

Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”



Absence Management Policy

Policy Statement

1.1 This policy relates to employees of Deafblind Scotland. It sets out procedures for reporting and recording sickness absence, and for managing short and long-term absence in a consistent and fair way. All arrangements for managing sickness absence are conducted in keeping with Deafblind Scotland's Equal Opportunities Policy.

1.2 Employees who are ill will be treated sympathetically and every effort will be made to assist recovery and safeguard employment whilst managing sickness absence in accordance with this Policy. It is recognised, however, that the loss of working days through repeated sickness absence can be a significant cost to Deafblind Scotland in terms of work not completed or the costs of arranging absence cover. Repeated sickness absence also places additional pressure on colleagues.

The responsibility for monitoring and controlling sickness absence lies with the line manager and those to whom the day-to-day supervision of staff is delegated.

This policy provides details of Deafblind Scotland's arrangements for managing absence due to sickness.

1.3 The Human Resources (HR) advisor is available to advise and assist managers in the application of this policy at any stage.

1.4 Deafblind Scotland have contracted an external Human Resources company to provide additional advice and support in all matters relating to staffing. Currently the contract is with **HR Services Scotland**.

2 Key Principles in Managing Sickness Absence

- Accurate records of all sickness absences and actions taken must be kept, and monitored on a regular basis.
- Managers must conduct a return to work interview following each episode of absence so that support and advice can be given at an early stage.
- Managers should explore the reason(s) for an employee's sickness absence at the earliest opportunity and follow the procedures set out in this policy.
- Where work may be impacting on an employee's health, or where health problems may be affecting an employee's attendance or performance, managers should obtain advice from the HR advisor.

3 Sickness Absence Reporting Procedures

3.1 A member of staff who is sick and cannot attend work should contact their Line Manager by telephone by 9am on the first day of absence. Staff should not normally ask anyone else to make contact on their behalf unless it is not possible for them to do so. Staff should phone in each day of the absence.

3.2 When reporting absence from work due to sickness, staff will be asked to give as much of following information as possible:

- The nature of illness - if the employee does not wish to reveal the exact nature of the illness s/he must indicate broadly the cause of the absence;
- The anticipated length of absence (only an estimated indication is expected i.e. "I'll be back tomorrow" or "I don't expect to be in for the rest of the week")
- If the absence is expected to be of 7 calendar days or more, any steps s/he is taking in relation to it e.g. details of any doctor's appointments arranged;
- Details of any outstanding or urgent work that needs to be dealt with during the absence;
- Details of how s/he can be contacted if necessary, especially where the employee is staying at a different address during their absence.

3.3 Where a member of staff becomes ill while at work and feels too unwell to continue working, s/he must speak to his/her line manager and for him/her to seek medical advice where appropriate. Absence from work for part of a working day is not recorded as sickness absence but a note should be made of a part day absence and this may be taken into account when looking at patterns of absence.

3.4 A member of staff who fails to follow the sickness absence procedures set out in this document may be subject to action under Deafblind Scotland's Disciplinary Procedure. Unauthorised absence is considered to be misconduct and will be considered in accordance with the Disciplinary Procedure.

In exceptional circumstances, Deafblind Scotland reserves the right to withhold Occupational Sick Pay if an individual does not co-operate with reasonable requests from their Line Manager or does not comply with the requirements within this Policy.

4 Sickness Absence Recording and Monitoring Procedures

4.1 Heads of Departments are expected to:

- Ensure that a record is kept of the whereabouts of the staff in their department (for example who is on holiday, sickness absence or special leave and the general location of staff working off-site);
- Ensure that all incidents of sickness absence amongst all the staff in the department are accurately recorded, reported to the HR advisor who will keep all sickness absence documentation confidential and stored securely in compliance with General Data Protection Regulations 2017;

- Ensure that all incidents/accidents at work are accurately recorded and reported to the Health and Safety Officer;
- Regularly review sickness absence to ensure that the department is able to function effectively and to check for patterns that indicate the possibility of health problems which may be exacerbated by the working environment.
- Ensure that all staff are informed of the sickness absence reporting procedure and the sickness absence policy.

4.2 Individuals are responsible for ensuring that they follow the correct certification procedures. For absences of between 1 and 7 consecutive calendar days a Sick Pay Form must be completed and signed by the member of staff upon return to work. If the absence is likely to exceed 7 calendar days (including non-working days), the employee must obtain a Statement of Fitness for Work (Fit Note) from a GP to claim statutory sick pay for absences exceeding 7 calendar days.

The original must be forwarded to his/her Line Manager as soon as possible. If the absence continues, further fit notes must be provided for the whole period of absence for the purpose of statutory sick pay. Any period of absence not covered by a fit note will not be eligible for Statutory Sick Pay and Deafblind Scotland reserves the right to withhold Company Sick Pay.

4.3 The aim of the fit note is to allow greater flexibility in helping people who are on sick leave to get back to work. From 6 April 2010 the Fit Note replaces the 'sick note' issued by a GP. For the purposes of statutory sick pay, the fit note will advise the employee that they are either:

- unfit for work; or
- may be fit for work

The 'may be fit for work' classification will be used where the doctor thinks that the employee may return to work with suitable adjustments to their work. There are tick boxes for doctors to suggest the most common adjustments to work i.e.

- A phased return to work
- Altered hours
- Amended duties
- Workplace adaptations

and space for the doctor to provide information on the functional effects of the employee's condition on work. The GP's advice will be based upon the general condition, rather than being specific to the particular work environment and supplements rather than replaces occupational health advice.

Serious consideration should be given to the fit note advice to assist in helping employees return to work. There is no obligation to take on board the

GP's suggestions if they are not workable. Departments will endeavour to make reasonable adjustments to facilitate the employee's return to work.

Where the department is unable to make the GP's suggested adjustments or other reasonable adjustments the employee must be provided with a written explanation setting out the reasons. Where the department cannot facilitate the GP's suggestions for workplace adjustments, the status of the fit note defaults to 'not fit for work'. There is no 'fit for work' option and GPs are not expected to certificate a person is 'fit for work'.

4.4 The GP may advise that a member of staff is fit to return to work in some capacity even though s/he has a fit note stating 'unfit for work' for Statutory Sick Pay purposes. The manager, in consultation with the HR advisor, will make a decision on the course of action to follow in such circumstances.

Any decision may affect entitlement to Company Sick Pay but entitlement to Statutory Sick Pay would not be affected

4.5 Sickness and annual leave

If an employee falls sick whilst on annual leave or on a day adjacent to annual leave, normal reporting and certification arrangements apply. Annual leave may be reclaimed for the days that s/he is sick provided that a fit note is supplied to cover these days. Medical certificates (or equivalent) issued abroad should be copied and sent to the manager where the absence is going to be four weeks or longer. The original documents must be supplied on the return to work. If the employee is unable to travel, medical confirmation along with full contact details must be provided.

4.6 Pregnancy-related sickness

Pregnancy-related sickness absence should be recorded separately and should not be taken into account when looking at targets. An employee who is absent due to a pregnancy-related illness during the four week period prior to her due date will be required to start her maternity leave, and will be entitled to maternity pay and not sick pay. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to defer the start of her maternity leave period, and a risk assessment does not indicate that carrying out work will endanger her pregnancy.

4.7 Disability-related sickness

Disability-related sickness absence will be managed in accordance with the Disability Discrimination legislation and related Codes of Practice, and advice on specific cases can be sought from the HR advisor.

4.9 Absences due to Injuries caused by accidents

If an employee is absent due to an accident, normal sick pay provision would apply. Where the employee may receive compensation from a third party, reimbursement of sick pay will be repayable to Deafblind Scotland

4.10 Line Managers will pass the Sick Pay Form with any fit note (s) where appropriate, to the HR advisor. They will be required to record the sickness

absence on any fit notes on Sage HR system. Your Line Manager should contact the HR advisor to discuss individual cases if the reason given for the absence may be caused by work or may impact on his/her ability to undertake a particular work activity, or if there is repeated absence or continued absence for a period of 4 weeks or more.

4.11 Analysis of sickness absence data is reported to the CE on a regular basis who presents reports to the Board of Trustees.

5.1 Ill health, of whatever nature, may affect the work performance of the individual and may also have an impact on their colleagues. If a manager has any concerns about the effects of work on an employee's health, or the effects of a health problem on an employee's attendance or performance or would like further assistance in relation to the suggested workplace adjustments on a fit note, a management referral for independent medical assessment to seek advice regarding:

- The impact of a health problem on the staff member's ability to work;
- Timescales for expected improvement;
- Temporary or permanent adjustments to the work place or tasks that would assist in maintaining health and reducing the effects of the health problem on attendance and performance;
- An opinion on the implications of the Disability Discrimination Act 2005;
- An opinion on suitability for redeployment;
- Proposals for case management or a rehabilitation programme where appropriate.

5.2 Health advice given to the manager will not contain confidential medical detail, but is concerned with the effects of a health problem on an employee's work attendance or performance, or the effects of work on an employee's health. Reports are sent to the referring manager and copied to HR advisor and the employee.

5.3 If an individual does not attend their medical assessment arranged through the management referral process, a further appointment will be made. If an appointment is missed for a second time, the manager will arrange a review meeting with the individual at which a representative of the HR advisor may be present. Any decisions made at this meeting regarding the on-going management of the individual's absence will be based on the information available at that time and in the absence of advice that would have been available had the employee attended the appointment.

6 Repeated short term absence

6.1 The absence of a member of staff due to sickness for 6 periods of absence in a rolling 12 month period or a total of more than 12 working days within the same period, will trigger the formal Sickness Absence Procedure as follows (pro rata for part time staff).

6.2 Stage 1 - 1st Sickness Absence Review Meeting

The purpose of the 1st Review Meeting will be as follows:

- To review the member of staff's attendance record during the relevant period;
- To give the member of staff the opportunity to discuss any problems or raise any concerns;
- To decide whether any further action is required such as a referral to the OHS;
- To set a target for improvement (see 6.4 below) and a period over which absence levels will be monitored;
- To arrange for support or work adjustments as recommended by OHS;
- To inform the member of staff that if attendance does not improve within the time period being monitored, a 2nd Sickness Absence Review meeting will be held.

6.3 The employee will be given at least 7 calendar days' written notice of the meeting (unless the employee agrees, in writing, to less) and s/he may choose to be accompanied by a work colleague. The HR advisor may also be present.

6.4 When setting targets for improvement, managers will, in consultation with the HR advisor, need to take into account the individual circumstances of the case, any advice received from the OHS, the impact of any underlying medical condition or disability, and any reasonable work place adjustments that need to be put in place to enable the employee to improve their attendance.

6.5 The outcome of the Sickness Absence Review meeting will be confirmed to the individual in writing by their manager within 10 working days, and a copy to the HR advisor.

6.6 As confirmed at the Sickness Absence Review the individual's sickness absence pattern will be monitored over an appropriate, specified period. During this period, regular reviews should be undertaken by the manager to review the member of staff's attendance, give them an opportunity to discuss any problems they have encountered, discuss the need for further Occupational Health advice and ensure that any reasonable adjustments recommended have been put in place and that they are receiving the support needed to improve their attendance at work.

Stage 2 - 2nd Sickness Absence Review Meeting

6.7 If during the specified monitoring period following the 1st Sickness Absence Review meeting, absence exceeds the improvement target set this will trigger a 2nd Sickness Absence Review meeting with the manager and the HR advisor.

6.8 The purpose of the 2nd Review Meeting will be as follows:

- To review the member of staff's attendance record during the relevant period;
- To review the steps that have been taken to support him/her in achieving the required level of attendance;

- To give the member of staff the opportunity to discuss any problems or raise any concerns;
- To discuss any Occupational Health advice that has been received;
- To decide whether any new information requires further referral to the OHS (see section 5 above);
- To set a target for improvement (see 6.4 above) and a period over which absence levels will be monitored;
- To inform the member of staff that if attendance does not improve a 3rd Sickness Absence Review meeting will be held.

6.9 The outcome of the 2nd Sickness Absence Review meeting will be confirmed to the individual in writing by their manager within 10 working days and a copy sent to the Chief Executive.

6.10 As confirmed at the 2nd Sickness Absence Review meeting, the individual's sickness absence pattern will be monitored over an appropriate, specified period and appropriate targets will be set within this period depending on the improvement in attendance that is required and taking into account the factors outlined in 6.4 above.

6.11 Regular reviews should be undertaken by the manager during the monitoring period (see 6.6 above).

6.12 If, after a period of satisfactory improvement based on the targets set, the individual's absence levels reach those defined in 6.1 above (repeated short term absence), Stage 2 of the Sickness Absence Policy will be repeated.

Stage 3 - 3rd Sickness Absence Review Meeting

6.14 If during the specified monitoring period following the 2nd Sickness Absence Review meeting, absence exceeds the improvement target this will trigger a 3rd Sickness Absence Review Meeting. The meeting will be with the Head of Department (or person deputed by him/her) and the Chief Executive.

6.15 The purpose of the 3rd Review meeting will be as follows:

- To review the member of staff's attendance record during the relevant period;
- To review the steps that have been taken to support him/her in achieving the required level of attendance;
- To give the member of staff the opportunity to discuss any problems or raise any concerns, or to highlight any mitigating circumstances that they wish to be taken into account;
- To discuss any OH advice that has been received;
- To decide whether any new information requires further referral to the OHS (see section 5 below);
- To inform the member of staff that his/her job may therefore be at risk if their attendance levels do not improve;
- To issue a final caution, set a target for improvement (see 6.4 above) and a period over which absence levels will be monitored, if appropriate.

6.17 A **Final Caution** may be given for unsatisfactory attendance and this will be confirmed to the individual in writing within 10 working days.

- If it has been decided not to issue a final caution, but to extend the monitoring period, the individual's sickness absence pattern will be monitored over an appropriate, specified period.

6.18 Regular reviews should be undertaken by the line manager during the monitoring period (see 6.6 above).

6.19 If, after a period of satisfactory improvement based on the targets set, the individual's absence levels reach those defined in 6.1 above (repeated short term absence), Stage 3 of the Sickness Absence Policy will be repeated.

Stage 4 - Final Absence Review Meeting: Dismissal

6.20 If during the specified monitoring period following the issue of a final caution, absence exceeds the improvement target this will trigger a Final Sickness Absence Review meeting. The meeting will be with the CE, the Line Manager and a representative of the Board of Directors.

6.21 The purpose of this meeting will be as follows:

- To review the member of staff's attendance record during the relevant period;
- To review the steps that have been taken to support him/her in achieving the required level of attendance;
- To give him/her the opportunity to discuss any problems or raise any concerns, or to highlight any mitigating circumstances that they wish to be taken into account;
- To discuss any OH advice that has been received;
- To decide whether any new information requires further referral to OHS (see section 5 above);
- To inform them of whether they will be dismissed on the grounds of capability, or whether the final caution will be extended to allow further time for a sustained improvement;
- If the final caution is extended, to set a target for improvement (see 6.4 above) and a period over which absence levels will be monitored.

6.22 Following the meeting, a decision will be taken by the Head of Department to either dismiss the member of staff on the grounds of capability, or to extend the final caution to allow further time for a sustained improvement. The option of allowing further time for improvement will only be considered if there is evidence that this is likely to lead to the required improvement in attendance.

6.23 In the event that the final caution is extended, the individual's sickness absence pattern will be monitored over an appropriate, specified period.

6.24 Regular reviews should be undertaken by the manager during the monitoring period (see 6.6 above).

6.25 The Head of Department will confirm the decision, the reasons for it and the right of appeal in the case of dismissal, in writing to the individual.

6.26 If, following an extension of the final caution and after a period of satisfactory improvement based on the target set, the individual's absence levels deteriorate and reach those defined in 6.1 above (repeated short term absence), Stage 4 of the Sickness Absence Policy will be repeated which may result in a decision to dismiss the member of staff on the grounds of incapacity.

7 Long-term Sickness Absence

7.1 Managers should seek the advice of the HR advisor in cases of long-term sickness absence of 4 weeks or more, sooner if there is indication that the health issue may be related to work. Evidence based guidelines recommend early intervention, particularly for mental health or musculoskeletal problems

7.2 They should also maintain contact with the member of staff in order to reduce feelings of isolation, to remain informed about the likely duration of the sickness absence and to keep them in touch with any major workplace developments. Managers should not, however, have detailed discussions regarding work-related issues with staff who are absent. The member of staff has a responsibility to update his/her manager regularly on his/her likely date of return to work.

7.3 In such cases, a referral to the OHS will usually be made for advice on the employee's fitness for work, a likely date of return and advice on a rehabilitation programme, if necessary, to enable the employee to return to work.

Where the hours of work are reduced as part of a rehabilitation programme, this would normally be on full pay for a limited period of up to 4 weeks. If the normal hours of work are reduced over a longer period, a corresponding reduction in salary may result. However, the individual circumstances of the case will be taken into account.

7.4 Where appropriate, once advice has been received from the OHS, the individual will be invited in writing to a meeting with his/her manager and the HR advisor to discuss the advice. S/he may choose to be accompanied by a work colleague, and at least 7 calendar days notice will be given (unless the employee agrees in writing to less).

7.5 If the member of staff is considered by the OHS to be unfit to resume his/her duties, despite reasonable adjustments being made, job redesign, an amendment to the job description or redeployment into another type of work will be explored with advice from the OHS. Advice provided by the OHS and the individual's views will be taken into account in the exploration of options. In some cases more than one meeting will be necessary.

7.6 If a member of staff is deemed unfit for employment, and after all the above options have been explored, consideration will be given to termination

of his/her employment. The member of staff will be invited to attend a meeting with their manager and the HR advisor to discuss the proposed termination of their employment. They will be given at least 7 calendar days' written notice of the meeting (unless the employee agrees, in writing, to less) and s/he may choose to be accompanied by a work colleague.

7.7 If the member of staff is considered by the OHS to be fit for work, this will be discussed with the individual and a return to work date will be set. In exceptional circumstances, if s/he does not return to work on the date advised, entitlement to Company Sick Pay may be withdrawn and disciplinary action may be taken. Entitlement to Statutory Sick Pay will not be affected if the continued absence is covered by a fit note.

7.8 Once the member of staff has returned to work, the service co-ordinator should hold a return to work interview with them. At this meeting, any advice given by OHS for rehabilitation and support to facilitate a sustained return to work will be discussed, as well as any re-training that may be necessary and any expectations by the member of staff of any further periods of absence.

8. Appeal Procedure

8.1 A member of staff wishing to appeal against any formal action taken under this policy should submit a letter to the CE within seven calendar days of the receipt of the formal letter confirming the action to be taken, stating the grounds of appeal. The formal action taken will remain in force unless and until it is modified as a result of the appeal.

8.2 An Appeal Hearing is not designed to re-hear the case but to examine the grounds of appeal. The appellant must be specific about the grounds of appeal; these will effectively form the agenda for the hearing. Appeals will be raised on one of the following grounds:

- the procedure: a failure to follow procedure had a material effect on the decision
- the decision - the evidence did not support the conclusion reached
- the penalty - was too severe given the circumstances of the case
- new evidence - which has genuinely come to light since the first hearing.

8.3 Arrangements will be made for appeals to be heard as soon as reasonably practicable.

8.4 The appellant will be notified as soon as possible of the time, date and place of the appeal hearing with a minimum of 10 working day's notice. The appellant can be accompanied by a workplace colleague.

8.5 The appeal will be heard by a panel of two senior members of staff who have not previously been involved in the case. The panel will be appointed by the CE. The HR advisor will ensure that professional HR advice is made available to the panel.

8.6 Where the appeal is upheld, the formal action specified will no longer be applied. If the appeal is not upheld but the Appeal Panel considered the

sanction to be inappropriate, this may be reviewed. Where an appeal against dismissal is upheld, the member of staff shall be paid in full for the period from the date of dismissal and continuity of service will be maintained.

8.7 The result of the appeal will normally be notified orally within one day and in writing within 10 working days. A copy will also be sent to any representative.

8.8 The decision of the Appeal Panel is final.

9 Alteration of this policy

This policy will be subject to review, revision, change updating, alteration and replacement in order to introduce new policies from time to time to reflect the changing needs of the business and to comply with legislation. Any alterations will be communicated to you by your line manager.