

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: **Attendance Management Policy**

Date: **7 December 2022**

Lead Officer: **Management Team**

Review Date: **26/04/2025**

Standard 5 The RSL conducts its affairs with honesty and integrity.

Guidance 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.

5.2 The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

5.4 Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.

5.5 The governing body is responsible for the management, support, remuneration and appraisal of the RSL's senior officer and obtains independent, professional advice on matters where it would be inappropriate for the senior officer to provide advice.

5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

5.7 Severance payments are only made in accordance with a clear policy which is approved by the governing body, is consistently applied and is in accordance with contractual obligations. Such payments are monitored by the governing body to ensure the payment represents value for money. The RSL has considered alternatives to severance, including redeployment.

5.8 Where a severance payment is accompanied by a settlement agreement the RSL does not use this to limit public accountability or whistleblowing. The RSL has taken professional legal advice before entering into a settlement agreement.

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Introduction

Clydesdale Housing Association recognises that on occasions it may be necessary for employees to be absent from work. However, we also have a duty to provide a reliable service to our customers and thus we need to ensure that we help you maintain the highest possible level of attendance.

This policy is designed to help all employees achieve good attendance, and to ensure that a consistent and fair approach in managing attendance is adopted throughout the organisation.

This policy and the guidelines it contains work in conjunction with but is not limited to other policies such as discipline & grievance, dignity at work, health & safety and managing stress.

Aims of the Policy

- To manage attendance in a way that reflects genuine concern for employees and to develop a positive attitude towards attendance.
- To set clear expectations for standards of attendance that we require from our employees.
- To separate two processes: attendance and absence management and provide guidelines for employees and managers in how to manage these.
- To identify the causes of absence and, where possible, develop a programme of supportive and preventive measures.
- To ensure training and support is available to both managers and employees.

Principles

Clydesdale Housing Association requires good attendance from all employees to meet its objectives.

- If your level of attendance is unsatisfactory you will be informed what improvement is required and possible consequences of failure to do so (which may include disciplinary action, up to and including dismissal).
- The attendance management process is not concerned with reasons for absence but with number of periods of absence/ days absent (excluding underlying health conditions protected under the Equality Act 2010).
- If you have an underlying health condition causing absence(s), then we will consider reasonable adjustments.
- Managers will conduct "return to work" interviews for every period of sickness absence within the spirit of this policy.
- You need to adhere strictly to our absence reporting procedures. Failure to do so may result in disciplinary action and organisational sick pay being withheld.
- Managers will maintain accurate, up-to-date attendance records for all staff to manage absence effectively.

General Data Protection Regulations

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing
- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.

Further information is available by viewing the Association's Privacy Policy.

Equal Opportunities

As an employer, Clydesdale Housing Association encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Equality Act 2010.

We do not discriminate against any member of staff in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Absence Monitoring

A fundamental feature of good attendance management is the accurate and timely recording of all absences. This is essential for processing the requirements of statutory and occupational sick pay arrangements and the process of managing attendance and absence. Good information allows patterns to be identified and can be an early indication of underlying health conditions. The sooner these issues are identified and acted upon – the more likely a successful conclusion for both you and the organisation can be achieved.

Accurate recording is also an essential element in satisfying potential concerns over the fairness of any actions taken by line managers.

Sickness records are kept by the Corporate Services Manager who is responsible for circulating this information to the Management Team monthly..

Managers will be expected to provide and discuss monthly aggregated statistics at management team meetings and at departmental meetings with staff. Your individual case will not be discussed as it forms part of your confidential record.

Sickness statistics are worked out based on the Technical Guidance produced by the Scottish Housing Regulator as follows:

“C(iii) The percentage of working days lost through absences because of staff sickness is:

a) sickness absence (in working days). Divided by:

b) the number of working days available per year. Multiplied by 100. Equals:

c) the percentage of working days lost through sickness absence.”

Source: Scottish Social Housing Charter Technical Guidance for Landlords
February 2022

Absence Reporting Procedures

Reporting

If you cannot come to work, either due to illness or for any other reason, not already authorised, you must phone and speak to your line manager (or, if not available, another manager) as soon as is reasonably possible. It is expected that you phone as soon as possible before your usual start time, if not possible, within one hour of your starting time. You must fill in a self-certification form, whether or not you are entitled to any sickness allowance and whatever the length or reason for absence.

Fit Notes

If you continue to be absent due to illness or injury for more than seven consecutive calendar days, you must provide a fit note (which can be obtained from your GP) as soon as possible to your line manager.

If the fit note indicates ‘may be fit for work’ box your line manager will contact you and arrange a meeting with you to discuss any adjustments suggested. Although we are not obliged to follow the doctor’s advice, we will do our best to help you return to work and maintain a good attendance record. However, if we cannot agree reasonable adjustments you will remain off sick.

If we agree a phased return to work, the days you are still off sick within the agreed period will count as one period of absence.

You are permitted to return to work before the expiry of your fit (as long as your GP does not state they wish to see you again before returning to work), even if this is before their fit note expires. You do not need to go back to their doctor first to be signed fit for work. If you come back to work before the expiry of your fit note, we may seek professional advice.

Keeping in Touch

You are responsible for phoning your line manager to let them know the reason for your absence. If, in the event of an emergency you cannot get to a phone on day one of your absence, you should make sure that someone else calls on your behalf. After this, you should contact your line manager as agreed between you and your line manager

While keeping in touch we would expect you to let us know: the reason for your absence, the predicted recovery and/or treatment, when you expect to return to work and, contact the best contact details which can be used during your absence.

If you fail to keep in contact as detailed above, we will contact you.

Failure to Comply

Where you do not follow reporting, certification, or keeping-in-touch arrangements we may withhold company sick pay. Failure to comply with these requirements may also lead to disciplinary action against you in accordance with our disciplinary procedure. Similarly, if we suspect that you have falsified your absence or have deliberately misled us, we will investigate this, and it may result in disciplinary action being taken against you. In serious and/or repeated cases, it may lead to a dismissal.

Return to Work

A thorough return to work meeting will be carried out after every period of unplanned sickness absence. The purpose of a return to work interview is to establish if you are fit to return to work. This will be done by your line manager (or another manager if he/she is not available) on the first day of your return to work at the start of your working day or shift. Completed forms will be kept with your absence information. Return to work interview forms contain confidential information and will only be viewed by those authorised to access it, normally your line manager or any other manager who deals with the case.

Statutory Sick Pay (SSP)

If eligible to SSP this is irrespective to your entitlement to company sick pay. The scale of entitlement to SSP is reviewed by the government, normally at the beginning of each tax year. It is not paid for the first three days of absence and runs for 28 weeks after that.

If you are no longer entitled to SSP, you may be entitled to an incapacity benefit. You can enquire about this at your local Department for Work and Pensions (DWP). We will tell you if you are not entitled to SSP and send you the appropriate government form, it is however your responsibility to claim any other Government benefit/s that you may be entitled to.

Company Sick Pay

1. Scale of allowances

In any one period of 52 weeks, we will pay a sickness allowance in line with the following scale.

Continuous service at the date sickness starts	Full allowance paid for:	Half allowance paid for:
Up to 1 year	5 weeks	5 weeks
Over 1 and under 2 years	9 weeks	9 weeks
Over 2 and under 3 years	18 weeks	18 weeks
Over 3 and under 5 years	22 weeks	22 weeks
Over 5 years	26 weeks	26 weeks

Attendance Management

This refers to dealing with unacceptable levels of attendance, with no reference to reasons for absence or medical condition.

We will aim to assist you in maintaining a good attendance record. This will involve maintaining good records, ensuring return to work meetings are completed and, helping investigate and address any identified underlying causes of absence.

Where this fails to secure a required improvement, we will invoke the terms of the disciplinary procedure. Unsatisfactory attendance reviews can result in disciplinary action, up to and including dismissal.

If at any stage during this process it becomes apparent that an underlying health condition is involved, medical information will be sought, and further discussion will take place prior to deciding on any appropriate action, if any.

Absence periods related to pregnancy or underlying health conditions classed as a disability under the Equality Act 2010 will not be considered for the purpose of attendance management process.

Absence Management

Clydesdale Housing Association will adopt a sympathetic approach to employees with a long-term and/or underlying health condition. If you find yourself in such a position you should be confident that your manager will support you.

The following points will always be considered in relation to long-term absence:

- The nature of the illness and any contributing factors
- The likely duration and/or frequency of your absence(s)
- Any actions that can be taken by you
- Any reasonable adjustments that we could make
- Any possible redeployment opportunities
- The nature of the duties in relation to your health conditions
- Our business needs and the impact that your absence may have upon these
- Your entitlement to statutory and company sick pay

If a medical professional makes suggestions for any reasonable adjustments, these will be discussed prior to your return to work to determine if these can be accommodated, along with any suggestions you or we may also have made. Although we are not bound by the doctor's suggestions, we will make all possible efforts to accommodate your prompt return and good attendance. If we agree, any reasonable adjustments, we will also set time scales and reviews to assess if they are still required and suitable.

When managing a long-term absence, it is possible that termination of employment for the reason of ill health capability may be considered where all other options have been exhausted, and the organisation can no longer sustain the absence.

We will ensure that we seek the appropriate advice if and when necessary.

Obtaining Medical Information

Getting adequate information about a workers health is a key part of the capability procedure. Such information can be obtained from the employee through consultation, from any sick notes submitted by the employee, from the employee's own doctor or from an occupational health practitioner (perhaps following a medical examination).

EVH conditions of service stipulates that after 4 weeks of continuous absence the employee may be contacted to gain permission to contact their own Doctor for a medical report. However there may be circumstance where 4 weeks is inappropriate, for example, a report may be required before 4 weeks, to assess the health of an employee who has been taking a large number of short frequent absences. Permission is sought as it is subject to the Access to Medical Reports Act. This Act requires the employee to be provided with certain information regarding their rights under the Act and requires the employer to obtain the employee's specific consent to the making of the particular application for information. The employee has a right to first sight of the report and may ultimately refuse to allow it to be released to the employer. The Act takes precedence over any contractual provisions.

A further medical report may be appropriate by obtaining one from an independent medical practitioner. If this is the case, then different considerations will apply, for example, the employer is not required to gain consent from the employee in order to have them attend an

Occupational Health Specialist (OHS)

The OHS will be responsible for managing consent details from the employee when they attend their appointment. It should be noted that the employer has the right to refer employees to an Occupational Health Specialist at any time depending on the circumstances but will routinely refer a member of staff who has been absent for four weeks or more. Information about a workers health or sickness record is sensitive personal data. The Data Protection Act limits the circumstances in which such information may be processed ('processed' includes the initial obtaining of

information) and regard should be had to the Information Commissioner's Data Protection Code, Part 4.

Dishonest Absence

If you are found to falsify or exaggerate your absence, this will be treated as gross misconduct. An investigation will be carried out in accordance with our disciplinary procedure and disciplinary action may be instigated, including dismissal or future withdrawal of the company sick pay benefit.

Other Provisions

Absence and holidays

If during an authorised period of annual leave you fall ill, and you produce a self-certificate or fit note we may count the period as sick leave and not as annual leave. You must speak to your manager on the first day of your return to work or earlier if possible and provide them with the necessary certification.

If there is a public or general holiday during your period of sickness, and you provide a self-certificate or fit note this will be counted as sick leave and you will receive the holiday at another time.

If your illness prevents you from taking your holiday entitlement, we will carry over the remainder to the next holiday year.

If you are on sick leave and go on holiday you should contact your line manager to seek authorisation and to let them know how long you will be away for and to ensure communication resumes upon your return.

Doctor/hospital/dental appointments

Doctor, hospital, dental appointments and eye tests should be arranged out with working hours if at all possible. If it is not possible, you should try to arrange the appointment first thing in the morning or last thing at night.

Conduct whilst off sick

When on sick leave, you are still bound by your contract of employment with us and all our policies including Code of Conduct and your duty of fidelity. We also expect that you do not participate in activities that would be at odds with the reason for your absence. Any breach in respect of this will be dealt with under the disciplinary procedure. This includes conduct on social networking sites and any other publicly made remarks regarding our customers, work colleagues, partners and anyone else who is connected with us.

Cosmetic procedures

Absence due to cosmetic procedures (whether carried out in the UK or abroad) will not fall under the sick leave or pay unless it is recommended by health professionals. Employees should therefore request time off and agree with their line manager how the absence will be processed, e.g. annual leave or unpaid leave.

IVF treatment

Absences relating to IVF treatment will not be processed as sick leave or pay. The same applies to a partner of a person that is undergoing such treatment. Instead, you should discuss with your line manager how time off for the treatment could be accommodated, e.g.

annual leave, TOIL or unpaid leave. Absences relating to IVF treatment will also not be treated as relating to pregnancy unless the employee actually falls pregnant.

Stress management

Stress is not an illness. It can result from an illness or lead to one but it is not an illness itself. The same relates to "nervous debility" or any other diagnosis of that type. If you go off sick with stress, your manager will endeavour to find out the underlying cause so that an appropriate action can be taken (if any) and in particular to determine whether conditions at work cause or contribute to stress and whether something could be done to help the situation. We will follow procedures as outlined in the stress management policy. If your absence is certified by a doctor, your manager may ask your doctor to clarify the underlying cause for stress.

Good Attendance Rewards

Where an employee has had 100% attendance since their last period of absence, they will be entitled to an additional days leave.

The scheme is a subject of review after a trial and it is not a contractual benefit and can be withdrawn at any time by the organisation.

Approved by the Committee of Management on: 7 December 2022	
Signed: Secretary/Chairperson	Signed: Chief Executive/Senior Staff Member