



**John Wheatley College**

**Board of Management**

**Attendance at Work Policy and Procedure**

**All Staff**

## **Attendance at Work Policy and Procedures**

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## **1.0 Policy Aims and Objectives**

1.1 The College is committed to providing assistance and support to staff with a disability or health conditions at an early stage. The College recognises its responsibility for the health, safety and welfare, mental health and the well-being of its staff, and in conjunction with its other policies, this policy places great emphasis on the range of support mechanisms and services established to provide assistance and support.

1.2 The aim of the Policy is to:

- maintain staff attendance;
- deal with genuine absence quickly and fairly;
- address individual problems caused by infrequent attendance both speedily and effectively with the opportunity for review of any decision; and
- manage and assist individuals with a long-term health condition or disability to ensure that reasonable adjustments are made to support and maintain their employment.

This policy has been fully discussed by management with the Trades Unions and stakeholders. This policy will form part of the staff induction programme.

1.3 The College is committed to managing attendance levels. Management, Trades Unions 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 learners 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 and 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 appropriate support and assistance to manage any potential problems both for the College and individuals. It also provides a structure for managers and supervisors to liaise consistently and effectively with staff in dealing long-term illness or disability and the ongoing support which may be required. The policy seeks to deal sympathetically and sensitively with all genuine illness incapacity and disability. In addition managers and 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 and to support staff who have, or develop, a long-term health condition or disability.

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 or support/assistance which they might require to assist them maintain their level of attendance. Staff may seek assistance from colleagues and/or Trade Union representatives and they will be afforded the opportunity to involve a Trade Union representative or a work colleague 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 it subscribes to the 'see me' Pledge. It has a supportive approach to the employment of employees with a disability or long-term health condition. An employee who has or develops a disability or long-term health condition is encouraged to share this information with the College. This will enable the College to provide appropriate support and make reasonable adjustments in partnership with the employee to assist them maintain their level of attendance and remain in employment. If as a result of a disability or long-term health condition the employee is absent frequently or long-term they will be offered every assistance and support to enable them to fulfil the duties of their post or an alternative post, where possible. The College is unable to make reasonable adjustments if it has no knowledge of the employee's disability or health condition.

Employees are required to assist by informing the College of their disability or long-term health condition, which may contribute to or be responsible for their difficulty in attending work or performing at 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 Equality Act 2010 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 Human Resources Section. A brief reference to the sickness allowance provisions are outlined below in Section 2.

This policy complies with the Equality Act 2010 and the Data Protection –The Employment Practices 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 any benefits which they receive will not normally exceed basic salary for that period.
- 2.3 Human Resources will advise managers and 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 or supervisor will seek authority from the Principal to engage a member of staff. The manager should complete an Authority to Recruit or an Authority to Recruit an Agency Worker Form which they can obtain from the Human Resources Section.
- 2.4 The manager or 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 or service provision to which they are committed within operational and related plans.

- 2.5 Human Resources 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, making reasonable adjustments, providing appropriate 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 and supervisors and co-ordinated by the Human Resources Section.
- 3.3 Aggregated attendance levels for the College will be calculated by the Human Resources Section. A report which details the levels of absence for each staff group will be distributed to managers and supervisors 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 calculation for temporary academic staff is based on the number of working hours available for that category of staff.

- 3.6 The Human Resources 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: Equality 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, reasonable adjustments.

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

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

### **3.7 Workforce Profile**

A Workforce Profile form is issued to all new employees who join the College. One of the aims of the Workforce Profile is to encourage new employees, who have a disability or long-term health condition to identify at an early stage any support, assistance or reasonable adjustments that they might require. It also ensures that employees are immediately aware that the College has in place a supportive approach towards people with a disability or long-term health condition this should encourage staff to seek assistance if they develop a disability or health condition at a later stage in their employment with the College if required.

The College reserves the right to seek a further medical opinion, from the Occupational Health Service (OHS) or another recognised medical adviser. 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 JobCentre Plus where appropriate.

### **4.0 Occupational Health and Attendance Management**

Occupational health is a shared responsibility. Under the legislation the College is responsible for the health, safety and wellbeing of its employees. Employees are also responsible for their own health, safety and wellbeing and are expected to cooperate with the College in ensuring that it fulfils its duty of care in respect of occupational health and safety.

#### **Occupational health covers:**

- the effect of work on health, whether through injury or through long-term exposure to agents with latent effects on health, and the prevention of occupational disease through techniques which include health surveillance, ergonomics and effective management systems;

- the effect of health on work, bearing in mind that good occupational health practice should address the fitness of the task for the employee, not the fitness of the employee for the task alone;
- rehabilitation and recovery programmes;
- helping disabled persons to secure and retain employment; and
- managing work-related aspects of illness with potentially multi-factorial causes such as musculoskeletal disorders, coronary heart disease and stress and helping employees to make informed choices regarding lifestyle issues.

**The College works in partnership with management and its recognised Trade Unions to:**

- build a better working environment;
- strive to ensure and demonstrate that every reasonable effort has been made towards secure employment including improving working practices for the prevention of harm and the encouragement of rehabilitation and retention;
- focus on the quality of the working environment covering welfare, occupational and wider health issues, job design, satisfaction, and workplace safety;
- work openly and transparently with genuine and timely consultation with all relevant parties to develop solutions to problems;
- ensure joint communication on occupational health issues;
- jointly monitor the management of health surveillance, sickness absence and rehabilitation; and
- handle all individual cases with sympathy, understanding and consistency.

**4.1 Absence Management and Rehabilitation Process**

The emphasis throughout this process is not to force employees who are unfit back to work, but to take positive action to improve attendance through well thought out rehabilitation programmes. An early return to work will often prove therapeutic, and provide a better outcome than an employee staying at home and or managing their situation alone will produce. Everyone has a responsibility to ensure high levels of attendance.

**Specifically, these responsibilities are:**

**Employees should:**

- report any absence from work to the Human Resources Section in accordance with the College's Reporting Absence Notification Procedure outlined in section 5.0; and
- co-operate with reasonable requests to attend Occupational Health for assessments. Management decisions can only be based on the evidence available at that time and employees are expected to co-operate fully with the College so far as necessary to enable it to make informed decisions in the best interests of the employee and the College. Repeated refusal to cooperate with the Colleges attendance management processes, including participating in a medical assessment may lead to action being taken under the College's Disciplinary Procedures up to and including dismissal.

It should be noted that the Health and Safety at Work Act 1974; Section 7 states the general duties of employees at work. The Act states that:

It shall be the duty of every employee while at work—

- (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and
- (b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.

**Managers and Supervisors should:**

- take prime responsibility for managing attendance;
- maintain contact with absent employees with the assistance of the Human Resources Section;
- ensure that new employees are informed of the College's sickness absence reporting procedure and that all employees follow this agreed procedure;
- ensure that all absences are recorded and that accurate attendance and non-attendance records are maintained by informing the Human Resources Section accordingly;
- conduct a return to work interview on the employee's return to work, to discuss reasons for the absence; identify whether repetitive absence has an underlying medical cause, and, where necessary via the Human Resources Section, arrange a health assessment with the Occupational Health Service to identify the need for any reasonable adjustments;
- identify any occupational causes of ill health, and trigger action to improve the situation such as a referral to Occupational Health, conducting an Individual Stress Risk Assessment or a referral to Employee Counselling Service;
- encourage and support a return to work as appropriate with reference to Occupational Health advice and expertise; □
- ensure good communications especially during the early part of a rehabilitation programme; regularly review rehabilitation programme objectives, priorities and end dates;
- ensure that employees are referred to the appropriate agency;
- where necessary, ensure that employees receive positive encouragement to improve attendance and to take appropriate action where other measures have failed; and
- encourage employees to involve their Trade Union representatives as appropriate at an early stage.

**Trade Unions should:**

- explain and increase awareness and understanding of occupational health;
- assist and support employees' involvement in Occupational Health referrals;
- liaise with line management where appropriate;
- promote good communications between employee and line manager; and

- accompany and represent employees where necessary.

**Occupational Health should:**

- provide professional occupational health advice to the College;
- provide support in planning an employees' return to work and rehabilitation programmes;
- make recommendations for specialist treatment when appropriate; and
- liaise with general practitioners and specialists in respect of managing the employees case.

**Human Resources should:**

- provide absence summaries on a monthly basis to line managers for monitoring purposes;
- keep managers informed in relation to the ongoing progress of staff absent on sick leave;
- ensure a consistent approach to absence management and ensure that rehabilitation is applied;
- support and advise line managers and employees regarding absence management and rehabilitation;
- monitor performance of occupational health advisers; and
- provide a quarterly attendance management report to the College's Personnel and Staffing Committee.

An employee may be asked to consent to a medical assessment for the following purposes:

- to obtain an opinion as to the employee's fitness to discharge the duties which are both implicit and explicit to their post and establish if any assistance, support or reasonable adjustments be required;
- to use such advisers to assist management to assess the continued capacity of an individual employee to undertake their responsibilities in respect of their post;
- as part of a disciplinary investigation in accordance with the College's Disciplinary Policy and Procedure.

Management decisions can only be based on the evidence available at that time and employees are expected to co-operate fully with the College so far as necessary to enable it to make informed decisions in the best interests of the employee and the College.

**5.0 Reporting Absence Notification Procedure**

5.1 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. 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.

- 5.2 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 Human Resources Section on the first day 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 however the staff member must still contact Human Resources. Where it is unclear how long the illness is likely to last the employee must contact the Human Resources Section on a daily basis 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 Human Resources Section on the eighth (8th) day to confirm that a medical practitioner has been consulted.

Where the absence is covered by a Fitness for Work Note the employee must contact the Human Resources 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 Fitness for Work Note to cover them for a further period.

- 5.3 The employee should provide the Human Resources 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/dentist, consulting the Employee Counselling Service.
- 5.4 The Human Resources Section will advise the manager/supervisor as soon as possible after initial contact is made by the employee. The Human Resources 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.
- 5.5 The Self Certificate/Return to Work form will be issued to the manager/supervisor by the Human Resources Section. The employee's absence will be recorded by the Human Resources 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 6.0 of this Policy explains the purpose of the return to work interview and the process.
- 5.6 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 and returned to the Human Resources Section.
- 5.7 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 Human Resources Section may result in the employee continuing to be recorded as absent from work. Correct payment of salary may be affected as a result.
- 5.8 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 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 Human Resources Section.

5.9 The College reserves the right to request a Fitness for Work Note for periods of absence of less than seven days under certain circumstances.

5.10 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 the College's or statutory;
- 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.

## **6.0 Management/Supervisory Considerations**

### **6.1 Purpose of Return to Work Process**

The manager/supervisor is the first link in the chain and is responsible for monitoring attendance, identifying any trends, promoting good attendance and providing any support or assistance.

Advice and support is available from the Human Resources Section.

On every occasion when an employee returns to work after sickness 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 Human Resources Section.

This procedure is intended to be a routine arrangement to convey that the College cares about an employee's health, 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.

### **6.2 Return to Work Interview**

The manager/supervisor will meet with the employee **on a one-to-one basis** and should:

- 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, the manager/supervisor should assess whether in their opinion the employee appears well enough to return to duty. If unsure the manager/supervisor should request the assistance of a member of the Human Resources team or the Health and Safety Officer; and
- b) If the employee responds no, then make further enquiries about the employee's current condition. If unsure request the assistance of member of the Human Resources team or the Health and Safety Officer.
  - ask the employee if they have sought medical assistance;
  - if appropriate offer the employee support or assistance, options are contained within section 7 and/or 8;
  - establish if there is a pattern of absence emerging or a common reason for absence which could identify a potential underlying health condition, details of previous absences will be recorded on the Self Certificate/Return to Work Interview form and the reasons for the previous absence(s) is available from the HR Section;
  - 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 an absence category (section 6.3) that they will be contacted shortly with arrangements for a staged interview which should be recorded on the Record of Attendance Management Form.

If a manager wishes to hold a Return to Work Interview and a Staged Interview simultaneously the manager should organise this with the HR Section. The HR representative will not be present during the Return to Work Interview but will be present during the Staged Interview process.

### **6.3 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 or a total of 7 days (pro-rata for staff working less than 35 hours per week) absence within a 12 month period; or
- any periods of unauthorised absence.

### **6.4 The Formal Staged Interview Process**

The staged interview should be recorded on the form - Record of Attendance Management Meeting available from the Human Resources Section and 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 Human Resources Section for recording purposes. Data relating to the employees attendance is not filed in their personal file.

#### **6.4.1 First Stage interview**

The First Stage interview will be held when an employee falls into a category of absence (sec 6.3). The interview will be conducted by the manager/supervisor. A Human Resources representative will attend the First Stage interview if invited by either the line manager or the employee with the aim of offering support or assistance to both parties during the process and managing attendance. A Human Resources representative will attend a First Stage interview in more complex cases such as those involving industrial injury, Occupational Health referrals and reports, General Practitioner or specialist reports.

The employee has the right to be accompanied by a companion, either a Trade Union representative or a work colleague at all stages of the formal staged interview process. The manager/supervisor may be assisted by one other officer who is familiar with the employee's area of work if necessary.

The College may consider a request from the employee to be accompanied by someone other than a Trade Union representative or work colleague, such as a relative in cases where this will assist the employee with a particular difficulty as a result of a language barrier or a disability. This person will be in addition to their chosen companion, 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.

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/supervisor will discuss and agree with the employee any support or assistance, if required to be put in place or reasonable adjustments to be made.

The employee will have the opportunity to offer any information by way of explanation for his/her absence and to discuss how their attendance record could be improved, if appropriate with support and/or reasonable adjustments where necessary. For guidance and advice for managing attendance see sections 7.0 and 8.0.

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. It must be noted however that management decisions can only be based on the evidence available at that time and employees are encouraged to provide the College with as much information as possible to assist in the appropriate management of their case.

The manager should take the time to explain the forms of assistance on offer these are outlined in sections 7.0 and 8.0 of the Policy.

In cases involving poor attendance levels the employee should be provided with the opportunity to improve their attendance and achieve a satisfactory level of attendance. This may involve setting a First Stage Review meeting for a future date which will enable a period of time to monitor the employee's attendance. In cases where support or assistance or the manager/supervisor wishes to hold a further discussion with the employee to review their progress a First Stage Review meeting should be agreed.

After a manager/supervisor conducts a First Stage interview they should indicate on the Record of Attendance Management Meeting form whether or not a First Stage Review meeting will be conducted. In cases where there is no cause for concern in relation to the employee's attendance and no support or assistance has been put in place the manager should indicate that the file should be suspended and no further action taken at that time. If there is cause for concern or support or assistance has been put in place then a First Stage Review should be held within a minimum three month period.

If further absences occur after the First Stage interview (or First Stage Review meeting) the process should be progressed and a Second Stage interview should be conducted with the employee. On-going Review meetings may be held as part of the rehabilitation process at any stage of the interview process where no further absences have occurred.

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

#### **6.4.2 Second Stage Interview**

The Second Stage interview will be conducted by the manager/supervisor to review the employee's attendance should further absences occur. A Human Resources representative be present a Second Stage interview and all stages above.

If the manager feels that it is appropriate to continue to monitor the employee's attendance and to provide on-going support a Second Stage Review Interview can be agreed. The assistance and support available to employees is outlined in section 7.0 and 8.0 of this policy. The line manager/supervisor should consider what steps may need to be taken in terms of managing the employee's attendance, where appropriate. The employee should be actively encouraged to contribute to the process.

If after the Second Stage interview further absences occur and there has been limited or no improvement made then the employee should be progress to a Third Stage interview.

#### **6.4.3 A Third Stage Interview**

If an employee progresses to a Third Stage interview the manager/supervisor should consider what further action might be taken. A Human Resources representative will automatically attend Third Stage interviews and above.

This may take the form of further advice or support being put in place such as that outlined in sections 7.0 or 8.0. Or more formal action under the College's Disciplinary Policy if this is felt to be appropriate. 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 8.3) and an absence record which has short-term intermittent absences where there is no underlying health problem (para 8.2).

In cases where the employee's absence record is unsatisfactory due to short-term intermittent absences where there is no underlying health problem and they have failed to achieve and maintain a satisfactory level of attendance and the manager does not find the explanations offered by the employee acceptable the manager/supervisor will liaise with HR to:

- 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.

A further Review meeting should be arranged within a three month period or sooner if further absences occur. If no further absences have occurred then the file may be suspended at this stage and re-opened should further absences occur.

Guidance on what action could be taken is outlined in this Policy or further advice can be obtained from the Human Resources Section.

**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.

In cases of short-term intermittent absences with no long-term health condition, the case should be managed in accordance with the guidance provided in section 8.1. In cases involving a long-term health condition further guidance can be found in section 8.3 or long-term absence section 8.4.

An employee will continue to progress through the Staged Interview process, unless they have a period of twelve (12) months where no periods of absence have occurred. If an employee maintains a satisfactory level of attendance for a period of twelve months (12) from the date of their last period of sickness absence then they will return to the First Stage Interview in the process.

## **7.0 Management/Supervisor Considerations**

### **7.1 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, if any; and
- seek to offer any assistance or support to the employee.

The main aim of this Policy and Procedure is to encourage employees to achieve and maintain a satisfactory level of attendance at work. Support and assistance is available from the Human Resources Section, Occupational Health Service (OHS), Employee Counselling Service (ECS), Health and Safety, Dignity at Work Policy and 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 level.

**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 to review the employee's progress and ensure that appropriate support is in place or the impact of any reasonable adjustments.

**Note 2** In the circumstances where there is an identifiable long-term health condition please refer to (paras 8.3 and 8.4).

### **7.2 Medical Assessments**

7.2.1 In cases where there is a long-term health condition, disability or a long-term period of absence, eleven (11) or more consecutive days; or two (2) working weeks in the case of part-time employees, medical advice may be required from the Occupational Health Service. The Human Resources Section will prepare a management report on behalf of the College in conjunction with the manager 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 or put in place to support the employee back to work.

In the case of short-term intermittent absence where there is long-term health condition or 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 are no underlying health problems.

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

- the nature of the problem;
- the likely duration;
- whether the employee is likely to make a full recovery;
- if not, what reasonable adjustments might be made, should these be permanent or temporary, and if temporary for what period of time; 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.

7.2.3 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).

7.2.4 The College may request that OHS have access to the employee's medical records from the 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.

7.2.5 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.

7.2.6 If an employee chooses not to attend for a medical examination a decision on the management of their attendance and potential future employment with the College will be made on the evidence available to the College. If further relevant information becomes available after a decision has been taken, the decision may be reviewed. If an employee continues to fail to cooperate with the College in the management of their attendance the matter may be dealt with under its Disciplinary Procedures.

7.2.7 Medical assessments shall be arranged by the Human Resources Section and the employee shall be notified accordingly. If the employee is unable to keep the appointment the employee should contact the Human Resources Section who will arrange an alternative appointment. Should the employee fail to attend a medical assessment without providing prior notification and/or a reasonable explanation the College reserves the right to charge the employee for the costs incurred. The charges are detailed in the appointment letter to the employee.

The content of the OHS report should be prepared after discussion with the employee. A copy of the report is available to the employee upon request. (Access to Medical Reports Act 1988 and Access to Health Records Act 1990).

### 7.3 Individual Stress Risk Assessment

7.3.1 The College is keen to ensure that if there are any work related issues which affect the well-being of staff that these are addressed as early as possible. If an employee feels that

they are having difficulties at work which is contributing to conditions such as stress or anxiety then an Individual Stress Risk Assessment should be conducted.

- 7.3.2 If an employee makes a manager/supervisor aware of difficulties at work which they feel is causing them stress at work the manager/supervisor should discuss options with the employee which would assist to resolve the issue(s), as far as reasonably practicable.
- 7.3.3 If the manager is unable to resolve informally what the employee feels is the issue(s) the employee should be advised to participate in the Individual Stress Risk Assessment process. The Individual Stress Risk Assessment process developed by the College's Occupational Health Service assists in the management of stress associated with work. The manager should decide if it is appropriate to refer the employee to the College's Occupational Health Service (OHS). In cases where the employee advises of ill health as a result of work related matters a referral is recommended.
- 7.3.4 The process requires the employee to record on the Individual Stress Risk Assessment (ISRA) form what they feel is the issue(s) and put forward any potential solutions which they feel might be considered by the College. The manager will meet with the employee having considered what actions the College can and cannot take in an attempt to resolve what the employee feels is the issue(s). Action will be taken where reasonably practicable. If a solution is not feasible the reason for this is discussed with the employee and recorded. The agreed changes which will be made or cannot be made will be recorded.
- 7.3.4 The completed ISRA form will be sent to the College's OHS for assessment. The OHS will provide advice and support for the College and the employee. The main aim of the process is to ensure the well-being of the employee and effective service delivery.
- 7.3.5 Further support and advice can be sought from the Human Resources Manager or Human Resources Officer. An ISRA form can be obtained from the Human Resources Section.

## **8.0 Guidance on Managing Absence Categories**

### **8.1 Short/Medium Term Intermittent Absence**

- 8.1.1 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.
- 8.1.2 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 8.3) and an absence record which has short-term intermittent absences where there is no underlying health problem (para 8.2).

8.1.3 If an employee's attendance record is poor as a result of frequent and persistent short to medium-term absence the manager/supervisor is responsible for discussing the matter with the individual.

8.1.4 The discussion should be arranged and conducted by the manager/supervisor allowing the employee to be accompanied by his/her Trade Union representative or a work colleague.

8.1.5 During the discussion the manager/supervisor should seek to:

- provide the employee with details of their sickness absence;
- 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 health problem (see para 7.3);
- give consideration to any personal or domestic problems and possible ways of helping the employee resolve them (para 6.1); and
- specify the standard that should be reached and indicate clearly to the employee the next step if the employee fails to reach the standard required. Every opportunity should be provided to encourage the employee to improve and maintain the level of their attendance. However if the employee is unable to achieve a satisfactory level of attendance the manager should consider what further action might be taken, this may involve managing the case under the College's Disciplinary Policy or Capability Procedures.

8.1.6 The manager/supervisor should confirm in writing with the assistance of HR a record of any discussion, the letter should clearly state the outcome of the meeting in accordance with 8.1.5 above. A copy of these records will be held and maintained by the Human Resources Section in the employee's Attendance Record file.

8.1.7 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. The main aim is to provide the employee with an opportunity to improve their attendance level.

8.1.8 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 for further consideration. Each case will be considered on its own merits.

## **8.2 Managing Short-Term Intermittent Absence – No Underlying Health Problem**

8.2.1 In the case of short-term intermittent absence where there is no identifiable underlying health problem or acceptable explanation provided by the employee to account for their poor attendance, the matter should be treated as a conduct issue. In the first instance the employee should be provided with the opportunity of improving their attendance record and where appropriate employee assistance should be offered as outlined in this Policy, further advice may be obtained from the Human Resources Section. This should

be done prior to determining whether or not the matter should be dealt with under the College's Disciplinary Procedure.

### **8.3 Managing Short-Term Intermittent Absence – Underlying Health Condition**

8.3.1 In cases of illness, where there is an underlying health condition which manifests itself as short-term intermittent absences and the underlying health condition is confirmed by the Occupational Health Service, it is **not** appropriate to take disciplinary action.

8.3.2 Where medical assessment and/or information provided by a medical practitioner reveals an inherent 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 on the grounds of ill health and the employee should be advised in writing accordingly.

If a disability is confirmed the College will seek to make reasonable adjustments to assist the employee achieve and maintain an acceptable level of attendance. The employee will be expected to fully assist the College in this aim. As a reasonable adjustment the College might accept a higher level of absence in the case of an employee with a disability however each case will be considered on its own merits and will fully consider the impact on service delivery.

### **8.4 Long-term Absence**

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

8.4.2 When an employee is absent on a long-term basis, except in cases where it is deemed medically inappropriate, the appropriate manager/supervisor with the assistance of Human Resources 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.

8.4.3 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 to demonstrate the College's concern for the employee and establish the reasons for absence and its likely duration (taking into account any medical report if available);
- to discuss what assistance and support might be appropriate to support the employee during their absence and aid their return to work (an agreed rehabilitation programme should be put in place nearer the employees return to work date);
- 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;
- discuss the remaining sick pay entitlement; and
- 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; or examine the possibility of early retirement on the grounds of ill health (if applicable) and if no other acceptable alternative option(s) exist.

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

8.4.5 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 where possible every assistance will be provided to aid their return to work and maintain their employment.

8.4.6 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.

8.4.7 If there is no possibility of the employee returning to duty in the foreseeable future the Principal or Senior Vice 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.

8.4.8 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.

8.4.9 The manager/supervisor will meet, where possible, 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 the Human Resources Section. Your request will be discussed with the Head of Section;
- temporary or permanent adjustment of duties and responsibilities;
- phased return to work; and
- redeployment - possible temporary or permanent transfer to an alternative position.

## **9.0 Occupational Sick Pay – Exhaustion of Entitlement**

- 9.1 The employee will be informed in writing at least four (4) weeks before the date when they will have exhausted their entitlement to full Occupational Sick Pay that their entitlement to full salary will reduce to half salary.
- 9.2 The employee will be informed in writing at least four (4) weeks before the date when they will have exhausted their entitlement to half Occupational Sick Pay that their salary entitlement will cease.
- 9.3 The contract of employment may be terminated on the expiry of the employee's Occupational Sick Pay. The College may consider granting a period of disability leave which is unpaid leave of absence in respect of a critical illness or disability as outlined in Section 10.0.

## **10.0 Critical Illness or Disability**

In circumstances where an employee is diagnosed with a critical illness or disability which falls within the definition the Equality Act 2010 (previously Disability Discrimination Act 1995 as amended), [Currently, cancer, HIV and Multiple Sclerosis are automatically covered as they are deemed disabilities from point of diagnosis.] the College will consider holding open the employee's position. The conditions covered by this section will apply to those employees who are disabled as defined by the Equality Act 2010 which from time to time may be expanded. The period of unpaid leave of absence granted to an employee by the College should be sufficient to enable appropriate treatment and rehabilitation.

The period of time which the employee's post may be held open will be determined by a panel consisting of a member of the Senior Management Team, a Head of School or Head of Section and a Human Resources representative.

The panel will consider such a request taking into account:

- the case put forward by the employee;
- the operational case put forward by line manager;
- 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.

Each request will be considered on its own merits.

If a decision is taken to not to hold open the position but to terminate the contract the individual concerned will have the right to appeal against this decision. The appeal will be heard by a panel, not previously involved, consisting of a member of the Senior Management Team, Head of School or Head of Section and a Human Resources representative.

## **11.0 Sickness or Disablement due to Accident in the Course of Employment**

- 11.1 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.
- 11.2 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.
- 11.3 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; 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.
- 11.4 In determining what, if any, action should be taken where an employee's 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.
- 11.5 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.

## **12.0 Disciplinary Considerations**

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 despite being afforded an opportunity to improve and/or offered support and assistance;
- the employee is unable to offer any mitigating reason(s) for the absence; and/or
- there is no identifiable underlying health problem and there have been more than three (3) 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.

- 12.1 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

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

### **13.0 Lack of Capability Considerations**

- 13.1 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 and support as outlined in this Policy.

- 13.2 Managers should, in consultation with the Human Resources Manager, and the employee, where appropriate, consider the following options:

- redeployment to alternative work on a temporary or permanent basis;
- adjusting duties on a temporary or permanent basis;
- a redistribution of duties to other staff on a temporary or permanent basis;
- part-time employment on a temporary or permanent basis;
- filling an existing vacancy;
- a phased return to work;
- allowing absences during working hours for rehabilitation/treatment;
- purchasing suitable equipment or reasonable adjustments to facilities; or
- supplying additional training or retraining.

Where these options are not viable or acceptable to the employee, the only remaining alternative is for the College to consider premature retirement because of ill health, where appropriate, or to 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 the termination of their contract is being considered.

The need to review absences for reason of chronic or acute ill health at an early stage is essential. The processing of applications for ill health retirement through the appropriate superannuation scheme can take a number of weeks and 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.

## **14.0 Termination of Contract of Employment**

14.1 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 relevant member of the Senior Management Team who has not been involved previously in the case where possible (section 10) detailing how the absence has been managed and the action taken to date.

A member of Senior Management shall decide whether the employee's employment with the College should continue or whether the employee's contract of employment should be terminated on the grounds of lack of capability, ill health retirement or any other substantial reason. A termination on the grounds of conduct will be managed under the College's Disciplinary Procedure.

A member of Senior Management will make the final decision regarding the termination of an employee's contract. A report will be presented 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) informing Committee members of the decision taken to terminate the employee's contract of employment.

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

## **14.2 Appeals against Termination of Contract**

An appeal against the termination of the contract of employment should be submitted to the Human Resources Manager within five (5) working days of the decision to dismiss being confirmed in writing. Any appeal will be heard by the Principal or Senior Vice Principal (in cases in which they have not been previously involved) or an ad hoc committee of the Personnel and Staffing Committee were appropriate. 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.

## **15.0 General**

The College has a number of support mechanisms available, and support policies listed in section 16.0, 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 Senior Vice Principal. Applications shall be considered in accordance with the College's Work-life Balance Policy;
- part-time hours;
- temporary or permanent adjustment of duties and responsibilities;
- possible temporary or permanent transfer to an alternative position;
- Occupational Health Service;
- Employee Counselling Service; and
- Disability Employment Advisor, JobCentrePlus.

## **16.0 Other Related Human Resources Policies**

- Alcohol Misuse Policy
- Substance Misuse Policy
- Health and Safety Policy
- Recruitment and Selection Policy and Procedure
- Grievance Policy and Procedure
- Code of Discipline, Disciplinary Policy and Disciplinary Procedure
- Commendations and Complaints Procedure
- Public Interest Disclosure Policy
- Equal Opportunities Policy
- Race Equality Policy
- Dignity at Work Policy and Procedure
- Management of Criminal Records Information Policy and Procedure
- Code of Student/Learner Behaviour
- Staff Guide to Challenging Behaviour
- Inclusive Learning Policy
- Well-being Policy
- Worklife Balance Policy

## **17.0 Review and Monitoring**

The content, effectiveness and operation of the Attendance at Work Policy and Procedure will be reviewed, at least, on an annual basis at the end of each academic session by the Personnel and Staffing Committee. The Policy and Procedure will be updated in partnership with management, Trades Unions and staff. Account will also be taken of any developments in legislation and case law.

This Policy was approved by the Board of Management on 26 October 2011 and will be reviewed by June 2013.