

HR14 – Absence and Attendance Management Policy

Policy Owner:	HR Manager
Reason for revision:	Regular update to incorporate good practice and consolidation of policies
Date Approved:	October 2016
Approved by:	Staffing Subcommittee
Effective Date:	January 2017
Next Review Due:	January 2020
Equalities Impact Assessment:	Complete
Link to Scottish Social Housing Charter or Regulatory Standards of Governance and Financial Management	None
Link to Corporate Plan and strategic objectives	Passion in People – a high performing customer focused service

Policy Title	Attendance and Absence Management
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The Association aims to embrace diversity, promote equal opportunities for all and eliminate unlawful discrimination in all areas of our work.

On request, the Association will provide translations of all our documents, policies and procedures in various languages (using a translation service) and other formats such as computer disc, tape, large print, Braille etc. Please see the HR Manager for further details.

1. Introduction

Maryhill Housing Association recognises that staff will, on occasion, be absent from work through ill health. However, we also have a duty to provide a reliable service to our customers; therefore we need to ensure that we help you maintain the highest possible level of attendance.

This policy is designed to help all employees achieve good attendance, and to ensure that a consistent and fair approach in managing attendance is adopted throughout the organisation.

This policy and the guidelines it contains are not intended to replace other policies, such as discipline and grievance, dignity at work, health and safety, managing stress, and other related policies.

2. Aims of the Policy

This policy aims to:

- Manage attendance in a way that reflects genuine concern for staff and to develop a positive attitude towards attendance.
- Set clear expectations for standards of attendance that we require from employees
- Separate two processes: attendance management and absence management, and provide guidelines for staff and managers
- Identify the causes of absence and, where possible, develop a programme of preventative measures (e.g. healthy living initiatives, joint working with Occupational Health, Employee Assistance Programme)
- Ensure training and support is available to those involved in the process.

3. Principles

- If your level of attendance is unsatisfactory, you will be informed what improvement is required and the possible consequences of failure to do so (which may include disciplinary action, including dismissal).

- The attendance management process is not concerned with reasons for absence but with number of periods / days absent.
- If you have an underlying medical condition causing absence(s), we'll make efforts to put reasonable adjustments in place, where possible.
- Managers will conduct "return to work" interviews within the spirit of this policy.
- You need to adhere strictly to our absence reporting procedures. Failure to do so may result in disciplinary action and withholding of company sick pay.
- Managers will ensure that accurate, up to date and relevant attendance records are maintained for all staff.

4. Absence Monitoring

- 4.1** A fundamental feature of good attendance management is the accurate and timely recording of all absences. This is essential in terms of the requirements of both the statutory and occupational sick pay arrangements. Good information allows patterns to be identified and can be an early indication of underlying health problems. The sooner these problems are identified and acted upon, the more likely a successful conclusion for both you and us can be achieved.
- 4.2** Accurate recording is also an essential element in satisfying any concerns over the fairness of any actions taken by line managers. The responsibility for storing such records rests with the Human Resources Manager.

5. Return to Work

- 5.1** A thorough return to work interview will be carried out after every period of sickness absence (including planned absences).

This will be done by your line manager (or another manager if your own manager is not available) on the first day of your return from work. Completed forms will be kept in your personnel file. The return to work interview forms contain confidential information and may only be viewed by authorised personnel, normally your line manager and any other manager who deals with the case.

- 5.2** Copies of formal absence review forms, where these are used, will also be treated as confidential information within your personnel file. Dates of sickness absence will be recorded on the electronic time management system for attendance recording purposes - access to this information is limited to your line manager and the HR team.
- 5.3** Having maintained attendance records, managers will be expected to review and discuss quarterly aggregated anonymous statistics at Directors' Team meetings and at departmental meetings with staff. Your case will not be discussed individually as it forms your confidential record.
- 5.4** If a medical professional makes suggestions for any adjustments, these will be discussed at a return to work interview, along with any suggestions that you or we may also have. Although we are not bound by suggestions from your GP or any other medical professional, we will make all possible efforts to accommodate your prompt return and a good attendance. If we agree any adjustments, we will also set time scales and reviews.

6. Absence Reporting Procedures

6.1 Reporting

If you cannot come to work, either due to illness or any other reason, you must tell your line manager (or if not available, another manager in the same department, if possible) as soon as is reasonably practicable, by phoning and speaking to them. You should do this before you are due to start your shift, or if not possible, within **one hour** of your agreed starting time. Text messaging is not appropriate for notifying sickness absence.

We use a notification proforma when you phone in so that we understand the reason for your absence and if there are any outstanding work items that we need to make arrangements for. This proforma is retained confidentially in your personnel file. On your return, you must complete a self-certification form, whether or not you are entitled to sickness allowances and whatever the length or reason for absence. Every sickness absence will be followed with a return to work interview, including 'planned' sickness absences following scheduled medical procedures.

6.2 Fit Notes

If you are off work due to illness or injury for more than seven consecutive calendar days, you must provide a Fit Note from your GP or other medical professional as soon as possible.

If your doctor (or any other medical professional) provides a Fit Note stating that you 'may be fit for work', you will meet with your line manager to discuss any adjustments suggested. Although employers are not obliged to follow the suggestions made, we will do our best to help you return to work and keep a good attendance record. However, if we cannot fulfil or agree the adjustments suggested, you will remain off sick.

If we agree a phased return to work, the days you are still off sick within the agreed period will count as one period of absence.

6.3 Keeping in Touch

You are responsible for letting your manager know the reasons for any absence and when you expect to return to work. If you cannot get to a phone on your first day of absence, you should make sure that someone else calls on your behalf. After this, you should contact your line manager as soon as you can and maintain regular contact by calling daily during the first week of your absence (unless otherwise agreed with your line manager) and weekly thereafter.

Where you fail to keep in touch as outlined above, we will initiate and maintain contact with you.

We expect you to let us know the following information: the reason for your absence, when you expect to return to work and your contact details. We are entitled to request this information and if you don't give us the information, we will contact you to find it out.

6.4 Failure to Comply

Where you do not follow reporting, certification, or agreed keeping-in-touch arrangements, we may withhold company sick pay. Failure to comply with these requirements may also lead to disciplinary action against you in accordance with our Disciplinary Procedure. Similarly, if we suspect that you have falsified your absence or have deliberately misled us, we will take disciplinary action against you. In serious and / or repeated cases, it may lead to dismissal.

7. Statutory Sick Pay (SSP)

You are entitled to SSP irrespective of your entitlement to company sick pay. The scale of entitlement to SSP is reviewed by the Government, normally at the beginning on each tax year. It is not paid for the first three days of absence and runs for 28 weeks after that.

If you are no longer entitled to SSP, you may be entitled to an incapacity benefit. You can enquire about this at your local Department for Work and Pensions. We will tell you if you are not entitled to SSP and send you the appropriate government form, but it is then your responsibility to claim any other state benefit you may be entitled to.

8. Company Sick Pay

8.1 Subject to complying with all parts of this policy, you will receive a sickness allowance when absent due to sickness.

In any one period of 52 weeks, we will pay a sickness allowance in line with the following scale:

Continuous service at the date sickness starts	Full allowance paid for:	Half allowance paid for:
Up to 1 year	5 weeks	5 weeks
Over 1 and under 2 years	9 weeks	9 weeks
Over 2 and under 3 years	18 weeks	18 weeks
Over 3 and under 5 years	22 weeks	22 weeks
Over 5 years	26 weeks	26 weeks

8.2 Exclusions

You will be excluded from receiving sickness allowance, where:

- you go sick whilst taking part in a stoppage of work due to a trade dispute at your place of work,
- you go sick whilst on maternity leave,
- on the first day of sickness, you are in legal custody,
- on the first day of sickness, you have already exhausted your Sickness Allowance entitlement in the preceding 12 months, or
- sickness or injury arises out of your gross misconduct or negligence, active participation in sport for payment or injury whilst working in your own time for private gain, or for another employer

9. Attendance Management

- 9.1** This refers to dealing with unacceptable levels of attendance, with no reference to reasons for absence or medical condition.

We will aim to help you secure a good attendance record. This will involve maintaining good records, ensuring return to work interviews take place and helping investigate and address any identified underlying causes of absence.

Where this fails to secure a required improvement, we will invoke the terms of the disciplinary procedure. Unsatisfactory attendance reviews may result in disciplinary action, including dismissal.

If at any stage during this process it becomes apparent that an underlying health issue is involved, medical information will be sought and appropriate action will follow.

Absence periods related to pregnancy or underlying medical conditions classed as a disability under the Equality Act 2010 will not be counted for the purpose of the attendance management process.

9.2 Attendance Review Triggers

Where “rolling” absence levels fall into one of the following categories, a formal absence review meeting will take place:

- 3 occasions of sickness of absence within a rolling 12 month period, or
- A total of 10 days absence within a rolling 12 month period.

The formal absence review meeting will be held by your line manager, or other manager as appropriate, and will consider the following:

- the reasons for and impact of your absences,
- any patterns of absence,
- the likelihood of further absences,
- whether medical advice is required. If medical advice has been obtained, the review will consider the advice given and whether further advice / support is required,
- what, if any, measures might improve your health and / or attendance,
- agreeing a way forward, action that will be taken and a time-scale for review,
- depending on the stage reached, you will be warned that you are at risk of dismissal on the grounds of persistent short term absence or unsatisfactory attendance,
- in the event that dismissal is under consideration, we will consider whether there is a reasonable likelihood of you achieving the desired level of attendance in a reasonable time.

10. Absence Management (long term absence or chronic health problems)

- 10.1** We will adopt a sympathetic and understanding approach to employees dealing with a long-term and/or a chronic health problem. If you find yourself in such a position, you should be confident that your manager will react in a supportive fashion when approached.

We are committed to helping employees return to work from long-term absence. We will maintain regular contact with employees on long-term ill health absence as appropriate to your circumstances. We will seek to meet with employees on long-term ill health absence to consult with you regarding your absence and your ability to return to work.

10.2 The following points will always be considered in relation to long-term absence:

- The nature of the illness and any contributing factors,
- The likely duration and frequency of your absence(s),
- Any actions that can be taken by you,
- Any adjustments that we could make,
- Any possible redeployment opportunities,
- The nature of your duties in relation to your health problems,
- Our business needs and the impact that your absence is having upon these, and
- Your entitlement to sick pay.

A capability dismissal is possible where all other options have been exhausted.

10.3 Throughout the period of your absence, you must keep in touch and let us know your progress. We will seek to obtain medical reports and assessments at appropriate points during your absence and will discuss these with you when received. Medical reports may also be requested where you are suffering from an underlying medical condition even though you have not been off sick for a prolonged period. We may ask for your consent to obtain a medical report or refer you to an occupational health provider for a medical assessment. Where you fail to attend a medical without prior notice, a cancellation fee will be charged to you.

If you disagree with the content of any medical reports, you are free to seek and offer alternative medical evidence. If you refuse access to medical records or do not turn up at an independent medical assessment, the process will be managed and decisions made based on the information available.

- 10.4 You may be accompanied to any absence meeting by a trade union representative, friend or colleague. The line manager will be supported by Human Resources.
- 10.5 Along with considering any medical reports, we will keep you fully apprised as to whether / for how long your absence(s) can be borne by us. In cases where dismissal through capability is being considered, we will discuss this with you fully first and you will be afforded the opportunity to express views on such a course of action. Alternatives to dismissal will always be considered where appropriate, and in line with business needs, such as reasonable adjustments and / or any current vacancies the Association may have.
- 10.6 Where you have no foreseeable return to work date, there are no contractual benefits for which you may be eligible and there are no reasonable adjustments that can be made to support your return to work, a capability dismissal may be appropriate.

11. Dishonest Absence

If you are found to falsify or exaggerate your absence, this will be treated as gross misconduct. An investigation will be carried out in accordance with our disciplinary procedure and disciplinary action may be instigated, including dismissal or future withdrawal of company sick pay.

12. Contact with Infectious Diseases

If you cannot come into work as a result of coming into contact with a notifiable infectious

disease (that is reportable to RIDDOR in line with the Health and Safety at Work Act), you should tell us. You will then receive your full pay sickness allowance. We will not take this period of absence from your normal entitlement.

13. Criminal or Civil Compensation

If you are injured as the result of being the innocent victim of a criminal act, we will not take any sick leave from your normal entitlement. If the Criminal Injuries Compensation Board grant you compensation, you will not need to refund any sickness allowance we have paid out.

If you are paid damages from a third party for loss of earnings due to a sickness or injury, we will ask you to repay any sickness allowance paid out but not more than the actual allowance paid or the amount of damages received for loss of earnings.

14. Work-related sickness or injury

We will not take a period of absence due to sickness or injury caused by an accident in the course of your employment from your entitlement to sickness allowance.

If you are still unfit for work at the end of the appropriate full allowance period, the Chief Executive will review the case to decide on any appropriate levels of allowance which should be made.

An absence due to an accident shall only be accepted and qualify for payment when appropriate details are recorded in MHA's Accident Book and, in the subsequent investigation by MHA, the facts recorded are found to be accurate and there has not been negligence on your part in terms of you complying with the recognised safe methods of work.

Where you, as a result of the accident, are unable to make an entry, then another employee should make the entry on your behalf. In circumstances where no entry is made at the time of the accident, MHA will not unreasonably refuse the payment of the allowance and an investigation will still take place.

In determining what action, if any, should be taken where your overall absence record includes period(s) of accepted industrial injury, managers should know the reasons for absence when assessing the record, and account should be taken of accepted industrial injuries when dealing with employees under the terms of this policy.

Where, in applying this procedure, a manager identifies an employee who regularly sustains industrial injuries, additional training and/or advice may be required. The HR Manager and Health and Safety Administrator will be available to offer managers assistance in this area.

If your absence is the result of an accident at work directly resulting from your deliberate misconduct, we will withhold sickness allowance and we will also investigate it under the disciplinary procedure. If you disagree, you can use the grievance procedure.

15. Other Provisions

15.1 Absence and holidays

If you are on annual leave and fall sick, we may apply sick leave instead if we believe that

your illness / accident has stopped you from proceeding with your planned holidays. We will however require a Fit Note to confirm your illness.

If you are on sick leave and go on holiday, your line manager will investigate whether this is appropriate considering the reason for your absence. Depending on the outcome, the disciplinary procedure may be instigated.

If there is a public or general holiday during your period of sickness, you will receive full contractual payment for that day. However, we will not take that day from your current entitlement under the sickness allowance scheme. We will treat it as you having the holiday.

15.2. Visits while you are off long term sick

If you are off long term sick, it will usually be necessary to visit you in your own home. The visit will discuss your ongoing absence from work and what, if any, support can be given to facilitate your return to work. The meeting may also take place within Maryhill Housing Association's offices or another mutually agreed venue.

15.3 Conduct whilst off sick

When on sick leave, you are still bound by your contract of employment with us and all our policies including the Code of Conduct and your duty of fidelity. We also expect that you do not participate in activities that would be at odds with your medical condition. Any breach in respect of this will be dealt with under the disciplinary procedure. This includes conduct on social networking sites and any other publicly made remarks regarding Maryhill Housing Association, our customers, work colleagues, partners and anyone else who is connected with us.

15.4 Cosmetic procedures

Absence due to cosmetic procedures (whether carried out in the UK or abroad) will not fall under sick leave or pay, unless it is recommended by health professionals. Employees should therefore request time off and agree with their line manager how the absence will be processed, e.g. annual leave or unpaid leave.

15.5 IVF treatment

Absences resulting from IVF treatment will not be processed as sick leave or pay. The same relates to a partner of a person that is undergoing such treatment. Instead, you should discuss with your line manager how time off for the treatment could be accommodated, e.g. annual leave, flexi time or unpaid leave. Absences relating to IVF treatment will also not be treated as relating to pregnancy unless the employee actually falls pregnant.

15.6 Stress management

Stress is not an illness. It can result from an illness or lead to one but it is not an illness itself. The same relates to "nervous debility" or any other diagnosis of that type. If you go off sick with stress, your manager will endeavour to find out the underlying cause so that appropriate action can be taken (if any) and in particular to determine whether conditions at work cause or contribute to stress and whether something could be done to help the situation. If your absence is certified by a doctor or medical professional, your manager will ask them to clarify the underlying cause for stress.

16. Review

This policy shall be reviewed every 3 years and/or updated in line with changes in legislation.