

## LNCT

### Aberdeenshire Local Negotiating Committee for Teachers



Date: April 2023

## LNCT/23/05

### Absence Management Procedure – Maximising Attendance

This agreement has been subject to review in 2023 by the LNCT Joint Secretaries and HR as part of a review of current Aberdeenshire LNCT Agreements.

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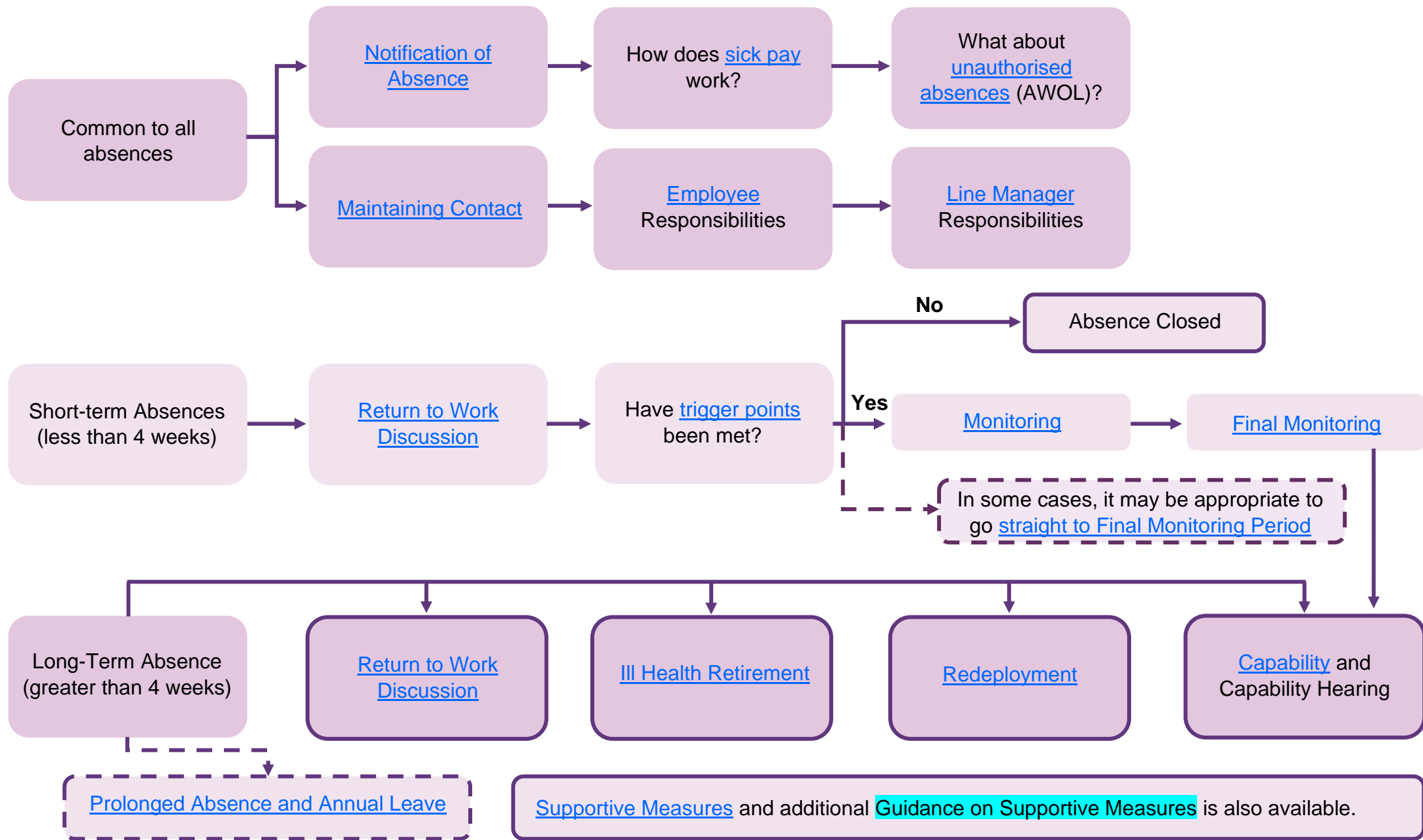
# **Attendance Management Procedure – Maximising Attendance**

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Review Date: 5<sup>th</sup> April 2023

# Summary

This procedure supports both line managers and employees in the event that an employee is absent from work. Expectations for both parties are outlined under the [employee responsibility](#) and [line manager responsibility](#) sections of the document. An overview of the steps to be followed is illustrated below and a resource pack of key documents, including template letters and further guidance, is available in [Appendix One](#).



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## Procedure Rationale

The aim of the procedure is to provide a supportive framework within which employees and managers can work together in a co-operative manner to proactively manage and prevent sickness absence. Open dialogue is encouraged between managers and employees, in order that the circumstances surrounding a period of absence can be established and appropriate assistance offered where necessary.

## Introduction

Aberdeenshire Council values all its employees and is committed to providing support and assistance to them in the management of ill health or incapacity.

The Council recognises the importance of maintaining the health and well-being of employees and endeavours to provide systems of management, which actively promote and encourage mental and physical well-being at work.

Employees should be aware that all sickness absence has an impact on the services the council provides. Managers/supervisors will ensure that sickness absence records are kept, and attendance levels monitored, to ensure that employees are appropriately supported during a period of absence, or upon their return to work following absence.

## Employee Responsibility

Employees should:

- Attend work unless prevented by sickness or authorised to be absent for another reason. Sick leave may only be taken when actually sick. Other forms of leave – for example, special leave or annual leave – may be available for other situations
- Look after their general health and wellbeing and seek medical or other support where necessary in order to minimise their sickness absence from work
- Comply with the various steps of this procedure. This includes attending meetings and occupational health appointments, providing appropriate paperwork as required and maintaining contact
- Advise of changes to address, and notify of periods of absence when away from home for more than one week whilst on sick leave
- Raise concerns with their line manager if they believe their health is affecting their work

If employees are not following the process or if there is evidence that the employee may be abusing the procedure this will be dealt with under Aberdeenshire Council's [Discipline Procedure](#).

## Line Manager Responsibility

Line managers should:

- Be aware and apply this procedure consistently to all employees to improve attendance
- Ensure employees are aware of the procedure, their responsibilities and the consequences of not complying
- Deal with absence issues at the earliest possible stage and manage the absence in line with the procedure
- Record and monitor individual sickness absence levels taking the appropriate action in a fair and equivalent manner

## Notification of Absence

**Employees** who are unable to attend work due to sickness:

- must notify their line manager as soon as possible. Operational requirements will determine when services need to be informed of employees' absences
- should give an indication of the likely duration and expected end date

Contact by text message or email **is not** considered to be an appropriate method of contact and should only be used if the employee has been unable to talk to their line manager.

**Managers** should:

- log into [askHR](#) and record the employee sickness absence

If an employee fails to notify their manager of their absence, the line manager should:

- make attempts to contact the employee to ascertain the reasons for absence

### **When to Self-Certify / When a Fit Note is Required**

For absences **up to 7 calendar days** (for LG employees) and from 4 to day 7 (for teaching employees): self-certification must be completed on returning to work.

For absences **more than 7 calendar days**, employees must provide their line manager with a Statement of Fitness for Work (Fit Note) from their GP or other medical professional.

**Teaching staff** who are absent for more than 7 days must provide a Fit Note and the self-certification notification for days 1 – 7.

### **Medical Fit Notes**

- Certificates are required throughout the duration of the absence
- Fit Notes must run consecutively with no gaps between notes
- Aberdeenshire Council will not reimburse the cost of any medicals required to cover certification of these gaps
- Please refer to [Medical Fit Note Guide](#)

## Sick Pay

Employees should refer to their Contract of Employment for details relating to entitlement to Statutory Sick Pay and / or Occupational Sick Pay.

Occupational Sick Pay may be withheld if employees fail to follow the Attendance Management Procedure. Employees will be informed in writing of the reason for the decision to withhold Occupational Sick Pay and the period for which sick pay will be withheld.

Absence due to work related injury (excluding work-related stress) will not be counted towards the employee's sick pay entitlement as Industrial Injury Allowance will be paid instead. Industrial Injury Allowance will not be paid should the absence due to the industrial injury continue after the Industrial Injury Allowance has expired. Payment of industrial injury allowance will be subject to verification of the accident by the line manager. Please refer to the [Accident Reporting Guidance](#).

For teachers and associated professionals, the SNCT Codes of Practice applicable are:

- 6.20: Absence due to Work Related Injury/Illness;
- 6.22: Victims of Crime Violence;
- 6.23: Assault in the Course of Employment.

More information on the SNCT codes of practice can be found on their website: [Part 2 Section 6 - SNCT Handbook](#)

Where an employee has come to work and subsequently gone home, that day **will be recorded as a working day** if an employee has worked **more than 50%** of their expected hours.

However, line managers should make a note of any such absences in relation to monitoring any regular patterns.

Failure to follow reporting procedures or to provide medical certification in a timely manner may result in the cessation or suspension of the employee's sickness payments and / or disciplinary action being taken. Line managers should contact an HR Advisor, for appropriate advice prior to any action being taken.

Certain diseases must be reported to the Health & Safety Executive as required under the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (RIDDOR) – [Corporate Accident and Reporting on Arcadia](#)



## Contact

When an employee is absent from work due to sickness, it is important that contact is maintained. The responsibility to maintain contact rests equally with the line manager and the employee.

The **line manager** is required to:

- keep a log of issues discussed during each period of contact with the absent employee
- take into consideration the reason for the absence and agree a reasonable plan for keeping in contact with the employee – during periods of long-term absence (period of continuous absence of over 4 weeks)
- remind the employee of the Council's Employee Assistance Programme, where appropriate

Meetings can be held at:

- the employee's place of work
- another suitable office/establishment
- the employee's own home\*

\*A home visit should only take place with agreement of the employee. On home visits, it may be advisable for the line manager to be accompanied by another colleague.

[The General Absence Discussion Guide](#) can be referred to when maintaining contact.

## Return to Work Discussion

After every absence, a discussion with the employee should take place on the first day back, or as soon as possible. This should be conducted ideally in person, but also may be undertaken by telephone or Teams if the manager and employee work in different locations.

The purpose of the discussion is to welcome the employee back to work and discuss any relevant issues with the employee. This will also give the employee the opportunity to raise any health or other issues which may impact on their ability to have a successful return to work.

This may include:

- The employees' current health status and any recommendations / adjustments from GP / Occupational Health
- Ensuring the employee has complied with the notification of absence / contact during the absence
- If the employee has hit an absence trigger, this should be discussed at the meeting and appropriate action should be taken which may include the employee being placed on a monitoring period
- If persistent short-term absences are causing concern and no further reasonable support can be identified for employees with or without an underlying medical condition, capability maybe considered

Prior to the return to work discussion, the manager should review triggers/status of absence period, etc. and be appropriately prepared to instigate the relevant stage of the attendance management procedure.

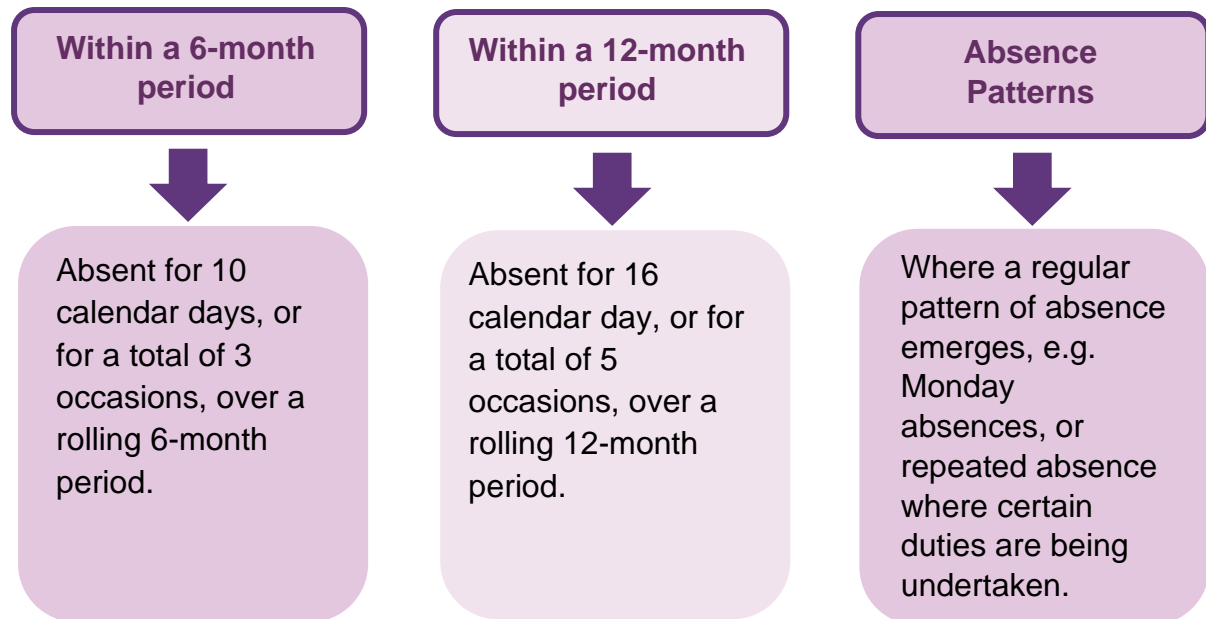
Managers should ensure the employee is recorded back to work as detailed through [askHR](#)

[The Return to Work Guide](#) can be referred to when discussing the prospect of returning to work.

## Trigger Points

Frequent and persistent short-term absences can give cause for concern in relation to service delivery. Short-term absences are defined as short periods of ill health.

To ensure consistency of practice in dealing and supporting employees, absence trigger points have been set which are:



Line managers will be notified, monthly, by an automatically generated email, when an employee's absence level reaches a trigger point (not applicable for absence patterns). This will be based on the data held within HR systems.

Managers are required to review the trigger point data on a monthly basis and take action as appropriate which may include placing an employee on a period of attendance monitoring.

Where an employee has a pattern of both short and long term absences, and where the overall level of attendance gives causes for concern, the appropriate stage within the procedure will commence.

Pregnancy related absences **are not** counted towards trigger points.

## Monitoring Period

When an employee is placed on a period of monitoring (3 months), the manager will confirm the following in writing:

- Periods of absence which have met the trigger points
- Any agreed support which will be provided during the monitoring period
- Dates of review meetings as required

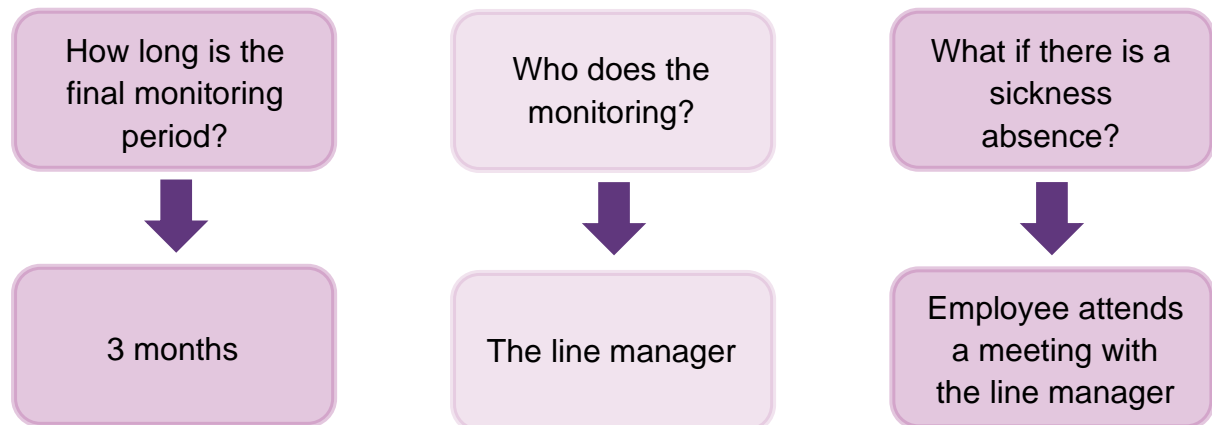
### **No Sickness Absence During Monitoring Period**

- If after the 3-month monitoring period, there has been no sickness absence, then no further action will be taken
- However, if the employee hits a further trigger point, or absence pattern, within 6 months of the completion of monitoring period, then depending on the reasons for the absence, they may be placed on a final absence monitoring period

### **Sickness Absence During Monitoring Period**

- If there is a sickness absence during the 3-month monitoring period, the line manager must discuss the reasons for the absence with the employee
- Depending on the reasons for the absence, then the employee may at this point be placed on the final monitoring period
- There is no requirement to wait until the end of the monitoring period

## Final Monitoring Period



Employees may be accompanied at this meeting by a Trade Union representative or work colleague. At this meeting the reasons for the employee's recurring absence will be discussed.

The line manager must ensure that all support and any actions identified as previous meetings with the employee have been sought and undertaken where appropriate. This is particularly important in relation to an employee who has a disability which may be covered by the Equality Act 2010. If it is determined that a further monitoring period requires to be established, then this shall be put in place at this point and monitored accordingly.

### **Examples of when further monitoring might take place**

- If an employee has a disability
- If significant improvements have been made and the employee is close to meeting expectations

If no further support can be identified for employees with, or without, an underlying medical condition, capability may be instigated.

### **No Sickness Absence During Final Monitoring Period**

- If after the 3-month monitoring period there has been no sickness absence, then no further action will be taken
- However, if the employee hits a further trigger point, or absence pattern, within 6 months of the completion of the final monitoring period, then depending on the reasons for the absence, capability may be considered

Employees are required to attend all meetings during the monitoring periods. Failure to do so without a good reason may be treated as misconduct and dealt with under the Disciplinary Policy and Procedure.

## **Long-Term Absence**

Long-term absences are often attributed to major illness, surgery, or injury and characterised by a continuous period of absence from work for at least 4 weeks.

Line managers should examine the circumstances of the situation, seeking appropriate advice from an HR Advisor. In some cases, the prognosis will be self-evident – i.e. the condition has an expected duration and recovery period. However, if this is not the case, the manager should arrange to meet with the employee.

Managers should keep in contact with the employee during periods of long-term absence, agreeing appropriate contact with the individual.

When long-term absences occur, particularly when there is a history of previous absences, capability may be considered regardless of whether sick pay has been exhausted or not.

## Supportive Measures

### Phased Return to Work

When an employee has been off sick and appears to have recuperated sufficiently to return to work, it may be advised by the Occupational Health Provider, or medical professional, that they complete a phased return to work.

Guidance can be obtained from an HR Advisor if the number of weeks phasing back to work extend beyond 4 weeks.

Further information regarding a phased return to work can be found within [Attendance Management: Guidance on Supportive Measures](#), page 1-2.

### Reasonable Adjustments

If an employee has a disability, it may be necessary to make reasonable adjustments to support them in their role.

Further information regarding reasonable adjustments can be found within [Attendance Management: Guidance on Supportive Measures](#), page 2.

### Occupational Health Referral

An occupational health referral may be made to determine if the cause of an employee's absence is the result of an underlying health condition and what support may assist.

Further information regarding occupational health referrals can be found within [Attendance Management: Guidance on Supportive Measures](#), page 3.

### The Employee Assistance Programme (EAP)

The [Employee Assistance Programme \(EAP\)](#) is an independent and confidential counselling service which can be accessed by telephone and is available 24 hours a day, 365 days a year.

### Employee Wellbeing

Information on general health, safety and wellbeing at work is available from our [Wellbeing Team](#)

## Stress

It is recognised that everyone is vulnerable to stress, depending on the levels of pressure at any given time. Employees suffering from stress may benefit from the Employee Assistance Programme. Line managers should ensure that they advise employees of the availability of this service.

Employees are advised to inform their line manager or Human Resources if they believe they are suffering stress related ill health. Where this is caused or contributed to by work, management intervention is likely to be required.

Please refer to [Stress and Mental Health Wellbeing](#) for support and guidance

## Prolonged Absence and Annual Leave

Where an employee has been absent due to sickness for a period exceeding 3 calendar months, annual leave will be limited to an amount equal to the period actually worked during the contractual leave year. In accordance with the Working Time Regulation, this provision will not be applied so as to reduce the employees annual leave entitlement below the statutory minimum (28 days).

Please refer to [Calculate Annual Leave following Long Term Sickness Guidance.](#)

Where a Teacher or Associated Professional has been incapacitated for a continuous period of 8 consecutive days or more, the employee will accrue compensatory leave if the following conditions are met:

- For each certified absence the employee will accrue compensatory leave of 2 days for every 5 days of designated annual leave which cannot be taken, subject to a maximum of 8 days in any one leave year
- Compensatory leave entitlement shall be taken by the employee following their return to work. The timing of this leave is subject to agreement with the Council taking account of the overriding needs of the Service and should normally be taken during the term in which the return to work took place or within the following term

Where a teacher or associated professional, owing to certified sickness, has not taken, or will be unable to take, the statutory leave entitlement (28 days) within a leave year, the appropriate balance of statutory leave will be carried forward. Any such leave will normally be carried forward into the following leave year. Pro rata entitlement shall apply to part time staff or part year employment.



## Ill Health Retirement

The Occupational Health Provider may make a recommendation of ill health retirement. This occurs if an Ill Health Retirement Application is made and the OH Provider certifies that they believe the employee will be permanently incapable of performing their current job, or comparable job, within the Council prior to their normal retirement age:

- For employees covered by the provisions of the Local Government Pension Scheme, employment will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits, whichever is applicable

The [Ill Health Retiral Guide - LGPS](#) can be accessed.

- For employees covered by the provisions of the Teachers Superannuation Scheme, employment will be terminated on grounds of capability due to permanent ill-health, a teacher may make an application to the SPPA for ill health retirement benefits and may be awarded either total incapacity or partial incapacity benefit whichever is applicable

The [Ill Health Retiral Guide - SPPA](#) can be accessed.

Employees who are not members of the Local Government Pension Scheme or covered by the provisions of the Teachers Superannuation Scheme, and therefore unable to access either of the Scheme's provisions, will be dismissed on the grounds of capability due to ill health.

## Capability

Each case should be considered on an individual basis taking into consideration the frequency of absences, length of the current absence, nature of absence, the likelihood of recovery, or the potential to attend work consistently.

Dismissal on the grounds of capability could be based on:

- Inability to sustain satisfactory attendance levels;
- Prognosis is long term;
- Where there is no foreseeable return to work;
- Where Occupational Health state your employee is not fit to work;
- No further reasonable adjustments available.

The following should be considered prior to a Capability Hearing being arranged where appropriate:

- Frequency and duration of absences;
- Any reasonable adjustments considered;
- Up-to-date medical information;
- Impact on service
- Periods of Special Leave Taken

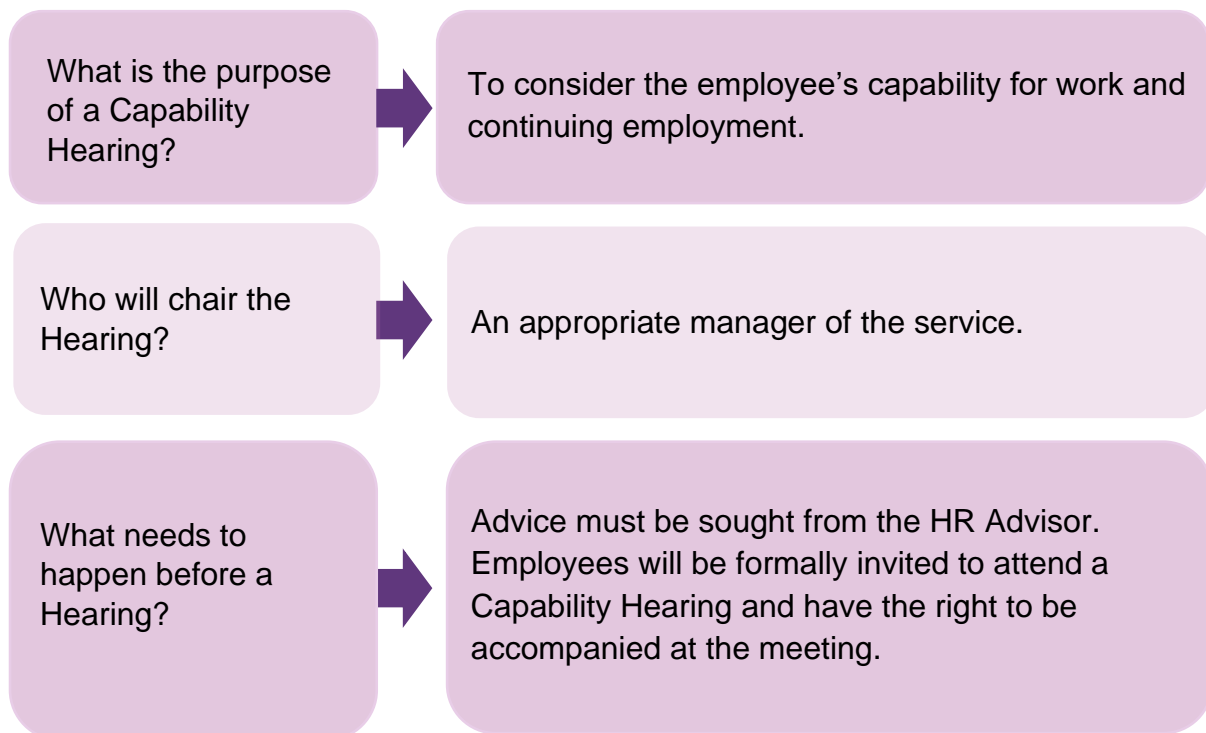
There is not a requirement to wait until the employees' sick pay has been exhausted before instigating formal capability or Ill Health Retirement.

In some circumstances, in consultation with an HR Advisor, prior to convening a Capability Hearing, the employee may be invited to a meeting and be given the opportunity to agree, or disagree, to their employment being ended on the grounds of health capability.

The employee will have been given appropriate notice of the meeting and have the right to be accompanied by a Trade Union representative or work colleague. Should the employee agree to their employment ending, there will be no requirement to convene a Capability Hearing. On a case-by-case basis, if appropriate, employees may be placed on redeployment for the duration of their notice period.

If employees do not agree to their employment contract being ended, then a Capability Hearing will be convened.

## Capability Hearing



Based on the information presented at the Capability Hearing the Chair will make a decision on the employee's employment.

If the employee is dismissed, the dismissal will take immediate effect and the Chair must confirm this in writing to the employee within 7 calendar days of the Hearing.

Employees will have the right of appeal. Appeals should be lodged with the Head of Service (Legal & Governance) by the employee or their trade union representative within 14 calendar days receipt of notification of the dismissal in writing stating the reason/s for the appeal.

For guidance on how to conduct a capability hearing refer to the [Capability Hearing Guide](#). Refer to the [Resource Pack](#) for template letters.

Further information regarding Capability Hearings can be found within [Attendance Management: Guidance on Supportive Measures](#), page 4.

## Redeployment

The Council's Occupational Health Advisors may advise that an employee can no longer undertake the duties of their job and recommend that the employee is considered for redeployment. The Occupational Health Advisors may provide guidance in respect of identifying what a suitable post may be under the redeployment procedure for the employee.

Employees covered by the Scottish Negotiating Committee for Teachers may be considered for inclusion in this procedure on a case by case basis at the discretion of the Director of Education and Children's Services in relation to the circumstances detailed below:

Refer to the [Redeployment Procedure](#).

## Unauthorised Absence (AWOL)

On occasions an employee may go absent without authorisation. This may occur during a period of sickness absence.

For example:

- the employee stops sending in medical certificates
- the employee fails to attend work without authorisation
- the employee fails to attend work without advising of a reason
- The employee fails to attend work without making a pre-arrangement

The line manager, or appropriate person, should try and contact the employee as soon as possible. If the line manager is unable to contact the employee and the employee remains absent, the line manager should write to the employee at a time which they deem appropriate.

In such circumstances it may be necessary to suspend the employee's sick pay, managers should contact an HR Advisor for advice prior to any action being taken. If it is appropriate to stop the employee's pay, the line manager should write to the employee.

If there continues to be lack of contact with the employee, advice from an HR Advisor must be sought prior to any disciplinary action being taken.

If an employee returns to work following an un-notified period of absence, then Disciplinary Action may be taken.

Refer to template letters in the [Resource Pack](#).

## Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
001	2 <sup>nd</sup> May 2014	Creation of Documents	Operations		2014
002	11 <sup>th</sup> Sep 2014	Full Revision	Operations		2015
003	27 <sup>th</sup> May 2015	Update	Operations		2015
004	3 <sup>rd</sup> Aug 2015	Update re. Occupation Health Procedure	Operations		2015
005	1 <sup>st</sup> Dec 2015	Reformatting of information	Operations		2018
006	16 <sup>th</sup> Aug 2018	Update re. Occupational Health Procedure	Operations		2019
007	1 <sup>st</sup> Aug 2019	Full Revision	Operations		2022
008	1 <sup>st</sup> Sep 2022	Updated EAP link and terms	Operations		2023
009	15 <sup>th</sup> Feb 2023	Format and Structure	Operations	J Lockhart L Stephen	2024

**Appendix One – The Resource Pack**

**Resource Pack**

