ATTENDANCE AT WORK PROTOCOL

DEALING WITH HEALTH AND SICKNESS ISSUES

INTRODUCTION

1. This Protocol has been developed following consultation with the Trade Unions in recognition of the;

   (a) Critical contribution that the Health & Wellbeing of the Workforce is to the effective functioning of the organisation.

   (b) Regional Policy Framework of Best Practice for Managing Attendance which has been agreed in Partnership with the Trade Unions.

   (c) Responsibilities under the Disability Discrimination legislation

   (d) Need to ensure that staff attend work in accordance with, their contractual requirements

   (e) Need to ensure that resources are most used efficiently

   (f) Need to ensure staff are aware of the right to have trade union representation, if affected by this protocol

PURPOSE

2. The purpose of this Policy is to set out how absenteeism will be dealt with in a fair, consistent and proactive manner by providing clear and effective guidelines on the management and monitoring of absenteeism. The Policy applies to all staff.

AIMS

The aims of the Protocol are to

- deal with absenteeism in a fair, consistent and proactive manner.

- clarify roles and responsibilities in relation to the management of attendance.

- encourage staff to take personal responsibility for attending work.
o provide a supportive environment for staff who have been ill and will return to work.

o assist in the management of the cost to and the impact of absenteeism on the Organisation.

**ROLES AND RESPONSIBILITY**

3. All staff have a fundamental role to play in the management of attendance and it is anticipated that everyone will undertake these roles, in accordance with their contractual responsibilities to attend work.

**MANAGERS RESPONSIBILITIES**

- To manage absence in accordance with this protocol by recording, monitoring and investigating the absence levels of all employees for whom she or he is responsible and by taking appropriate and timely action when required to ensure that all staff are aware of their obligations under the protocol and the importance of good management attendance.

- To respect the confidentiality of any information provided to them through the operation of this protocol

- To ensure that all employees are aware of the correct notification procedures when reporting sick for work and in particular to whom they should report.

- To maintain regular and effective contact with employees who are on sick leave. The frequency of which will depend upon the circumstances of the absence and normally agreed with the employee.

- To ensure timely and accurate records relating to absence are forwarded to the Salaries & Wages Department and the Human Resources Directorate.

- To maintain accurate records in relation to return to work interviews.

- To seek specialist advice from Human Resources and Occupational Health when appropriate.

- Arrange and participate in meetings with Occupational Health and Human Resources, the employee and the employee’s representative when appropriate.

- To facilitate and support employees when possible in relation to adjustments and rehabilitation programmes as recommended by Occupational Health and other medical and allied Professions.
To encourage participation in internal Health Promotion initiatives.

To ensure completion of Incident Forms when an employee has suffered an injury or other condition associated with their employment.

Where necessary, initiate action in accordance with the Disciplinary or Incapacity procedures to deal with poor attendance and/or failure to comply with the management of attendance protocol.

To reassure staff with genuine medical conditions that reasonable adjustments will be made to facilitate their ongoing employment.

To reassure staff with other issues impacting on their welfare and attendance such as:
- Domestic violence
- Health issues relating to carers
- Drugs and alcohol addiction
- Disabilities

Will be dealt with primarily within the relevant policy arrangements before any use of the disciplinary procedure.

EMPLOYEE RESPONSIBILITIES

To ensure regular attendance at work in accordance with their contractual obligations.

Notify the Line Manager of absence in accordance with notification procedures. Contact must be by telephone. Contacts by text or emails are not acceptable.

Agree a timetable for regular contact with their manager during the period of absence.

Ensure they are aware of and meet their obligations under the Management of Attendance Protocol and recognise the consequences of poor attendance at work.

Ensure that relevant sick certificates and medical reports are forwarded within the timescales indicated and that they cover the whole period of absence.

Comply with the request to attend Occupational Health Service on time unless for some exceptional reason they cannot attend. In those
exceptional circumstances they must contact the Human Resources Directorate which will re-schedule the appointment.

- Participate, when requested in meetings relating to their absence and co-operate in the development of return to work and rehabilitation plans with managers and trade union representatives as required.

- Refrain from any activity (social or sporting) which may be prejudicial to recovery or be likely to bring into question the reason for continuing absence.

- Not work elsewhere in paid or unpaid employment whilst on sick leave unless prior permission is received from the Human Resources Directorate and the Manager. Staff who are found to be working elsewhere and have not complied with the above requirements may be subject to disciplinary proceedings.

- Understand that sick pay is for ill health and not for other purposes such as carrying out caring responsibilities which are covered by other policies.

- on a strictly confidential basis to make their managers aware of any issue which may interfere with their normal attendance at work.

**ROLE OF HUMAN RESOURCES DIRECTORATE**

- Provide Directors, Senior Managers and the Board with a suite of statistical information on a regular basis, to assist the management of attendance within the Organisation.

- Provide statistics to nominated directorate managers on at least a quarterly basis whilst providing up to date information as required in the management of cases.

- Provide specialist advice and guidance to Managers on overall absence levels and specific complex cases.

- Participate in meetings with Managers to review and progress complex absence cases.

- Assist in the development of Rehabilitation Programmes and reasonable adjustments as recommended by Occupational Health Professionals for staff returning from long term sick leave.

- Meet with Managers, staff and if requested, Trade Union Representatives relating to the procedures for ill health termination and/or ill health retirement.
• Arrange termination due to ill Health Appeal Hearings upon the request of the employee.

• Develop and deliver training sessions for Managers on all aspects of this protocol

• To monitor the application of this protocol on a regular basis.

ROLE OF OCCUPATIONAL HEALTH

Occupational Health Professionals will liaise with Managers, Staff, HR and other relevant professionals to:

• Help resolve work related health and safety and well-being issues affecting employees.

• Provide advice and fitness for work of employees who have health or attendance issues which may be affecting attendance, performance or behaviour in the workplace particularly in relation to those staff covered by the Disability Discrimination legislation.

• Provide reports to managers following the employee’s appointment at Occupational Health.

• Advise HR of cases that require their specialist involvement such as complex health and work situations, ill health management termination or re-deployment.

• Provide Confidential Support Counselling and Health Education to employees as required.

• Provide advice to management on sickness absence cases, rehabilitation, re-deployment or modification of hours due to other work place.

• Advise on the causation of ill health problems in relation to temporary and permanent injury benefit.

• Provide health awareness/health improvement training in accordance with the Service Level Agreement.

• Participate in meetings with Managers, Human Resources, Employees and Trade Union Representatives as appropriate.

ROLE OF TRADE UNION REPRESENTATIVES
Provide support to their members as required

NOTIFICATION, CERTIFICATION AND RECORDING AND MONITORING PROCEDURES

EMPLOYEES RESPONSIBILITIES

4. Employees must notify their line manager or appropriate designated officer as early as possible for the scheduled commencement of duty and no later than 9.30 am on the first day of absence. Warehouse operatives must report their absence by 8.30 on the first day of absence.

5. Notification must be by telephone. Emails or text messages are not acceptable communication. Relatives or other people should only make the call if the employee cannot do it personally.

6. Employees must indicate the reason for absence, the expected duration of the absence and whether or not a medical practitioner will be seen.

7. Throughout the absence the employee must maintain regular contact with the Manager, the frequency of which should be agreed with the Manager, taking consideration of the circumstances of the sickness. It is not acceptable for employees to send certificates without regular oral communication with their manager. Failure to contact the line manager will mean that the manager will be responsible for making efforts to contact the employee either by telephone or in writing.

8. Failure to provide appropriate certification for absence may result in salary being withheld. Continued failure to maintain contact or respond to contact from the manager as agreed may also merit investigation under the disciplinary procedure.

MANAGERIAL RESPONSIBILITIES

9. Managers must ensure that all new and existing employees are familiar with their responsibilities in absence reporting, in particular, the person to whom they should report on the first day of absence.

10. Managers must ensure that all notifications for absence are recorded properly and the appropriate sick leave notification is forwarded to the Payroll department. Copies must be kept at departmental level for monitoring purposes in a secure environment.
CERTIFICATION PROCEDURE

11. Under the Occupational Sick Pay Scheme employees are required to submit the following certificates as appropriate to their line manager:

1 to 3 days A manager must carry out a return to work interview as normal and forward an internal sickness notification form immediately to payroll indicating the duration and reason for absence.

Up to 7 days A self certificate form must be submitted by the employee within 7 calendar days of the 1st day of absence dated from the 1st day of absence. The self certificate must be forwarded by the manager along with the sickness notification form directly to payroll in order for sick pay to be paid. Where necessary the manager should post an organisation’s certificate directly to the employee.

8 days or more If an employee is off sick for more than 7 calendar days then they are required to submit a self certificate and a doctor’s certificate (sick note) to cover from day 8. If a doctor’s certificate is obtained from day 1 then a self certificate will not be required.

12. In all situations the manager should discuss certification during initial contact with the employee and must remind the employee of their obligation to provide appropriate certification throughout their absence.

13. If an employee has been admitted to hospital then a hospital certificate can be accepted from the 1st day of illness.

14. It should be noted that failure to provide appropriate certification within 7 calendar days of expiry of either a self certificate or a doctor’s certificate (fit note) may result in pay being stopped and it may also in serious circumstances lead to disciplinary action being considered.

RECORDING AND MONITORING PROCEDURE

15. It is important that records including details of number of absence (working days lost) and reasons for absence are held by Human Resources and/or the Salaries & Wages Department. It is appropriate for local Managers to maintain a local record however this record must be held in accordance with the Records
Management Policy and should be used solely for the purpose of Management of Attendance.

MANAGEMENT OF SHORT TERM ABSENCE

16. Short term absence is a single period of absence lasting less than 20 days. The pattern is usually 1, 2 or 3 days at regular intervals. It can also manifest itself in excessive use of certification processes of more than 3 days which would fall below 20 days.

17. The triggers for management action in respect of short term absence are as follows:

(a) 3 episodes of absence within a 12 months rolling period.

(b) 2 episodes of absence totalling 10 working days or 2 calendar weeks within a 12 month rolling period.

(c) 1 episode of 10 days within a 12 month rolling period.

18. After all periods of absence a return to work interview must be carried out. The purpose of the interview is to discuss the circumstances of the absence and to enable appropriate monitoring and action to be taken. Once a trigger point, as set out above, is reached the manager should consider the circumstances of the case and take action as appropriate. Account should be taken of the individual’s circumstances and when a trigger point is reached discussions at the return to work interview along with the previous history/action will determine one of the following three courses of action to be taken:

- Mitigation
- Manage in context of medical condition
- Manage in context of no medical condition

Evidence of mitigation

19. Following a review of the circumstances of each case which may establish extenuating personal circumstances (previous history and/or job related factors) which may contribute to the absence level a decision may be taken that a verbal warning under the disciplinary procedure may not be seen appropriate at this stage.

20. Particular care must be taken when dealing with staff who have a disability, caring responsibilities for people who have a disability or pregnancy related absences and advice from HR must be requested
21. However, managers should in all circumstances reinforce the need for improvement in the level of attendance and discuss options including:

- Reduction in hours (temporary or permanent),
- Different start and finishing times.

22. It is essential that the employee understands that it is expected that they will demonstrate and sustain an improvement in attendance.

23. If the employee is unable to sustain an improvement and the Manager is satisfied that circumstances of the case have been addressed and there are no health issues to explore consideration should be given to taking disciplinary action as detailed below. (Paragraph 41 refers)

*Management action where there is evidence if medical condition/ health issue*

24. If there is a common reason for short term absence or where the employee indicates at the return to work interview that they have a medical condition which is contributing to their absence level a referral should be made to Occupational Health to determine if there is an underlying health problem.

25. If it has been established by Occupational Health that periods of short term absence are caused by an underlying health condition managers should consider the information provided by Occupational Health and consider what appropriate adjustments could be made. In these circumstances managers should not attempt to reinterpret medical advice. These adjustments must be with a view to enabling the employee to stay in work.

26. Adjustments may include:

- (a) Changes to the employee’s working pattern.
- (b) Changes to work tasks or work environment if possible.
- (c) Redeployment to a different job
- (d) Reasonable adjustments in accordance with the disability discrimination legislation

27. Such adjustments should normally be for a temporary period only and it is important to remind the employee that they are responsible for their own attendance and as such must contribute to finding solutions which will enable them to provide regular attendance.
28. Confirmation of a medical condition/illness does not preclude further action being taken and the employee should be advised that an improvement in attendance is expected. Any agreed adjustments should be confirmed to the employee in writing, outlining agreed time periods and the requirement for monitoring.

29. Should there continue to be an unacceptable level of short term absence, discussion at the return to work interview should include reference to previous meetings and action that has been taken to assist the employee.

30. Further advice should be sought from Occupational Health if appropriate and if there are no further adjustments that could reasonably be made the employee should be advised that consideration may have to be given to re-deployment or termination on the grounds of ill health.

31. Where there is no improvement in attendance but the reasons for absence are unrelated to the health issue, consideration may be given to further disciplinary actions which may result in the contract being terminated in accordance with relevant incapability or disciplinary procedures or ill health retirement procedures.

Management action where there is no underlying medical condition

32. If a manager is satisfied after discussion with the employee that the short term absences are not related and that there are no mitigating circumstances, underlying medical condition or a disability under the Disability Discrimination Act, then an employee should be advised that a further period of absence may lead to an oral warning under the Disciplinary Procedure.

33. This is to caution the employee that an improvement in attendance is expected.

34. The employee should be provided with a copy of the attendance protocol and this should be recorded in the return to work interview documentation.

35. Should there be a further period of absence and after investigation of the circumstances at the return to work interview the manager should refer to the previous warning given and advise that an oral warning is now being considered and the employee should be invited to a separate meeting and given the opportunity to bring a representative in accordance with the Disciplinary Procedure.

36. At the meeting under the Disciplinary Procedure, the Manager should outline the absences to date and refer as appropriate to previous discussions at return to work interviews. The employee will be advised that an oral warning is being issued in accordance
with the Disciplinary Procedure and they are expected to demonstrate and sustain an improvement in their level of attendance.

37. The oral warning must be confirmed, in writing, to the employee advising of the right of appeal to the next line manager and that the warning will be current for a period of 6 months.

38. The employee should be advised that a further absence during this 6 month period may lead directly to a formal Disciplinary Hearing.

FORMAL DISCIPLINARY ACTION WHERE THERE IS NO UNDERLYING MEDICAL CONDITION

39. Where there is no improvement in the level of attendance and there is sufficient evidence that informal action has been taken to address the level of absence it may be necessary to commence formal Disciplinary Procedures.

40. The Manager should ensure that the employee understands that formal action is being taken.

41. The Disciplinary Panel will be constituted in accordance with the Disciplinary Procedure. The Line Manager of the employee will present all the facts of the case and the employee and/or his/her Representative will have the opportunity to present a response and raise any issues which they consider to be relevant.

MANAGEMENT OF LONG TERM ABSENCE

42. Long term absence is defined as continuous absence of 4 calendar weeks or more when a member of staff commences sick leave which is likely to be long term. It is important that the manager establishes the reason for absence and establishes a frequency and method of contact from the outset. The normal expectation would be that weekly or fortnightly contact is maintained throughout the period of illness depending upon the circumstances of the sickness.

43. Early interventions in a period of sickness absence which is likely to be long term are more effective that waiting for a 4 week indicator to trigger action. The management of long term absence may be assisted by the efficient medical management of the case in close co-operation (where appropriate) between Occupational Health Service and the General Practitioner. This may minimise time off and identify at an early stage the employee’s capacity to return to work. In some circumstances it is appropriate to make an immediate referral these include: stress, injury at work, musculoskeletal injury, absence following maternity leave.
OTHER RELATED ISSUES

44. In situations where there is a combination of both long and short term absence the Manager must explore the reasons for both at the return to work interview before taking action. If the short term absences are unrelated to a health issue and the employee has reached a trigger point it may be necessary to proceed with action under the procedures outlined earlier.

FAILURE TO ATTEND MEETINGS

45. It should be noted that at any stage of this process if an employee is unable to attend a meeting, contact should be made with their manager advising of the reason for non attendance in advance of the meeting taking place. Where failure to attend is due to circumstances outside of the employee’s control then another date will be offered. Where there is no reason for non attendance or evidence of repeated cancellation the employee should be aware that decisions may be made in their absence and disciplinary action may be taken.

HAVING SURGERY OUTSIDE THE UK/EU

46. Employees who are travelling overseas for surgery may be entitled to Occupational Sick Pay. They should discuss their intention with their Manager to ensure that arrangements for communication are agreed and that they provide appropriate medical certification throughout their period of sickness. Managers should seek advice from Human Resources before the employee commences sick leave.

SICKNESS AND ANNUAL LEAVE

47. Where an employee has booked a period of Annual Leave and either becomes sick before or during a period of Annual Leave they must immediately report sick for work in the normal way and provide certification from their General Practitioner as soon as possible so that the annual leave can be returned to them where appropriate.

48. If an employee is on sick leave and has been advised by their Medical advisor that a holiday would be beneficial to their recuperation then the employee must inform the manager of their intention to travel prior to that travel.
EMPLOYEES CONTINUE TO ACCRUE ANNUAL LEAVE WHILST ON SICK LEAVE UNTIL PAY HAS BEEN EXHAUSTED

49. Employees, who return to work with accrued annual leave, should discuss this with their Manager so that the leave can be used appropriately. This may include returning on a part time basis due to the accrued leave. Where an employee remains on sick leave and the new leave year commences the employee can carry over annual leave in accordance with established policy (subject to any clarification arising from the Stringer case).

SICKNESS AS A RESULT OF SPORTS INJURY/SECONDARY EMPLOYMENT

50. An employee should seek to refrain from any secondary employment or activities that may affect their capacity to provide regular and effective employment. Where an absence has been attributable to a sports injury or secondary employment managers should remind employees of this at the earliest opportunity. Where there is evidence of recurring frequencies or excessive amounts of absence due to either of the above, this may prevent the employee from receiving Occupational Sick Pay in the future. Statutory sick pay will continue to be paid.

SICKNESS DURING PREGNANCY

51. Periods of sickness during pregnancy which are directly related to that pregnancy should not be counted towards the trigger points for managing short term absence. The absence should be recorded as normal and the Manager should carry out a return to work interview to discuss and explore options that will support the employee. It may be necessary to temporarily adjust the employees work tasks or work environment for an agreed period of time to enable the employee to remain in work.

GOING HOME SICK

52. Where an employee reports for work but then has to leave due to sickness it should be recorded as a sick day in local records. If this happens on a third occasion within a 12 month period the employee should be advised that absence will be reported as formal sick leave.

NEW EMPLOYEES

53. When a new employee commences employment all aspects of their performance should be monitored closely including attendance.
The importance of regular attendance should be provided with access to the protocol in either hard copy or electronic format.

**HSC INJURY BENEFIT SCHEME**

54. Where an employee becomes ill and absent from work is a result of an incident at work he/she should be advised of the potential relevance of the HSC Injury Benefit Scheme.

**REVIEW**

This policy will be regularly reviewed and updated to ensure it effectiveness.

**Equality Impact**

This policy has been screened for an equality implication as required by Section 75 of the NI act 1998 and is assessed has having no serious impact on the Section 75 groups. However, it is recognised that it might bring to attention a number of staff who may have a disability or have difficulty attending work because of carer arrangements and sets out specific actions to address such issues. Each circumstance will be dealt with in accordance with the relevant legislation as it is identified.

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