



# Attendance and Absence Management Policy

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## **1. Introduction**

- 1.1 ng homes is committed to managing attendance and absence at work to ensure that we are supporting employees with health concerns, providing reliable and cost effective services to customers and improving the Association's performance.
- 1.2 ng homes recognises that employees will on occasions be absent from work and this policy is designed, therefore, to ensure that a consistent and fair approach in managing attendance and absence at work is adopted throughout the Association.

## **2. Principles**

- 2.1 The Association recognises its responsibility for the health, safety and welfare of its employees and therefore will provide employees with a safe working environment. All employees will be treated in a responsible and caring manner, and be encouraged to provide the highest standards of attendance possible.
- 2.2 The Association will lay down standards, provide outline procedural guidelines and ensure managers receive appropriate training for managing attendance and absence at work. It is the responsibility of managers to identify and monitor the causes of absences and where possible to develop a programme of preventative measures. Employees will be afforded the opportunity to be accompanied by a trade union representative or a colleague where appropriate.
- 2.3 All employees including trainees and apprentices will be made aware of the terms of this policy and will be treated in a fair and consistent manner. All employees will be encouraged to seek help with any health issues they are experiencing, which are resulting in non-attendance at work. The Association provides access to a Company Health Plan which includes direct access to physiotherapy, chiropractic, health screening and 24 hour access to counselling services. Employees may seek assistance from the company health plan provider Simplyhealth (telephone number 0800 975 3356).

## **3. Disabilities**

- 3.1 In relation to absence resulting from a disability, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work. If an employee considers that they

are affected by a disability or any medical condition that affects their ability to undertake their work, they should inform their line manager or HR.

3.2 Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. For the purposes of the Act, these words have the following meanings:

- 'Substantial' means more than minor or trivial
- 'Long term' means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- 'Normal day to day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act.

#### **4. Absence Reporting Procedures**

4.1 Employees reporting sickness are required to phone their line manager as soon as practicable - this should be within 1 hour of the normal starting time, text messages are not acceptable. If your line manager is not available then another manager should be contacted. Employees must give the reason for the absence, expected duration of the absence, expected date of return and confirm their contact details.

If it is impossible for employees to get to a phone on day one of their absence they should ensure that someone else calls on their behalf.

4.2 The responsibility lies with the employee to keep their manager informed on a daily basis for the first three days of absence. If the absence continues beyond three days, the employee must contact their line manager on each seventh day thereafter, unless exceptional circumstances prevent the employee from doing so. Where employees fail to keep in touch as outlined above, ng homes reserves the right to initiate and maintain contact with the employee. Please note that on occasion during an employee absence, management may contact the employee with work related questions/requirements. This will be essential contact only required for continuity of service delivery.

- 4.3 Self-certification will be required for absence of up to 7 calendar days, and thereafter a Fit Note will be needed stating that the employee is not fit for work and the reason(s) why. This should be forwarded to the employee's line manager as soon as possible. If the employee's absence continues, further medical certificates must be provided to cover the whole period of absence.

If an employee's doctor provides a Fit Note stating that they "may be fit for work" they should inform their line manager immediately. All recommendations contained within the Fit Note will be discussed with the employee in an attempt to facilitate a return to work. If the recommendations cannot be accommodated the reasons for this will be confirmed to the employee and they will remain on sick leave. If the absence continues a review meeting will take place.

Where we are concerned about the reason for absence, or frequent short-term absence, we may require a Fit Note for each absence regardless of duration.

- 4.4 Where the employee does not follow reporting, certification, or agreed keeping-in-touch arrangements we may withhold the company sick pay. Failure to comply with these requirements may also lead to disciplinary action in accordance with the company's disciplinary procedure. Similarly, any falsification or attempt to mislead on the employee's part will lead to disciplinary action. In serious and/or repeated cases, this may lead to dismissal.

## **5. Absence Monitoring**

- 5.1 A fundamental feature of good attendance and absence management is the accurate and timely recording of all absences. This is essential both in terms of the requirements of the Statutory Sick Pay arrangement and the Association's occupational sick pay scheme. Good information also allows patterns to be identified and can be an early indication of underlying problems. The sooner these problems are identified and acted upon – the more likely a successful conclusion for employee and employer alike can be achieved. Any potential concerns would be discussed at return to work meetings.

- 5.2 Keeping good quality, up to date records also means that:

- Concise data is available for each employee during the year
- Problems are identified at an early stage
- Employees are treated fairly and consistently

- Trends and underlying causes can be more easily identified
- Relevant health, safety or wellbeing issues can be identified in a timely manner and addressed appropriately
- Attendance rates may be improved
- Managers are better able to explain decisions where continued poor attendance results in counselling and/or disciplinary action
- Committee are kept aware of attendance levels

5.3 Managers must record the absence on the Notification of Absence Form as soon as notification is received and also notify the HR team by email. HR will update the employee's attendance record for the purposes of statistical recording.

5.4 The Staffing Sub-Committee will receive quarterly reports on staff absence.

5.5 On every occasion when an employee returns to work after an absence of any kind, the manager or senior officer will meet the employee at the start of their day/shift, or as soon as practically possible on that day, to discuss the reasons for the absence, and offer help where appropriate before countersigning the return to work form (self-certificate). This document should be sent to the HR team.

5.6 A Formal Attendance Review Meeting will be arranged when an employee's absence record, including periods of industrial injury, falls into the following categories of 'rolling' absence, with the following potential outcomes:

Stage	Trigger	Outcome
	Any absence	Return to work will be carried out
1	3 occasions of absence within a 12 month period	Formal Attendance Review Meeting
2	A further 2 occasions / 3 working days of absence within a 6 month period from when the last action was taken	First Written Warning
3	A further 2 occasions / 3 working days of absence within a 6 month period from when the last action was taken	Final Written Warning

4	A further 2 occasions / 3 working days of absence within a 12 month period from when the last action was taken	Dismissal
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Any period of unauthorised absence will automatically trigger the following disciplinary procedure.

Following homes reserves the right to extend the monitoring period at the manager's discretion and with approval from HR, dependent on individual circumstances.

The employee should be advised in writing of the purpose of the meeting and of their right to representation and appeal of formal warnings. At the meeting the manager should outline that the main purpose is to discuss the absences, the employee's general health and/or any underlying problems they may have. Where possible the Association will offer assistance in the form of professional counselling or if appropriate arrange for a second opinion through Occupational Health.

- 5.7 The Attendance Review form should be completed at each stage at the meetings and then signed by both the employee and the manager. A copy of this form will be placed in the employee's file. The manager should confirm the outcome of the meeting in a timely manner, in writing, to the employee and detail any agreed action.
- 5.8 The first Formal Attendance Review Meeting will take place if an employee has had three occasions of absence within a twelve month period. They will also be advised at this meeting of their expected level of attendance and the triggers which apply if they have further absences.
- 5.9 A second Formal Attendance Review Meeting should then take place if the employee has a further two occasions/three days of absence within a six month period from when the last action was taken. The employee may be issued with a First Written Warning at this meeting and be advised of the triggers which apply if they have further absences.
- 5.10. A third Formal Attendance Review Meeting should then take place if the employee has a further two occasions/three days of absence within a six month period from when the last action was taken. The employee may be issued with a Final Written

Warning at this meeting and be advised of the triggers which apply if they have further absences.

- 5.11 A fourth and final Formal Attendance Review Meeting should then take place if the employee has a further two occasions/three days of absence within a twelve month period from when the last action was taken. This meeting will be held with a panel of ng homes Board members as this may result in the employee being dismissed with contractual notice.
- 5.12 Employee's have the right to appeal any formal warning at any stage of the process, including dismissal.

Appeals at Stages 1, 2 and 3 should be intimated to the HR team in writing within 7 days of receipt of the written confirmation of the decision, clearly setting out the grounds for appeal. The HR team will then co-ordinate the appeal process.

Appeals at stage 4, dismissal, should be made directly to the JNC Appeal Chair, details of this will be included in the outcome letter.

## **6. Management / Employee Options**

- 6.1 At return to work discussions or during Formal Attendance Review Meetings the manager will attempt to establish reasons for the absences, identify underlying trends and seek to offer any assistance to the employee with a view to improving the employee's attendance record. In circumstances where an employee has been referred to a support agency a further meeting should be arranged as soon as the relevant report has been received.
- 6.2 In normal circumstances in the case of long term absences, medical advice should always be sought from the employee's GP and/or the Occupational Health Service. The Fit note scheme, introduced from 6th April 2010, allows for GPs to sign an employee as either "unfit to work" or "may be fit to work". Where the GP has signed the employee as "may be fit for work" the line manager should discuss this with the employee and agree any adjustments to the workplace/workload. Whilst the GP comments/recommendations are not binding on employers, we will, where possible, make the suggested adjustments. Where this is simply not possible/viable then the employee will remain on sick leave.

6.3 In the case of short term intermittent absence, whilst it is not always necessary to obtain a medical report it may be advisable to do so in some circumstances, if only to establish that there is no underlying health problem. The purposes of obtaining a medical report will be to establish the nature of the health issue and its likely duration, whether the employee is likely to make a full recovery and if not, what work they are capable of and when, and what steps management can take to facilitate a return to work. This information is necessary to enable the manager to make informed decisions on improving the employee's attendance within the terms of this policy. In normal circumstances the content of any medical report should be discussed with the employee as part of the monitoring process.

6.4 Where all efforts to improve attendance fail, it will be necessary for the employer to demonstrate that the procedures employed were fair. The circumstances of each case will have to be examined in its own right, but the following outline tests, as a minimum, should be satisfied:

- That at all stages in the procedure the employee has been dealt with in a fair and consistent manner.
- That medical advice in relation to the employee's ability to continue in employment has been received and that this has been discussed with the employee and that their views have been considered.
- That all appropriate stages in the Disciplinary Procedure have been followed and that formal warnings are clear and explicit and that the opportunity for improvement has been afforded throughout.
- That the scope of employment provisions contained in the Equalities Act 2010 has been considered in relation to the employee's circumstances.
- Those alternatives to dismissal have to be considered. Any alternative to dismissal should be discussed and agreed with the employee concerned.

## **7. Short Term Absences**

7.1 A short term absence can be defined as any single period of absence, including industrial injury, to a maximum of 19 calendar days.



- 7.2 ng homes will aim to secure better attendance by way of support and encouragement to the employee concerned in the first instance. This will involve maintaining good records, ensuring return to work meetings and helping investigate and address any identified underlying causes of absence.
- 7.3 Where short term intermittent absences are identified, a distinction should be made between absences with an identifiable underlying health condition and short term intermittent absences for a variety of reasons which have no identifiable underlying health condition.
- 7.4 **Short Term Absences – Underlying Health Problem**  
Where there is an underlying health condition that results in short term intermittent absences and this is confirmed by the Occupational Health Service, it is not appropriate to take disciplinary action. Where medical examination and/or information reveals an underlying medical condition the employee will usually receive medical treatment, physiotherapy, remedial surgery etc, which will often result in an acceptable rate of recovery and attendance level being achieved. However, where the prognosis is such that frequent or prolonged absences will be a continuing feature, the case would require to be treated as one of capability and the employee advised in writing accordingly. In some circumstances, even where the absences are of a short-term intermittent nature it may be appropriate in consultation with the Occupational Health Service to consider ill health retirement.
- 7.5 **Short Term Absences – No Underlying Health Problem**  
Short term intermittent absences where there is no identifiable underlying health problem should be treated as a conduct issue in line with the Association's disciplinary procedures via the Formal Attendance Review stages.

## **8. Long Term Absence**

- 8.1 Long term absence is defined as any single period of absence amounting to 20 or more calendar days.
- 8.2 ng homes will adopt a sympathetic and understanding approach to any employee with a long-term and/or chronic health problem. Employees who find themselves in such a position should be confident that their manager will react in a supportive fashion when approached.

- 8.3 If the absence is likely to last longer than 20 calendar days, the manager will contact the employee to arrange a meeting to be held during week four of the absence, unless it is deemed medically inappropriate. This meeting can be held in either the workplace, at the employee's home or at some other mutually agreed location. Where a meeting is required he/she will be given a minimum of 48 hours notice. The main purpose of this meeting is to discuss the absence, the employee's general health and/or any underlying problems they may have. Where possible the Association will offer assistance, in order to facilitate a return to work, in the form of professional counselling etc. If the likely duration of the employee's absence is still unclear, then a referral to Occupational Health will be made.
- 8.4 The following points will always be considered in relation to long term absence:
- The nature of the illness
  - Any contributing factors
  - The nature of the employee's duties in relation to his/her health problems
  - Any comments or suggestions made by the GP on the "Fit note"
  - The business needs of ng homes and the impact that the employee's absence is having upon these
  - The employee's length of service
  - The entitlement to Sickness Benefit
- 8.5 The manager will continue to monitor the effects of long term absences on their service and recommend appropriate action to cover and protect service delivery.
- 8.6 Throughout the duration of the employee's absence it will be expected that they will keep in touch at least once per week and advise of progress, unless it is deemed medically inappropriate. Managers will also seek to obtain medical reports as required during the absence and will arrange to discuss these with employees when received. Where the employee disagrees with the nature of any medical reports, he/she will be free to seek and offer alternative medical reports. Where the prognosis is such that a prolonged absence is likely then the case must be regarded as one of capability. Full discussions with the employee will take place and they will be afforded the opportunity to express views on such a course of action.
- 8.7 Having established and maintained contact with the employee, the manager will discuss working options to support an early return. These will include a phased return, reduction in hours, limiting the range of activities undertaken for a set

period and redeployment. Where a phased return to work is agreed, employees should use their own leave (annual/toil/flexi) for the periods they are not at work. If an employee does not have remaining leave, they will continue to apply the occupational sick pay scheme, as per the individual employee's eligibility.

- 8.8 Where there is no foreseeable return to work date, there are no contractual benefits for which the employee may be eligible and there are no reasonable adjustments that can be made to facilitate the employee's return to work, as a last resort, dismissal on the grounds of ill health/capability may at that stage be appropriate. In this situation the process outlined in section 11. Capability will apply.

Employees will be given the right of appeal against dismissal on the grounds of long-term ill health absence.

Where an employee has been diagnosed with a terminal illness it may be appropriate to suspend any decision to dismiss.

- 8.9 In some instances managers will have to deal with employees who during the course of their absence have exhausted their sickness benefit. Prior to the expiry of sickness benefit, the manager must discuss with the employee, usually through the Formal Attendance Review or Long Term Sickness meetings whether an application for a period of unpaid leave of absence is appropriate / available. The employee must request unpaid leave of absence along with a letter of support from their GP which must indicate a likely return to work date.
- 8.10 Unpaid leave of absence is normally granted for a period up to 13 weeks (the actual period can alter in accordance with individual circumstances). The unpaid leave will be reviewed prior to the expiry of the period granted and if appropriate a further application for unpaid leave of absence can be made.

## **9. Sickness During Annual Leave & Public Holidays**

- 9.1 If during an authorised period of annual leave or flexi leave you fall ill and you produce an appropriate fit note, we may count the period as sick leave and not as annual leave or flexi leave, providing the absence reporting procedure has otherwise been complied with. You must hand the fit note to your manager on the first day of your return to work or earlier if possible.

If there is a public or general holiday during your period of sickness, you shall receive sickness benefit on that date and shall be entitled to receive the holiday at a later time, providing the appropriate certification has been received. Where an employee has exhausted their sickness benefit, no payment will be made in respect of a public holiday occurring during the period of unpaid leave.

- 9.2 In some instances of absence, going abroad on holiday may be deemed beneficial and part of a recuperative process as advised by your doctor. In this instance, the employee must consult with their manager and agree upon this prior to the employee booking or travelling on holiday. Please note that the same guidelines for keeping in touch will apply during this time.

## **10. Ill Health Retirement**

- 10.1 There may be occasions where an employee can no longer sustain a reasonable and reliable attendance level or perform effectively in their role due to their health, and the impact a condition may have on their physical or mental capabilities. In these circumstances, where reasonable adjustments cannot be made or where they have been made but have failed to improve attendance, the employee and their manager may discuss the possibility of ill health retirement rather than following the formal capability procedure. In such cases, managers should seek advice from HR and the employee should submit a letter requesting to be considered for retirement on the grounds of ill health. The employee will thereafter be required to provide appropriate medical evidence as required by their specific pension provider.

Please note ill health retirement can only be granted if the employee is a member of a pension scheme that provides for ill health retirement and following an assessment and recommendation from an external occupational health provider.

- 10.2 If ill health retirement is supported by the Occupational Health provider and agreed with the pension provider the necessary steps will be taken to confirm all of the necessary details and agree the retirement date etc. The manager will be kept advised at each stage of the process.

## **11. Capability**

- 11.1 As part of the ongoing dialogue between the manager and employee, Review Meetings will explore options of a phased return, or a return to alternative duties, or where possible a redeployed post. The employee will be entitled to

representation at these meetings. The line manager will chair the Review Meetings. In addition, the manager must, with the employee, also consider the options of ill health retirement and termination on the grounds of capability. The Final Review Meeting, at which a decision regarding capability dismissal will be concluded, will be held by a panel of ng homes Board Members.

Termination on the grounds of capability may be considered where:

- The employee is not a member of the pension scheme
- An application for ill health retirement has not been approved, and
- All other options have been explored but have not been successful and termination on the grounds of capability will be the only course of action available.

In such circumstances there will always be a right of appeal against any decision to dismiss an employee on the grounds of capability. Appeals against dismissal should be made directly to the JNC Appeal Chair, details of this will be included in the outcome letter.

11.2 If termination is a possible course of action the manager must have discussed this option with the employee at an earlier stage and confirmed this to the employee in the letter(s) issued after the Formal Attendance Review Meeting if the absence is categorised as short-term or Review Meetings if the absence is categorised as long-term. Occupational Health will be consulted prior to a capability decision being made.

11.3 Where an employee indicates that a return to work is possible but requires more time to complete their recovery, the manager must advise the employee regarding the opportunity for unpaid leave of absence, if appropriate. This option should be considered prior to a decision being made to terminate employment on the grounds of capability.

## **12. Other Provisions**

### **12.1 Contact with Infectious Diseases**

An employee, who is deemed to be incapable from work and is prevented from attending the place of employment because of contact with a notifiable infectious disease (including COVID-19), as per HSE, will be required to advise the line manager immediately and shall be eligible for full pay for the absence covering the duration the infectious period, as per the Association's internal procedure at that

time. ng homes will seek guidance from Occupational Health with regards to the management of this absence. The period of absence, deemed as infectious, will not be reckoned against the employee's normal sickness benefit.

#### 12.2 Doctor/Dental/Optical Appointments

Doctor, dental and optical appointments should be arranged out with working hours. If it is not possible, you should request time off from your line manager. Arrangements could include using annual leave, TOIL, flexi or unpaid leave.

#### 12.3 Hospital Appointments

ng homes understands that hospital appointments cannot always be rearranged and paid time off will be granted for an appropriate length of time for the appointment. Employees should provide medical cards or evidence of their appointments.

#### 12.4 Cosmetic Procedures

Absence due to cosmetic procedures (whether carried out in the UK or abroad) will not fall under the sick leave or pay provisions 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.

#### 12.5 IVF Treatment

Appointments relating to IVF treatment should be arranged out with working hours. If it is not possible, you should request time off from your line manager. Arrangements could include using annual leave, TOIL, flexi or unpaid leave. In some circumstances managers could also use their discretion and consider giving paid time off. The same applies to a partner of a person that is undergoing such treatment. Absences relating to IVF treatment will also not be treated as relating to pregnancy unless the employee actually falls pregnant.

In some cases, the employee may be unable to work due to the effects of the treatment and is signed off sick by the GP. This will be treated in line with the normal sick pay entitlement and provisions.

#### 12.6 Stress Management

Stress is not an illness. It can result from an illness or lead to one but it is not an illness in itself. The same relates to 'nervous debility' or any other diagnosis of that type. If an employee goes off with stress, the manager will endeavour to find

out if the reason for the stress is work related, if so, the employee will be required to complete a stress risk assessment and be referred to the occupational doctor. If the stress is personal related the employee will be advised to seek assistance from Simplyhealth, 0800 975 3356.

#### 12.7 Conduct whilst off Sick

When on sick leave employees are still bound by their contract of employment and all of ng homes policies including the code of conduct. The Association also expects that employees do not participate in activities that would be at odds with their 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 ng homes, its customers, work colleagues, partners and anyone else who is connected with us.

#### 12.8 Management of Unauthorised Absence

Unauthorised absence will be dealt with under ng homes disciplinary procedure.

### 13. Good Attendance Reward

13.1 ng homes will apply a fair and consistent approach in managing attendance. All employees, regardless of length of service or hours of work, can benefit from the Association's Sickness Benefit Scheme. The Association also recognises that positive measures should be put in place for those employees with good attendance. Employees who have had no absences at all in a 12 month period will be rewarded with 2 additional days off. Account will be taken of exceptional diagnosed conditions that require time off to ensure that employees who find themselves in this position are not discriminated against.

13.2 The EVH Terms & Conditions of Employment will be amended to take account of this local variation.

### 14. Other Related Policies and Procedures

- Data Protection Policy
- Dignity at Work Policy
- Code of Conduct for Staff
- Recruitment Policy
- Discipline and Grievance Procedures

- Stress and mental wellbeing at work
- Staff Terms and Conditions of Employment

## **15. UK General Data Protection Regulation 2021**

- 15.1 The organisation will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

## **16. Policy Review**

- 16.1 This Policy will be reviewed every three years or earlier in line with regulatory or legislative guidance / changes or good practice guidelines.

## **17. Equality Impact Assessment**

- 17.1 This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.



# MANAGING ABSENCE

