

MANAGING ATTENDANCE POLICY

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1. INTRODUCTION

Milnbank Housing Association recognises that on occasions it may be necessary for employees to be absent from work. However, the Association also have a duty to provide a reliable service to all residents and in turn, need to ensure that we help staff to 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 work in conjunction with but is not limited to other policies such as Discipline & Grievance, Health & Safety, Managing Performance and Managing Stress.

2. AIM OF POLICY

The aim of this policy is to provide a suitable framework for managing the improvement of an employee's attendance. The keys aims of the Managing Attendance Policy are:

- To manage attendance in a way that reflects genuine concern for employees and to develop a positive attitude towards attendance
- Ensure staff absences are kept to a minimum through effective management
- In order to support staff with health problems, identify the causes of absence and where possible, develop a programme of supportive and preventative measures
- Ensure all employees are treated fairly and consistently
- Assist and encourage employees in returning to work
- Ensure compliance with legal obligations

The Managing Attendance Policy will be under the auspices of the Management Committee via the Governance Sub-Committee. The policy will be monitored, reported to the Governance Sub-Committee and reviewed on a biennial basis, or as otherwise deemed necessary.

3. EXPECTATIONS IN RELATION TO ATTENDANCE

Excellent attendance is necessary in order to achieve MHA's Key Performance Indicators (KPIs), therefore, all staff should strive to have zero absence as far as possible. The majority of employees have consistently excellent attendance however; even a small number of staff absences can put pressure on colleagues, create additional work in managing absences, could potentially damage performance, and ultimately put all jobs at risk.

In order to achieve our KPIs the Association sets an overall absence level of no more than 4% per annum.

- a) Personal Ownership for Attendance
Each employee is responsible for their own attendance and should make every effort to minimise their absence as failure to attend work regularly reduces the individual's effective contribution to MHA. The Association recognises that there will be occasions when staff cannot and should not come into work. Staff are expected to make this judgement and apply it responsibly.
- b) Association's Responsibility for Attendance

The overall management of attendance is an important aspect of the Association. Effective management involves offering individuals the necessary assistance to enable the employee to return to work (e.g. counselling services, physiotherapy), identifying any additional risk areas (e.g. the need for reasonable adjustments), agreeing work plans and communicating the Absence Management process including what action MHA may take if attendance is not improved.

4. NOTIFICATION OF SICK LEAVE

- a) Where a member of staff is unable to report for work, the line manager must be notified by 9am on the first day of their absence. The reasons for absence and the likely duration should be confirmed. The line manager should complete the details on the Telephone Call Checklist (APPENDIX A1) and send to HR immediately. In the absence of the line manager, HR should be contacted.

Employees must report personally by telephone. Reporting via email or text is unacceptable. Also, MHA will not accept an absence report from someone connected to the Employee (unless in extreme circumstances).

- b) The onus is on the member of staff to maintain regular contact with the line manager, or in his/her absence, HR during their absence by telephoning daily unless otherwise agreed. MHA reserves the right to initiate contact with absent employees where appropriate or necessary.
- d) An employee who is in receipt of sick pay (including SSP) is not permitted to undertake any form of paid alternative employment, self-employment or voluntary work unless consent is given by MHA (e.g. A GP has advised that voluntary work would assist with the employee's rehabilitation back to work). Any breach of this rule will be regarded as gross misconduct, which could result in dismissal.
- e) When the employee fails to follow the notification of sick leave procedures, MHA may withhold their company sick pay entitlement (if applicable). Failure to comply with these requirements may also lead to disciplinary action being taken against the employee in accordance with the Discipline and Grievance procedures. Similarly, if MHA suspect that the employee has falsified their absence or deliberately misled the Organisation, disciplinary action will be taken. In serious and/or repeated cases, this may lead to the employees' dismissal.

5. RETURN TO WORK

On the day the employee returns to work, within the first two hours, they are required to take the undernoted action, failure to do so may result in the appropriate Disciplinary Action being taken.

- a) With the line manager, complete a "*Return to Work: Self-Certification*" form if they have been absent for **7** consecutive working days or less. (APPENDIX A2)

- b) With the line manager, complete a formal "Return to Work: Interview Form" if they have been absent for more than 7 consecutive working days. (APPENDIX A3)
- c) No more than 4 self-certifications can be submitted within one financial year. In circumstances where 4 self-certifications have been submitted, the line manager will advise the employee, during the return to work interview that their absence is being monitored, and this discussion will be noted on the RTW form. In addition, an attendance review meeting will be arranged with HR to discuss the absences, and to advise the employee of the procedure and any actions that may be required.
- d) When an employee has self-certified for 4 absences, any further absences must be supported with a sickness line issued by their doctor, which, if required, MHA will pay for. In the event that a doctor's sickness line is not produced, a further meeting with HR be held and the employees' absences will continue to be monitored.
- e) Depending upon the circumstances, the absence may be addressed under the Managing Performance Policy.
- f) Depending upon the circumstances, the absence may warrant formal action. Where it is deemed, through the Managing Attendance Policy that an employee is unable to fulfil their contract by not attending their work, this may be addressed through the Managing Performance Policy or the Disciplinary process contained within the Conditions of Service.

6. PROLONGED ABSENCE

If the illness or injury causes the employee to be absent from work for more than 7 consecutive days, a 'Statement of Fitness for Work' (sick line) from the GP must be provided as soon as possible. Failure to provide regular sick lines or to keep in contact with the Association will jeopardise continued payment of MHA's sickness benefit. For payment purposes, sick lines should be submitted to MHA on the day of issue.

The purpose of a sick line is to ascertain what aspects of work an employee can do with a view to encouraging a return to work, rather than concentrating on what an employee cannot do. The doctor will decide on the following:

- Fit for work
- Not fit for work
- May be fit for work taking into account the following advice: (*phased return, amended duties, altered hours, workplace adaptations*)

During visits to the doctor, staff are asked to ensure that the doctor is fully and accurately aware of their role within MHA, duties and day to day job requirements. If the employee or GP is in any doubt or has any queries, HR should be contacted to provide this information.

Reasonable Adjustments – In line with the requirements of the Equality Act 2010, if a medical professional makes suggestions for any adjustments to the employees' job role, MHA needs to have as much information as possible (e.g. a phased return to work, placed on light duties etc). This will be discussed in more detail at the return to work

interview. Although the Association are not bound by the medical professional's suggestions, as a good employer, MHA will always endeavour to meet the required adaptations or adjustments in line with operational requirements, resources available and the overall good of the Association. If any adjustments are made, time scales will be agreed with regular reviews undertaken.

MHA will adopt a sympathetic approach to staff suffering from a long-term and/or chronic health problem. HR and the Management Team will always react in a supportive manner when approached by an employee regarding their illness. The following matters will be taken into consideration during a long-term absence:

- The nature of the illness and any contributing factors
- The likely duration and/or frequency of the absence
- Any actions that can be taken by the employee to improve their own health condition
- Any actions that can be taken by MHA as the employer, to improve the employees' health condition
- Any possible redeployment options
- The nature of the employees' duties in relation to their health problems
- MHA's business needs and the impact the employees absence is having on these
- The employees entitlement to company sick pay (if applicable)

When all other options have been exhausted, MHA will exercise capability procedures which may lead to the employee being dismissed due to their incapacity to fulfil their current job role, as a result of their absence(s).

- a) If the absence is likely to be 10 consecutive working days or more the employee will be invited to attend a meeting with HR to discuss the absence. Should an employee be unable to attend, arrangements will be made for a home visit.
- b) If a period of sickness is beyond 15 consecutive working days and the likely date of return is still uncertain, the employee's permission to contact their GP for a written report will be sought. The employee will be made fully aware of their rights regarding the granting of permission. In such cases, the fitness requirements for the job will be declared and the Doctor's opinion as to a likely date of return requested.
- c) When an employee has 20 consecutive working days or more, this will be classified as long term sick leave.

In certain circumstances, the employee will be asked to attend a private medical examination by a Registered Medical Practitioner nominated by, and at the expense of MHA. This examination will be concerned with the employees fitness, or otherwise, to resume duties. The employee will receive a copy of any resulting medical certificate if they wish. MHA will treat all medical records in strictest confidence. If an employee is unhappy with this they should raise this informally in the first instance with the Corporate Services Manager and then if not resolved informally they should follow MHA's Grievance Procedure. Any dispute regarding these procedures will be referred to a mutually agreed medical referee.

ABSENCE	ACTION	TIMESCALE
Employee is unable to report for work	Telephone Line Manager/HR	By 9am on the morning of their absence.
During absence	Employee phone Line Manager/HR	Daily basis (unless otherwise agreed)
Employee returns to work, absence 7 consecutive days or less	<u>Employee</u> : completes self-certification <u>Line Manager/HR</u> : records return to work interview.	Within the first two hours of the employees return
Employee absent for more than 7 consecutive days	Attend doctor to request a Sick Line & submit to the HR function	From, or as close to, day 7
Employee absent for more than 10 consecutive working days	Employee to attend an interview with the HR function	-
Employee absent for 15 consecutive working days	HR ask employee to consent to MHA obtaining a GP report/or attending a private medical examination (dependent on the nature of the absence)	Consent given from, or as close to, day 15
Employee absent for 20 consecutive working days +	HR manage as a long term absence. Regular welfare calls/meetings arranged to support employee back to work.	Medical advice sought from or as close to, day 20.

7. ABSENCE MONITORING

- a) A fundamental feature of good attendance management is the accurate and timely recording of all absences; this is the responsibility of the HR function within MHA. This is essential for processing the requirements of the statutory and occupational sick pay arrangements and the process of managing attendance and absence. Good information allows patterns to be identified and can be an early indication of underlying health problems. The earlier these problems are detected and acted upon, the more likely a successful resolution can be achieved. Where there is a pattern of regular sick leave, this will be addressed under the Managing Performance Policy.
- b) Accurate recording and absence monitoring is also an essential element in satisfying potential concerns over the fairness of any actions taken by HR, to ensure that all employees are treated the same throughout the duration of their sick leave.
- c) HR may consider disciplinary action if, at any stage during the absence monitoring procedure (including the return to work process), an employees' absence record is deemed to be unacceptable and/or where the following has been identified (this list is not exhaustive):
 - A particular pattern of absence can be identified

- No sustained improvement has taken place/No return to work has been agreed
- The employee is unable to offer any mitigating reasons for the absences
- There are no identifiable underlying health conditions
- The employee is found to be falsifying or exaggerating their absence

An investigation will be arranged in the first instance to determine the facts. Where appropriate, a disciplinary hearing should be arranged and the employee informed of his/her rights under the Disciplinary Policy.

Any Disciplinary action MHA takes against the employee, will be in line with the relevant Policy & Procedures, including the Managing Performance Policy, Managing Stress Policy and Discipline and Grievance Policy.

8. ANNUAL LEAVE/TOIL/TRAINING

Employees requesting annual leave, TOIL or attend training should give the relevant notice stipulated within the Conditions of Service.

a) Annual Leave

- For up to 1 day off: *2 clear working days' notice required*
- Between 2 to 5 days off: *5 clear working days notice required*
- Between 5 to 14 days off: *10 clear working days notice required*
- 15 days or more: *At the discretion of the line manager*

Except in exceptional circumstances, annual leave should be used within each financial year and requests made in writing using MHA's standard Annual Leave Request Form.

Coronavirus Annual Leave – In 2020, the Government introduced a law allowing employees and workers to carry over up to 4 weeks' statutory paid holiday into their next 2 holiday leave years (2021/22 and 2022/23). Therefore, 2022/23 marks the last year that any leave can be carried forward from the previous year, as per the above guidelines.

Annual Leave & Sick Leave – If you are on annual leave and become unwell, or have an accident, this will be discussed with you during the return to work interview, and an agreement will be reached on how the leave will be processed.

If you are on sick leave and go on holiday, you must inform your line manager and/or HR to seek authorisation and to confirm the duration of your holiday to ensure communication resumes upon your return.

b) TOIL

- Toil due will normally be taken within 4 weeks of working late. Toil not used within this period may be forfeited.
- Maximum of 1 day Toil can be taken within individual requests.
- Staff must ensure their relevant section is adequately covered prior to requesting Toil and the colleague providing cover during leave signs their request form.
- Notification of Toil is as per annual leave.

In an attempt to minimise leave, when an employee accrues 10 days Toil within a financial year, payment will be made. This payment will be made

in accordance with the current Toil procedure for staff that are required to attend evening meetings as a condition of their job description.

9. OTHER LEAVE

- a) Medical Appointments - In terms of the Conditions of Service, MHA allows staff leave for medical treatment etc., such appointments should be arranged to allow the staff member, where possible, to commence work by 10am or not leave the office prior to 4pm. A maximum of 4 such appointments shall be authorised per annum. Appointments out with these allocated times will require staff to use annual leave or toil. This is monitored by line managers.
- b) Special Leave/Unpaid Leave - Authorisation from the Corporate Services Manager for other leave must be received. Any special or unpaid leave granted will be recorded within MHA's personnel records.
- c) Inclement Weather - In severe weather conditions where staff do not come into work, MHA will normally grant 1 day paid leave with any additional days being taken as annual leave or toil, or in certain circumstances, unpaid leave. Provisions for staff working from home will also be considered where practicable and approved by the line manager. In extreme weather conditions (e.g. National Amber or Red Alert), where it is difficult to travel to work, employees will be granted paid time off on the basis that they keep in contact with MHA on a daily basis in order to monitor the situation.
- d) Other leave - Shall be granted as per the Conditions of Service (e.g. study leave) and recorded in the leave records.

10. ABSENCE COVER

The purpose of absence cover is to ensure that key tasks are maintained to ensure core service delivery.

All line managers have a responsibility to ensure their function is adequately covered at all times, and when authorising annual leave/toil requests, the staffing levels within the function must be taken into consideration. This includes the impact any ongoing sick leave is having on the continuation of service delivery.

11. GENERAL DATA PROTECTION REGULATIONS

In accordance with the GDPR, employees have been issued with a copy of MHA's Employee Fair Processing Notice. This document explains what personal information MHA collects about employees and how we use it.

Private and Confidential

Managing Attendance – Telephone Call Checklist

- This form is to be completed in the event that an employee calls in to advise that they will be absent as a result of sickness.
- Every employee is obliged to make contact with their line manager or in the absence of the line manager, the HR function.
- Only in exceptional circumstances is it acceptable for an employee’s representative to call in on their behalf. It then becomes the Line Managers responsibility to ascertain the details surrounding such at the return to work interview.

Complete the undernoted in discussion with an employee who calls in sick and ensure the details are acted upon as necessary.

1. Name: _____
 2. Designation: _____
 3. Date of first day of Sickness: _____
 4. Date of first contact (if different from 3): _____
 5. Nature of Sickness (general indication / basic details)
-
-

6. How long is the absence expected to last? (if relevant)

7. Any attendance at a G.P. (if relevant) Yes No

If yes, date of appointment: _____

8. Is there any assistance the Association can provide at this time?

9. Are there any specific duties you are carrying out which need to continue during your absence?

10. Are there any meetings, conferences, courses etc you were required to attend?

11. Is there anything else I need to know about your workload or duties during your absence? YES/NO

MILNBANK HA
RETURN TO WORK: SELF-CERTIFICATION

This form must be completed by each employee on return to work following absences of 7 days or less. PLEASE RETURN TO HR UPON COMPLETION.

Employee's full name: _____

Function: _____

First day of absence: _____

Last day of absence: _____

Date of return to work: _____

Total time absent: _____ days

Reason for absence (please state):

Do you feel fit enough to return to work? **Yes / No**

Employees Comments:

Line Managers Comments:

Please complete the following with regards to your absence. Details will be held in strict confidence.

When did you notify the Association of your absence?

Who did you notify?

Did you consult your doctor? **Yes / No**

Did you attend the hospital? **Yes / No**

Did you obtain a medical certificate? (Please attach if so) **Yes / No**

The following information is required to ensure the health, safety and welfare at work of yourself and others.

Are you taking any medication? **Yes / No**

If Yes, please provide details: _____

If Yes, have you advised of any side effects that could affect your work or be a safety hazard? **Yes / No**

Declaration:

I declare that all the information I have given in this form is true and that I have not withheld any material fact.

Signed by employee: _____

Name (PRINTED): _____

Date: _____

GENERAL DATA PROTECTION REGULATIONS:

These details will be held in confidence by MHA and may be used for the following purposes in compliance with data protection legislation:

- Ensuring the health, safety and welfare at work of myself and colleagues
- The avoidance of discrimination on the grounds of disability
- Maintaining SSP and SMP records
- Supplying information on accidents where industrial injury benefits may be payable
- Ensuring the Association is able to monitor and deal fairly with attendance and absence issues

Further information on how the Association processes personal data and your rights under data protection legislation are set out in the Employee Privacy Notice.

When completed, this form may contain Special Category Personal Data as defined by data protection legislation. It must be kept secure and confidential.

Office Use Only

Please select:

Absence authorised (no action required)/ Attendance review required

Please note that by authorising absence you are confirming that you are satisfied that the employee had a valid reason for being absent and that the employee has complied with the Managing Attendance Policy.

Signed by Manager: _____

Date: _____

MILNBANK HA
RETURN TO WORK - INTERVIEW FORM

***This form must be completed by each employee on return to work if they have been absent for more than 7 consecutive days.
PLEASE RETURN TO HR UPON COMPLETION.***

Employee Name	
Date of Meeting	
First Day of Absence	
Last Day of Absence	

Reason for Absence:

Discuss and record reasons for absence.

Is the employee confirming they are fit to return to work?

Have any recommendations been made by their doctor in their Statement of Fitness to Work (sick line)?

Does the employee consider that they have an underlying or ongoing health issue?

(If yes, how, if at all, does this impact their capability at work and/or undertaking day-to-day activities?)

If there is an impact, have any reasonable adjustments been suggested and/or considered?

If the absence was due to work-related stress, has a stress risk assessment been completed?

Absence Reporting

Was the correct reporting procedure followed? Yes / No.

If No - remind the employee of the procedure and detail below the shortfall, and what, if any further action will be taken.

Review of Absence Record

How many days or periods of absence has the employee had in the past 12 months?

Is there a regular pattern of absence?

Have they reached any trigger points for review? Yes / No.

Is there a recurring problem?

Any other issues?

Summarise Agreements and Next Steps

I understand that this information will be used for the purposes of recording and monitoring sickness absence.

Signed: (Employee)

Signed: (Line manager)

Date: