



Managing Attendance Policy and Procedure

BY LAW of

CHESTER STUDENTS' UNION

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POLICY

Statement

Chester Students' Union is committed to developing a healthy, dedicated and effective workforce by promoting a good attendance culture and a supportive working environment.

Sickness absence impacts upon the organisation's ability to deliver the best possible service to students and stakeholders. Chester Students' Union must continue to ensure that we maximise attendance at work to support and achieve our objectives.

A positive attendance culture is one where attendance at work is regarded as the norm and expected of all and by all. It is a culture where individuals that are absent through illness or injury are supported to return to work as soon as possible and where poor attendance is effectively managed.

This policy and associated procedures have been written in accordance with the ACAS Code of Practice and complies with HSE, Human Rights Act and Equalities legislation.

Aims

The aim of this policy is to ensure that individuals who are unwell receive fair and reasonable treatment, with every effort being made to assist their recovery to enable them to return to work and maintain good attendance at work.

This policy is intended to provide a consistent framework for managing attendance and to develop a culture where good attendance at work is valued and where poor attendance is appropriately challenged.

Objectives

- a) To develop a culture of good attendance that promotes the wellbeing of all and supports individuals who are absent from work due to sickness or injury.
- b) To ensure that all those involved in managing attendance are aware of their roles and responsibilities and also that supportive mechanisms are available to assist an individual to return to work at the earliest opportunity.
- c) To provide guidance and information on managing attendance ensuring that matters are dealt with fairly and consistently.

Application and Scope

All staff must be aware of and are required to comply with all relevant policy and associated procedures.

Attendance management is the responsibility of both the individual and the organisation. Line managers have a key role in reinforcing good attendance and ensuring that the health, safety and wellbeing of our workforce are maintained.

PROCEDURE

Introduction

Chester Students' Union is striving to maximise the attendance of its employees and thereby reduce sickness absence. Our aim is to achieve this by following the attendance management procedures.

Sickness absence is any absence from work where the individual is unfit to work as a consequence of ill health or injury. Unauthorised absence from work and cases of punctuality will be dealt with under disciplinary procedures and not the attendance management procedures.

There are occasions when individuals need time off to deal with unexpected events or crisis at home – sickness absence must not be used in these circumstances but consideration will be given to the 'Other Leave' procedure where appropriate.

Confidentiality

Information about an individual's absence from work due to sickness or injury is confidential and must be treated with sensitivity.

Records in relation to managing an absence will be restricted to roles that have a responsibility for the management or recording of sickness absence.

Sickness Absence - Trigger points and Categories

Trigger Points

Individuals will at times be unable to attend work due to illness or injury. As a result some individuals will meet Chester Students' Union's attendance trigger points and will require management interventions and support to assist them to improve and maintain their attendance.

Trigger points help to highlight those individuals where there is concern about their attendance. They facilitate supportive action at the earliest opportunity to help resolve issues and encourage good attendance.

Chester Students' Union's standard trigger point for management action in respect of unacceptable levels of sickness absence is:

Absent on 3 or more occasions in the last 12 months

An extension to an individual's probationary period will be considered in all cases where the trigger point has been reached.

Sickness Categories

Short term sickness absence: up to and including 7 consecutive calendar days.

These absences are usually self-certified.

Medium term sickness absence: between 8 and 27 calendar days inclusive.

These absences are medically certified.

Long-term sickness absence: any consecutive period of sickness absence lasting 28 calendar days or more will be deemed as long-term absence. These absences are medically certified.

Reporting and Recording of Sickness Absence

Individuals must report their absence, by telephone, to their line manager (or an alternative manager if their line manager not available), as soon as possible on the first day of absence, and no later than 30 minutes prior to the commencement of their normal start time. Only in exceptional circumstances, such as hospitalisation, will it be acceptable for an authorised third party to report sickness absence on behalf of an individual.

Reporting sickness absence by text message or email is not an appropriate form of communication and is not permitted, unless a prior agreement has been made as a reasonable adjustment.

If the line manager is not available to take the initial call from the individual reporting sick then the line manager will, as soon as possible and preferably on the same day, telephone and speak to the individual.

As a minimum when reporting sick, the individual should provide their line manager with an indication of the nature of their illness, whether it is disability/pregnancy related and give an estimate of the duration of the absence or likely return to work date. This will ensure an accurate record of the absence and avoid any confusion of the details.

Where an absence continues beyond 7 calendar days, the individual must produce a 'fit note' to their line manager on the 8th day of absence. Line managers must ensure the recording of the fit note details in the individual's file. Repeated delays or failures to provide consecutive fit notes will lead to consideration of formal procedures and/or the individual being taken off pay due to uncertified sick leave.

Contact during Sickness Absence

Early contact and intervention by line managers, followed by continued contact has been shown to have a positive effect on individuals resulting in them returning to work as soon as possible.

The key reason for regular contact by line managers is to check on the individual's well-being. It is also the opportunity to discuss any supportive interventions that may assist a return to work and can help address any concerns the individual may have about their absence from work, including reducing any sense of isolation often felt by individuals who are absent for an extended period of time.

Initially where the expected duration of the sickness absence is unknown, the individual must regularly contact the line manager to inform and update them of their progress.

For long term sickness line managers are required to maintain regular contact with the individual and arrange home visits every 14-calendar days. These are the minimum requirements that line managers must adhere too in maintaining contact with an individual absent from work due to sickness and it is expected that more regular contact will be the norm for the majority of cases.

Line managers must ensure that contact with the individual is either in person or by telephone. It is not normally acceptable for a line manager to maintain regular contact with an individual via text message, email or social media.

Return to Work

An Individual must notify their line manager in advance of their intended date of return to work. This is particularly important to enable line managers time to arrange any reasonable adjustments/supportive measures that may be required.

Return to Work Interview (RTWI)

The RTWI is an essential step in ensuring communication between the individual and the organisation. It supports the rehabilitation of the individual back to work and is an opportunity to identify any underlying issues that may be affecting the individual.

The RTWI is mandatory for all occurrences of sickness absence and must be conducted by the line manager together with the individual, immediately on the day of the return to work or within 3 working days if this is not possible.

The formality and structure of the RTWI will be dependent on individual circumstances. The overriding approach must be supportive however line managers must balance this with appropriately challenging poor attendance. In all circumstances the RTWI must reflect confidentiality and sensitivity and be conducted in private.

Where the individual has met the attendance triggers an Attendance Support Plan (ASP) is mandatory and must be discussed with the individual at the RTWI. The line manager must inform, explain and develop with the individual an ASP at the RTWI.

Informal Management Action/Attendance Support Plan (ASP)

Attendance Support Plans are a supportive measure to support and assist individuals to improve and maintain good attendance at work.

The line manager must prepare an ASP for an individual who has met Chester Students' Union's attendance triggers including pregnancy related and disability related sickness absences. An ASP is the appropriate method of recording support for all individuals that require it whether or not they hit the attendance triggers, however it is not mandatory in these circumstances.

The ASP is an agreement between the individual and the line manager that captures supportive measures, recuperative duties and actions to assist in improving and

maintaining the individual's attendance at work. It also informs the individual of the potential consequences of continued or persistent sickness absence.

The ASP must be discussed by the line manager with the individual, at the RTWI. Where the individual has met the attendance triggers the ASP is mandatory and must be discussed and developed as part of the RTWI.

Wherever possible the content of the ASP will be agreed with the individual and the line manager will provide a copy to the individual for their signature. The ASP must be provided to the individual within 3 working days of the RTWI. However, if the individual is reluctant or unwilling to sign/confirm agreement to the ASP, it will still be considered valid for the period stated.

The minimum validity period of an ASP will be 3 months and the maximum period 12 months. The line manager will determine the most appropriate timescale, having regard to all of the circumstances, facts and the needs of the individual.

Return to Work Attendance Support Plan (RTW ASP)

A RTW ASP must be provided to an individual on medium or long-term sickness absence. It must be designed to capture supportive measures, recuperative duties and actions that will assist the individual to return to work within a reasonable and specified timescale. It must be made clear within the RTW ASP of the potential consequences of failing to return to work within the timescale.

Formal Action

Where informal management action does not bring about an improvement in an individual's attendance at work, the line manager, after carefully considering all the circumstances and liaising with the CEO (& potentially University HR), will consider progressing to formal management action i.e. Capability/Disciplinary Procedures.

Key roles in Managing Attendance

The identification of key roles with clear responsibilities will support Chester Students' Union to achieve the aims and objectives of this policy.

The following four roles are essential to delivering effective attendance management:

- Individual
- Line Manager/CEO
- University HR via the CEO
- Occupational Health

All members of Chester Students' Union must ensure they are aware of and comply with their responsibilities. Failure to do so may lead to consideration of formal procedures.

Medical appointments

Employees should endeavour to arrange medical appointments in their own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the organisation.

However, because the organisation accepts that it is not always possible to arrange medical appointments outside working hours, it is the organisation's policy to permit reasonable time off work for such appointments.

Provided that the employee gives their line manager reasonable notice of the date and time of an appointment, time off without pay will normally be granted, the line manager has the discretion either to require the employee to make up for the time off by working extra time on another occasion.

Employees must obtain approval from their line manager in advance of any appointment. The line manager reserves the right to ask the employee to reschedule an appointment if its timing would cause disruption to the organisation's business. The line manager also has the right to ask the employee to produce confirmation of the appointment.

Employees who are pregnant have the statutory right not to be unreasonably refused paid time off work for antenatal appointments where the employee's attendance has been recommended by a registered medical practitioner, midwife or nurse. Paid time off in such circumstances will automatically be granted, although employees should endeavour to arrange appointments outside working hours. Nevertheless, the employee should give reasonable notice of the date and time of the appointment to their line manager where possible and the line manager will still have the right to request to see the confirmation of the employee's second appointment and any subsequent appointments.

A prospective father, or partner of a pregnant employee, has the statutory right to take paid time off to attend up to two antenatal appointments.

Planned Absences

When you know in advance that you are likely to be absent e.g. for routine surgery and recovery, you must inform your line manager at the earliest opportunity and provide any additional useful information such as the anticipated length of your absence. Whilst you are away from work, you must follow this policy in terms of providing evidence of your sickness and keeping in touch with your line manager.

Elective surgery is surgery that is not considered to be medically necessary and will usually be booked utilising the employee's annual leave. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques, e.g. face-lifts or breast implants.

Disability Related Sickness Absence and Disability Leave

The Equality Act 2010 defines disability as a 'physical or mental impairment that has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities'.

The effect of the impairment is long term if:

- a) It has lasted at least 12 months;
- b) It is likely to last for a total period of 12 months;
- c) It is likely to last for the rest of the person's life.

When reporting sick with a disability related absence, the individual must inform their line manager to ensure that the absence is recorded as such.

Chester Students' Union has a duty to make reasonable adjustments to assist individuals to attend work and maintain their attendance. Reasonable adjustments can include:

- Adjusting premises
- Re-allocating duties
- Temporary/Permanent re-deployment to an existing vacancy
- Altering working hours
- Providing additional training
- Acquiring or making changes to equipment
- Phased return to work following a lengthy absence
- Allowing leave for treatment/rehabilitation/assessment

The above is not an exhaustive list and adjustments/measures may be required either in isolation or together dependent upon the individual needs and circumstances.

As a reasonable adjustment Chester Students' Union may discount disability related sickness absence for the purposes of unsatisfactory attendance (Capability). When reviewing an individual's sickness record with regard to formal action, the manager must consider discounting disability related sickness absence when determining if formal action is appropriate. However, it may not be reasonable in every case to discount all disability related absences and managers should seek advice from the CEO in such circumstances.

Ensuring the recording of disability related sickness absence on an individual's record will assist the manager to consider what is and what is not reasonable to discount.

Line managers must also read Chester Students' Union's Disability Policy when managing disability related sickness absences.

It is the policy of the organisation to grant a reasonable amount of time for employees to take Disability Leave (subject to eligibility). Requests for Disability Leave must be directly related to a disclosed impairment and are a reasonable adjustment that Chester Students' Union can provide. It enables a member of staff to adjust to changes in their life caused by the development of a new impairment, or to manage an existing impairment. The leave reason could be to facilitate rehabilitation, preventive measures, treatment for, or adjustment to an impairment and must be for a fixed period and requested in advance. Disability Leave is also suitable for absences of short periods of time needed on a regular basis for rehabilitation, physiotherapy, treatment or training, hospital appointments etc. Further information can be found in Chester Students' Union's Disability Policy.

Gender Reassignment

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". There is no requirement for the person to be under medical supervision as gender reassignment is considered to be a personal rather than a medical process. Under the Act, a person who takes time off work for gender reassignment must not be treated less favourably in respect of employment decisions. Time off for reasons relating to gender reassignment will be discussed with an individual's line manager and further information can be found in Chester Students' Union's Trans Policy.

Pregnancy Related Sickness Absence

Legislation provides protection to women during the maternity period. The protected period is from the notification of pregnancy to the end of the maternity leave.

Pregnancy-related sickness will be recorded as such on an individual's sickness record and will be discounted for certain purposes including formal procedures for unsatisfactory attendance (Capability). However, the absence must be directly related to the pregnancy.

Sickness absence that occurs immediately after a miscarriage must be recorded as pregnancy related. In cases where the absence continues long term due consideration must be given, based on individual circumstances and that of medical opinion, as to whether the absence remains pregnancy related. Advice and guidance should be sought from the CEO.

If a woman is absent due to a pregnancy related sickness after the 4th week prior to the Expected Week of Confinement (EWC) then her maternity leave will automatically commence at this point and sick pay will cease.

The protected period will cease at the end of the maternity leave. All sickness absence after the date of the individual's intended date of return to work is not regarded as protected and will not be discounted for any purposes. This includes sickness absence relating to post-natal depression.

A woman absent as a result of pregnancy related illness who reaches Chester Students' Union's attendance trigger must be provided with reasonable support and adjustments, documented on an ASP. This is specific to the sickness absence and in addition to the New and Expectant Mother's risk assessment that must be completed and regularly reviewed for all pregnant staff. Further information can be found in Chester Students' Union's Maternity Policy.

Fertility Treatment

It is the policy of the organisation to grant a reasonable amount of time off for an employee to undergo fertility treatment (subject to eligibility). The policy applies equally to an employee whose partner is undergoing fertility treatment. If the employee requires time off beyond the permitted number of days, the employee may nevertheless be allowed to take time off out of their annual holiday entitlement for this purpose. Further information can be found in Chester Students' Union's Maternity Policy.

Sickness absence and annual leave

Sickness during holiday

Where an employee falls sick or is injured before a scheduled holiday or whilst on holiday, the organisation will allow the employee to transfer to sick leave and take replacement holiday at a later time. This policy is subject to the following strict conditions:

- The total period of ill health must be fully certificated by a qualified medical practitioner [where it exceeds seven calendar days].
- The employee must contact the organisation (by telephone if possible) as soon as they know that there will be a period of sickness during a holiday.

- The employee must submit a written request no later than 7 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when they fall ill or is injured, evidence must still be produced that the employee was ill by way of a medical certificate.

Holiday during sick leave

An employee who is absent on sick leave will continue to accrue their contractual holiday entitlement and will be given the opportunity to take this at a later date, including in the subsequent leave year, if they do not take their contractual holiday entitlement due to being on sick leave.

An employee on sick leave may apply to take their holiday entitlement while on sick leave. The holiday dates must be approved in accordance with the procedure set out in the organisation's annual leave booking procedure.

Medical advice

We may, at any time in operating this policy, require employees to consent to a medical examination by an Occupational Health provider, a doctor nominated by Chester Students' Union, an employee's own GP or other medical practitioner who may be providing their care.

Employees will be asked to agree that any report produced in connection with any such examination may be disclosed to Chester Students' Union and that we may discuss the contents of the report with our professional advisers and the relevant medical practitioner.

Where a report from the employee's medical practitioner is necessary, the employee will be fully informed of their rights under the Access to Medical Reports Act 1988 and their permission will be sought for the report to be obtained.

The Access to Medical Reports Act 1988 does not apply where the organisation is seeking a medical report from a medical practitioner who has not been responsible for the employee's clinical care, typically its own chosen specialist or occupational health adviser.

In these circumstances, the organisation is still required under the General Data Protection Regulation (GDPR) to obtain the employee's express consent to its obtaining a medical report.

Should an employee refuse permission to approach their medical practitioner for a report, Chester Students' Union may be forced to make decisions about their future employment with the organisation without the benefit of a fully-informed medical opinion.

Recuperative Duties

A phased return to work on recuperative duties/arrangements can aid an early return to work and will be discussed with the individual at the earliest most appropriate opportunity.

The use of recuperative duties is subject to management discretion, resourcing and the merits of the individual case. They will only be considered if there is an expectation that

the individual will return to the full duties of their role within a specified timescale and they are supported by a recommendation on a Fit Note and/or by Occupational Health.

Recuperative duties can involve any or all of the following; adjusted duties, adjusted work patterns, reduced working hours and must be documented and reviewed as part of an ASP.

Reduced working hours is not an automatic entitlement as part of recuperative arrangements and will only be considered if recommended on a 'Fit Note' and/or by Occupational Health.

The total duration of the recuperative period will be no more than 6 weeks. Extensions beyond 6 weeks will require discussion and approval from the Chief Executive.

Pay Entitlements during Sickness Absence.

The Union’s sick pay provision - known as Occupational Sick Pay Scheme (OSPA) – is generally more generous than Statutory Sick Pay. OSPA is a discretionary payment available to permanent staff members during absence from work through personal sickness including disability related sickness.

Chester Students’ Union reserve the right to withhold payment of OSPA in the event of the following

- Suspected abuse of the scheme
- Failure to follow the rules and procedures
- Provision of false information
- Sickness caused through drug or alcohol abuse or self-inflicted injury

Subject to the provisions of this scheme, a member of staff absent from duty owing to personal sickness may be entitled to receive OSPA within any period of 12 months in accordance with the following scale:

Length of completed service	Period of full pay	Period of half pay
During 1 st year of services (after 6 months)	1 month	2 months
During 2 nd or 3 rd year of service	3 months	3 months
During 4 th year of service and thereafter	6 months	6 months