

# Scotmid

## co-operative

### ABSENCE POLICY

Policy Number 1  
Revised March 2018

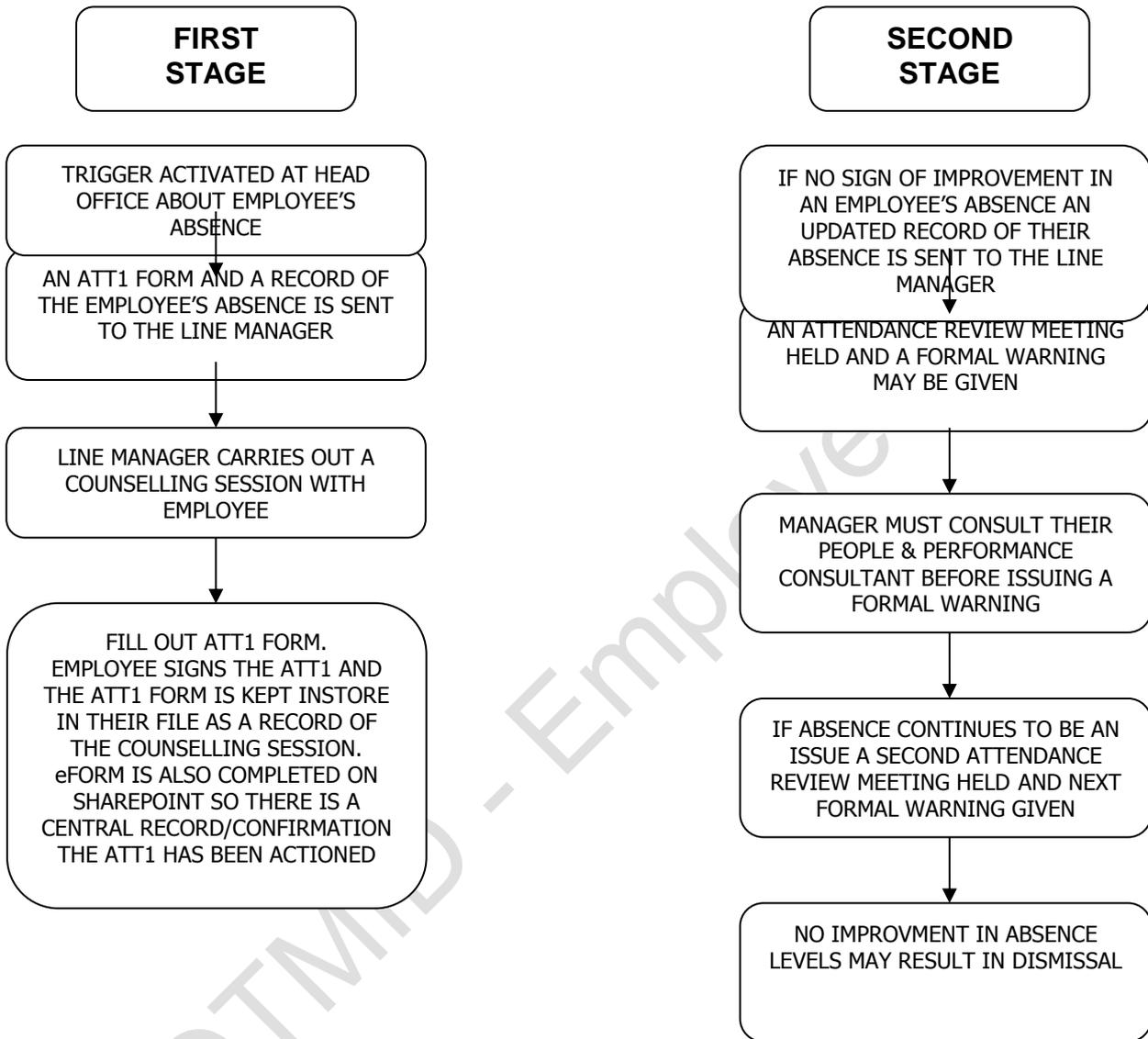
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# Process Chart

This process chart provides you with a step-by-step guide to the elements of the procedure.



The aim of the procedure is to improve health, well-being and assist employees to attain and maintain the required levels of attendance through effective management providing support, direction and encouragement where necessary. The Society recognises that a certain level of absence may be due to medical reasons, which may require more careful monitoring and intervention.

On occasions, it may be appropriate to move from the absence procedure to another procedure, for example where an issue that appears to be one of unsatisfactory attendance is subsequently judged to be conduct related. In such a case, any action or support already undertaken or provided under this procedure shall be taken into account in determining the appropriate level at which to enter the other procedure. The same shall apply should an employee be referred from another procedure to this one.

It is expected that the support and assessment carried out under this procedure should result in the employee being able to sustain the required level of attendance on a continued basis.

### **The Society's Responsibilities**

Under the Health and Safety at Work Act 1974 the Society has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all staff and others working for the Society. The Act also places a general duty on staff to take reasonable care of their own health and safety and of any other persons who may be affected by their acts or omissions at work. The Society recognises its responsibilities under the Act (and its various statutory obligations under other employment legislation) and that part of this involves managing sickness and other absences and ensuring these are maintained at acceptable levels.

- Where sickness absence occurs, we aim to establish and maintain contact with individual employees, with a view to assisting with a return to work.
- Where the regular and routine monitoring of attendance identifies a problem area, the necessary procedures will be applied.
- Employees are assured that they will be dealt with in a fair and reasonable manner and with respect.

### **Employees Responsibilities**

All employees are expected to attend work regularly and maintain good time-keeping habits. This benefits our customers, our fellow employees and the Society as a whole.

Where genuine sickness or other absence does occur, speedy and regular contact, and submission of medical certificates, (or other authorisation as appropriate), in line with the Society's procedures, is essential.

Any health problems, which may have an adverse effect on your ability to do your job or attend work regularly, should be notified to the People & Performance Department as soon as possible.

Employees are expected to co-operate with any action which is considered necessary to facilitate an effective return to work.

Abuse of sickness absence, including failing to report absence or falsely claiming sick pay will be treated as misconduct under the Company's Disciplinary Procedure.

### **Absence as a Result of a Disability**

Where it is identified through Occupational Health that an employee's absence(s) are the result of a disability, the Society will act in accordance with the provisions outlined in the Equality Act 2010.

A member of the People & Performance team will discuss with the manager and employee how best to identify the support and assistance required to achieve either a return to work if the employee is absent, or to reduce the level of absence where persistent short term absence has been identified.

Any reasonable adjustments to working arrangements, adaptation to equipment or provision of resources will be considered and where necessary advice and/or support will be sought from the Employment Service and/or the Occupational Health service. This may include adjustments to Attendance Management trigger points.

### **The Attendance Management System**

The Society uses an absence management system following the Bradford Factor to ensure fairness, objectivity and effective management of the absence process. The system converts episodes and days of sickness and other absence to a points rating for each individual. These will be calculated on an ongoing rolling 12-month period. The system operated by the Society is automated and triggers processes within the procedure.

It is designed to highlight genuine long-term illness and patterns and frequency of intermittent short-term absences so that both can be managed effectively:-

- Any unauthorised absence will be coded to attract points.
- All occasions of sickness absence will be coded to attract points.
- Additional sickness/unauthorised absence patterns identified by Line Management as disruptive to the operational effectiveness of the business may also be included for review.

### **Absence Reporting**

Employees must make contact with their Manager/Supervisor (or People & Performance if Manager/Supervisor not available) on the first day of absence, as soon as practicable before the start of their shift that day. Details of the absence including the anticipated length of absence must be provided.

Employees are expected to make contact themselves unless their circumstances make it difficult for them to do so, in which case they should arrange for someone else to contact the Society on their behalf.

Employees must notify of their absence by phone or in person. Employees must not notify of their absence by text message, email or via Social Media.

Employees who are absent for less than 7 calendar days must complete a self-certificate on their first day of return to work and submit this to the Manager/Supervisor.

Fit Notes must be submitted at the start of the employees second week of absence and thereafter whilst the employee is deemed medically unfit to return to work. These must be submitted to the Manager/Supervisor timeously and regularly.

Employees must maintain daily contact throughout all periods of absence not supported by a Fit Note.

Food Handlers should report to their manager any relevant illnesses or symptoms that could indicate they have an infection that could contaminate food or food preparation surfaces.

Failure to comply with the absence reporting requirements may affect entitlement, where it exists, to payment and may be dealt with under the Society's disciplinary procedures.

### **May Be Fit for Work**

Where an employee has been signed as 'May be Fit for Work' the Fit Note must be submitted to their line manager as soon as possible, so that where applicable, the changes/adjustments noted by the Doctor can be implemented to enable the employee to return to work.

On receiving a Fit Note with 'May Be Fit for Work' highlighted by the Doctor, the Line Manager must contact their People & Performance Consultant to discuss the options available. At no point must the Line Manager enter into an agreement with their employee regarding adjustments, change of duties, phased return etc. without the prior consent of the People & Performance Department.

Wherever possible the Society will endeavour to support the recommendations made by the employee's Doctor to enable a speedy and supported return to work for the employee. Where the recommendations are not able to be supported, the employee will remain on sick leave and the Company will set a date for review.

### **Return to Work Interviews**

On return from any period of sickness absence employees will meet with their Manager for a return to work meeting. The meeting's purposes may include:

- ensuring the Employee is fit for work and agreeing any actions necessary to facilitate a return;
- confirming the Employee has submitted the necessary certificates;
- updating the Employee on anything that may have happened during their absence; and/or
- raising any other concerns regarding the Employee's absence record or their return to work.

Immediately upon a return to work from a period of absence, employees must report to their Manager/Supervisor. A "return to work" interview and briefing will take place.

If the employee is an open food handler (i.e. works in the Bakery or Food to Go area of the store) then they must also complete a 'Fit to Work – Food to Go Areas' questionnaire, along with any other 'Return to Work' paperwork.

If the employee has answered 'yes' to any of the questions in part 1 of the Questionnaire, then they should not be permitted to handle food until they have been free of symptoms for 48 hours. The employee may be able to carry out 'safe alternative work' in the meantime, if this is practicable, or you might you have to exclude them from the work place until the 48 hours has elapsed. In the event someone is excluded from the workplace then this will be treated as special leave with pay rather than sick leave.

'Safe alternative work' is work that does not involve handling open food, or entering open food handling areas. Extra hygiene precautions, particularly hand washing, is essential to avoid possible contamination of mutual areas, such as door handles or door keypads.

Certain infections including dysentery, E.coli O157, typhoid and paratyphoid require formal exclusion and then medical clearance before returning to food handling duties.

For further information please consult the RetailSafe manual.

The return to work meeting enables the Manager to discuss with the employee any support necessary including following up medical arrangements that might be needed through Occupational Health or otherwise, which can be arranged by People & Performance. It should also highlight any operational issues that may have arisen while the employee was absent, and any work-related factors that may have contributed to the absence, which will need addressed. The Return to Work Interview forms can be found on SharePoint and should be completed and filed by the Manager.

### **Short Term Absence**

Short term absence usually takes the form of:

- minor one-off absences e.g. toothache, colds, muscular sprains and strains.
- minor absences that occur more regularly e.g. an employee may be off work with minor strains/injuries etc. four times in a year

Frequent absence may indicate an underlying health problem which requires medical investigation and intervention and if continued may indicate lack of capability to do the job. Employees in this situation will be encouraged to seek proper medical attention and may also be referred for medical assessment via the Society's Occupational Health Physician or other specialist. Subsequent action in these circumstances would be determined on the basis of the medical report and further discussion with the employee.

Where there is a trigger in the system that an employee's sickness/absences levels are approaching the pre-determined points rating, the People & Performance Department will send absence information to the employee's Manager. The Attendance review form, found on the SharePoint will either be an ATT1 form – first absence trigger point reached, or an ATT2 form – second absence trigger point reached.

The ATT1 forms are designed as counselling forms for the Manager to discuss absence levels with the employee so they are:

- Aware of absence levels
- Given the opportunity to discuss reasons for absence
- Aware of what is expected in terms of attendance
- Aware of the next stage if their attendance does not improve

The Manager should contact People & Performance if they require any advice regarding the individual's absence levels.

The ATT2 form should be dealt with in the same way, but may be used by the Manager as a trigger for formal warning as outlined below in the section 'Managing Short Term Persistent Sickness Absence'.

In situations, where absence continues to occur beyond this level, the Society may, after appropriate investigation, consider terminating employment.

### **Managing Short Term Persistent Sickness Absence**

This process is designed to give individual's fair warning that their attendance needs to improve. Furthermore, the purpose of the procedure is to investigate and discuss the reasons for the employee's absence, whether it is likely to continue or recur, and whether there are any measures that could improve their health and/or attendance.

#### **Stage 1. ATT1 Meeting**

People & Performance will send absence information to the Manager when an employee's absence reaches the first trigger point on the absence management system. The Manager will arrange to meet with the employee to go through the ATT1 form, found on the SharePoint, discuss the reason for the absence, explain that the absence has reached a trigger point on the system and identify whether there are any measures that can be taken which might assist an acceptable attendance level including an approach to Occupational Health. The Manager will give the employee an opportunity to explain the likely causes of their absence and ask any questions.

During the meeting the Manager should make the employee aware that if absence levels do not improve it could result in stage 2 of the procedure being invoked which will entail an ATT2 form being sent to the Manager, and a further meeting being held to discuss the matter. The employee should also be warned that this could result in a formal warning being issued.

If the Manager has any concerns at this stage they should contact the People & Performance Department.

#### **Stage 2. ATT2 Meeting – Written Warning**

People & Performance will send an ATT2 form to the Manager when an employee's absence reaches the second trigger point on the absence management system. The Manager will invite the employee to an attendance review meeting in writing at least 3 days before the meeting (template letter available on SharePoint). The letter will explain

the reasons for the meeting and state that the outcome could be a formal warning. The employee will also be given the opportunity to be accompanied by a colleague or registered trade union representative.

During the meeting the Manager will go through the details of the individual's absence and explain that their absence level has reached the second trigger point. The Manager will complete the ATT2 form with the employee and may have another member of staff present taking a note of the meeting. The employee will be given the opportunity to put their position forward at the meeting and to ask any questions. The Manager will identify whether any measures can be taken to help improve attendance levels, and will discuss the option of approaching Occupational Health if appropriate. After discussing the case with the People & Performance Department the Manager will decide whether a written warning is appropriate based on the information they have on absence levels and the individual's circumstances.

If a written warning is issued, this will be confirmed in writing by the People & Performance Department and the employee will be advised of their right of appeal within 7 days of receipt of the written decision. The Manager will inform the employee that their attendance will continue to be monitored and any further absences could result in stage 3 being invoked which could result in a final written warning being issued.

### **Stage 3. Final Written Warning – Attendance**

If absence continues to be an issue the Manager will invite the employee to an attendance review meeting which will be a repeat of the process detailed in stage 2 with a potential outcome of a Final Written Warning.

The employee will be advised that if there is no improvement during the life of the warning the outcome of the next meeting could be dismissal. The employee will have the right of appeal against the decision within 7 days of receipt of the written decision.

### **Stage 4. Dismissal – Attendance**

This stage is a repeat of Stage 3 but is held by the Regional Business Manager, HOD or other appropriate Manager, and the outcome could be dismissal. If the outcome of the meeting is dismissal the employee will have the right of appeal against the decision within 7 days of receipt of the written decision. The employee will normally be paid full notice or payment in lieu of notice plus any statutory holidays accrued.

If at any point during the absence management process the employee is found guilty of gross misconduct through the Society's disciplinary process - for example, if an employee is found to have fraudulently claimed Company Sick Pay - then any subsequent dismissal for that gross misconduct would be without notice or pay in lieu of notice.

**NOTE:** At each stage of this process the Manager or Regional Business Manager should contact People & Performance before holding the attendance review meeting, as there may be legitimate circumstances where the above process may not be appropriate, for example, absences linked to conditions covered by the Equality Act or complex personal situations. Where a decision is made to depart from the standard process the reason(s) for this will be documented to ensure transparency and equity of treatment.

## **Appeals**

Employees will have the right to appeal against any decision taken under the formal disciplinary process. The appeal must be lodged in writing to the People & Performance Business Partner identified in the letter confirming the disciplinary action within seven days of the date of the disciplinary hearing, and must outline the grounds upon which the appeal is based.

An employee will, at all stages of the appeal process, be entitled to representation. The representative may be a work colleague who has not previously been involved with the issue at hand, or an accredited Trade Union representative.

The appeal will normally be heard by the next Senior Manager in the structure. In circumstances where this person has previously been involved in the disciplining process of this case, appeals will be heard by the People & Performance Business Partner or an appropriate Senior Manager.

The appeals official will have the discretion to determine whether any further investigation or interviews are necessary.

The employee will be advised of the decision in writing (with a copy to the representative upon request), as soon as practicable following the appeal hearing.

## **Managing Long Term Sickness/Absence**

Sickness absence will be considered "long term" when an employee has been off work for a minimum of 4 consecutive weeks or where there are frequent spells of linked sickness absence.

Employees who fall into this category of sickness are required to maintain reasonable contact with their Manager or their People & Performance Consultant and advise of any changes in their circumstances.

When sickness absence reaches 4 consecutive weeks the People & Performance Department may make contact with the employee to discuss the likely length of absence, nature of the illness, any reasonable adjustments that could facilitate the employees return to work and any measures the Society can take to enable a return to work. Earlier contact may be appropriate if the circumstances justify earlier intervention.

The People & Performance Department will make initial contact by letter, and may also make contact via telephone to arrange an in-store meeting or home visit as deemed appropriate. Employees may be accompanied at these meetings by a colleague or union representative for support. In some circumstances a family member may accompany the employee provided this is agreed in advance and all parties are comfortable with this. The employee's Manager may also make contact with the employee to discuss return to work options and any support that can be provided.

The Society may decide that medical evidence, or further medical evidence, is required before deciding on a course of action. Thus, at any stage during the absence the employee may be referred to the Society's Occupational Physician or another medical specialist (or a report may be requested from the employee's own doctor).

Prior to any medical referral, the People & Performance Department will have contacted the employee to ascertain the circumstances of the absence and determine at what stage the referral will be beneficial.

Where an employee does not maintain reasonable contact with the Society during the absence and/or does not respond to any contact made by the Society, this refusal to make contact may be dealt with as a conduct issue through the Society's disciplinary procedure.

### **Referrals to Occupational Physician or Other Medical Specialist**

Where it is considered appropriate that an employee should be referred to the Society's Occupational Physician or other medical specialist the following provisions will apply:

The employee will be made aware of the reasons for the referral. Should an employee refuse to attend an appointment with the Occupational Physician or other medical specialist, we will have to review matters on the basis of the information available. Since this may potentially affect continuing employment, it is considered to be in the employee's interest to co-operate at all stages of the review process.

The Occupational Physician or other specialist will be asked to submit a report following the consultation. This report should cover/address, amongst other things, the following:

- What type of health issue(s) the employee is experiencing and whether it constitutes a disability in terms of the Equality Act 2010?
- How long the employee has had the condition and how long it is likely to last?
- Whether the employee is fit for employment and able to perform their full range of job requirements/duties?
- What restrictions, if any, are there in the employee's ability to perform their normal work tasks?
- What if any adjustments are recommended to facilitate the employee carrying out their role?
- Whether there are any factors, internal or external to the Society that might precipitate the condition?
- Whether there are any other measures that could be taken to assist the employee return to their full capacity or in any other capacity?

The People & Performance Department will arrange all necessary appointments with the Occupational Physician.

Signed consent forms will be obtained from an employee prior to any medical report being requested from their own doctor or other specialist. Information will be provided on individual's rights under the relevant legislation.

If it is considered necessary, the employee may be seen on a regular basis by the Occupational Physician throughout a protracted sickness period.

Following receipt of the report from Occupational Health or other specialist, the People & Performance Department will arrange to contact the employee to arrange a meeting as

appropriate to discuss the report and any measures that require to be taken to support an employee's return to work.

At all stages of this procedure, the employee will be kept fully informed of any measures to be taken and the contents of any medical report obtained.

### **Initial Sickness Absence Meeting**

The purposes of a sickness absence meeting or meetings will be to discuss the reasons for the employee's absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve the employee's health and/or attendance.

In cases of long-term absence, the Society may seek to agree a return-to-work programme, possibly on a phased basis.

### **Return to Work Following Long Term Sickness Absence**

When an employee returns to work following long-term sickness absence, the Manager will meet with the employee to discuss any measures or adjustments that have been agreed to assist the employee's return to work and any changes within the team or within the Society that the employee should be aware of.

The types of reasonable adjustments that may be considered with the employee to assist a return to work include, but are not restricted to;

- Reduction in hours (temporary or permanent)
- Temporary or Permanent change in duties
- Change in location
- Adjustments to fixtures/fittings/equipment

The manager should also arrange specific dates to meet with the employee over the first few months of their return to ensure appropriate support is in place and to provide an opportunity to discuss any problems or concerns. Normal absence monitoring arrangements will apply on their return.

### **If Matters do not Improve**

If, after a reasonable time, the employee has not been able to return to work or if their attendance has not improved within the agreed timescale, the Society will hold a further meeting or meetings. The Society will seek to establish whether the situation is likely to change, and may consider redeployment opportunities at that stage. If it is considered unlikely that the employee will return to work or that their attendance will improve within a short time, the society may advise employees that support periods for long term sickness are not indefinite. If there is no foreseeable return to work individuals may ultimately face dismissal on the grounds of ill health, however this is a last resort once all reasonable opportunity for support has been exhausted. The Society may also set a further date for review.

### **Final Sickness Absence Meeting**

Where the employee has been warned that they are at risk of dismissal, and the situation has not changed significantly, the Society will hold a meeting to consider the possible termination of the Employee's employment. Before making a decision, the Society will consider any matters the Employee wishes to raise and whether there have been any changes since the last meeting.

The following steps will be taken before a decision to dismiss is made:

- The employee will be informed at the earliest possible opportunity that they could be dismissed on the grounds of ill health
- An investigation will be undertaken to establish the medical situation
- An assessment of fitness for work from Occupational Health or other medical advisor
- Consideration, where appropriate, of premature ill-health retirement
- Consultation with the individual

Where an employee refuses to provide medical evidence or to visit Occupational Health or another medical specialist, the employee will be advised that a decision on their employment prospects will be taken on the basis of the information available and that this could involve dismissal.

### **Dismissal Process**

If following any investigations outlined above the Society decides to consider dismissal due to ill health the following process will take place;

The employee will be asked to attend a meeting to discuss the matter and will be sent a letter at least 3 days before the meeting advising of the reasons for the meeting. The employee will also be advised of the right to be accompanied by a colleague or trade union representative at the meeting. The employee must take all reasonable steps to attend the meeting, however if they are unable to attend, or their chosen companion is unable to attend, then the meeting will be rescheduled to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed, unless by mutual agreement.

At the meeting the employee will be given the opportunity to state their case and to ask any relevant questions. A decision will be made and issued to the employee in writing. The employee will be advised of the right to appeal against the decision to the People & Performance Business Partner within 7 days of receipt of the dismissal decision.

If the employee wishes to appeal against the decision the employee should do so in writing stating their full grounds of appeal to the People & Performance Business Partner within 7 days of the date on which the employee was informed of the decision. A meeting will be arranged to hear the appeal and the employee will be entitled to be accompanied at the meeting by a trade union representative or colleague.

Following the appeal meeting the employee will be advised of the decision in writing. There is no further right of appeal.