

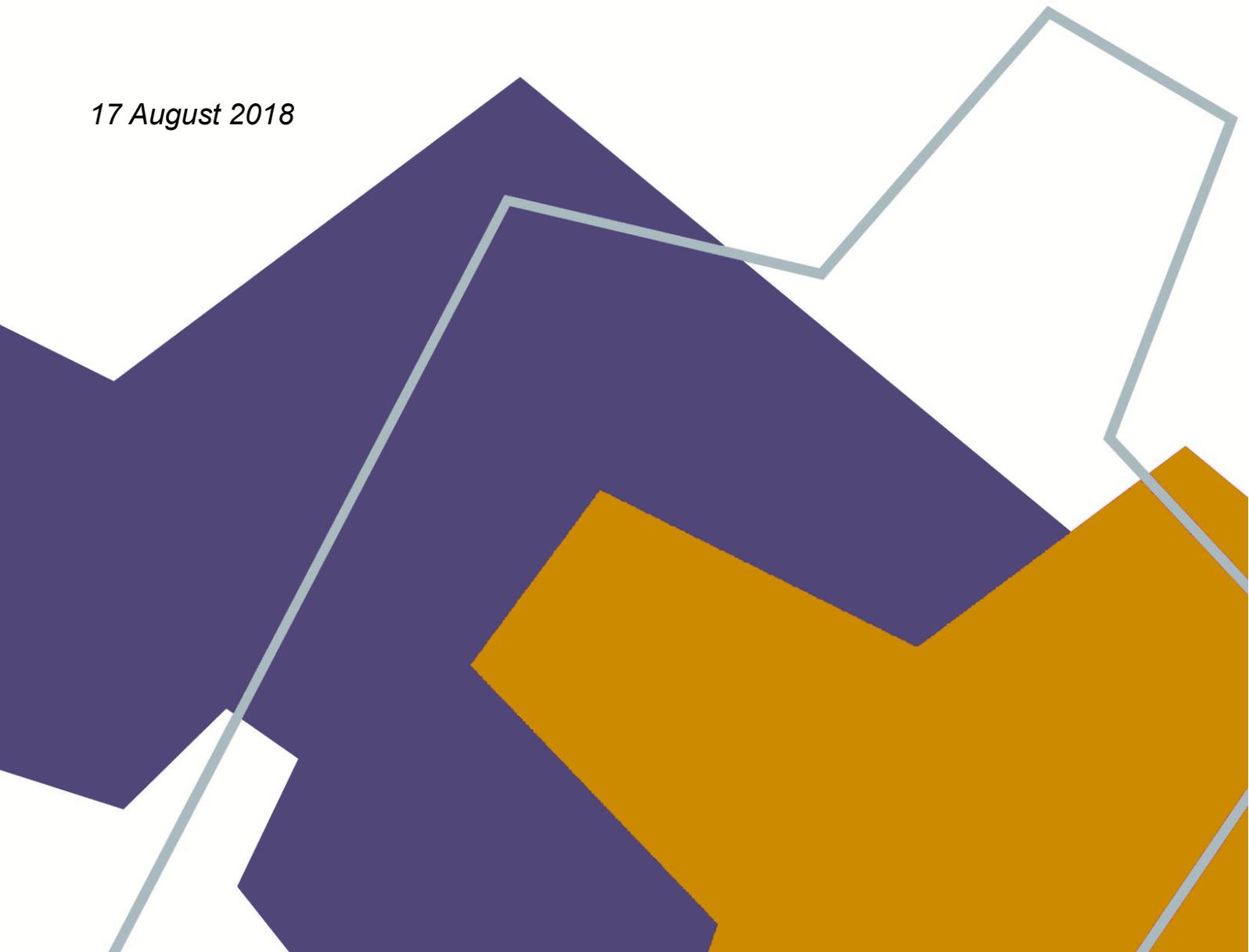


The Scottish Parliament
Pàrlamaid na h-Alba

Attendance Management: Guidance for Managers

A' Stiùireadh Frithealadh: Stiùireadh airson Manaidsearan

17 August 2018



What is the purpose of the Attendance Management Policy?

The purpose of the Attendance Management Policy is to ensure that:

- you and your staff are aware of the standards of attendance required and recognise your responsibilities in relation to attendance at work;
- you take a proactive approach to the management of attendance so that you can identify and address any issues at an early stage; and
- attendance is managed in a fair and consistent manner across the organisation.

The policy aims to demonstrate to managers and staff that early intervention is essential, for example, it can help you to:

- identify whether there are any underlying causes which have an impact on your attendance;
- identify whether any reasonable adjustments are required to help prevent the necessity for sick absence in the first place; or
- find ways to support staff to get back to work more quickly and lessen the chance of a medium-term absence becoming long term.

What is my role as a manager?

You are responsible for:

- monitoring the attendance of your staff;
- taking early action in response to any issues you identify;
- supporting your staff to achieve high levels of attendance;
- managing absence in accordance with the [Attendance Management Policy and Procedure](#);
- ensuring the proper discharge of business when staff are absent;
- carrying out the Return to Work Discussion and submitting the form to the Human Resources Office to confirm that the member of staff has self-certified for any absence between one and seven calendar days long; and
- managing unacceptable attendance through the proper application of the Improving Attendance Policy (page 10 of the [Attendance Management Policy](#)).



Why do we have Return to Work Discussions?

Primarily to give you the chance to ensure that your member of staff is fit to return to work. In the case of frequent, short-term absence, it is an opportunity to:

- explore the reasons for the irregular attendance and how better attendance might be achieved, for example, a personal circumstance might be alleviated by a change to working practices.

For long-term absence, it allows you to:

- explore fully what you can do to facilitate the return to work (which can be difficult after a long period of absence). This might include refresher training or coaching, adjusting specific objectives and workloads or generally being protective of the individual in the first few weeks.

The Return to Work Discussion is **not** part of the formal Procedures for Dealing with Unsatisfactory Attendance. It is part of performance and attendance management. It is about supporting people and getting the best from them. The discussion will also help you to:

- make the individual feel welcome and valued on return;
- ensure that they are really fit to return to work;
- identify the cause of the absence;
- address any problem that may be causing or contributing to the absence;
- gather sufficient information to enable you to complete and return to the Human Resources Office on behalf of the member of staff, a self certification form covering any absence between one and seven calendar days; and
- agree priorities of work for the post-absence period.



How do I prepare for a Return to Work Discussion?

First, it is important that you see everyone who returns to work after a period of sick absence as soon as practicable on their first day back at work.

Secondly, make sure you prepare for the interview by checking the facts. Look at the person's attendance record, remind yourself of any relevant background information and read any notes from earlier interviews.

Finally, you should ensure that you:

- have the link to the Return to Work Discussion/Self Certification form that will have been sent to you by the Human Resources Office;
- set aside enough time for the meeting (so avoid "fitting it in" before an important meeting);
- hold the meeting in private;
- create an atmosphere of trust and support;
- approach the meeting in a genuine spirit of inquiry; and
- maintain the self-esteem of the employee.

As noted above, you must carry out a Return to Work Discussion with every person, after every absence. To do anything else would be unfair and would also mean that they would be unable to confirm that they were self certifying for any absence between one and seven calendar days. Statistics show that in around 80% of cases, the interview will be simple and fast. You should contact your HR Adviser immediately for advice if, during the Return to Work Discussion, you discover that a member of staff has difficulty attending work because they have:

- problems outside work;
- problems at work; or
- ongoing health problems.

The worst thing you can do with absence from the office is to ignore it. If you carry out a Return to Work Discussion after every absence, absences may decrease and your knowledge and understanding of what motivates the absences will increase.

What things should I cover during the Return to Work Discussion?

When carrying out the Return to Work Discussion you should:

- place the absence in the context of any previous absences and, where appropriate, ask for an explanation of any apparent pattern or trends, for example, absences immediately following weekends or rest days;
- discuss absence flags and, if necessary, any improvement needed to keep absence levels within these;
- be sensitive to the member of staff's feelings where personal problems and illness are involved – contact the HR Adviser immediately if any such issues are unearthed;
- be constructive – avoid confrontation and stick to the facts;
- be prepared to challenge any explanation offered by the member of the staff based on the **facts** (but avoid interrogation);
- where you are aware of facts that appear to contradict the member of staff's statements, you should ask the member of staff to explain them. Remember your task is to find out what happened and to uncover any underlying problem – you must remain open-minded;
- be prepared to discuss possible solutions to any problem that you uncover, if it is within your powers to do so. However, if a person has a problem that is likely to cause persistent absence, you must address it. You must not simply accept the absences; to do so would be unfair on other employees and damaging to the organisation;
- confirm that the member of staff wishes to self certify for any absence between one and seven calendar days;
- discuss the impact that the absence has on work colleagues and on the organisation;
- express confidence in the member of staff's ability to attend work in the future;
- brief the member of staff on the events that occurred during his or her absence; and
- discuss the work that needs to be undertaken to catch up.

Should I keep a record of the discussion?

Yes. You should keep a record of the discussion on the Return to Work Discussion form which will have been sent to you by the Human Resources Office upon receipt of the Absence Notification Form . This form should then be submitted to Human Resources as directed in the email you received.



As a manager, am I able to contact the member of staff when they are absent to request information about specific business for which they have been responsible for taking forward?

Yes, it is legitimate for you to do so, however, you should bear in mind individual circumstances of the case and you may wish to consider if it is possible for you to get the information you require from other sources.

I have a responsibility to monitor attendance. How should I do this and is it up to me to know when the flag has been reached?

Prior to conducting a Return to Work Discussion, you should contact the Human Resources Office to obtain a current sick record for the member of staff. This will give you the absence history. Further, your Head of Group/Office receives a note of everyone's absence history from the Human Resources Office on a monthly basis and he or she should be discussing with you any case where absence is approaching any of the flags. You should also pay attention to the cause of the absence since it may be that you want to seek out potential sources of support for a member of staff whether or not any of the flags have been reached.

Do I have any other responsibilities?

Yes. You are legally required under the Equality Act 2010 to put in place a reasonable adjustment to support a member of staff with a disability to stay in work.

What is considered a disability under the Equality Act?

The Equality Act considers someone to be disabled if they have:

"a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities."

However, special rules apply to certain impairments such as progressive conditions. For example, people with cancer, HIV and multiple sclerosis are protected effectively from the point of diagnosis.

In addition, a mental illness does not have to be "clinically well recognised" before it is judged to be a mental impairment for the purposes of the Act.



How will I know whether any reasonable adjustments are required?

If you think that someone has a condition that fits into any one of these criteria, you should contact your HR Adviser immediately for specific, tailored advice on how to proceed.

What is a reasonable adjustment?

A reasonable adjustment could be any number of things. Some examples of reasonable adjustments are:

- making adjustments to the physical features of an office or building;
- allocating some of the disabled person's duties to another person;
- altering and revising flexible working hours to allow travelling outside of rush hours;
- allowing time off or absence during working hours for rehabilitation, assessment or treatment;
- providing supervision or support;
- making arrangements for disability related absence.

The important thing for you to remember is that you will get professional advice from the Occupational Health Adviser through the Human Resources Office.

How can you ensure the member of staff is likely to meet the definition of disability in terms of the Equality Act?

The Act does not provide a list of medical and other conditions that are likely to be covered. A member of staff can only be assessed on a case by case basis to determine whether their condition is covered by the Act. A number of issues will have to be looked at including the adverse affect on day to day activities, the type of condition, whether it is substantial and if the effects are long term. This is why it is important to seek professional advice from the Occupational Health Adviser through the Human Resources Office (see paragraph 22 below).

Does the member of staff have any responsibilities?

Yes. The member of staff has a contractual obligation to come to work on each and every day for which he or she is employed. Being absent from work is a breach of that obligation.

Is there anywhere I can go for support?

Yes. The Human Resources Office is there to:

- provide you with professional advice and guidance on the application of the Attendance Management Policy and the Policy and Procedures for Dealing with Unacceptable Attendance; and
- liaise between you and the Occupational Health Adviser.

What is the role of Occupational Health?

The Occupational Health Adviser operates independently of management and has a role as an impartial professional adviser. He/she has duties to individuals as well as to the employer and is responsible for:

- providing impartial advice, support and guidance to management and staff on health and welfare issues;
- conducting health assessments; and
- liaising with medical professionals as appropriate.

What if we get conflicting advice from Occupational Health and the GP?

Remember the GP is the patient's advocate. Our Occupational Health Adviser knows the context within which your member of staff operates and is in a better position to determine what he or she can and cannot do in the workplace. If we receive conflicting advice from our Occupational Health Adviser and the General Practitioner, a representative from Human Resources will provide you with professional advice and guidance tailored to the individual circumstances of the case, which might include discussions between the parties involved or obtaining the opinion of a third party.

Will the member of staff know if we are consulting the Occupational Health Adviser?

Yes. We will let the individual see the referral form and ask for his or her consent to approach their GP.

Why?

Under the terms of the Access to Medical Reports Act 1988 the individual has the right to see any medical reports supplied by their GP or other medical practitioner in respect of their health and must give their express consent for medical information to be accessed by a third party.

What if the individual refuses to be referred to Occupational Health?

The purpose of consulting the individual in advance is not to seek their consent to make the referral; it is to give consent for our Occupational Health Adviser to obtain information from the GP or other medical practitioner, such as a hospital consultant. If the member of staff refuses to give consent, our Occupational Health Adviser will base their advice on the information they have. You should also bear in mind that if the member of staff refuses to co-operate in the application of any the SPCB's policies or procedures, including the Attendance Management Policy and Procedure, this may be treated as misconduct and dealt with under the disciplinary procedures.

What should I take into account in managing absence?

You should take into account:

- the type of absence;
- the level and frequency of absences;
- any medical information provided by the member of staff or the Occupational Health Adviser;
- the possibility that the absence might be disability-related and the impact that this might have on ability to attend work;
- patterns of absence, e.g. Mondays/Fridays; before/after rest days, regular half days in an attempt to circumvent procedures, etc.

What do you mean by “type of absence”?

There are three different types of absence:

- long-term absence, which will require you to gather sufficient information to allow you to reach a decision. This could come from a range of sources including Occupational Health and the individual's General Practitioner or other medical specialist;
- short-term absence where there is an underlying medical condition; and
- short-term absence where there is no underlying medical condition.

Why does the type of absence matter?

The type of absence matters because you must treat each different type of absence in a different way.

If it is a long-term absence, you will need to:

- seek advice from Occupational Health via the Human Resources Office on the likely duration of the absence; the prognosis; and whether it is disability related;
- arrange to keep in touch with the member of staff on a regular basis (this is not only a support mechanism; it is a source of information for you);
- consider whether it is appropriate to put in place any reasonable adjustment within the work-place;
- consider whether a phased return to work might help the member of staff get back to work earlier;
- consider whether ill health retirement is appropriate.

If it is a short-term absence but there is an underlying medical reason, you will need to:

- seek advice from Occupational Health via the Human Resources Office to determine whether the condition constitutes a disability in terms of the Equality Act;
- consider whether it is appropriate to put in place any reasonable adjustments within the work-place; and
- if appropriate, and in consultation with the HR Adviser, set revised flags which would need to be breached before management action would be taken.

If the absence is short term with no underlying medical condition, you must ensure that the member of staff is aware of the standards of attendance expected of them and give them the opportunity to meet those standards before taking any action under the [Improving Attendance Policy](#) (page 10 of the Attendance Management Policy).

What happens if a member of staff has reached the revised flag that has already been adjusted to accommodate the disability?

If the member of staff has already been given additional days because of disability related absence, the adjustments that were put in place, will have to be reviewed to determine whether it is still reasonable to accept a higher level of absence related to disability. You must consult with the Human Resources Office if the revised flag has been reached.

At what point does the Attendance Management Policy overlap with the Improving Attendance Policy and Procedures ?

The Improving Attendance Policy will normally be invoked:

- if staff attendance is not acceptable after they have been given the appropriate guidance and support to help their attendance levels to improve; and
- if no improvement is forthcoming they then give you a framework that will allow you to impose sanctions in a way that is fair and consistent throughout the organisation.

Is only short-term absence dealt with under the Improving Attendance policy?

No. Ultimately, all types of absence will be dealt with under those procedures when the level of absence becomes unacceptable. What differs is the steps you must take before moving on to those procedures. The representative from Human Resources will be happy to advise you on when it will be appropriate for you to use the Improving Attendance Policy.

But what if the absence is genuine?

The Attendance Management Policy is not in place to manage absence that is not genuine. If you discover an absence that is not genuine, you should contact the Human Resources Office as you should deal with it through the [Disciplinary Procedures](#). As a manager, you must ensure that the work for which you are responsible is done. You will not be able to do that if your staff do not attend work. The Attendance Management Policy will help you to consider and decide the best way to get your staff to attend work.

What if the absence is covered by a medical certificate?

You will continue to follow the same procedure. Just because an absence is covered by a medical certificate, it is not a reason to abandon the Attendance Management Policy. It simply means that you may have to adjust the way in which you deal with the case (see paragraphs 31 and 32 above). Staff are contracted to attend work and for that they are remunerated. If staff are unable to attend work, even through illness, a manager must first of all try to put in place support measures to allow the member of staff to meet our standards (which may be adjusted to take account of medical advice). Ultimately however, if absence levels remain an issue even after such support measures have been put in place, you will have to consider (in consultation with the HR Adviser) whether further management action is required.



What if the individual refuses to keep in contact with me?

You should get in touch with the HR Adviser immediately. The HR Adviser will provide you with specific tailored advice appropriate to the individual circumstances of the situation.

How do I know when to take action?

If the absence has reached any of the flags set out in paragraphs 22 & 23 of the Attendance Management Policy, you should contact the HR Adviser for specific advice on how to manage the case. The HR Adviser will help to arrange for you to access the Occupational Health and Safety Advisory Services and will help you to manage the case in line with paragraphs 22 to 27 above.

What do I do if someone reports to work and I suspect that they are unwell?

You should arrange to speak with them straight away. You should ask them if they are fit to be at work. If they are not fit to be at work, you should send them home.

If I send someone home during the working day, how should I record the absence?

You should record the absence as sick leave. You should authorise a FWH credit to take the day total up to 7 hours and 24 minutes (or to the number of hours scheduled to work as part of a shift pattern, for example, 10 hours for staff working 12-hour shifts in Security).

Do I still record the absence if it is pregnancy-related?

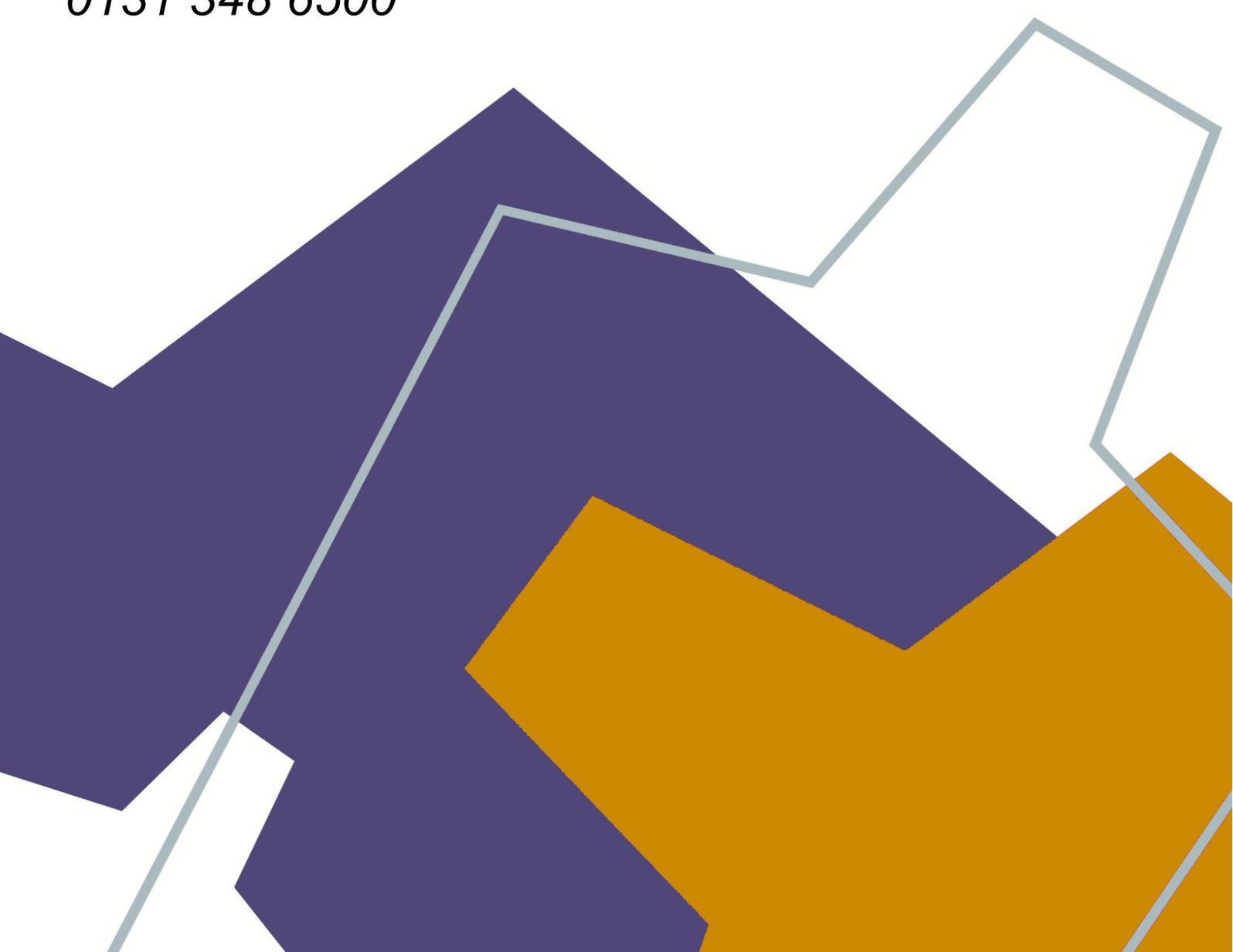
Pregnancy-related absence will be recorded as sick absence but not counted towards the flags as it is unlawful to take any action on the grounds of pregnancy-related illness. However, you should contact the HR Adviser in such circumstances because separate arrangements apply to pregnancy-related absences depending on the timing of the absence.

Attendance Management: Guidance for Managers (English only)

For further information contact:

HumanResources@parliament.scot

0131 348 6500

An abstract graphic at the bottom of the page consists of several overlapping geometric shapes. There are two large purple shapes, one on the left and one in the center. A large orange shape is at the bottom right. A light blue outline of a complex polygon is overlaid on the purple shapes, extending towards the top right corner.