

ARK HOUSING ASSOCIATION LIMITED (ARK)

POLICY REF: HR 17

Version 1.0 – February 2017

SICKNESS ABSENCE MANAGEMENT POLICY

1.0 ARK'S VALUES

1.1 Our organisational values are the basis for everything that we do from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance and conduct set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

1.2 All ARK policies and procedures are underpinned by our values and we will ensure that our employees are treated fairly, consistently and in line with our values.

2.0 PURPOSE

2.1 Good attendance is an implied term of every contract of employment and should, therefore, be required from every employee. It is, however, recognised that on occasions it may be necessary for people to be absent from work.

2.2 The policy aims:

- To manage attendance and absence in a way that reflects genuine concern for staff
- To develop a positive attitude towards attendance
- To set clear expectations for standards of attendance required by ARK and set out the importance of attendance
- To enable ARK to identify the causes of absence and, wherever possible, develop a programme of preventative measures / introduce any reasonable adjustments
- To set out clearly absence reporting procedures so that employees and managers know what is expected of them and the possible consequences of not following the procedure
- To ensure training and support is available to those involved in the process

3.0 ABSENCE MONITORING

3.1 ARK recognises that a fundamental feature of good attendance management is the accurate and timely recording of all absences. This is essential in terms of ensuring the correct payment of statutory and organisational sick pay entitlements. Accurate information also allows absence patterns to be identified and can be an early indication of underlying problems.

- 3.2 A thorough return to work interview should be carried out after every period of unplanned absence. The return to work interview forms contain confidential information and may only be viewed by authorised personnel, normally the staff member's line manager (or any other manager who deals with the case) and the Human Resources (HR) Department.
- 3.3 ARK also records all absence on a computerised database. This information is covered by the Data Protection Act 1998 and is referred to within ARK's Openness and Confidentiality Policy and Data Protection Procedure. Managers and the HR Department will maintain accurate, up to date absence records for all staff.

4.0 ABSENCE REPORTING PROCEDURES

Reporting

- 4.1 An employee is personally responsible for notifying their absence and must contact their line manager or designated person to report their sickness on their first day of absence or as soon as they become aware that they may not be able to attend work, whichever is earlier. This must be done by the employee **verbally** unless this is not possible e.g. the individual has been hospitalised. Employees should make every effort to speak with a member of the management team and where this has not been possible they should leave a message and arrange to call back.
- 4.2 For operational employees, this should be as soon as reasonably practical, but at least 2 hours prior to the commencement of their shift, to enable appropriate cover to be put in place. For all other employees, this should be done as soon as reasonably practical at the time they are due to commence work.
- 4.3 Information should be recorded, by the line manager, in the appropriate file for the employee in accordance with data protection principles. The line manager is responsible for taking details regarding the employee's absence and should record the following information:
- The reason for the employee's absence
 - When the employee hopes to return
 - Whether the employee has or will be visiting their GP
 - The agreement made to maintain regular contact
- 4.4 Regular contact is a way of ARK being able to plan temporary cover and the employee's return to work and it can help the employee still feel part of the organisation.

Keeping in Touch

- 4.5 The onus lies with the employee to keep their manager informed of the reasons and progress of their absence. Employees should call their manager every day if the absence is shorter than one week and thereafter once a week (unless otherwise agreed with their line manager). This includes periods of absence that have been certified by a GP. Employees should ensure that they call their manager in person.
- 4.6 Where employees fail to keep in touch as outlined here, ARK will attempt to initiate and maintain contact with the employee. If contact cannot be established this may result in further action being taken.

Certification

- 4.7 For an absence of 7 consecutive days or less, a self-certificate form should be completed by the employee on their return to work or as part of their return to work interview.
- 4.8 For an absence which is 8 consecutive days or more, a GP 'Fit Note' should be submitted. The fit note places a positive focus on the employee being fit for work, or being able to fulfil part of their role for a period of time.
- 4.9 Where the GP believes the employee may be fit to return they may suggest one of the following:
- A phased return to work
 - Temporary amended duties
 - Temporary altered hours, or
 - Temporary workplace adaptations
- 4.10 Where an employee is unfit for work they should refrain from carrying out any form of work either in their place of work or from home unless this has been agreed as part of a phased return.

Temporary Amendments

- 4.11 Where a GP indicates that the employee may be fit to return to work with one of the above temporary adjustments ARK is under no obligation to follow the recommendations. Requests for temporary adjustments to the employees work conditions will be considered by ARK and will be accommodated where possible if organisational circumstances permit. It is recognised that ARK, in conjunction with the employee, are best placed to decide whether adjustments can be made to facilitate a return to work, taking into account both the needs of the business and the needs of the employee.
- 4.12 Where adjustments have been suggested the employee and their manager will meet to discuss this further with the aim of facilitating the employee's return to work. If the suggested amendments are not possible the employee will remain on sick leave. If the suggested amendments are possible the employee will return to work and regular reviews will be carried out to ensure that the amendments are adequate.
- 4.13 It should be noted that any amendments are not viewed as a permanent change to the contract of employment unless explicitly stated. If amendments are agreed for a certain period of time a review date will be set. If the employee remains unfit to carry out the full role and still requires the adjustments to be kept in place an assessment will be made as to whether this remains possible. If it is no longer possible to keep the adjustments in place the employee will be deemed unfit to be in the workplace and will revert back to sick leave until they are fit to return to their role. Where this is the case adequate fit notes must be produced and regular contact maintained as outlined in this policy.

Phased Return to Work

- 4.14 ARK recognise that it may be difficult for employees who were absent for a long time, to return straight to their full contractual hours, particularly if it is full time. It may, therefore, be agreed that the employee phases their return to work over a suggested 4 week period. Clear targets will be put in place, specifying how long the phase(s) will

last for and when a review(s) will take place. Pay arrangements will also be agreed in detail. Line managers may also allow the employee to use their annual leave/TOIL to support the phased return to work.

Failure to Comply

- 4.15 Where the employee does not follow reporting, certification or agreed keeping-in-touch arrangements, ARK may withhold sickness benefits payments. Refusal to comply with these requirements may also lead to disciplinary action. Similarly, any falsification or attempt to mislead on the employee's part will lead to disciplinary action. In serious and/or repeated cases, dismissal may result.
- 4.16 During any absence it is important that the employee keeps in touch so that their manager is kept informed of the employee's health and likely return to work date. The employee will therefore be periodically asked to attend meetings with their manager on work premises, for the purpose of providing information and facilitating an effective return to work. If the employee is too unwell or physically unable to attend the office or other venue ARK reserves the right to visit the employee at their home.

5.0 DISHONEST ABSENCE

- 5.1 If an employee is found to falsify or exaggerate their absence, this could be classed as gross misconduct and therefore may lead to dismissal. An investigation will be carried out in accordance with ARK's disciplinary policy and disciplinary action may be imposed, including dismissal or eligibility to ARK's Organisational Sick Pay (OSP). Any sanction would be dependant on the severity of the case.

6.0 CONDUCT WHILST ABSENT

- 6.1 When on sick leave, employees are still expected to fulfil the obligations of their contract of employment and the code of conduct. They are still bound by the duties of their employment and it is expected that the employee will not participate in activities that would be at odds with their medical condition, whilst off sick. Any breach in respect of this will be dealt with under the disciplinary policy.

7.0 SICK PAY

Statutory Sick Pay (SSP)

- 7.1 Employees are entitled to SSP irrespective of their entitlement to organisational sick pay (OSP). SSP is reviewed by the Government annually and is currently £89.58 per week. It is not paid for the first 3 days of absence and runs for 28 weeks after that. An employee who is no longer entitled to SSP may be entitled to other benefit(s) and they would need to speak with their local Department of Work & Pensions to find out their rights.

Organisation sick Pay (OSP)

- 7.2 ARK operates an OSP scheme which makes up the difference between SSP and an employee's normal basic salary. Conditions of service determine the following entitlement:

Completed Service	OSP entitlement in any 12 month rolling period
Up to 1 year	Nil Pay.
1 year +	56 days full and 56 days half pay.

- 7.3 OSP entitlement is off set against the total amount of sick leave used during the 12 month rolling period preceding their current sickness absence.
- 7.4 When a member of staff is on long term sick leave and receiving nil OSP they will also cease to accrue contractual annual leave over and above statutory entitlement.
- 7.5 OSP is a benefit that is offered at the absolute discretion of ARK. As such ARK reserves the right to withhold or withdraw OSP in certain circumstances e.g. dishonest absence or failure to follow procedure.

Pension Payments

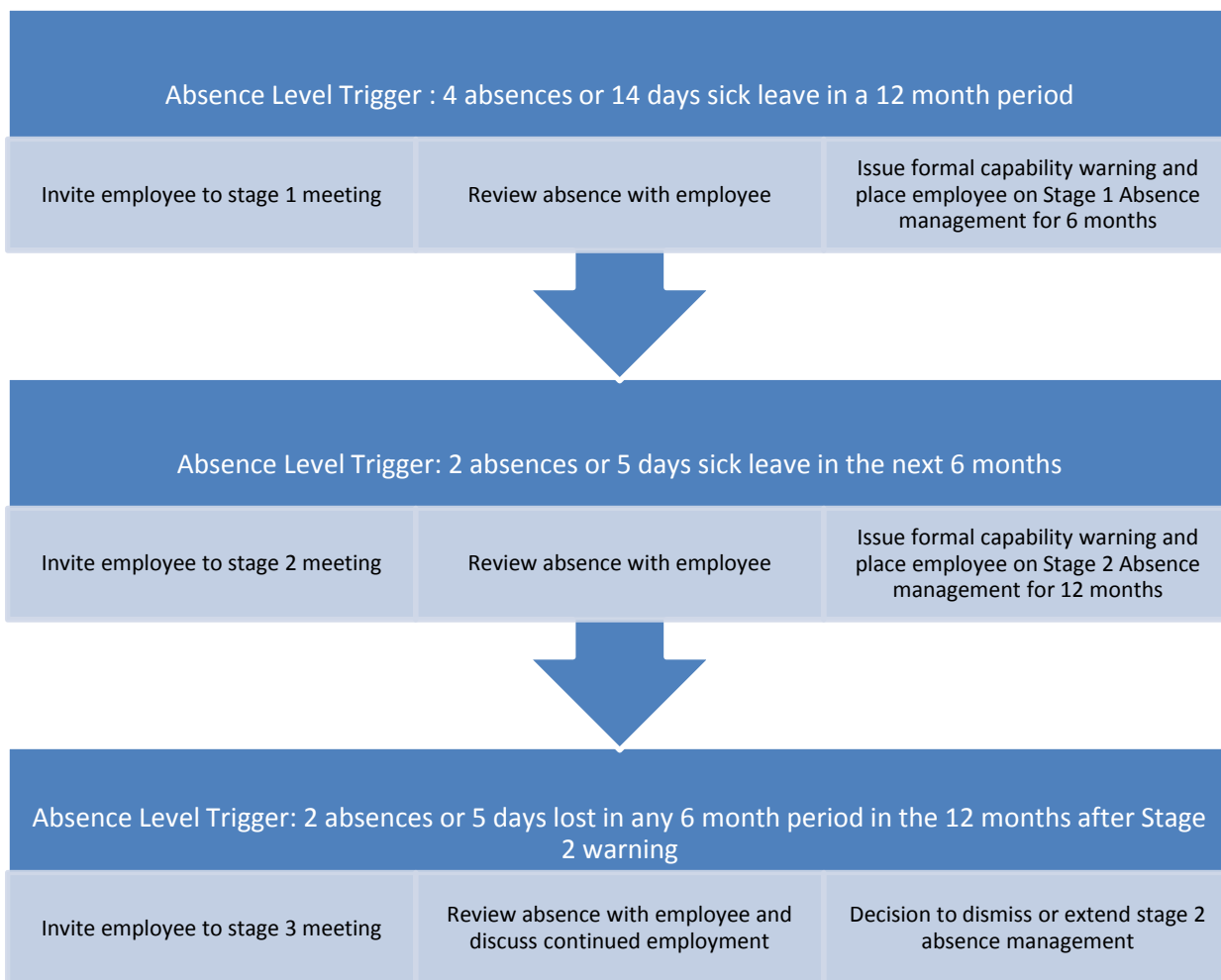
- 7.6 Pension contributions are payable on 'basic pay' only. When an employee is absent due to sickness, 'basic pay' is suspended and 'occupational sick pay' or 'statutory sick pay' is paid in place of this. This means that as pension is payable on 'basic pay' only, your pension contributions cease to be paid automatically.
- 7.7 You may continue to make your pensions payment throughout your sickness absence or on your return to work. If you wish to do so please contact the payroll department. If you elect to pay for missed contributions, ARK will also make good the employer contributions for that period.
- 7.8 In any case ARK will continue to make a 'death in service' payment to The Pensions Trust on your behalf regardless of whether you choose to continue or make up the pension payments during your absence.

8.0 PROCESS FOR ABSENCE MANAGEMENT

- 8.1 ARK will aim to secure attendance at work by way of support and encouragement to the employee concerned. This will involve maintaining good records, ensuring return to work interviews are completed and investigating and addressing any identified underlying causes of absence or non-attendance at work.

Absence Triggers

- 8.2 ARK has laid down review triggers to assist managers to deal with absence issues in a fair and equal way. Should you hit an absence trigger, you will be invited to a meeting with your line manager where your absence(s) from work will be discussed. The potential outcome for each stage is detailed below with ARK's absence triggers and process that will be followed.



8.3 ARK will adopt a sympathetic and understanding approach to any staff member dealing with a long term and/or chronic health problem. If, during this process, it becomes apparent that an underlying health issue is involved, then possible reasonable adjustments will be considered in order to support the employee to maintain a satisfactory attendance at work (see Section 8).

8.4 If the level of attendance is unsatisfactory, then employees will be informed of what improvement is required. Where the employee's attendance remains unsatisfactory, ARK will inform the employee of the possible consequences as per this policy.

Patterns of Absence

8.5 Patterns of absence may include, for example, the employee being routinely absent on a particular day of the week, following a period of annual leave or a day or weekend off.

8.6 Where there appears to be a pattern of absence a discussion will be had with the employee regarding this and, in particular, discussing the employee's on-going health and ability to sustain an attendance at work going forward. Where there is no improvement absence management stages will be invoked and disciplinary action may result.

8.7 Patterns of absence will also include employees whose absence has been monitored (as per the above triggers and stages) and who maintain the required attendance

during the review period, but are then absent immediately after the successful completion of the stage. In these cases the employee may automatically be progressed to the next stage of absence management, depending on the circumstances.

- 8.8 Patterns of absence will also cover employees who are repeatedly placed on a stage to monitor their absence. As above, in these cases the employee may automatically be progressed to the next stage of absence management, depending on the circumstances.

9.0 MEDICAL INPUT/ADVICE

- 9.1 As part of ARK's absence management process we may require an employee to attend an independent medical practitioner of its choice in order to seek a medical opinion and advice. Where an employee refuses this request a decision will be made in good faith as to how to proceed on the basis of the information available. This means a decision could be reached without the benefit of a medical opinion and may result in disciplinary action being taken.

- 9.2 In order to gain as much information about the employee's medical condition as possible, ARK may also request the employee's permission to contact their GP and ask for a medical report on the employee's condition.

- 9.3 Employees may request a copy of the medical report as per The Access to Medical Records Act 1988.

10.0 LONG TERM ABSENCE

- 10.1 ARK recognises the importance of maintaining regular contact with employees who are absent long term (four consecutive weeks or more) and the benefits of establishing and maintaining contact early into the absence. Early contact enables open conversation to be had with the employee regarding their fitness for work, their likely fitness going forward and how their return to work can be supported.

- 10.2 ARK will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- Full consultation with the employee
- Consideration of any reasonable adjustments
- Consideration of medical advice
- Consideration of alternative employment

- 10.3 Where a return to work does prove possible, ARK may require that the employee's fitness to return is confirmed by a medical practitioner.

11.0 MEDICAL CONDITIONS COVERED BY THE EQUALITY ACT

- 11.1 If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act, ARK will attempt to make reasonable adjustments to accommodate the employee's requirements in order to support them to maintain an attendance in the workplace. The employee will be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

12.0 OTHER PROVISIONS

Absence and holidays:

- 12.1 If an employee is on annual leave and falls sick, it is possible to override the annual leave and process sick leave and pay instead. The employee must comply with the reporting procedure and timescales outlined in section 3 of this policy and a GP Fit Note must be submitted.
- 12.2 Whilst an employee is on sick leave and wishes to utilise annual leave, they should contact their line manager to discuss and agree the arrangements. This will be paid at the normal rate and will preserve any entitlement to sick pay (see Annual Leave Policy HR36)

Doctor/hospital/dental appointments:

- 12.3 Where possible, these appointments should be arranged outwith working hours. However, if this is not possible, then employees should request time off from their line manager. Arrangements could include using annual leave, TOIL/Flexi Time or unpaid time off. In some circumstances managers may use discretion and consider giving paid time off.
- 12.4 For employees who require time to attend medical appointments in connection with their pregnancy, please see ARK's Maternity Policy and Procedure (HR11) for guidance.

Cosmetic procedures:

- 12.5 Absence due to cosmetic procedures (whether carried out in the UK or abroad) will not generally be treated as sick leave. The employee should request time off and agree with their line manager how the absence will be processed e.g. annual leave or unpaid leave.
- 12.6 In exceptional circumstances where, for example, reconstructive cosmetic surgery is required, this may be treated as sick leave and attract organisational sick pay in line with employee entitlement.

IVF treatment:

- 12.7 ARK and its managers will adopt a sympathetic and understanding approach to any staff member undergoing IVF treatment. ARK is committed to ensuring that we adhere to legislation in this area and where treatment may impact on the employee's ability to attend work. Guidance should be sought from the HR Department.

Stress Management

- 12.8 ARK is committed to providing a supportive working environment that maintains and promotes the health and well-being of all our employees. Where work related stress has been identified as the cause of absence ARK will ensure effective and sensitive management of the situation, working with the individual in a supportive manner to enable them to cope successfully with the demands and pressures of work. In order to deal effectively with the situation any underlying causes should be addressed with the employee and a referral to Occupational Health may be made. Further information can be found in the Health & Safety policy - HS20 Stress at Work.

Suspension and Sick Pay

- 12.9 In line with the Disciplinary policy HR 18, where an employee is suspended this will be on full pay. However, should an employee submit a medical certificate during a period of suspension they will be treated as absent due to sickness and receive the applicable sick pay.

13.0 ADDITIONAL DISCIPLINARY WARNINGS

- 13.1 Where an employee is placed on absence management with a formal capability warning then further issues arise with conduct, capability or performance resulting in disciplinary action, a decision will be made as to the sanction given to that employee taking in to consideration the circumstances and any other live formal warnings. This could result in a higher sanction being placed on the employee record or an extended period of time for a live warning. Warnings for misconduct, performance or absence are **all disciplinary warnings** and any live warnings may be aggregated or taken into account when considering the level of sanction under this policy.

14.0 MONITORING AND REVIEW OF POLICY

Responsibility for monitoring the application of this policy will rest with the Head of People and Organisational Development.

This policy will be reviewed every 3 years with the amendments being made as appropriate.

Agreed:	Approved by Senior Management Team	February 2017
	Approved by Board of Management in:	February 2017
	Approved by the Union	August 2017
	Next Review	April 2020