



**Muirhouse  
Housing  
Association**

# Policy: Absence Management

<b>Title of Policy:</b>	Absence Management
<b>Date of Adoption or Last Review:</b>	11 September 2019
<b>Lead Officer:</b>	Stevie McAvoy, Chief Executive
<b>Date of Next Review:</b>	September 2022
<b>Regulatory Standards of Governance and Financial Management:</b>	<p><b>Standard 5</b> <b>The RSL conducts its affairs with honesty and integrity.</b> <b>Guidance</b> 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.</p>

## **1. Introduction**

- 1.1 Muirhouse Housing Association (“MHA”, “we”) aims to encourage employees to maximise their attendance at work whilst recognising that a certain level of sickness absence from work is probable. We acknowledge that frequent short-term absenteeism may affect our ability to provide an excellent service to our customers and are committed to managing attendance to ensure that our business remains effective and efficient. Effective absence management is also about supporting employees with health issues to stay in or return to work.
- 1.2 We aim to strike a reasonable balance between the pursuit of MHA’s operational needs and the genuine needs of employees to be absent from work because of sickness.

## **2. Purpose of the Policy**

- 2.1 The purpose of this policy is to ensure that employees who are genuinely unwell are treated fairly and consistently, while minimising the impact of sickness absence on Muirhouse Housing Association.
- 2.2 The policy sets out procedures for reporting sickness absence and for Muirhouse Housing Association’s (“MHA”, “we”) management of short-term and long-term absence and will be applied in conjunction with our Terms and Conditions of Service. Any absences that are disability-related will be managed in accordance with relevant legislation, Codes of Practice and related MHA policies.
- 2.3 This policy also contains information on your entitlements in relation to paid and unpaid time off work for reasons other than sickness.

## **3. Scope**

- 3.1 This policy covers all employees of Muirhouse Housing Association, whether in permanent roles or on fixed term contracts. This policy is also applicable to employees during their probation period.

## 4. Definitions

4.1 The definitions of Absence used in this policy are:

- **Short Term Absence** is a single period of absence of 1 to 7 days (including weekends) covered by a self-certificate.
- **Persistent Short-Term Absence** is three short term absences of related or unrelated minor ailments within the last 6 months, or 5 periods of absence within the last 12 months.
- **Long Term Absence** is absence for more than 7 days.
- **Unauthorised Absence** is absence which is not supported by medical evidence (Fit Note) or has not been reported and authorised by the Line Manager.
- **Authorised Absence** is absence which has previously been approved by the line manager.

## 5. Reporting an absence

- 5.1 Breach of any of the absence reporting procedures detailed below, including those relating to the notification of absence or provision of a medical certificate, may result in disciplinary action. Any periods of absence that are unauthorised will be dealt with under the MHA's disciplinary procedure and may be treated as gross misconduct and could lead to your dismissal without notice.
- 5.2 On the first day of your absence you must phone your Line Manager by no later than 10.00am. You must indicate the reason for your absence and your anticipated date of return, if known. This information will be recorded in the Absence Register.
- 5.3 It is only acceptable in exceptional circumstances for you to text, email, contact a colleague, leave a message or have a friend or relative call on your behalf. If your line manager is unavailable, you should contact a senior member of staff.
- 5.4 Messages may be left on MHA's answering machine but only if it has proved impossible to make direct contact with your line manager. When it has been necessary for a message to be left you must speak to your line manager or another manager by 4.00pm that day.

- 5.5 It is your responsibility to maintain regular contact during your absence. You must contact your line manager each day of your absence unless otherwise agreed. During longer periods of absence, it is important that you contact your line manager at least once per week. If you fail to keep in touch, MHA reserves the right to contact you and disciplinary action may be taken on your return.
- 5.6 For absences between 1 and 7 days (including weekends) employees must complete and sign the Employee self-certification form. This will be done before the Return to Work meeting with their line manager.
- 5.7 For absences over 7 days (including weekends) a GP/Doctor's medical certificate (Fit Note) is required. It must be received by MHA by the 11th day of the absence unless otherwise agreed. If the absence continues beyond the period covered, then a subsequent Fit Note must be received within 4 days of the end of the period covered by the previous Fit Note.
- 5.8 If, on a medical certificate, your doctor recommends any adjustments to your duties, hours or working conditions, we will discuss these with you and implement the recommendations, if these are reasonably practicable.

## **6. Payment while on sick leave**

- 6.1 MHA operates a sickness benefit scheme which provides payment in addition to Statutory Sick Pay allowances as part of our terms and conditions of employment.
- 6.2 All employees can benefit from this scheme as long as their absence from work is due to their own sickness or injury and they have followed the correct procedures for reporting absence. Employees will be excluded from receiving sickness allowance, where:
  - they go off sick whilst taking part in a stoppage of work due to a trade dispute at their place of work
  - they go off sick whilst on maternity leave
  - on the first day of sickness they are in legal custody
  - on the first day of sickness they have already exhausted their sickness allowance entitlement in the preceding 12 months
  - they are currently involved in disciplinary proceedings
  - sickness or injury arises out of the employee's gross misconduct or negligence, active participation in sport for payment or injury whilst

working in the employee's own time for private gain, or for another employer.

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

<b>Continuous service at the date sickness starts</b>	<b>Full allowance paid for:</b>	<b>Half allowance paid for:</b>
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

- 6.4 The full allowance referred to in this policy is an employee's normal pay and includes any SSP which they may be entitled to.
- 6.5 The half allowance referred to in this policy is half an employee's normal pay plus any remaining SSP.
- 6.6 Statutory Sick Pay is paid for a maximum of 28 weeks and the periods of incapacity are linked and treated as one absence if they are less than eight weeks apart. Before paying SSP, an employee must be unable to work for at least the first four days in a row of a spell of sickness.
- 6.7 If an employee returns to work on a phased basis, we will only pay the salary for the hours and days actually worked. The days and hours that the employee is still off sick will entitle them to SSP and the company sickness benefit allowance they are eligible for, and this will be taken off their entitlement. Alternatively, an employee can ask to take it from their annual leave, time off in lieu or unpaid leave instead.
- 6.8 Company sickness benefit allowance may be refused where sickness or injuries are as a result of a breach of company regulations and action will be taken in line with our Disciplinary Policy.

## **7. Return to Work**

- 7.1 On your return to work your line manager will arrange a meeting with you. It is important that this meeting takes place as soon as possible following your return to work.

- 7.2 At the return to work meeting you should attend with your completed self-certification form. You and your line manager will complete your return to work form together during the meeting. Following your return to work meeting your line manager will update your personnel record. All absence certificates and return to work forms will be held in your personnel file.

## **8. Persistent Short-Term Absence**

- 8.1 When an employee has 3 short term absences within 6 months their manager will discuss this with the employee during the return to work meeting. The aim of this is to support the employee by identifying and dealing with any underlying causes that may be the reason for the absence.
- 8.2 We will ensure that we highlight the frequency of any illnesses and discuss this with the employee in the interests of preventing the condition from developing into something more serious. For example, if an employee is off sick often, there may be an underlying medical problem which may need further investigation.
- 8.3 If there is a pattern of absences or concern about an employee's attendance (for example the same problem is noted more than three times within 6 months for the same employee or there have been 5 period of absences in 12 months) then a meeting may be arranged with the employee, their line manager and the Chief Executive to discuss if further action is necessary. A note of this meeting will be taken and filed in the employee's personnel file.
- 8.4 At any stage in dealing with persistent short-term absences the line manager or Chief Executive may request the employee's written permission to obtain a medical report from their GP/Doctor or Medical Specialist. The employee is under no obligation to give their permission for any such report.
- 8.5 Alternatively, at any time during this process, the Chief Executive may choose to refer the employee to a medical advisor. The employee will not unreasonably withhold their agreement to attend an independent medical examination. Under the Access to Medical Reports Act 1988 the employee has the right to access any medical reports relating to them which have been supplied by a medical practitioner.

## **9. Long Term Absence**

- 9.1 Long term absence through sickness or the inability to attend work regularly and consistently because of chronic ill health may cause an additional burden

of work on the employee's colleagues and MHA as a whole. However, we will be sensitive both to the needs of the individual and those of the business when considering the most appropriate action to be taken.

- 9.2 Following one month of continuous absence covered by fit notes, the line manager will arrange a welfare meeting with the employee. The location of the meeting will be agreed between the line manager and the employee and its purpose will be to:
- maintain contact with the employee
  - obtain an indication, where possible, of a return to work date
  - discuss support or assistance which may be given to provide assistance to the employee with their return to work
  - discuss any concerns or answer any questions regarding the absence, or the employee's continuing employment.
- 9.3 If the employee cannot attend the welfare meeting it will be rearranged for a more suitable date.
- 9.4 Subsequent welfare meetings may be required to maintain contact.
- 9.5 Where the employee's absence continues beyond three months and there is no known timescale for the absence ending then a meeting will be arranged with the employee, line manager and Chief Executive. The employee may choose to be accompanied by a fellow employee or trade union official only. The location of the meeting will depend on the employee's condition and its purpose will be to consider whether the employee should be referred to an Independent Medical Advisor.
- 9.6 Following receipt of the medical report the line manager and Chief Executive will consider the following options:
- Where the employee is found to be unfit to return to their current post, but is capable of other duties within the organisation, then alternative employment will be considered.
  - Where the employee is or has become disabled, MHA will consider the possibility of creating a new post or of carrying out appropriate adaptations to enable ongoing employment in accordance with the Equality Act 2010.
  - Where the employee is unfit to return to any form of employment or where suitable alternative employment cannot be found, or where the employee is suffering from a health problem which will have a continuing debilitating effect resulting in recurring periods of absence, the line manager and Chief Executive will consult to consider whether to

recommend termination of employment on grounds of incapacity due to ill health.

- Where the employee is found not to be suffering from ill health, the matter will be dealt with under the Disciplinary Procedure.

9.7 The employee will be kept informed at every stage of the process and we will give support and assistance including advice on pensions and courses associated with early retirement due to ill health.

9.8 Where it has been agreed that the employee will be returning to work by a specific date, the line manager and Chief Executive will consider the need for the following to help ease their return to work:

- A fresh induction programme and any refresher training
- A phased return with gradual increase of hours in a planned and measured way, taking medical advice as necessary.

## **10 Unauthorised Absences**

10.1 Unauthorised absences will be dealt with in accordance with our Disciplinary Procedure and will be unpaid.

10.2 It is recognised that following investigation an absence may be authorised retrospectively, which could mean an adjustment to an employee's pay to correct any deduction of pay following a period of unauthorised absence.

## **11. Authorised Absences**

11.1 There can be instances where employees need time off work due to various reasons. Information on authorised absences can be found in our Employee Terms and Conditions of Employment.

## **12. Diversity and Equality**

12.1 We are committed to Equality and Diversity and will not discriminate in the operation of this policy on the basis of age, sex, race, colour, ethnic or national origin, religion, marital status, family circumstances, political or sexual orientation, medical condition or disability. We aim to promote equal opportunities and comply with all current legal requirements relating to equal opportunities and the Equality Act 2010.

### **13. Confidentiality and Data Protection**

- 13.1 All information provided to us by individuals will be treated in strict confidence and will only be discussed with other parties with the individual's (or their appointed representative's) prior consent. We will comply with the Data Protection Act 2018 and the General Data Protection Regulation 2016 when holding personal information in our files and on our computer systems.

### **14. Policy Review**

- 14.1 This policy will be reviewed every three years or earlier if required.