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## **COMPANY ABSENCE POLICY & PROCEDURE**

### **Scope**

This policy applies to all Robinson Services employees

### **Purpose**

To provide a policy and procedure for managing absence appropriately, that meets Company requirements and supports the employee when they are absent from work.

### **Objectives**

- To ensure all employees who are genuinely ill are treated fairly and not penalised
- To manage absence consistently and effectively to support the needs of the business and the individuals
- To reduce the cost associated with absence in the business
- To provide a consistent approach for our managers when dealing with the following absences:
  - **Authorised**
  - **Short-term persistent absence**
  - **Long term sickness**
  - **Unauthorised absence**
- To ensure that the legislation relating to absence and disability is complied with
- To ensure that the regulations on the payment of statutory sick pay are followed

## **1. Absence Definitions**

### **1.1 Authorised Absence**

**Employees have the right to time off work, however this should always be pre-authorised by the line manager to allow them to plan the site labour requirements.**

*Types of authorised absence include;*

- Holiday Entitlement
- Bereavement Leave
- Jury Service
- Shared Parental Leave
- Paternity Leave
- Maternity Leave
- Suspension – only used in conjunction with HR procedures
- Hospital/Medical Appointments

Some of these absences may not be paid absences and this will be at the managers' discretion.

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Details of specific entitlement in relation to the above may be found in:-

- Welcome Letter and Contract of Employment
- Employee Handbook
- Relevant Company Policies

## 1.2 Short Term Persistent Absence

Frequent spells of short-term absence are disruptive and costly because of their unpredictability. Persistent absences will be investigated promptly and you will be asked to give an explanation.

If you have two periods of absence or 10 days absence within a 26 week period you will be required to attend an absence review hearing, which may result in the formal reminder procedure being invoked and a first reminder being issued. Further periods within the subsequent months of one or more absences may lead to further formal action by escalation to the next warning level. If there is no improvement in your absence record, this ultimately may lead to dismissal.

Stages in this process are as follows:

- First Reminder (verbal) (following 2 occasions or 10 days of absence within a 26 week period).
- Final Reminder (written) (following any further occasions of absence while the First Reminder is live – First Reminders remain on file for 6 months)
- Termination (following any further occasions of absence while the Final Reminder is live – Final Reminders remain on file for 12 months)

Please note that an escalated Reminder, e.g. a Final Reminder, may be awarded instead of a First Reminder where more than 2 occasions of absence; or more than 10 days of absence are recorded within a 26 week period.

## 1.3 Long Term Absence

Long Term Absences are a period of four weeks or more. Should this occur the employee will be invited to attend an absence review welfare meeting, by your line manager, which will enable the company to understand the particulars of the employee's absence.

## 1.4 Unauthorised Absence

This is where employees have failed to attend work and failed to follow the company absence notification procedure as outlined in this document.

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## 2. Absence Notification Procedure

- i. If you are absent from work due to illness or any other reason, you should contact your line manager by telephone as early as possible (at least 2 hours prior to shift start time and no later than 30 mins after your normal starting time). You must speak to your immediate manager, rather than texting or leaving a message with a colleague or reception. If necessary, leave a message on their voicemail or leave a telephone number where the manager can call you back.
- i. Please ensure that your immediate Manager is advised regarding:
  - a. Your name and site of work with a contact telephone number
  - b. When you became ill
  - c. The nature of your illness
  - d. Whether your illness is due to an accident or injury at work
  - e. Whether you will seek medical attention
  - f. Your likely date of return to work
- ii. It is the responsibility of the line manager to ensure that all absence is recorded and monitored to enable a review of absence patterns and unacceptable levels of attendance, which can be presented as evidence to the employee during any formal hearing relating to their level of absenteeism.
- iii. Where your role involves daily contact with clients or direct reports, the Company may make contact with you to ask that you return any Company equipment that you hold during any periods of sickness absence. This is purely for operational reasons and will allow the Company to fulfil both its duty of care to you whilst you are ill and to ensure that our clients and your direct reports receive a continuity of service.

It is best practice for line managers to keep a record of any return to work discussions that take place. Any records should be forwarded to the HR Department to be reviewed and held in the employee's personal file.

Historical attendance records will be retained on file for a period of at least 5 years. If you do not follow the correct procedure the company will implement disciplinary procedures.

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### 3. Certification Procedure

Certification is required if an employee is off work due to illness as follows:

| Calendar Days                   | Form of Certification                                                                      |
|---------------------------------|--------------------------------------------------------------------------------------------|
| 1 to 7 days                     | Self-Certification form (from your GP Surgery)                                             |
| 8 <sup>th</sup> day and onwards | Fit Note required from the Doctor                                                          |
| Returning to work               | Final Fit Note to confirm fitness from the Doctor unless the previous Fit Note has expired |

If you are absent at any time for 7 calendar days or less, you should forward a Self-Certification form to the Company by the third day of absence. This should be received by the HR department within 48 hours of issue. On your return, if your absence has been for 3 days or more, you will be invited to attend a Return to Work meeting with your manager.

If you are absent for a period of more than 7 calendar days you will be required to:

- Have already submitted a Self Certificate for the initial 7 day absence, further continuous absence must be covered by a Fit Note from your GP.
- It should be noted that any delay in forwarding a Fit Note might result in non-payment of SSP. Please note that our organisation cannot accept back-dated GP Fit Notes.

Fit Notes must also cover any continued absence. If you intend to return to work before your current Fit Note has expired, a new Fit Note or a letter from your GP confirming your fitness to return will be required before we can permit you to commence work.

If an employee reports sick for work and forwards a self certificate or a fit note and is still off but their self certificate or fit note has expired then they will be contacted by the Company to request that a new fit note be forwarded. If the employee fails to do this, their continuing absence will be deemed as unauthorised and any sick pay entitlement will be withheld until you are in receipt of the appropriate certification.

#### 4.1 Statutory Sick Pay (SSP)

For SSP purposes, the Qualifying Days in this company are the days you are contractually employed to work.

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Full details of the SSP regulations are contained in the National Insurance Leaflet "Employers guide to Statutory Sick Pay", available on request from the HR department.

An employee, absent from work due to illness or injury shall be paid SSP provided the qualifying conditions for receipt of such are satisfactory and provided notification and certification requirements set out in this document are complied with.


#### 4. Abuse of Sickness Absence Procedure

- a. If the company believes that an employee is abusing the sickness absence regulations the disciplinary rules shall be brought into operation and prompt action taken
- b. If the company deems it necessary, an employee who is on sick leave may be referred for an independent medical examination at the expense of the company. If in the opinion of the doctor or consultant the employee is fit for work, the following procedure shall be invoked:
  - The employee shall be informed of the independent medical opinion.
  - The employee shall be asked to return to work.
- c. If the employee fails or refuses to return to work, or submits a further Medical Certificate the company may refuse to pay any further Statutory Sick Pay.
- d. If absence continues beyond what in the company's opinion is reasonable the normal disciplinary procedures shall be invoked.
- e. If the employee fails or refuses to attend an independent medical examination the company shall:
  - Refuse to pay any further SSP
  - Invoke the disciplinary procedure

#### 5. Procedure for Return to Work

When an employee is ready to return to work they are required to contact their line manager at least 24 hours before they return to work to advise that they will be returning. This procedure should be followed to ensure that the site is not over-staffed; if the employee's usual working site is already covered and the procedure is not followed then the manager may send the employee home without pay.

On return to work the employee should report to their line manager by telephone or in person on arrival if their line manager is on site. They must bring with them or submit in advance their fit note signed by their Doctor if they were absent for 8 or more days confirming that they are fit to return to work, if they do not have this document they will not be permitted to return.

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### 5.1 The following documents should be completed at the return to work meeting

- Self Certification Form (only if the employee is absent for more than 3 and less than 7 days; and has not already completed this for return)

### 5.2 Return to work meetings

All employees when they return from any of the following absences must participate in a return to work interview

- **Unauthorised Absence**
- **Sickness Absence – short (3 days or more) or long-term.**

The purpose of a return to work meeting is to discuss with the employee:

1. Their fitness to return to work
2. The reason(s) for their absence from work including any underlying issues e.g. problem with a work colleague causing stress, disagreement with the client or client's employee, family member ill at home etc
3. Give the employee an opportunity to explain reasons for their attendance record, their most recent absence and absences over the last 12 months.
4. Check that the employee understands the expected standards and support available
5. Consider if there are any underlying health problems – are the absences all for the same reasons?
6. If there appears to be an underlying problem ask the employee's permission to write to their doctor to establish the nature of the problem via completion of GP Consent Form
7. Does there appear to be any pattern to absences from work (Monday's, Friday's, after pay day, coincide with the day after a football match etc)
8. Are there mitigating circumstances?
9. Any changes that has taken place in the workplace while the employee has been absent e.g. any changes to task assignments, new members of the team, newly appointed client etc

- **If the employee did not follow normal absence notification procedures**

1. Establish why the employee did not comply with the normal absence notification procedures.
2. Review with the employee the notification procedure they must comply with in future.
3. Establish with the employee if this is the first occasion of failing to comply with the notification procedure or have they not complied in the past?

- **Action**

1. If this is the first occasion of the employee not complying with the correct absence notification procedures remind the employee of the procedure they must comply with.
2. If this is a second or subsequent occasion, explain to the employee that this may result in the disciplinary procedure being invoked as unauthorised absences at this level may be viewed as gross misconduct

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3. If the absence levels and/or reasons are unacceptable the employee should be informed at the return to work meeting and informed that the disciplinary procedure may be invoked.
4. Update the employee's attendance record by forwarding any records to the HR department
5. If necessary, confirm in writing future action

## 6. Procedure for Managing Long Term Absence

Long term absence is defined as continuous absence for a period of 4 weeks.

If an employee has been absent for more than 4 weeks the following procedure will commence:

### i. Work place meeting or home visit

After the start of the 5<sup>th</sup> week of continuous absence the employee should be invited to attend a meeting with you, their line manager either in their home or at work premises.

At this stage, the purpose of the work place meeting or home visit is to discuss the nature of their illness, to gain an indication of the likely return date and to consider any reasonable adjustments to facilitate a return to work e.g. phased return on reduced days or hours of work, limited duties etc.

Consideration will be given to reasonable adjustments or alternative employment which could facilitate the employee returning to work however; employees need to be aware that long term absence could lead to the termination of their employment as they are unable to fulfil the terms of their contract.

### Process

1. If necessary, write to the employee to arrange the meeting; or obtain their verbal agreement for a meeting venue and date.
2. If a home visit is agreed, offer to bring someone of the same sex as the person being met with or visited. If Independent Occupational Health advice is deemed necessary (depending upon the reasons for absence and the nature of the illness), explain that a referral to our Occupational Health Consultants will be made and the appointment date will be confirmed in writing.
4. Following the visit, speak to the HR department to arrange an Occupational Health appointment if one is deemed necessary and confirm to the employee in writing the date of their OH appointment and/or any other agreed actions.
5. On receipt of an OH report, the HR department will contact the line manager to agree any further action. This may include a further meeting with the employee to discuss the

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contents and to agree any reasonable adjustments required to facilitate the employee's return to work.

6. In instances of ongoing absence, aim to visit or meet with the employee every 4-8 weeks to discuss their health and recovery.
5. If you keep in regular contact with the employee via telephone, it is best practice to make a note of the date, time and what was discussed and agreed.

## 7. Disability Considerations

Where an employee is found to be unfit for the role that they previously occupied, we have a duty to consider reasonable adjustments that could be made and /or alternative employment.

In order for an illness to be regarded as a disability it must result in a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. 'Long term effect' means the effect has to have lasted, or likely to last, overall for at least 12 months and the effect must be a detrimental one.

Progressive conditions such as cancer and multiple sclerosis are to be regarded as disabilities because they have a substantial effect on normal day-to-day activities.

Robinson Services has an Equal Opportunities Policy and commits not to discriminate against any persons for reasons of disability.

### 7.1 Alternative Work & Reasonable Adjustments

Where an employee is found to be unfit for the role that they previously occupied, Robinson Services are committed to considering reasonable adjustments that could be made or alternative work.

These alternatives/adjustments could be short-term until the employee is fit, or may be permanent changes resulting from an illness/injury that will not change.

To ensure that you are considering reasonable alternative work/adjustments, you should base your decision on the employee's opinions and requests, balanced with risk assessments and, if appropriate, medical reports.

*Some examples of adjustments that could be made include:*

#### Job Duties

- Taking away part of the job and replacing it with something else
- Considering a different role or place of work for the employee

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### Equipment

- Re-training an employee to use equipment in a slightly different way
- Providing special equipment

### Work patterns or location

- Changing the employee shifts to allow them to manage medication
- Allowing an employee to reduce their working hours for a period of time

### Phased Return

- Agreeing to a phased return on an temporary basis e.g. agreed number of hours of work per day, agreed number of days of work per week etc
- Increasing the days and/or hours of work over the agreed period of time so the employee is back to working their contracted days and hours within the agreed period
- Building in reviews with the employee to ensure that are settling back into work and the opportunity to review the temporary arrangements in place.
- During this phased return, you may have to consider limiting the duties of the employee to fit in with their working pattern.

**You should also consider** the costs of any change, how other employees will be affected and if the change is practical. All potential changes must be discussed with the HR department before agreeing to or declining a potential change.

If a suitable adjustment is agreed, confirm it in writing to the employee.

### Where a change of job is agreed:

Confirm the details as you would any other transfer, but agree a review date to check that they are coping with the new position.

If it is a temporary measure, ensure that this is stated and a review date is set.

Should no alternative be found it may be that we have to consider terminating the employee's employment due to capability following due process. Managers should liaise with the HR department before taking any action.

## 8. Managing Unauthorised Absence

- Employees who do not contact their line manager within at least 2 hours prior to shift start time and no later than 30 minutes after their normal starting time will have that instance of absence recorded as unauthorised. Short term unauthorised absences are defined as being no more than one shift/day. In the first instance, employees must be informed that they must follow this absence reporting procedure to avoid any further instances of unauthorised absence. Two short term instances of unauthorised absence will automatically trigger formal disciplinary procedure.
- If an employee fails to contact you to report absence from work for a continuous period of two shifts/days or more then they must be issued with a letter informing

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them that their absence is unauthorised and requesting that they make contact with their line manager by a specific date and time.

- iii. If the employee has still not been in contact with you by the date and time specified in this letter then the employee will be issued with a further letter inviting them to attend a disciplinary hearing.
- iv. If the employee does not attend the disciplinary hearing then you must send the employee a letter inviting them to attend a second disciplinary hearing. The employee will be informed in this letter, should they not attend this disciplinary hearing, a decision will be made in their absence and one potential outcome may be termination of their employment without notice pay.
- v. If the employee fails to attend the second disciplinary hearing the hearing must be conducted in the employee's absence. They will be provided with the outcome in writing and given the right to appeal.
- vi. Continuous unauthorised absence of three shifts/days or more; two separate period of unauthorised absence or an ongoing failure to co-operate with Absence management procedures may be viewed by the Company as a Gross Misconduct offence and may lead to dismissal.

## 9. Pregnancy Related Absence

Robinson Services is committed to ensuring that pregnant employees are not discriminated against - any absence relating to pregnancy should not be counted as absence when reviewing the attendance record against the normal standards.

### 9.1 Payment for pregnancy related absence

If the employee is normally entitled to Statutory Sick Pay, they will receive Statutory Sick Pay during pregnancy related absence from work.

The employee will still be required to follow the normal reporting procedures and provide medical certificates as appropriate. Where they do not do this, the normal procedures including withholding sick pay arise.

### 9.2 Employee requested to go on maternity leave early if she is unfit for work

An employee who is absent due to a pregnancy-related illness during the four weeks period prior to her due date can be required to start her maternity leave early, and will be entitled to maternity pay and not sick pay. Further information can be found in the Company Maternity Pack.

### 9.3 Employee cannot carry out her job due to pregnancy

As soon as you become aware that an employee is pregnant you should speak to the Compliance & Risk department to request a pregnancy risk assessment and review with her on completion to ensure that she is both fit and safe to carry out her normal duties.

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During the pregnancy, particularly the later stages, the employee may find some of the activities difficult. In this instance, you should look to adjust the role for a short-term period to accommodate her inability to carry out certain tasks.

Alternatively, you may refer her to her Occupational Health for a decision on whether she is fit to attend work. You may wish to suspend the employee on health and safety grounds (on full pay) if you are very concerned, pending the Occupational Health Consultants decision. Please contact the HR department for advice before taking any action.

If a reduction in hours for a period of time is requested, where possible, you should accommodate this request where possible (salary would be reduced accordingly).

#### **9.4 The employee does not return after maternity leave and is signed off sick**

As the employee is no longer pregnant their absence should be treated as you would treat any other employee and follow the same procedure e.g. home visits, referral to occupational health etc.

### **10. Data Protection**

In line with current legislation any information stored or used by the Company relating to an employee's physical or mental health is regarded as "sensitive data".


Any sensitive data collected with regard to an employee's physical or mental health will be treated with respect, this includes:

- Ensuring that the Company has written permission from the employee prior to contact with their GP
- Ensuring any data is stored in a safe and secure place
- Ensuring that data is not passed to or discussed with anyone that is not authorised to see it, or has no valid reason for seeing it
- Ensuring that data held and relied upon is accurate

Please note that it is a condition of your employment that you co-operate and attend any Independent Occupational Health visits deemed necessary, and arranged at the cost of, the business.

### **11. Employee Counselling Service**

The Company has engaged a counselling service helpline which is available to our employees; and any members of their immediate family who permanently live with them who are 18 years old+. The service is completely confidential and is provided over the phone. It can be used by any employee who wishes to discuss any personal concerns or problems.

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The counselling service can be accessed 24 hours a day, 7 days a week by calling  
0344 893 9012 (from the UK) or 01850 670 407 (from the Republic of Ireland).