribed medication.
- Determine what future actions may be taken to support your attendance.
- Complete appropriate documentation (See section 12.2).
- Where appropriate, re-state the importance of regular and reliable attendance.

Managers will indicate on the return to work form whether an attendance meeting is required and at what level (welfare meeting, level 1, 2 meeting or attendance hearing).

In all cases, the return to work interview form will be signed by you and your line manager. It will then be forwarded to HR within seven days of your return to work to be kept on file.

## **12. General Principles of the Formal Procedure**

If your line manager has concerns about your attendance, they will decide if a formal attendance meeting should be arranged.

Patterns of absence that may prompt discussion include (but are not limited to):

- Absences occurring on the same day of the week or shift pattern
- Similar periods/ lengths of absence year on year
- A number of absences for the same reason
- An unusual level of absence for a particular employee
- 3 periods of absence, or more than 11 days absence in any 3 month period
- 2 periods of absence, or more than 4 days of absence in any 3 month period for new employees (i.e. less than 12 months service)
- Exceeding 6.5 days per rolling 12 months

HR will assist managers by overseeing attendance records and discussing areas of concern with them. The decision on how to proceed will be that of the line manager; however the HR department will provide guidance in order to facilitate consistency across the organisation as a whole.

Managers may indicate their intention to hold a formal attendance meeting on a return to work form where the most recent absence is the trigger for the formal procedure. Alternatively, they can contact the HR department directly advising of their decision to arrange a formal attendance meeting. The HR team will then make the arrangements.

A representative from HR will attend formal attendance meetings.

### 12.1 Right to be accompanied

You have the right to be accompanied at level 1 & 2 meetings, attendance hearings and appeal hearings by a work colleague or a Trade Union representative.

If you want to be accompanied, you should inform HR of who you have chosen prior to the meeting. Where the colleague or Trade Union representative is known in advance, arrangements will be made, where possible, to suit the availability of all parties.

### 12.2 Dealing with delays

If, with good reason, you are unable to attend an arranged meeting, an alternative date will be set within five working days of the original date, as far as is reasonably practicable.

If a selected companion cannot attend the hearing date, you can propose another date and time, within seven calendar days of the original date. If the hearing manager can make the suggested date/ time, the hearing will be arranged for that date. If not, they will provide a new hearing date.

If you do not attend a hearing as arranged on two occasions without informing us, the HR representative will make efforts to contact you. If that is not successful, the hearing will be conducted in your absence based on the available information.

However, this is not the preferred route and you are reminded of and encouraged to recognise your own obligations to co-operate in the implementation of this policy.

## 13. Level 1 meetings

Level 1 meetings will typically be carried out if your pattern of absence is of concern to your line manager (see examples of this above).

The nature of the level 1 meeting is one of care and concern for you, it is not necessarily punitive. This meeting will be used to discuss your absence record and your manager's concerns; and to investigate the reason(s).

During the level 1 meeting, your manager will make decisions about the on-going management of your attendance at work, taking into account any medical, domestic or work related issues identified.

A summary of the meeting will be provided to you and a copy retained by HR.

Level 1 outcomes may include but are not limited to:

- No further action being taken at this stage and where appropriate, you being reminded of the importance of regular and reliable attendance.
- Informal counselling being offered.
- Your consent being requested to obtain a medical opinion
- A sanction being applied.

- A target of acceptable attendance levels being agreed for a set period of time.
- Referral to the Disciplinary, Conduct & Capability procedure.

The following sanctions may be considered:

- Being instructed to ring in everyday whilst you are on sick leave.
- Being required to submit a GP's fit note for each period of absence. We will refund the cost of this if required.
- Your manager setting a target of acceptable attendance levels and you being monitored against this over a set period of time (i.e. where targets cannot be agreed).

Note: the above lists are not exhaustive.

Where a sanction is applied, you may appeal against the decision. (See Section 19)

Decisions will also be made regarding the need for future meetings.

At the point a target is exceeded, a level 2 meeting will be arranged, rather than waiting for the end of the set period of time.

Where the sanction is complied with during the timeframe set, your manager will confirm this in writing, explaining any further requirements and review meetings.

## 14. Level 2 meetings

The purpose of the level 2 meeting is to advise you that your absence is continuing to exceed acceptable levels and to investigate the situation in an open and thorough manner.

Level 2 meetings will be held where an acceptable level of regular and reliable attendance is not achieved through any level 1 meetings held in the previous rolling 12-month period.

Level 2 meetings will also be arranged at the point at which a target set in a level 1 meeting is exceeded.

A summary of the meeting will be provided to you and a copy retained by HR.

Level 2 outcomes may include but are not limited to:

- No further action being taken at this stage and you reminded of the importance of regular and reliable attendance at work.
- Monitoring against an acceptable level of attendance as agreed during the meeting.
- Informal counselling being arranged.
- You being referred for an independent medical assessment.
- Action under the Disciplinary, Conduct and Capability procedure where there is suspected abuse of the system.

- A sanction being applied (See sanctions detailed under 16).

Note: the above lists are not exhaustive.

Any action to be applied will depend on the circumstances of the case. Managers intending taking action will consult HR who will provide advice with the intention of encouraging consistency across the organisation.

Where a sanction is applied, you may appeal against the decision. (See Section 19)

Decisions will also be made regarding the need for future meetings.

At the point a target is exceeded an attendance hearing will be arranged, rather than waiting for the end of the set period of time.

Where the sanction is complied with during the timeframe set, your manager will confirm this in writing, explaining any further requirements and review meetings.

## **15. Attendance hearings**

If it becomes apparent that regular and reliable attendance at work cannot be achieved, or that your health will prevent you from returning to work, you will be called to a hearing to discuss your continued employment.

Attendance hearings will be held where an acceptable level of regular and reliable attendance is not achieved through any level 2 meetings held in the previous rolling 12-month period.

You will normally be given at least 7 consecutive calendar days' notice of this meeting unless other notice is agreed with you and your representative.

The hearing will be conducted by a departmental manager or above. They may take into account the opinion of the line manager in making their decision regarding your continued future employment. However the decision remains with the departmental manager.

Consideration may be given to retirement on the grounds of ill health where appropriate.

The outcome of the hearing will be confirmed in writing.

If you are dismissed, or any other sanction is applied, you have the right of appeal against the decision (see section 19).

## **16. Appeals procedure**

If a sanction is imposed upon you or you are dismissed under this procedure, you have the right to appeal against that decision.

The time limit for registering an appeal (unless otherwise stated) is seven calendar days from the date of the letter containing the decision of the meeting. Any appeal

must be made in writing, stating the grounds for appeal to the person specified in the letter.

Where you feel you need more time in which to submit an appeal, you should request an extension via the HR representative giving the reasons for the request.

You have the right to be accompanied at appeals by a work colleague or a Trade Union representative. See section 15.1 for further details.

Appeal hearings will be heard by an appropriate manager who will be of equivalent or more senior to the manager who applied the sanction/ dismissal.

## 17.Sick Pay

Periods of sickness are calculated on a rolling 12-month basis, starting from the first day of each absence.

How much sick pay you will receive and for how long is set out below:

<b>Length of Service</b>	<b>Full Pay (months)</b>	<b>Half Pay (months)</b>
Less than 4 months	1	SSP Only
Over 4 months and less than 1 year	1	2
Over 1 year and less than 2 years	2	2
Over 2 years and less than 3 years	4	4
Over 3 years and less than 5 years	5	5
Over 5 years	6	6

Statutory Sick Pay (SSP) is paid for 28 weeks beginning on the 4th day of sickness absence in line with the Department for Work and Pensions guidelines ([www.dwp.gov.uk](http://www.dwp.gov.uk)). Sick pay is paid from the first day of absence.

All periods of full sick pay are inclusive of SSP. Where half pay is being received, SSP will be paid in addition to this.

### 17.1 Recovering Payments from Third Parties

If you are absent as a result of an accident, you will not be entitled to occupational sick pay if damages may be receivable from a third party.

Depending on the circumstances, may advance you a sum equal to the sick pay provided under this Scheme, subject to you undertaking to refund this amount or the proportion represented if damages are received.

Periods of absence where a refund of the monies advanced is made in full, shall not be set against the sick pay entitlement. Where, however, the refund is made in part only, the CA may, at its discretion, determine the period, (if any), to be set against sick pay.

### **17.2 Grants of Sick Pay to Victims of Crimes and Violence**

If you are absent from work because of injuries for which claims will be made to the Criminal Injuries Compensation Board (CICB) and you would otherwise qualify to receive occupational sick pay; such sick pay shall be paid to you without you being required to refund any proportion of it from the sum which the CICB may award.

Where an award has been made by the CICB, we may discount wholly or partly the period of sickness absence caused by the injury in calculating the employee's future entitlement to occupational sick pay, after considering the circumstances.

### **18. Equality Impact Assessment**

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

### **19. Changes to Policy**

The CA reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties.

This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the CA and ensure compliance with relevant legislation.

A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.