

## STAFF ATTENDANCE POLICY

### Policy Statement

The EKC Group has a duty of care to all its staff, and provides a range of support services through line managers, HR and Occupational Health referrals to help those in need of advice, assistance or support in a wide range of circumstances. Individuals have a duty to the organisation to attend for work on a regular basis. This policy, which will be operated across the College, is designed to inform all staff of the attendance required of them, and to indicate the action that may be taken where their absence level becomes excessive.

This policy is intended to help provide appropriate support for Managers and employees to manage and monitor sickness. Absence has a direct and negative impact upon service quality, levels of morale, turnover and costs, therefore, it is everyone's responsibility to minimise sickness absence wherever possible.

The Attendance Policy is about absence from work attributed to sickness. It does not seek to differentiate between absences which are self-certificated and those supported by a doctor's certificate; the assumption is that where an individual says they are unable to come to work their illness is genuine. If illness is not genuine then the person absent may be committing a disciplinary offence.

In order to provide support to staff who are unwell and unable to attend work, the policy outlines the Statutory and Company sick pay allowance and conditions for absence and reporting as well as the process for monitoring and managing absence on an on-going basis.

Managers must adopt a consistent approach to managing sickness absence, providing support to staff, recognising individual circumstances whilst ultimately working to secure their return to work.

Reference should also be made to the Bradford Factor\*, Payment of Statutory Sick Pay During Probation process and Phased Return process. There may also be relevant information within the Staff Support and Wellness policy.

*\*A calculation to support the monitoring of absence levels and provide consistent and transparent trigger points to manage absence appropriately.*

## PROCEDURES:

### 1. Procedure for notification of Absence

1.1 The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Harassment is subject to a legal test in terms of whether it falls into the definition specified in the Equality Act 2010.

Harassment and/or bullying can be persistent or an isolated incident and may be intentional or unintentional and is unlawful when it is on the grounds of sex, gender reassignment, race, ethnic or national origin, sexual orientation, age, religion/belief or for a reason relating to a person's disability.

It is also unlawful to subject someone to sexual harassment, or to harassment on the grounds of that individual's membership or non-membership of a trade union.

The College will not tolerate harassment or bullying in any form.

**1.1** Members of staff are expected to report sick personally and by telephone, however there may be exceptional circumstances where this is not possible and another person may make the call i.e. when a member of staff is in hospital. Emails and texts are not acceptable. Staff will be required to provide the following information when reporting their absence:

- Name
- Manager
- Faculty/Department
- Reason for absence
- Likely length of absence
- Contact number

Staff should also refer to the cover policy for information regarding further actions required when they are unable to attend work. The manager will log this absence on the Portal on the first day of the employee's absence.

**1.2** The employee must contact their line manager as early as possible, or by 08.30 at the latest on their first day of absence. If they are unable to contact their line manager, they may report their absence to HR who will pass on the details to their line manager immediately. The manager will then phone the employee back to offer appropriate support and discuss the details and likely duration of the absence. This also enable an opportunity to discuss any work which needs covering.

**1.3** Where an employee is absent for longer than 2 days, the Manager will contact him or her by telephone to provide continued support and establish whether there has been any change to the

likely return to work date and whether there is any assistance the College can offer to help expedite the return to work. The employee will be reminded that a medical certificate is required for any absence extending beyond seven calendar days.

**1.4** Nothing in this procedure should stop an employee from consulting their doctor whenever they believe they are in need of medical attention. If, however, the sickness lasts or is expected to last for eight consecutive days or more including weekends and rest days they must get their doctor to certify that they are unfit for work and send the Fit Note to their HR. In some circumstances a Fit note will be required for shorter periods of absence. HR will contact the employee if no Fit Note is received and remind the employee if this is required.

**1.5** When employees know the date when they will be returning to work they should notify their line manager of that date if it has not been clear from previous contacts. If the absence continues, it is important for Managers to keep in touch to ask employees how they are getting on and whether they need any support either at home or on their return. When illness lasts a long time, staff may feel isolated and/or apprehensive about returning to work therefore it is important to ensure appropriate support is provided.

**1.6** All Fit Notes will be available on request. Should the member of staff require their Fit Note for other purposes a certified copy can be accepted, however, this should be signed by either a member of the HR team or the Manager who has seen the original. The copy must be signed and dated with the words 'original seen'.

## **2. Long Term Sickness Cases**

**2.1** If the employee is not fit to return to work after two weeks HR will discuss with the line manager how best to proceed in terms of continued support for the employee. This will include a periodic review and consideration whether it is appropriate to send employees to Occupational Health. Discussions regarding Flexible Working, working from home and phased returns to work may also be appropriate and can be considered on an individual basis in order to support an employee's return to work.

**2.2** Once the Occupational Health report is received an HR Officer will arrange a meeting to discuss the absence with the employee and their line manager. The purpose of the meeting is to discuss how best to support the employee and expedite their return to work.

**2.3** As soon as there is doubt or concern about whether an employee will make a sufficient recovery to perform their full contractual duties steps should be taken via HR to obtain a permanent ill-health certificate from the Medical Occupational Health Advisor regarding capability, so that the appropriate period of notice may then be given.

### **3. Managing Long Term Absence**

#### **After 2 weeks absence**

**3.1** HR will write a letter of support to the individual and will accompany this with a copy of the College's sickness policy.

#### **After 4 weeks absence**

**3.2** The HR Officer will set up a meeting or home visit to discuss the absence, nature of the illness and to ascertain how the College can provide support. The HR Officer will set up a referral to the Occupational Health Doctor and explain what this entails, how the College will use the report and the individual's right to a copy of that report. Employees are required to attend Occupational Health reviews as part of the Colleges standard absence management policy. Occupational Health appointments are made between the Occupational Health provider and the member of staff. A lack of cooperation to arrange and attend the review may be considered a breach of this policy and will be managed in line with the College's Disciplinary Procedure.

**3.3** The individual should be offered a temporary re-deployment if appropriate.

#### **After 6 weeks absence**

**3.4** Any return to work should be organised by the HR department in accordance with any advice received by the Occupational Health Doctor. The individual should be offered a phased return to work for up to four weeks at the discretion of the HR Officer and where appropriate, the individual will be asked to complete a consent form for Occupational Health to contact their GP.

#### **After 12 weeks absence**

**3.5** A home visit should be arranged by the HR Officer, and where appropriate, the individual will be asked to complete a consent form for Occupational Health to contact their GP.

**3.6** Permanent re-deployment may be offered to the individual.

#### **After 18 weeks absence**

**3.7** The individual will have a second referral to the Occupational Health Doctor.

**3.8** At this stage it may appropriate to hold a case conference involving the individual, HR Officer and Occupational Health Doctor. Where appropriate the College will consider employing the services of an Occupational Therapist to plan and implement the rehabilitation and return to work of the individual.

**3.9** If no return to work plan is actively being pursued then a capability review should take place.

If at any point during this process, the individual fails to respond to the HR Officer within a reasonable timescale, (despite appropriate reminders), the HR Officer shall write to them to enquire whether he or she still wishes to be employed by the College.

#### **4. Contact with Absent Staff**

**4.1** In addition to HR Officer visits, line managers should ensure that regular contact is maintained under the advice of the HR Officer. This may include updates about work and social visits.

**4.2** Employees are required to keep in regular contact with the College, in all cases this will involve contact with HR and where appropriate the line manager. It is essential that contact is made through telephone calls throughout the period of absence.

**4.3** The HR Officer should ascertain whether social visits would be welcomed.

#### **5. Mental Ill Health Absence**

**5.1** The College adheres to the Mindful Employer pledge to provide non-judgemental and proactive support to staff who suffer from mental ill health during their absence and return to work. All staff who are absent through mental ill health will be offered the support of the Colleges Occupational Health and Counselling services to improve their wellbeing. Although a sensitive approach is required, the College will also ensure that contact is maintained and that active support is given. More information is available on the Mindful Employer website <http://www.mindfulemployer.net>

**5.2** HR should set up, at the earliest opportunity, a home visit or alternatively one at another location away from the College. At this meeting, the Human Resources Officer should set out the range of services available. If the ill health is home or financially related the individual should be directed to appropriate counselling and advice centres.

**5.3** If the ill health is work related, consideration must be given to ways in which this can be reduced. This might include a temporary reduction in workload as part of a supportive phased return to work.

**5.4** Temporary re-deployment of up to six months (on existing full pay and conditions) should be offered, and permanent redeployment should also be offered and discussed.

**5.5** The Principal may grant a period of up to nine months unpaid leave or on half-pay at their discretion on the advice of the Occupational Health Doctor or individual's GP.

#### **6. Returning to Work**

**6.1** A self-certification form must be completed by the employee via the Portal upon returning to work. This will in turn trigger the line manager to complete the return to work interview and the detail of this will also be logged onto the Portal. This will then ensure correct payment of sick pay and appropriate recording of absence.

**6.2** Employees who do not report their absence promptly or do not complete the sickness declaration form when appropriate or do not submit doctors certificates where necessary, may lose pay, SSP or sickness benefit.

**6.3** Employees who become sick whilst on annual leave, should inform their line manager on the first day of sickness and submit a doctor's certificate within 2 weeks of the commencement of the sickness. Annual leave lost to certified sickness will be reimbursed.

**6.4** Employees are eligible for a phased return of up to four weeks on full pay.

**6.5** The Canterbury sports centre is able to offer rehabilitation support for staff, provided their GP has agreed to this in advance.

## **7. Sickness Absence – Monitoring Procedures**

- (a) This procedure gives advice to Managers on the control of sickness absence.
- (b) Managers are responsible for ensuring standards are maintained on this matter and for taking action to reduce unduly frequent sickness absence at the appropriate time. Each case must be dealt with on its merits.
- (c) The College requires the completion of sickness declaration forms on the Portal where details of the return to work will be recorded by the manager for all periods of sickness absence up to seven days. It is intended that these should be self-certificated by the employee and a return to work interview carried out by the line manager. Details of the return to work interview will also be recorded on the Portal.
- (d) The line manager should talk to the individual about the reason for the absence so that the employee knows that it has not gone unnoticed. This in itself provides an initial check in the case where an employee may not have been genuinely ill. Guidance is provided on the Portal or can be obtained from HR.
- (e) It is equally important that the correct procedures are followed for the reporting of absences. There should be an initial notification from the employee on the first day with a follow-up after three days. A Fit Note should be presented after seven days absence and at regular intervals afterwards. Line managers have a responsibility to see that the correct reporting procedures are complied with and cases where they have not been – and there is no good reason - are reported promptly to HR.
- (f) Employees who do not report their absence promptly, or do not submit Fit Notes where necessary may lose pay, statutory sick pay or sickness benefit. HR need to ensure that such cases are dealt with sympathetically but effectively and this relies on prompt action by the line manager.
- (g) Staff who claim sickness absence pay who are not sick, will be subject to the disciplinary procedure.

- (h) It is important that repeated short term absences are identified and appropriate action is taken in line with the Bradford Factor Policy. If each absence has been discussed with the employee by the responsible line manager then the employee will quickly become aware of their line manager's interest in and concern about absences. The line manager should be able to identify the genuine absentee and those who might be less genuine. If in any doubt the employee should be advised of any concern by the line manager.
- (i) Line managers, together with support from the HR Officer should therefore review cases where the Bradford Factor scores deem this appropriate, to see if any action needs to be taken, by reference to the College's own medical advisor. Experience has shown that in many cases the fact that employees are aware that their employer is concerned about their level of sickness absence has been sufficient to reduce the absences significantly. An employee should never be allowed to drift into a situation where their level of absence becomes intolerable before anything is said to them. The role of the immediate line manager in dealing with these problems is therefore extremely significant.
- (j) It is also important that accidents at work or outside of work are properly reported and correct action is taken. It is first necessary for an accident report form to be completed and returned to HR. For Policy Owner: Head of HR Approving Body: Policy Committee Stage of approval: Approved Date of approval: January 2018 Page 6 of 9 the purposes of the payment of sick pay the HR Officer must also be told whether there is the possibility of a third party being to blame for the accident, whether the accident occurred whilst the employee was working for some other employer or was participating in a dangerous sport.
- (k) If events come to light which suggest possible misconduct on the part of the employee, e.g. failing to wear a seat belt or a conviction for dangerous driving these should immediately be reported to the relevant Director. They will ensure that the facts are reported to the HR Officer and Head of Finance in order that a report may be submitted to the Executive to consider whether sick pay should be recovered.

## 8. Sickness Payments

Please refer to 'Appendix – Sickness Payments' for calculations for staff on East Kent and Canterbury College contracts respectfully.

### 8.1 Calculation of Allowance

- (a) The rate of allowance and the period for which it shall be paid in respect of any absence due to illness shall be ascertained by deducting from the period of benefit appropriate to his/her source on the first day of his/her absence the aggregate of the periods of absence due to illness during the twelve months immediately preceding the first day of absence.
- (b) Under the Social Security & Housing Benefits Act 1982, the College is required to pay statutory sick pay to employees. State benefits will be payable from the DSS in accordance with the Social Security Acts and Regulations.

## 8.2 Grant of Sick Pay to Victims of Crimes of Violence

- (a) Where an employee is absent from work because of an injury in respect of which a claim will lie with the Criminal Injuries Compensation Board and the employee is otherwise qualified to receive sick pay in accordance with this paragraph, such sick pay shall be disbursed to them without their being required to refund any proportion of it from the sum which the Compensation Board may award, and
- (b) Where an award has been made by the Compensation Board, the College should be free to discount wholly or partly the period of sick leave occasioned by the injury in calculating the employee's future entitlement to sick pay, as seen fit on consideration of all the material circumstances.

## 8.3 Conditions

- (a) A doctor's Fit Note shall be submitted to the College not later than the eighth calendar day of absence. Subsequent doctor's Fit Notes shall be submitted to cover absence if it extends beyond the period covered by the initial statement, at the same intervals as required for national insurance purposes and at similar intervals in respect of the period for which SSP is payable. The College may, in a particular case, require Fit Notes to be submitted at more frequent intervals.

In cases where the first doctor's Fit Note covers a period exceeding fourteen days or where more than one Fit Note is necessary the employee must, before returning to work obtain a final Fit Note as to his/her fitness to resume duties.

- (b) An allowance shall not be paid in a case of accident due to active participation in sport as a profession, nor in a case in which the absence arises from or is attributable to an employee's own misconduct.
- (c) An employee entering a hospital or similar institution shall submit a doctor's Fit Note on entry or discharge in substitution for periodical statements.
- (d) We do not accept 'stress' as a reason on a Fit Note for any period of sickness absence. This is not a defined sickness event and in such cases that this is presented, the HR Officer must request an updated Fit Note is requested from the Doctor with a more specific definition for absence.
- (e) An employee who is absent as the result of an accident shall not be entitled to an allowance if damages may be receivable from a third party in respect of such accident. In this event, the College may, having regard to the circumstances of the case, advance to the employee a sum not exceeding the sickness allowance provided under this Policy, subject to the employee undertaking to refund to the College the total amount of such allowances or the proportion thereof represented in the amount of damages received. Any period of absence in such a case where a refund of the monies advanced is made in full, shall not be recorded for the purposes of this Scheme. Where, however, the refund is made in part only, the College may at its discretion decide to what extent, if any, the period of absence may be so recorded.

- (f) The College may at any time require an employee who is unable to perform their duties as a result of illness submit to an examination by a medical practitioner nominated by the College subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any expenses incurred in connection with such an examination shall be met by the College.
- (g) The provisions of the Policy shall cease to apply to an employee on the termination of their employment in pursuance of the provision of the Superannuation Act applicable to their case, whether by reasons of permanent ill-health, or infirmity of mind or body, but without prejudice to the right of an employee whose employment is terminated by reason of permanent ill-health or infirmity to receive the period of notice provided by their contract of service.
- (h) If it is reported to the College that an employee has failed to observe the conditions of his Policy or has been guilty of conduct prejudicial to their recovery and the College is satisfied that there is substance in the report, the payment of the allowance shall be suspended until the College has made a decision provided that before making the decision the College shall advise the employee of the terms of the report and shall afford them an opportunity of submitting their response to this decision. If the College decided that the employee has failed without reasonable excuse to observe the conditions of this Policy or has been guilty of conduct prejudicial to their recovery, then the employee shall forfeit their right to any further payment of allowance in respect of that period of absence.

## **9. Contact with Infectious Diseases, etc. – Persons Deemed to be Incapable of Work**

- (a) Any employee who in accordance with the National Insurance Act is prevented from attending their place of employment because of contact with infectious disease shall notify their line manager immediately and shall be entitled to receive full pay less any benefits payable under the Act. A period of absence on this account shall not be reckoned against the employee's entitlement to normal sick leave.
- (b) In the case of contact with other infections or contagious diseases, the employee should not stay away from duty if they feel well, but should report the fact of contact to their line manager, who may seek advice from HR.
- (c) A risk assessment may be necessary.

## **10. Statutory Sick Pay**

The College is responsible for paying Statutory Sick Pay (SSP) for up to 28 weeks of sickness absence in a tax year. SSP is subject to PAYE, income tax and National Insurance contributions.

Payments are made at fixed rate based on your average earnings during the eight weeks prior to the commencement of the sick leave.



SSP payments are not enhanced to take account of dependants. SSP does not affect your rights and responsibilities under the occupational sick pay allowance.

If you are or become exempt from the SSP scheme you will receive an appropriate certificate (SSP1) from the Payroll Clerk. This certificate together with your current medical certificate, (which will also be returned) must be completed and submitted to your local Social Security Office.

Any payment of sickness benefit received will be deducted from your earnings.

## APPENDIX – SICKNESS PAYMENTS

Subject to the provisions contained herein, an employee absent from duty owing to illness (which term is deemed to include injury or other disability) shall be entitled to receive an allowance in accordance with the following scale:

### EKC Group Sickness Payment Calculations

Note: Occupational sickness pay calculations will be based on a working week (5 days per week, 260 days per year) Sickness calculations would therefore be:

Annual salary/260 = one days full pay sickness deduction x the number of days sick.

Continuous service	Full pay	Half pay
During probationary period	Statutory sick pay only	
During 1 <sup>st</sup> year of service (following successful completion of probationary period)	1 month	2 months
During 3 <sup>rd</sup> year of service	4 months	4 months
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months	5 months
5 years' service or more	6 months	6 months

### Canterbury College Sickness Payment Calculations

Note: Occupational sickness pay calculations will be based on a working week (6 days per week, Mon to Sat) Sickness calculations would therefore be:

Monthly Salary/number of days in the month = one days full pay sickness deduction x the number of days sick.

Continuous service	Full pay	Half pay
During 1st year of service	Statutory sick pay only	
During 2nd year of service	52 days	52 days
During 3rd year of service	104 days	104 days
During 4 <sup>th</sup> and 5 <sup>th</sup> years of service	130 days	130 days
During 6 <sup>th</sup> year or service and thereafter	156 days	156 days