

Managing Absence

Agreed in conjunction with ACAS and PCS

Sport for life

sportscotland
the national agency for sport

Our values are honesty, respect, integrity, openness, inclusion, ambition

1.0 Introduction

- 1.1 **sportscotland** is committed to promoting good employment relations and will strive to achieve this by fostering a culture of communication and consultation, to support individuals in achieving the standards of attendance expected.
- 1.2 It is anticipated that a positive approach to employee wellbeing will encourage employees to disclose any condition that may affect their wellbeing early and allow **sportscotland** to provide appropriate support.
- 1.3 In dealing with absence and attendance matters, **sportscotland** will ensure compliance with the appropriate employment legislation and ACAS Guidance on managing staff absence.
- 1.4 In managing absence and attendance matters, **sportscotland** will not discriminate on any grounds of including but not limited to disability, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation and also gender identity, responsibility for dependents, political beliefs, trade union activity, socio-economic background, Looked After Children and Care Experienced Young People (LACY) or other relevant factors.
- 1.5 This policy operates in accordance with General Data Protection Regulations (GDPR) legislation and Access to Medical Records Act 1988.

2.0 Scope of Policy

- 2.1 This policy applies to all **sportscotland** employees with the exception of the Chief Executive Officer who is subject to the relevant Scottish Government policy.
- 2.2 It is in the interests of **sportscotland**, its workforce and partners to attend work. It is, therefore, **sportscotland's** policy, as part of its commitment to wellbeing, to provide a working environment in which all employees are encouraged to achieve these levels of attendance.
- 2.3 **sportscotland** recognises its responsibility for the health and wellbeing of its staff and, in conjunction with its other policies, emphasises the range of mechanisms and services established to provide assistance and support for managers and employees.
- 2.4 **sportscotland's** policy is to:
 - seek to minimise the cost and impact of absence from work;

- undertake medical checks where appropriate;
- undertake medical questionnaire;
- carry out return to work reviews for all periods of sickness absence;
- monitor absence levels for all staff on iTrent;
- ensure effective ownership of the absence and attendance management process by requiring Line Managers to monitor and manage absences within their team;
- provide training to support the effective implementation of the managing absence policy and procedures for those with responsibility for managing and supervising employees;
- ensure any formal absence and attendance management process is expedited within a reasonable timescale;
- allow individuals to be accompanied at any formal absence and attendance management meeting;
- where appropriate, take action under the relevant procedures e.g. managing performance or managing discipline;
- terminate employment where an individual becomes incapable of performing their duties due to ill health after all other possible reasonable resolutions have been given due consideration;
- act fairly, reasonably and consistently.

2.5 The NHS is **sportscotland's** preferred provider for any treatment required. It is not **sportscotland's** policy to pay for private healthcare treatment.

2.6 **sportscotland** employees should not take annual leave when they are actually sick.

3.0 Overview of Procedure

3.1 The aim of managing absence and attendance is to help individuals to meet the standards of attendance required by **sportscotland**. **sportscotland** aims to work towards a culture where individuals feel that attendance is important in order to maintain high standards of service delivery, and will aim to take a supportive approach to employees who suffer ill health (physical or mental), providing assistance and reasonable adjustments to employees with a disability and other medical conditions where possible.

3.2 Throughout any absence management process it is the responsibility of the Line Manager to ensure that any absences are recorded on iTrent, Fit Notes and Return to Work paperwork is uploaded onto iTrent.

3.3 What is Absence?

- **Authorised Absence** – such as sick leave, dependency leave, domestic emergency etc
- **Unauthorised Absence** – failing to attend for work without good reason and/or failing to follow **sportscotland** absence notification procedures.

Role of the Employee

Employees have a responsibility to attend work when they are fit to do their job, in line with their contract of employment. Personal issues, e.g. non-emergency medical and dental appointments, should be dealt with outside of work hours where reasonably possible and with minimum disruption to work. Employees must also follow the correct notification and certification procedures if absent from work and be prepared to discuss each period of absence with their Line Manager, upon their return to work (RTW) as part of a RTW discussion.

*Any employee involved in a formal absence management process has a responsibility to attend meetings to discuss absence matters, make themselves available at all stages during the procedure and not unreasonably obstruct the process if consent is required to allow **sportscotland** to gain further medical information to support the employee in managing their absence.*

Process for Notification of an Absence

- 3.4 On the first day of absence due to illness employees must personally notify their Line Manager by telephone before 10.00 am or 2 hours prior to their normal start time. Reasons for the absence and the likely duration must be given.
- 3.5 If unable to speak to their Line Manager, employees should leave a message with a colleague and include a contact number for their Line Manager to phone them back. If the employee is unable to physically make contact, for example due to hospitalisation, they should arrange for someone to call on their behalf as soon as is reasonably practicable.
- 3.6 It should be noted that text messaging or e-mail is not normally an acceptable form of notification; unless there is a good reason for doing so (e.g. they have been unable to contact their Line Manager by telephone).
- 3.7 Depending on the nature of the absence, employees should agree with their Line Manager how regularly they will stay in touch during the absence, taking into consideration whether they have been signed off for a period by their doctor. Normally, contact would be made on the 1st day of absence, the 3rd day and then weekly thereafter. In such circumstances that a Fit Note has been obtained, employees should contact their Line Manager during the last week of any 'Fit Note' to confirm when they are expecting to return to work. (See 3.11 Fit Notes).
- 3.8 Employees should advise their Line Manager, of any urgent work or meetings which may need attended to in their absence. The Line Manager should also check any diary commitments of individuals who are off sick.
- 3.9 Any employee who does not notify **sportscotland** of their absence or who fails to provide appropriate medical certification on time will be regarded as being on unauthorised absence. This will become a disciplinary issue and any entitlement to contractual sick pay may be withdrawn. An employee who fails to follow the correct absence reporting, certification, or other procedures set out in this policy may be managed under **sportscotland's** Disciplinary procedure.

RECORDING SICKNESS ABSENCE

SELF CERTIFICATES - Absences of Less than Seven Days

- 3.10 Line Managers should record an absence on iTrent on the first day and close it on the day the employee returns. Paper self-certifications are no longer required and the information that is input on iTrent will be treated as self-certification. Self-certification is only for the first 7 days of absence (including weekends).

FIT NOTES - Absences of Eight Days or More

- 3.11 Line Managers should ensure that employees who have been absent for 8 days or more (including Saturday and Sunday) must:
- obtain a fit note from their doctor / hospital / specialist;
 - complete part 2 of the form;
 - send a copy immediately to their Line Manager who should, as soon as possible, record and upload the document to iTrent.

Unauthorised Absence and Contact

- 3.12 If an employee is absent from work without notification, the Line Manager should make reasonable attempts to contact them. Where the Line Manager has been unable to make contact, they should notify HR of the absence of their team member. Decisions as to what to do will be dependent upon the circumstances at that time.

Role of the Line Manager

The Line Manager has responsibility for managing absence and attendance at work, ensuring that their team members follow the correct absence reporting process, opening and closing absence records in iTrent and undertaking return to work discussions (RTW's) after each absence occurrence. They also have responsibility for monitoring absence levels within their team and consulting with HR around any trends, patterns or concerns around the absence or attendance of their team members.

4.0 Guidelines / Procedure

Absence Issues

- 4.1 Line Managers need to consider why their team member is absent, when they will come back and how they might deal with for example, but not limited to:
- occasional short-term sickness absence which lasts less than a week;
 - repeated short-term unforeseen absences (which may follow a pattern);
 - long-term sickness absence lasting four weeks or more;
 - unauthorised absence.

MANAGING SHORT-TERM ABSENCE – INFORMAL PROCESS

- 4.2 Matters involving occasional absences should be dealt with by a Line Manager talking to their staff member upon their return to work as part of a RTW discussion. The Line Manager should ensure that RTW discussions are carried out as soon as practicably possible and then uploaded onto iTrent. The nature of the absence and whether it

might reoccur should be discussed and an agreement made and note taken about what actions, if any, will be taken.

- 4.3 Prior to the RTW discussion, the Line Manager should review the attendance record of the staff member. During the meeting the Line Manager should explore any concerns with the employee, agreeing any appropriate action or support needed and setting attendance targets and review dates where necessary.
- 4.4 Where appropriate, the employee should be informed, as part of any discussion that if they do not achieve the required improvement in attendance, then matters will proceed to the formal procedure.

Role of HR

HR will support Line Managers on the application of the policy throughout the process, by providing advice and guidance.

What if the Employee is Not Fit For Work?

- 4.5 The employee's doctor will choose this option when they believe that the individual's health condition will prevent them from working for a stated period of time.

What if the Employee May Be Fit For Work?

- 4.6 The employee's doctor will choose this option when they believe that the individual may be able to return to work while they recover, possibly with some assistance from **sportscotland**. It may include some comments which will help the Line Manager understand how the individual is affected by their condition and enable a discussion around a possible supported return to work. HR can help facilitate these conversations.

RETURNING TO WORK

Discussing The Fit Note with the Employee

- 4.7 For a supported return to work, the following should be agreed between the Line Manager and the employee:
- how this will happen;
 - what support the individual will receive and for how long;
 - how the individual's pay may be affected if they return to work on different hours or duties (HR can advise on this).
- 4.8 Line Managers should consider:
- **A phased return to work** - where the individual may benefit from a gradual increase in their work duties or working hours, e.g. after an operation or injury. The details of the phased return will be agreed between the employee and Line Manager, taking into account the length of absence, their duties and working arrangements. Targets should be agreed for each week of the phased return period in relation to the weekly times of attendance and duties to be performed.
 - **Altered hours** - allowing the individual the flexibility to start or leave later, e.g. if they are struggling with travelling during rush hour periods.

- **Amended duties** - to take into account the individual’s condition, e.g. removing heavy lifting if the individual has a back injury.
- **Changes to the workplace** - to take into account the individual’s condition, e.g. allowing them to work on the ground floor if they have problems going up and down stairs.

- 4.9 This list is not exhaustive and other reasonable options may be appropriate, depending upon the circumstances.
- 4.10 Sometimes it may not be possible to make the changes required to help the individual return to work. If this is the case the individual will not be able to return to work until they have further recovered. Individuals can still use the Fit Note statement as if their doctor had advised they were ‘not fit to work’. Individuals will not need to see their doctor again for a new Fit Note.

SICKNESS DURING HOLIDAYS

- 4.11 The employee must advise their Line Manager at the earliest opportunity and must produce a signed Fit Note/Medical Certificate dated from the first day of absence.

FORMAL PROCESS - SHORT TERM ABSENCE AND TRIGGER POINTS

- 4.12 Formal action may be appropriate where the informal approach has not led to the necessary improvement in attendance and/or trigger points have been reached (See 4.13)
- 4.13 Trigger points help Line Managers identify when they should act regarding staff absence - the trigger lets managers know they may need to work with an employee on finding ways to improve their attendance. Trigger points apply regardless of whether the absences have been self or medically certificated. An absence review process will commence if an employee hits the following trigger points:

Stage 1	4+ Absences 6-Month rolling period	Stage 2	8+ Absences 12-Month rolling period	Stage 3	11+ Absences 15-Month rolling period	Stage 4	13+ Absences 18-Month rolling period
---------	--	---------	---	---------	--	---------	--

- 4.14 Review meeting(s), at agreed time(s), should be scheduled to monitor and review the situation to assess whether attendance has improved to a satisfactory level. Where expectations/targets have been met, no further action will be required.
- 4.15 The Line Manager should have a clear audit trail of all the above, with discussions noted, confirmed in writing to the individual and, where possible, that the individual has acknowledged receipt of any written communications.
- 4.16 **Stages of Formal Absence Management process**

Stage 1 – Letter of Concern

When 4 absences occur in a 6-month rolling period, the Line Manager, employee and HR Department will receive a notification from iTrent highlighting a trigger has been reached and a discussion should take place regarding this during the employees Return to work (RTW) discussion. The employee will be issued with a Letter of Concern noting the main points of the discussion and support offered.

Stage 2 – First Written Absence Warning

After 8 absences in a 12-month rolling period a second trigger will be reached initiating a second iTrent notification and absence review meeting between the staff member and Line Manager.

The absence review meeting should focus on the nature of the absences and may call for further medical advice if necessary, to determine what support can be offered. If, having considered any representations made by the employee, the manager determines that the level of attendance is not satisfactory, the employee will be issued with a first written absence warning, giving notice of: -

- reaching 2 absence trigger points;
- the improvement in attendance required;
- the timescale for improvement (3 months);
- any support to be received, including reasonable adjustments;
- the consequence of not meeting the required level of attendance.

Written confirmation containing the above details will be sent to the employee by the Line Manager

Stage 3 – Final Written Absence Warning

If a further 3 absences occur within the improvement period (3 months) outlined during the absence review meeting the staff member will be issued a Final Absence Warning on the grounds of capability along with a further 3-month improvement plan.

Stage 4 – Dismissal

Should the staff member be absent twice again during this period then this would lead to dismissal on the grounds of capability.

5.0 LONG TERM ABSENCE

INFORMAL PROCESS

Absence from Work of more than 4 Weeks (28 consecutive days)

- 5.1 Any period of absence from work because of sickness or ill health lasting for four weeks (28 days) or more is considered as long-term sickness. Line Managers should also be aware that long term absence can result from a disability, which will require them to consider what reasonable adjustments can be made to accommodate the employee's return to work.

How Should Long Term Absence be Informally Managed?

- 5.2 Any employee who has been off work for a period of 4 weeks or more will be invited to an informal absence review with their Line Manager. This meeting will normally take place at their usual workplace; however, if this is not suitable then it can be arranged as a home visit or in a reasonable, mutually agreed place.
- 5.3 Guidance on how to prepare, conduct and follow up on this meeting should be sought from HR.

- 5.4 To assist in managing the case it may be appropriate to seek further medical advice and/or make an occupational health referral. See Occupational Health section for more details.
- 5.5 The Line Manager should follow up the meeting in writing, confirming the key points from their discussion and any agreed actions and dates for review.

FORMAL PROCESS

- 5.6 Following a period of absence from work for more than four weeks because of sickness or ill health the Line Manager should monitor the situation as appropriate. In these circumstances, guidance should be sought from the HR.
- 5.7 During the absence period the following could be considered and discussed:
- establish how the employee is doing and the likely length of the absence, bearing in mind the advice in the employee's fit note or medical report;
 - discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours or work or workplace adaptation);
 - if it appears that the employee will be unable to return to work, discuss the options (inclusive of ill health retirement);
 - confirm details of sick pay arrangements to the employee.

ACCRUING HOLIDAYS & CARRY OVER DURING SICKNESS ABSENCE

- 5.8 Holidays will continue to be accrued during periods of sickness absence.
- 5.9 Where a period of sickness absence straddles two separate holiday years then employees can carry accrued holidays over to the following holiday year. In these circumstances' holidays, once authorised by their Line Manager should be taken within six months of the employee returning to work.

Ill Health Retirement

- 5.10 Retirement on the grounds of ill health will be considered where:
- it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to their role and;
 - the employee is entitled to a pension or lump sum under their pension scheme.

If ill-health retirement is raised as an option, the employee's Line Manager should contact HR in the first instance. Payroll will liaise with the pension provider to find out whether the employee qualifies for ill health retirement and the financial implications of accepting ill health retirement.

Dismissal on the grounds of Capability

- 5.11 In the event that an employee has no prospects of returning to work within a reasonable time frame and every avenue has been explored, it is necessary to review options.
- 5.12 The employee will be invited to a formal meeting, chaired by the Head of Service or Director, with HR in attendance. The letter of invite will outline location of the meeting as well as explaining the purpose of the meeting and advising of the right to be

accompanied. The letter will also advise the employee that a possible outcome of the meeting may be ill health retirement or dismissal on the grounds of capability.

5.13 At the meeting, all circumstances of the employee's case will be considered, including:

- the length of the employee's absence and the likely length of future absence
- medical advice on the employee's condition
- if applicable, the possibility of ill-health retirement (see ill health retirement)

5.14 If following the formal meeting, it is determined that no return is feasible, the Head of Service will make a decision to pursue ill health retirement where possible, or to dismiss on the grounds of capability.

5.15 If the outcome is dismissal on the grounds of capability, this will be confirmed in writing, within 5 working days of the meeting. This letter will also outline the employee's right of appeal.

6.0 The Appeal Process

6.1 Employees have the right to appeal against an Absence Hearing outcome.

6.2 An appeal must be made in writing to the relevant person named in the outcome letter. The Appeal must be received within 14 days of receiving the outcome letter of the disciplinary hearing and should clearly state the grounds of appeal.

6.3 Appeals may be made on the grounds of:

- new evidence has become available, which may affect the decision;
- severity of the sanction in place;
- alleged procedural flaws within the absence management process.

Handling an Appeal

6.4 When a written appeal is received, HR will appoint an appropriate Appeal Manager. For appeals against a First or Final Written Warning, the Appeal Manager will be a Head of Service or higher. For an appeal against a dismissal or sanction short of a dismissal, the Appeal Manager will be a Director not previously involved in the case. The Appeal Manager is responsible for managing the formal appeal process in its entirety.

6.5 The Appeal Manager will ensure that all those involved and associated with the matter are kept informed of the appeal process and its progress.

Role of HR

HR will support the appeal process by providing guidance and advice to the Appeal Manager on the application of the policy throughout.

The Appeal Meeting

6.6 A formal appeal meeting will be held within 2 working weeks of the appeal application being received.

- 6.7 The Appeal Manager will inform the employee of the time and location for the appeal meeting and will remind them of their right to be accompanied by a work colleague or a Trade Union Representative.
- 6.8 The employee will inform the Appeal Manager if they will be accompanied by another person and if they have any special requirements e.g. disability, language requirements, etc.
- 6.9 Employees (and their representatives) must make every effort to attend the appeal. Where an employee is persistently unwilling to attend an appeal meeting, **sportscotland** will make a decision based upon the information available in their absence.

Decide on an Appropriate Outcome

- 6.10 The appeal meeting is not intended as a full re-hearing of the original issue. The purpose of the appeal meeting is for the employee to put forward why they believe that the original outcome should be changed.
- 6.11 The Appeal Manager will adjourn to decide upon the outcome of the appeal. The decision of the Appeal Manager will be final and will normally be communicated to the employee in writing within one working week of the decision being made.

7.0 OCCUPATIONAL HEALTH (OH)

Occupational Health Referrals

- 7.1 The occupational health provider works in partnership with **sportscotland** to help support an employee with health issues.
- 7.2 Employees may be referred to Occupational Health at any time, which will be done via HR. The purpose of an OH referral is to:
- enable the rehabilitation of employees returning to work following a period of ill health.
 - assist employees to achieve good attendance by providing health advice and support.
 - prevent employees from becoming ill as a result of the work they do.
- 6.3 **sportscotland**, via Occupational Health, may seek further advice/opinion, which can be requested from the employee's doctor or specialist with the employee's consent.
- 6.4 If the employee does not consent to **sportscotland** obtaining additional information to assist in the management of their absence, then management may have to make employment decisions based on the limited information available.

8.0 SICK PAY AND PENSION ARRANGEMENTS

- 8.1 Employees should refer to their terms and conditions for information relating to sick pay provision.
- 8.2 Entitlements to paid sick leave are calculated from the date the absence commenced, including weekends. It is the Line Managers responsibility to update and check employees' absences on iTrent and calculate the points at which an individual drop to half pay. The Line Manager should then advise the individual at the point that

entitlement to sick leave with full pay expires and at the point that any entitlement to half pay ends. Further guidance is available from HR.

- 8.3 Employees whose salary is reduced as a result of sickness absence should contact the Strathclyde Pension Fund Office for further information, as iTrent will automatically calculate a reduction in contributions based on a reduction in salary.

Version Control History

Group update with HR and PCS Union.
To be reviewed within 3 years of the date below.

Name	Position	Signature	Date
Callum MacInnes	HR Manager	DocuSigned by: <i>Callum MacInnes</i>	16-Oct-19 07:54:44 F
Nichola Raccio	HR Officer	A63B04DB491E4EE... DocuSigned by: <i>Nichola Raccio</i>	16-Oct-19 15:44:32 E
Andrew Kelly	Trade Union Representative	F41C0130B7114AB... DocuSigned by: <i>Andrew Kelly</i>	17-Oct-19 09:44:46 E
Scott Baxter	Trade Union Representative	3F74D29D3E1F49E... DocuSigned by: <i>Scott Baxter</i>	16-Oct-19 16:12:19 I
		1455ED4FC7E1447...	