



John Wheatley
Glasgow's Friendliest College.

JOHN WHEATLEY COLLEGE

Board of Management

Attendance at Work Policy and Procedures

All Staff

Attendance at Work Policy and Procedures

Section	Title	Page
1.0	Policy Aims and Objectives	1
2.0	Pay Entitlement	2
3.0	Monitoring	3
4.0	Reporting/Absence Notification Procedure	5
5.0	Management of Absence – Management Management/Supervisory Responsibility	7
5.1	Purpose of Return to Work Interview	7
5.2	Return to Work Interview	7
5.3	Categories of Absence	8
5.4	Staged Interview Process	8
6.0	Management/Supervisor Considerations	10
7.0	Guidance on Managing Absence Categories	13
7.1	Short/Medium Term Intermittent Absence	13
7.2	Short Term Intermittent Absence - No Underlying Health Problem	14
7.3	Short Term Intermittent Absence - Underlying Health Problem	14
7.4	Long Term Absence	
8.0	Disciplinary Considerations	18
9.0	Lack of Capability Considerations	19
10.0	Termination of Contract of Employment	20
10.2	Appeals against Termination of Contract	21

11.0	General	21
12.0	Other Related Personnel Policies	22
Appendix 1	Reporting Absence Notification Procedure	24
Appendix 2	Sickness Absence Self-Certificate and Return to Work Interview	28
Appendix 3	Record of Attendance Management Record	30

1.0 Policy Aims and Objectives

- 1.1 The College is committed to providing assistance and support to staff with health problems at an early stage. The College recognises its responsibility for the health, safety and welfare, mental health and well-being of its staff, and in conjunction with its other policies, this policy places great emphasis on the range of services established to provide assistance and support.
- 1.2 The aim of the Policy is to deal with genuine absence quickly and fairly and to address individual problems caused by infrequent attendance both speedily and effectively with the opportunity for review of any decision. The policy has been fully discussed by management with the Trades Unions and Professional Association. The policy will form part of the staff induction programme.
- 1.3 The College is committed to managing absence levels. Management, Trades Unions, Professional Association and staff recognise that unsatisfactory levels and patterns of absence adversely affect staff morale, the efficiency and effectiveness of the service provided by the College and most importantly, the quality of service available to students and the community. This policy is intended to create a clear understanding for all staff of how John Wheatley College proposes to manage attendance levels, to outline the procedures which will be followed and describe the responsibilities of staff and management.
- 1.4 Managers/supervisors will ensure that their staff are made aware of the terms of this policy. The policy is intended to provide a framework for management to continuously monitor attendance (and thus absence) and to identify potential problems both for the College and individuals. It also provides a structure for managers/supervisors to liaise consistently and effectively with staff in dealing with potential problems of long-term illness. The policy seeks to deal sympathetically and sensitively with all genuine illness and incapacity. In addition managers/supervisors have a clear obligation placed on them to identify and address problems in the work environment and/or job factors which may be contributing to staff absence.
- 1.5 All staff will be treated in a fair and consistent manner and will be encouraged to seek help with any problems they might have which are resulting in non-attendance at work. Staff may seek assistance from colleagues and/or Trade Union representatives and they will be afforded the opportunity to involve a representative at any point in the application of this procedure if they so wish unless indicated otherwise.
- 1.6 The College holds the Employment Services Agency's Positive About Disabled People Award and has a supportive approach to the employment of employees with a disability. An employee who develops a

disability whilst in the employment of the College and is as a result absent frequently or long-term will be offered every assistance and support to enable them to fulfil the duties of their post or an alternative post.

Employees are expected to assist by making the College aware of a disability, which may contribute to or be responsible for their difficulty in attending work, at the earliest opportunity. This will enable the College to ensure that the employee is provided with the assistance and support which they require and that their rights under the Disability Discrimination Act 1995, as amended, are fully considered.

- 1.7 The policy reaffirms the College's commitment to protecting the comprehensive sickness allowance provisions and would expect staff to co-operate with the terms of this policy, thus ensuring that the provisions are not abused. A copy of the provisions for sickness allowance is contained in the contract of employment or can be obtained from the College's Personnel Section. A brief reference to the sickness allowance provisions are outlined below in Section 2.

The policy complies with the Data Protection Act 1998 and The Employment Practices Data Protection Code.

2.0 Pay Entitlement

- 2.1 Qualifying employees are entitled to statutory sick pay and to occupational sick pay, the scale of which is determined by years of service, subject to various conditions being met. The sick pay conditions for each group of staff are detailed in the individual scheme of conditions of service and salaries for Teaching and Support Staff.
- 2.2 The allowance paid during an absence from work owing to illness, when added to statutory sick pay and sickness benefit, invalidity benefit or invalidity pension will not normally exceed basic salary for that period.
- 2.3 Personnel will advise managers/supervisors when an employee's pay is exhausted as a result of continued sick absence, at this stage a temporary member of staff may be employed to cover the employee's post. Where the needs of the service require temporary cover prior to the employee's salary being exhausted the manager/supervisor will seek authority from the Principal to engage a member of staff.
- 2.4 The manager/supervisor will be required to demonstrate that funding is available within their existing budget to cover the costs incurred without a detrimental impact to the level of teaching activity to which they are committed within operational and related plans.

- 2.5 Personnel will inform the affected employees in writing four (4) working weeks prior to any change in their remuneration.

3.0 Monitoring

- 3.1 Monitoring and recording of sickness absence is essential for a number of reasons. These include meeting the requirement of Statutory Sick Pay Regulations, identifying absence patterns, highlighting short and long-term absences, providing assistance and support to employees at an early stage.
- 3.2 Records must be maintained to demonstrate that attendance is being managed in a fair and consistent manner. Records will be required as evidence in support of any disciplinary action which may be necessary or to defend any action taken by the College at Employment Tribunal level should this arise. Accurate records are therefore essential. Attendance levels will be monitored continuously by line managers/supervisors and co-ordinated by the Personnel Section.
- 3.3 Attendance levels for the College will be calculated by the Personnel Section. A report which details the levels of absence for each location will be distributed to the manager/supervisor on a monthly basis to assist them monitor the level of attendance within their areas of responsibility.
- 3.4 A report on the percentage of absence for the College will be presented to the Personnel and Staffing Committee at each meeting. The reasons for absence will be closely monitored in order that underlying problems within the College might be identified and managed appropriately.
- 3.5 Absence rates will be calculated using the following method:

$$\text{Lost time rate} = \frac{\text{Total days/hours absent in the month}}{\text{Possible total working days/hours available in the month.}}$$

The number of working days available is calculated as follows: 365 days less weekends, statutory holiday entitlement and annual leave entitlement. The number of working days available will be on a pro rata basis for part time staff. The number of days available in any month would be based on the same calculation.

The number of working days available for temporary academic staff is based on the number of working hours available for that category of staff.

3.6 The Personnel Section will provide guidance and support on the management of sickness absence in the following areas:

Application of the relevant policies and procedures: Sickness Absence, Alcohol and Drug Misuse, Disability, Bullying and Harassment.

Employment Law: Disability Discrimination Act, Unfair Dismissal, Case Law, other relevant legislation.

Disciplinary Action/Dismissal: Disciplinary Procedures, Appeals Procedures, Employment Tribunals.

Employee Counselling Service: Liaison, referrals, feedback, support and advice.

Occupational Health Service: Referrals, lifestyle advice, medical advice, workplace assessments.

Employment Services Agency: Advice, Access to Employment, assistance to purchase equipment and make reasonable adjustments when required, access to a Disability Advisor.

This list is not intended to be either prescriptive or exhaustive.

3.7 Pre-employment Health Screening

A Health Assessment Form will be issued to all applicants invited to attend for interview as part of the recruitment and selection process. A copy of the Health Assessment Form is available from the Personnel Section on request. The College reserves the right to seek a further medical opinion, from the Occupational Health Service (OHS) or another recognised medical adviser. Applicants rights under the Disability Discrimination Act 1995 are not affected by pre-employment health screening.

The Occupational Health Service will assist the College by providing advice on reasonable adjustments to aid the employee fulfil the duties of the post. The College will also use the services provided by the Employment Services Agency.

3.8 External Medical Examinations

The College retains the right to refer any of its staff, at any time, to external medical advisers (Occupational Health Services) for the purposes of obtaining an opinion as to his or her fitness to discharge the duties which are both implicit and explicit to their post and establish if any assistance or support is required. Similarly, the College reserves the right to use such advisers to assess the continued capacity of an individual

employee to undertake their responsibilities in respect of their post (within the terms of the Employment Protection Act), see Para.6.2.

An employee may be asked to consent to a medical assessment as part of a disciplinary investigation in accordance with the College's Disciplinary and Appeals Policy and Procedure.

4.0 Reporting Absence Notification Procedure

- 4.1 As a first stage in the management of attendance at work every employee from the date of appointment is advised and given a written copy of the College's procedures for the notification and certification of absence, Appendix 1. Employees should be advised by their line manager/supervisor of the consequences of breaching the College's Reporting and Absence Notification procedure. The procedure, if followed, should ensure a consistent approach and will assist managers/supervisors in planning and delivering the curriculum/service.
- 4.2 In order to receive payment of Statutory Sick Pay (SSP) and Occupational Sick Pay (OSP) all employees of the College must adhere to the notification and certification procedure.

Employees are required to notify the Personnel Section on the first day by 8.30 at the latest of their sickness absence from work. A member of staff may be requested to contact their line manager earlier where this is necessary to maintain a College service. Where it is unclear how long the illness is likely to last the employee must contact the Personnel Section on a daily basis before 8.50am to confirm that they are still unfit to resume duty. Where it is clear that the absence will last longer than seven (7) days (including Saturday and Sunday) the employee must contact the Personnel Section on the seventh (7th) day to confirm that a medical practitioner has been consulted.

Where the absence is covered by a medical certificate the employee must contact the Personnel Section on each visit to their General Practitioner (or other medical advisor) to confirm if they have been signed fit to return to duty or issued with another medical certificate to cover them for a further period.

- 4.3 The employee should provide the Personnel Section with as much information as possible at this early stage including the reason for absence, the likely duration and any action being taken by the employee i.e. going to doctor, consulting the Employee Counselling Service.
- 4.4 The Personnel Section will advise the manager/supervisor as soon as possible after initial contact is made by the employee. The Personnel Section will discuss with the manager/supervisor whether consideration

should be taken in relation to any support, if appropriate, which will assist the employee and/or facilitate an early return to work.

- 4.5 The Self Certificate/Return to Work form, Appendix 2, will be issued to the manager/supervisor by the Personnel Section. The employee's absence will be recorded by the Personnel Section. The manager/supervisor must meet with the employee and conduct the return to work interview with the employee on their first day of return to work or as soon after the date of return as possible. The return to work interview must take place no later than two (2) working days/sessions after the employees return to work date. Section 5 of this Policy explains the purpose of the return to work interview and the process.
- 4.6 It is essential for the effective management of sickness absence and smooth operation of the College that this procedure is adhered to and the Self Certificate/Return to Work form is completed.
- 4.7 Employees must notify the Senior Payroll Officer and their line manager of the date that they intend to return to work or immediately when they return to work. Failure to inform the Payroll Section may result in the employee continuing to be recorded as absent from work. Correct payment of salary may be affected as a result.
- 4.8 Failure to provide the appropriate notification and certification may mean that any entitlement to SSP or OSP will cease until such time as the appropriate notification and certification is received. The absence may also be regarded as unauthorised and as such be managed under the College's Disciplinary and Appeals Procedure and/or result in loss of salary. If employees wish advice on their obligations under the College's Attendance at Work Policy they should contact their line manager/supervisor or the Personnel Section.
- 4.9 The College reserve the right to request a medical certificate for periods of absence of less than seven days under certain circumstances.
- 4.10 The College reserves the right to withhold payment of sick pay if, following thorough investigation, there is clear evidence that the employee, has for example:
 - failed to comply with notification procedures, either statutory or the Colleges;
 - knowingly provided false information;
 - injured himself/herself through regular participation in a sport/leisure pursuit;
 - pursued a claim of damages against a third party and received a payment

from a third party. In such cases the College would reclaim the amount paid to the employee in respect of SSP and OSP connected with the period of absence. Any record of the absence for the period reclaimed would be deleted from the employee's attendance record; or

- knowingly for any other reason abused the sick pay regulation.

5.0 Management of Absence – Management/Supervisory Responsibilities

5.1 Purpose of Return to Work Process

The manager/supervisor is the first link in the chain and is responsible for monitoring attendance and promoting good attendance. Advice and support is available from the Personnel Section.

On every occasion when an employee returns to work after an absence of any kind, the manager/supervisor will meet with the employee to determine the reason(s) for the absence, offer help if appropriate and assess what action or support, if any, is required at this stage, before countersigning the Self Certificate/Return to Work form. This document should be returned to the Personnel Section.

This procedure is intended to be a routine arrangement to convey that the College cares about an employee's health and welfare, mental health and well-being. This is a one-to-one meeting between the manager/supervisor and the employee to establish if the employee requires any support or assistance.

5.2 Return to Work Interview

The manager/supervisor will meet with the employee and will:

- welcome the employee back to work;
- enquire as to how the employee is feeling;
- enquire as to whether the employee is feeling well enough to return to duty:

a) If the employee states yes, assess whether in your opinion the employee appears well enough to return to duty. If unsure request the assistance of a member of the Personnel team or the Health and Safety Officer; and

b) If the employee responds no, then make further enquiries about the employees current condition. If unsure request the assistance of member of the Personnel team or the Health and Safety Officer.

- ask the employee if they sought medical assistance;

- if appropriate offer the employee support or assistance, options are contained within section 6 and section 11;
- establish if there is a pattern of absence emerging or a common reason for absence which could identify an underlying health problem;
- conclude the interview by reminding the employee of the necessity for good attendance and the importance of their contribution to the service the College provides; and
- advise the employee if they have fallen into the absence category (section 5.3) and they will be contacted shortly with arrangements for a staged interview;

5.3 Categories of Absence

A first stage interview must be arranged with employees whose absence record, including periods of industrial injury, falls into the following categories:

- **3** self certificates or medical certificates a total of **7** days (pro-rata for staff working less than 35 hours per week) absence within 12 months; and
- any periods of unauthorised absence.

5.4 The Staged Interview Process

The Staged Interview Record and Checklist form contained in appendix 3 should be used during the interview. Once completed and signed by both the manager/supervisor and the employee the form will be filed in the employees Attendance Record file held in the Personnel Section for recording purposes.

5.4.1 First stage interview

The first stage interview will be held when an employee falls into a category of absence, sec 5.3, the interview will be conducted by the manager/supervisor. The employee has the right to be accompanied by a Trade Union representative or a work colleague. The College may consider a request from the employee to be accompanied by someone other than a Trade Union representative or work colleague, such a relative, each request will be considered on its own merit. The College will not accept a request from an employee to be accompanied by a legal representative. A representative from the Personnel Section will be present at the meeting.

The manager/supervisor will discuss with the employee:

- the details of the employee's attendance record (including a medical report, if any);
- the action taken to date to encourage improvement and/or any support or assistance required or offered; and
- the effect that the employee's absence has had on the operation of College services, if any.

The manager will agree with the employee any support or assistance to be put in place, inform the employee of the next step in the process and that their attendance record will be monitored for a period of three (3) months. This will provide the employee with the opportunity to improve their attendance and achieve a satisfactory level of attendance. See section 7.0.

The employee and/or the person accompanying them will have the opportunity to offer any information by way of explanation for his/her poor attendance record.

Managers/supervisors will not have access to more information about an employee's health than is necessary for them to carry out their management responsibilities. As far as possible the information should be confined to that necessary to establish fitness to work, rather than consist of more general medical details.

After a manager/supervisor conducts a first stage interview they must monitor the employee's attendance for a further period of three (3) months. Assistance explained below (para 6.1) should be offered to the employee. If further absences occur during the three (3) month monitoring period there will be a requirement to conduct the second stage interview earlier.

5.4.2 Second Stage Interview

The second stage interview is compulsory and will be conducted by the manager/supervisor. The employee may, if they wish, be accompanied by a Trades Union representative or a work colleague. The manager/supervisor may be assisted by one other officer who is familiar with the employee's area of work if necessary. A representative from the Personnel Section will be present at the meeting.

If no further absences have occurred then the file may be suspended at this stage and re-opened should further absences occur.

If after the second stage interview no improvement or only some limited improvement has been made then further advice/help may be offered if this is felt to be appropriate. The assistance and support available to employees is outlined in section 6 of this policy. The line manager/supervisor should consider what steps may need to be taken in terms of managing the employee's attendance.

5.4.3 A Third Stage Interview

A third stage interview should be arranged for a future date, which must include further close monitoring of the employee's attendance record.

If no further absences have occurred then the file may be suspended at this stage and re-opened should further absences occur.

If, on hearing the details of the employee's case at any stage after the initial first stage interview the employee has been unable to achieve and maintain a satisfactory level of attendance then the manager should consider what action should be taken (see sections 6, 7.2 and 11).

If, on hearing the details of the employee's case at any stage after the initial first stage interview, the manager/supervisor is satisfied that the employee has failed to achieve and maintain a satisfactory level of attendance, and does not find the explanations offered by the employee acceptable the manager/supervisor will:

- formally write to the employee to confirm the facts of the absence and any action taken to date or action to be taken;
- clearly inform the employee that persistent absence is unacceptable;
- make explicit the standards expected, in future, of the employee;
- inform the employee that any future failure to reach the standards and maintain an acceptable level of attendance could result in further action including putting continued employment at risk; and
- confirm that the employee's attendance will be closely monitored set a review date for a further meeting to assess progress.

Note. Interviews for all employees will be conducted by managers/supervisors who are trained by the College or its agents in the control and monitoring of absence.

All sickness/absence interviews must be recorded using the appropriate documentation, Record of Attendance Management Meeting, Appendix 3.

5.4.4 Fourth Stage Interview and Beyond

In cases of long-term absence, see sec 7.4, or where an underlying health problem has been identified, see sec 7.3, the Staged Interview process will continue until the absence case is managed and concluded.

In cases of short-term intermittent absences with no underlying health problem, sec 7.2, the case should be managed in accordance with the guidance provided.

6.0 Management/Supervisor Considerations

6.1 Employee Assistance

At all stages in the sickness/absence interview process, the manager/supervisor will:

- assess the employee's absence record and its effects on the College and the service it delivers;
- attempt to establish reasons for the absences;
- identify underlying trends; and
- seek to offer any assistance or support to the employee.

Support and assistance is available from the Personnel Section, Occupational Health Service (OHS), Employee Counselling Service (ECS), Health and Safety advice, Dignity at Work procedure, Employment Services Agency and Access to Work through JobCentrePlus. The support of internal and external agencies should be offered with a view to improving the employee's attendance record.

Note 1 In circumstances where an individual has been referred to OHS or ECS a further interview should be arranged as soon as the relevant report has been received from the OHS and/or a number of sessions have taken place with the ECS.

Note 2 In the circumstances where there is an identifiable underlying health problem please refer to (paras 7.3 and 7.4).

6.2 Special Medical Examinations

6.2.1 In normal circumstances for cases of short-term intermittent absences – underlying health problem or long-term absences, eleven (11) or more consecutive days; or two (2) working weeks in the case of part-time employees, medical advice should always be

sought from the Occupational Health Service. The Personnel Section will prepare a management report on behalf of the College and the employee for the Occupational Health Service providing information on the employee's job, absence record, reasons for the referral and requesting specific information on what assistance or adjustments could be made/put in place to support the employee back to work.

In the case of short-term intermittent absence – no underlying health problems, 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.

6.2.2 The purpose of obtaining a medical report will be to establish:

- the nature of the problem;
- its likely duration;
- whether the employee is likely to make a full recovery;
- if not, what work he or she is capable of and in what period; and
- what support or assistance the College might reasonably provide to help the employee and aid their return to work or more adequately discharge their duties.

6.2.3 This information is necessary to enable the manager/supervisor to make informed decisions on how to deal with the employee's absence within the terms of this policy. However any decision relating to the employee is the responsibility of management in consultation with the Human Resources Manager and not the Occupational Health Service (OHS).

6.2.4 The College may request that OHS have access to the employee's medical records - General Practitioner and/or specialist/consultant. A consent form will be issued to the employee for authorisation. The information will be obtained and assessed by the OHS. **The College will not have direct access to this information:** the OHS will provide the College with advice and guidance on how the absence could be managed appropriately.

- 6.2.5 Normally the College will follow reasonable recommendations of action made by the OHS. An employee is entitled to obtain an independent medical report if they so wish, the College will not be responsible for any such costs incurred.
- 6.2.6 If an employee refuses to attend for a medical examination a decision on the management of their attendance will be made on the evidence available to the College. If further relevant information becomes available after a decision has been taken, the decision should be reviewed.
- 6.2.7 Medical examinations shall be arranged by the Personnel Section and the employee notified accordingly. If the employee is unable to keep the appointment a minimum of three (3) working days notice must be provided, the employee should contact the Personnel Section who will arrange an alternative appointment. The Occupational Health Service should not be contacted by any employee directly. Should the employee fail to attend a medical examination without providing prior notification and/or a reasonable explanation the College reserves the right to charge the employee for the costs incurred.

Note: In normal circumstances the content of the OHS report should be discussed with the employee as part of the monitoring process. A copy of the report should normally be made available to the employee. (**Access to Medical Reports Act 1988 and Access to Health Records Act 1990**).

7.0 Guidance on Managing Absence Categories

7.1 Short/Medium Term Intermittent Absence

- 7.1.1 A short-term absence can be defined as any single period of absence, including industrial injury, to a maximum of ten (10) consecutive working days or two (2) consecutive working weeks in the case of part time staff. It is inevitable that employees will on occasion, be off work through short periods of sickness absence. Problems usually only arise when the level of attendance becomes unsatisfactory and affects the College's curriculum or service delivery. The procedure for the management of short-term absences is intended to ensure that employees who have frequent periods of short-term absences are treated in a consistent and fair manner throughout the College.

- 7.1.2 Where short-term intermittent absence has been identified, a distinction should be made between absence on grounds of illness or injury where there is an identifiable underlying health problem (para 7.3) and an absence record which has short-term intermittent absences where there is no underlying health problem (para 7.2). For employee assistance see para 6.1.
- 7.1.3 If an employee's attendance record is poor as a result of frequent and persistent short/medium-term absence the manager/supervisor is responsible for discussing the matter with the individual.
- 7.1.4 The discussion should be arranged and conducted by the manager/supervisor allowing the employee to be represented by his/her Trade Union representative or a work colleague unless other wise indicated in the Policy
- 7.1.5 During the discussion the manager/supervisor should seek to:
- identify the frequency and reasons for the absences and ensure that the employee is aware that the absence record is giving cause for concern;
 - advise the employee to seek proper medical attention if there is an underlying medical problem (see para 7.3);
 - give consideration to the employee's personal problems and possible ways of helping the employee resolve them (para 6.1); and
 - specify the standard that should be reached and indicate the next step if the employee fails to reach the standard required.
- 7.1.6 The manager/supervisor should confirm in writing a record of any discussion, the letter should clearly state the requirements of iv) above in accordance with the Staged Interview Process. A copy of these records will be held and maintained by the Personnel Section in the employee's Attendance Record file.
- 7.1.7 Where an employee's record continues to be poor and he/she has failed to respond to an initial discussion, further discussion may be appropriate in accordance with the procedure in section 5.3.
- 7.1.8 Where it is deemed by the manager/supervisor that no significant improvement has been achieved as a result of further discussions, the employee should be advised that the matter will be referred to senior management with a view to formal procedures in

accordance with the College's Disciplinary and Appeals Procedures.

7.2 Short-Term Intermittent Absence – No Underlying Health Problem

7.2.1 In the case of short-term intermittent absence where there is no identifiable underlying health problem, the matter should be treated as an attendance issue and the manager/supervisor should give consideration to undertaking the process outlined in (para 7.1). In an attempt to allow the employee the opportunity of improving his or her attendance record employee assistance should be considered (para 6.1). This should be done prior to determining whether or not the matter should be dealt with under the College's Disciplinary and Appeals Procedure. (Para 8).

7.3 Short-Term Intermittent Absence – Underlying Health Problem

7.3.1 In case of illness, where there is an underlying health problem(s) which manifests itself as short-term intermittent absences and the underlying health problem is confirmed by the Occupational Health Service, it is **not** appropriate to take disciplinary action.

7.3.2 Where medical examination and/or information reveals an inherent underlying medical problem 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 (para 9) and the employee advised in writing accordingly. If a disability is identified, the employee should be managed in accordance with the Disability Discrimination Act 1995 as amended.

7.4 Long-term Absence

7.4.1 Long-term absence is defined as any single period of absence amounting to eleven (11) or more consecutive days; or two (2) working weeks in the case of part-time employees .

7.4.2 When an employee has been absent for eleven (11) or more consecutive working days or two (2) working weeks in the case of part-time employees, that employee will be considered to be absent on a long-term basis. Thereafter, except in cases where it is deemed medically inappropriate, the appropriate manager/supervisor and Human Resources Manager will contact the employee to arrange a meeting, this meeting can be held in

the workplace; at the employee's home or at some other mutually agreed place.

7.4.3 The employee may contact her/his Trade Union representative for assistance both prior to the meeting and during the meeting itself.

The purpose of such a meeting is to:

- enable the manager/supervisor and Human Resources Manager to demonstrate the College's concern for the employee and to provide any assistance which might be appropriate;
- establish the reasons for absence and its likely duration (taking into account any medical report if available);
- if no medical report is available the manager should discuss whether or not a referral to the OHS would be beneficial to the employee and the College at this stage;
- assess progress in recovery from the illness and offer any support to the employee, options for assistance and support to aid the employees return to work are outlined in **para 9.2**.
- discuss the remaining sick pay entitlement;
- consider the likelihood of termination of employment on the grounds of incapacity should there be no potential of a return to duty and if no other acceptable alternative option(s) exist; and
- examine the possibility of early retirement on the grounds of ill health (if applicable) and if no other acceptable alternative option(s) exist.

7.4.4 The procedure for managing long-term absence is to ensure that employees are treated in a fair and consistent manner.

7.4.5 Managers/supervisors should adopt a sympathetic and understanding approach at all times when dealing with employees absent on long-term sick leave. These employees may already have concerns about their future health and their future employment with the College. The manager/supervisor shall be responsible for reassuring the employee that every assistance will be provided to aid their return to work.

7.4.6 In normal circumstances medical advice should be sought from OHS as to the nature of the problem, the likely duration of the absence and to establish what assistance and support the College might be able to provide. (see para 6.2)

- 7.4.7 If there is no possibility of the employee returning to duty in the foreseeable future the Principal or Depute Principal will thereafter consider the effects of the long-term absence on the College's service and how long the service can be continued at an acceptable level.
- 7.4.8 Throughout the duration of the absence the College will continue to consult regularly on a personal basis with the employee and consider the employee's opinion on his/her condition. Where the prognosis is such that a prolonged absence or absences are likely then the case should be treated as one of capability. (see para 9).
- 7.4.9 The manager/supervisor will meet with the employee at least one week prior to their return to work date. The purpose of the meeting is to discuss what support and assistance, where necessary, should be put in place to integrate the employee back into the work place.

A rehabilitation programme should be discussed and agreed with the employee the programme may include the following:

- temporary or permanent adjustment of working hours. Applications for permanent adjustments to working hours should be made in writing to Associate Principal (academic staff) or line manager (support staff). Applications shall be considered in accordance with the College Flexible Working Procedure;
- temporary or permanent adjustment of duties and responsibilities;
- phased return to work; and
- possible temporary or permanent transfer to an alternative position.

7.4.10 Occupational Sick Pay – Exhaustion of Entitlement

The employee will be informed in writing of the date when they will have exhausted their entitlement to full OSP within four (4) weeks of that date that their entitlement to full salary will reduce to half salary.

- 7.4.11 The employee will be informed in writing of the date when they will have exhausted their entitlement to half OSP within six (6) weeks of that date that their salary entitlement will cease. At this stage the employee will have to apply in writing to the Principal to request unpaid leave of absence and that their position be held open at least five (5) weeks prior the date when they will have exhausted their entitlement to half OSP.

7.4.12 The period of time which the employee's post will be held open will be determined by their length of service as outlined below:

Service at Commencement of absence from duty	Full Allowance	Half Allowance	Period of Unpaid Leave of Absence
Less than 1 year	5 weeks	5 weeks	5weeks
1 year but less than 2 years	9 weeks	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks	26 weeks

The employee may make a subsequent request for their position to be held open for a further period of time on expiry of the time limits indicated above. Each subsequent request will be considered on its own merits.

If an employee fails to make an application to the Principal the College may terminate the employee's contract of employment. The employee will notified in writing of their position prior to any action being taken.

7.4.13 The Principal will consider such a request taking into account:

- the case put forward by the employee
- the reason for the absence;
- the medium to long-term prognosis;
- any planned or future treatments available and the potential impact on the health condition; and
- the employee's position with the College and the impact of the employee's absence on College services.

7.5 Sickness or Disablement due to Accident in the Course of Employment

- 7.5.1 An acknowledged industrial injury will be treated as an absence category within these procedures. Where an employee is absent due to sickness or disablement as a result of an accident arising out of and in the course of employment, or due to industrial disease, the employee shall be entitled to a separate allowance calculated on the same basis as the sickness allowance.
- 7.5.2 The allowance in respect of normal sickness and that of absence due to an industrial accident or disease are entirely separate. Periods of absence in respect of one shall not count against the allowance for the other.
- 7.5.3 An absence due to an accident shall only be accepted and qualify for payment when an entry in BI510 (Accident Book, approved for the purposes of the Social Security Act 1975, as amended) is appropriate and has been completed, and in the subsequent investigation by the College, the facts so recorded are found to be accurate and there has been no negligence on the part of the employee in terms of that individual complying with the recognised safe methods of work.
- 7.5.4 In determining what, if any, action should be taken where an employees overall absence record includes period(s) of accepted industrial injury, managers/supervisors should be cognisant of the reasons for the absence when assessing the record, and considerate account taken of accepted industrial injuries when dealing with employees under the terms of this policy.
- 7.5.5 Wherein applying this procedure a manager/supervisor identifies an employee who regularly sustains industrial injuries additional training and/or advice may be required. The College's Health and Safety Officer will be available to assist managers/supervisors.

8. Disciplinary Considerations

8.1 The manager/supervisor may consider the initiation of disciplinary procedures at any stage in the management of absence procedure (including the return to work process) where an employee's absence record is deemed to be unacceptable and/or where, for example:

- a particular pattern of absence can be identified;
- no sustained improvement has taken place;

- the employee is unable to offer any mitigating reason for the absence; and/or
- there is no identifiable underlying health problem and there have been four (4) or more absences within a twelve (12) month period.

In determining whether or not this type of action is necessary account should be taken of the attendance standards set by the College. The above list of circumstances is not intended to be exhaustive. Other situations may also be deemed to be appropriate for the use of disciplinary sanctions.

- 8.2 The College accepts that the employee must be afforded every opportunity to improve upon their attendance level and they must be made fully aware that their attendance record is a cause for concern. The employee must be advised formally that their attendance record is unsatisfactory, what improvement is required and the consequences should there be no improvement in their record of attendance.

Having taken these steps should the employee's attendance record remain unsatisfactory a disciplinary hearing should be arranged in accordance with the College's Disciplinary Procedure and the employee informed of their rights under the College's Code of Discipline.

Discipline may take the form of:

- warnings;
- withdrawal of the facility of self certification;
- withdrawal of the future payment of sickness allowance; or
- dismissal

- 8.3 The chair of the disciplinary hearing will consult with the Personnel representative when deciding on the appropriate course of disciplinary action to be taken to ensure a standard approach.

9. Lack of Capability Considerations

- 9.1 Where the circumstances are such that the employee's attendance should be dealt with as a lack of capability issue appropriate discussion should take place with the employee to assess progress, the prognosis, assistance, support as per paragraphs 6.2 and 7.4.

9.2 Managers should in consultation with the Human Resources Manager and the employee where appropriate may consider the following options:

- redeployment to alternative work;
- adjustment of duties;
- redistribution of duties to other staff;
- part time employment/job sharing;
- the employee to fill an existing vacancy;
- phased return to work;
- allow absences during working hours for rehabilitation/treatment;
- purchase of suitable equipment or reasonable adjustments to facilities; or
- supply additional training/retraining.

Where these options are not viable or acceptable to the employee, the only remaining alternatives are for the College to consider premature retirement because of ill health or terminate the contract on the grounds of lack of capability.

Such action should only be taken after all other options have been explored and the employee **clearly** advised in writing of the possibility that termination of contract is being considered. The Board of Management will make the final decision regarding the termination of an employee's contract.

The need to review absences for reason of chronic or acute ill health at an early stage is essential. The processing of applications through the appropriate superannuation scheme can take a number of weeks, any delay may result in the employee having no source of income for a number of weeks while the superannuation form is being processed

NB In the application and interpretation of this policy further detailed guidance is provided for managers/supervisors within the Managers/Supervisors Handbook for the Management of Attendance. Advice and guidance on the application of these procedures is also available from the Human Resources Manager/Human Resources Officer within the College.

10.0 Termination of Contract of Employment

10.1 The College will in all cases seek to retain an employee in its employment where possible. As a last option where it has been established that there is no prospect of the employee maintaining a satisfactory level of attendance or returning to duty in the foreseeable future the Human Resources Manager will forward a report to the Principal detailing how the absence has been managed and the action taken to date.

The Principal shall decide whether the employee's position within the College should continue to be held open, see section 7.4.9, or whether the employee's contract of employment should be terminated on the grounds of lack of capability or ill health retirement.

Where the Principal proposes to terminate the contract a report shall be submitted to the Personnel and Staffing Committee outlining the general situation (no reference to the name of the employee or details of the case will be made) and informing Committee members of the decision taken to terminate the employee's contract of employment on the grounds of lack of capability or ill health retirement.

The employee concerned will have the right to appeal against the College's decision to terminate their contract of employment .

10.2 Appeals against Termination of Contract

Appeal against the termination of contract should be submitted to the Human Resources Manager within fourteen (14) days of the decision to dismiss being confirmed in writing. Any appeal will be heard by the ad hoc Committee of Executive Committee. The appeal will be heard normally not later than one month after lodgement unless there are exceptional circumstances. The employee will be informed in writing of any delay.

Employees shall be fully informed of their position in relation to the absence policy at all stages of the procedure.

11.0 General

11.1 The College is committed to developing a positive approach in the management of attendance at work. The policy and procedure for attendance at work is part of the College's overall approach to providing a safe and healthy working environment for employees. As part of its commitment to staff welfare the College will ensure that:

- good physical working conditions are provided;
- health and safety standards are rigorously applied;
- new entrants have sufficient training and receive appropriate support to develop good attendance habits;
- job design, training and career development are continually examined in order to create greater job satisfaction; and
- training for managers/supervisors is provided to ensure that they are equipped to manage the health and welfare of staff.

11.2 The College has a number of Policies and support mechanisms available to assist staff who are experiencing personal difficulties, difficulties at work or domestic problems these include the following:

- temporary or permanent adjustment of working hours. Applications for permanent adjustments of working hours should be made in writing to Associate Principal (academic staff) or line manager (support staff). Applications shall be considered in accordance with the College Flexible Working Procedure;
- part-time and job share;
- Dignity at Work Policy and Procedure;
- Well-being Policy and Procedure;
- Personal and Domestic Leave Policy and Procedure;
- Family and Parental Leave Policy and Procedure;
- Occupational Health Service;
- Employee Counselling Service;
- Disability Employment Advisor, JobCentrePlus;
- temporary or permanent adjustment of duties and responsibilities; and
- possible temporary or permanent transfer to an alternative position.

12.0 Other Related Personnel Policies

- Alcohol Misuse Policy
- Substance Misuse Policy
- Health and Safety Policy
- Dignity at Work Policy and Procedure
- Well-being Policy
- Recruitment and Selection Policy and Procedure
- Dignity at Work Policy and Procedure
- Grievance Policy and Procedure
- Code of Discipline, Disciplinary and Appeals Procedure
- Commendations and Complaints Procedure
- Public Interest Disclosure Policy
- Race Equality Policy
- Recruitment and Selection Policy and Procedure
- Family and Parental Leave Policy and Procedure
- Personal and Domestic Leave Policy and Procedure
- Job Share Policy
- Management of Criminal Records Information Policy and Procedure
- Code of Student/Learner Behaviour
- Staff Guide to Challenging Behaviour
- Commendations and Complaints Procedures
- Inclusive Learning Policy

Date Approved: Board of Management	Date Implemented	Review Date
13 th October 2005	13 th October 2005	12 th October 2005



JOHN WHEATLEY COLLEGE

Reporting Absence Notification Procedure

1. Reporting Steps

1.1 Initial Contact - First Day

- 1.1.1 If you are unable to attend work because of absence you should personally contact the College's Personnel Section on the morning of the first day of absence. If you are unable to do so some other person acting on your behalf should notify the College.

The minimum information required will consist of your name, reason for absence, predicted length of absence, if known, and details of any medical consultation if appropriate. If you are a member of the Lecturing staff you will be required to inform the College if class cover is required.

- 1.1.2 Absences should be reported in the first instance to Personnel Office by contacting 0141-588-1576. If no-one is available in the Personnel Office to take the call a message can be left on the answering machine or the Receptionist at Shettleston will take a message and pass it to Personnel as soon as possible. Because of the need to arrange for class cover, absences should be reported as early as possible, and in any case no later than 8.30 am. A member of staff may be requested to contact their line manager earlier where this is necessary to maintain a College service.
- 1.1.3 Messages received by the Shettleston Receptionist must be passed to the Personnel Office as soon as possible but no later than 8.45 am.
- 1.1.4 Where you have no access to a telephone at home, an alternative means of reporting absence must be arranged. The onus is on you to ensure that the absence is adequately notified. In all but exceptional

circumstances, failure to notify absence as outlined may result in loss of pay and possibly disciplinary action.

- 1.1.5 Employees are required to notify the Personnel Section of their sickness absence from work on the first day. Where it is unclear how long the illness is likely to last the employee must contact the Personnel Section on a daily basis before 8.50am to confirm that they are still unfit to resume duty. Where it is clear that the absence will last longer than seven days (including Saturday and Sunday) the employee must contact the Personnel Section on the 7th day to confirm that a medical practitioner has been consulted.
- 1.1.6 Where the absence is covered by a medical certificate the employee must contact the Personnel Section on each visit to their General Practitioner (or other medical advisor) to confirm if they have been signed fit to return to duty or issued with another medical certificate to cover them for a further period.

1.2 Illness whilst at Work

- 1.2.1 If you become ill during the course of the day you should not leave place of work (i.e. to go home) without notifying your line manager/supervisor so that cover can be arranged (if required). The employee or the manager/supervisor should notify the Personnel Section so that the absence can be recorded.
- 1.2.2 The Personnel Section will be the contact point for reporting sickness absence in cases where the line manager/supervisor cannot be contacted in the first instance. Consequently, in the case of lecturing staff, Personnel will be responsible for notifying the appropriate Associate Principal, or nominee, of the absence of a member of staff within his/her line management. They will initially notify the Associate Principal, or nominee, verbally so that immediate steps can be taken to arrange class cover if necessary. For non-teaching staff, the appropriate line manager/supervisor will be informed. Personnel are responsible for maintaining absence records and forwarding the appropriate documentation to the manager/supervisor.

1.3 Certification of Sickness Absence

- 1.3.1 You must ensure that a self-certificate form is completed for any period of absence of seven calendar days or less, Personnel will issue the appropriate form to your manager/supervisor. You should complete the self-certificate section and your line manager/supervisor should complete the return to work interview section within two days/two sessions of your return to work.

- 1.3.2 If the absence is extended beyond the predicted return date you must inform your first line manager/supervisor as detailed in 1.1.2. If the absence continues beyond seven days you must make contact as outlined in section 1.1.6. Such contact should, on each occasion, include all of the information detailed in paragraph 1.1.1. You are expected where practicable to maintain contact with their supervisor and vice versa.
- 1.3.3 The self certificate must be supported by a general practitioner's statement, (medical certificate) for any period of absence lasting eight calendar days or more. All general practitioners statements (medical certificates) should be sent to the Personnel Section. The onus is on you the employee to ensure that all medical certificates are submitted timeously and are continuous. If you are absent on long-term sickness absence you **must** ensure that your medical certificate is continuous and that no periods of absence are uncovered. You may contact the Personnel Section to confirm the expiry date of your last medical certificate if you are unsure.
- 1.3.4 Personnel will ensure that a self-certificate is sent to the line manager/supervisor for completion. Personnel will maintain a log of self-certification forms which are issued and will pursue any which are not returned.
- 1.3.5 The College reserves the right to request a medical certificate under certain circumstances in cases of less than seven days absence.

1.4 Manager's Responsibility

- 1.4.1 As the manager/supervisor it is necessary for you to be aware of the level of attendance for each employee within your area of responsibility, this is necessary to assist you in managing the level of absence within your area. This information may be obtained from the Personnel Section and regular updates will be provided.
- 1.4.2 Timesheets must be submitted for temporary lecturing staff and part-time employees (permanent/temporary) as normal. On receipt of the time sheet Payroll will ensure the accuracy of the information provided and process the details of the absence in order to pay the appropriate amounts of Statutory Sick Pay and Occupational Sick Pay on the condition that the appropriate certificate is produced. If the hours of work are not submitted on the timesheet then payment can not be paid.

1.5 Return to work.

You **must** notify the Payroll staff in the Personnel Section of your return to work on the day you resume your duties. Failure to do so will result in your absence from work continuing to be recorded. Correct payment of your salary is likely to be affected.

1.6 Failure to notify or submit appropriate medical certificates.

1.6.1 The College reserves the right to withhold payment of sick pay if, following thorough investigation, there is clear evidence that the employee, has for example:

- failed to comply with notification procedures, either statutory or the Colleges;
- knowingly provided false information;
- injured himself/herself through participation in a sport profession;
- pursued a claim of damages against a third party and received a payment from a third party; and
- knowingly for any other reason abused the sick pay regulations.

Periods of absence which are uncovered by the appropriate self or medical certificate will be treated as a period of unauthorised absence and as such may be dealt with under the College's Disciplinary Procedure and/or result in loss of salary.

1.7 Misconduct

1.7.1 Where in any of the above there is clear evidence of fraud or misconduct, it will be appropriate to deal with the matter under the College's Disciplinary Procedures.

1.8 Categories of Absence

A first stage interview will be arranged with employees whose absence record, including periods of industrial injury, falls into the following categories:

- 3 self certificates or medical certificates or a total of 7 working days absence within 12 months. 7 working days will be pro-rated in the case of part-time staff.
- any periods of unauthorised absence.

PRIVATE AND CONFIDENTIAL

John Wheatley College

Sickness Absence Self-Certificate and Return to Work Interview

Part One – Self Certificate

1. **Name** **Employee Number**
2. **Designation** **Section**
3. **First Day of Sickness (Day and Date)**
4. **Last Day of Sickness (Day and Date)** **Ensure Date Entered**
5. **Details of Sickness (Illness/Unwell/Sick/Pregnant are not sufficient)**
.....

Medical Certificate Attached Yes/No (Required in cases of seven (7) days absence or more.

6. **Injured at Work Yes/No (Check incident has been recorded appropriately in the Accident Book BI510)**
7. **Do You Intend to Pursue a Claim Against a Third Party? Yes/No**

If no, why not:.....

Employees must provide accurate information in respect of claiming sick pay. It should be clearly understood that any false or misleading information provided in claiming sickness allowance may result in disciplinary action being taken, including dismissal.

Part Two - Return to Work Interview (to be completed by Line Manager/Supervisor with Employee)

- (1) What medical advice did the employee seek (if any)?
.....
.....

- (2) Does the employee feel fit enough to resume his/her duties? Yes/No

If no, why not?.....
(Consider if advice should be sought from Personnel or the Health and Safety Officer)

- (3) What advice/assistance was the employee offered by you as their line manager/supervisor? (see sec.6 and 11 of the Attendance at Work Policy).
.....
.....

Not including this absence this employee has been absent on occasions, a total of working days, in a twelve month period.
.....

If the employee has been absent 11 days or more, or 2 consecutive weeks in the case of part time staff, please ensure that a rehabilitation programme is in place, where necessary, to aid their integration back into the working environment.

I confirm that I have met and discussed the above absence with the employee and* intend/do not intend to take any action (any action taken should be detailed below). I also confirm that I have discussed with the employee whether they require any form of assistance.

Managers/Supervisors Action

Signature: Supervisor **Date** **Employee**..... **Date**

White Copy: To be completed by Manager and Employee & returned to Personnel. Yellow Copy: Retained by Personnel

John Wheatley College

Sickness Absence Self-Certificate and Return to Work Interview

Part One – Self Certificate

- 1. **Name** **Employee Number**
- 2. **Designation** **Section**
- 3. **First Day of Sickness (Day and Date)**
- 4. **Last Day of Sickness (Day and Date)** **Ensure Date Entered**

5. **Details of Sickness (Illness/Unwell/Sick/Pregnant are not sufficient)**

.....

Medical Certificate Attached Yes/No

6. **If Injured at Work Give Details of Accident**

.....

7. **Do You Intend to Pursue a Claim Against a Third Party? Yes/No**

If no, why not:.....

Employees must provide accurate information in respect of claiming sick pay. It should be clearly understood that any false or misleading information provided in claiming sickness allowance may result in disciplinary action being taken, including dismissal.

Payroll Use Only

Start Date	End Date	Number of Days	OSP	SSP	Total	Pay Period	Authorised by:

PRIVATE AND CONFIDENTIAL

John Wheatley College

Management of Attendance

Record of Attendance Management Meeting

Interview Stage:.....

1. Date of Meeting: _____

2. Personal Details:

Name: _____ Payroll Ref No: _____

Designation: _____ Section: _____

3. Employee advised of right to be accompanied:

Accepted _____ Declined _____

4. Present at the meeting:

Name: _____ Designation: _____

Name: _____ Designation: _____

Name: _____ Designation: _____

Name: _____ Designation: _____

5. Reason for interview

Tick Box

(a) 3 self certificates or a total of 7 working days absence within 12 months.

(b) Any period of unauthorised absence

(c) Long term absence, 11 consecutive days or more.

6. Detail of Absences over last rolling year or since previous interview

(Attach absence record card where appropriate)

Date from	Date to	Number of days lost	Reason

Record of Attendance Management Meeting – Continuation Sheet

Interview Stage:..... **Date of Meeting:**

Name: _____ **Designation:**_____

Summary of meeting:

Action to be taken, if any:

In the case of an accident.

Does the employee intend to pursue a claim against a third party? Yes/No

If no, why not?.....

.....

Record of Attendance Management Meeting – Continuation Sheet

Interview Stage:..... **Date of Meeting:**

Name: _____ **Designation:**_____

Indicate action to be taken, if necessary select more than one:

Tick Box

- (a) Refer to, Employee Counselling Service, Other (Specify)
- (b) Referral to OHS to determine/confirm underlying health problem.
- (c) Underlying health problem confirmed. Continue to monitor and/or arrange OHS referral.
- (d) Underlying health problem confirmed. Consider lack of capability procedure. (Please refer to Managing Absence Handbook and the representative responsible for Personnel matters for advice and guidance on how to proceed.)
- (f) No further action required. Employee advised must make effort to sustain improved level of attendance.
- (g) No assistance required. Review within 3 months, earlier if further absences occur.
- (h) No assistance required. No further action.
- (i) Advise employee* substantial/further improvement required. If this is not achieved or the absence level deteriorates, it may result in a Disciplinary hearing.
- (j) Grounds to proceed to Disciplinary Hearing contact Personnel. Meeting to be arranged in accordance with Disciplinary and Appeals Procedure.
- (k) No further action required. Close case unless further absences occur.

** Delete as appropriate*

Signature Employee:..... Date:.....

Signature Manager:..... Date:.....