

## Attendance Management

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## 1. Introduction - policy purpose, aims and application

### Purpose

1.2 The purpose of the Attendance Management policy is to maximise the well-being and performance of everyone working in the Scottish Government.

### Why do we need this policy?

1.3 Ideally, all SG staff will enjoy good health and be able to attend for work consistently. However, the reality is that any of us may find ourselves unwell and unable to attend work either due to minor ailments or sometimes due to a more serious illness. If this happens it's important that everyone – the employee, his or her manager, and HR – is clear about what support is available and what the organisation expects.

### What are its aims?

1.4 The main aim is to provide support to staff not only to regain good health but to enjoy well-being in its fullest sense. This guidance explains how line managers can help with this and the backup available from SG HR professionals and services such as Health and Wellbeing, Employee Assistance Programme, Welfare Officer and the Occupational Health Service.

1.5 It also aims to make clear the level of attendance which the SG expects and what may happen if this cannot be achieved. As sickness absence has an impact on colleagues and a financial cost, it is difficult for government to deliver if the individuals who make that happen are unable to come to work.

### What are the underlying principles?

1.6 The underlying principles are:-

- All absence is regarded as genuine. Managing attendance does not mean questioning whether someone is “really” sick. The SG assumes that all absence reports are made honestly.
- Staff well-being is important. The reality is that anyone may be unwell from time to time and if you are sick the SG aims to offer support, not punishment. We want to help staff regain good health, and offer a range of services to support this.
- Everyone needs to know their roles and responsibilities. This policy sets out what staff and managers are expected to do, and what help HR will provide.
- Everyone should be treated fairly and consistently. Staff are entitled to expect this from management and HR. The SG will make clear what is involved, support people to do it, and address any situation where this does not happen.
- All disabled staff will have necessary reasonable adjustments made to support them in carrying out their duties.
- Absence affects other people and the organisation as a whole. SG has to take into account the interests of staff who are covering for absent colleagues.
- Discrimination and harassment are unacceptable. No SG policy should be used to discriminate unfairly against or harass any employee on irrelevant grounds, including those set out in the SG’s equal opportunities policy statement. If such action is proven this will be treated as a disciplinary matter.

### To whom does this policy apply?

1.7 All permanent and fixed-term contract staff who are within the SG Main bargaining unit for pay purposes, and to outward secondees, regardless of working pattern. Anyone who is unsure if the policy applies to them should contact HR Help or their Agency HR Team for advice. For staff on probation, the principles of managing attendance, absence reporting and return to work interviews also apply. However during the probation period there is more active monitoring of absences with a special trigger point and procedures for dealing with poor attendance ([see paragraph 2.7](#)).

## 2. Roles and Responsibilities and Procedures for Staff and Managers

### Roles and Responsibilities

#### 2.1 **Senior managers** (Deputy Directors and above, and their designated equivalents in Agencies)

- Actively monitor absence statistics in their business area and benchmark against other areas and organisations, to identify trends;
- Work with HR Business Partners to respond appropriately to any issues raised by such statistics.
- Ensure that their managers have the practical management skills and awareness of the policy and procedure to carry out their responsibilities.

#### 2.2 **Line managers**

- Take an active interest in staff health and wellbeing, even before an absence problem has been identified or a trigger point reached.
- Be aware of any patterns of absence amongst staff (e.g. regular absence on particular days) and if there is any cause for concern, contact HR Help.
- Hold a meeting with an employee who has reached the intermittent absence trigger point and discuss with the HR PA Unit whether it is appropriate for an advisory letter to be issued. If it is decided that a letter should be issued it is signed jointly by you and HR and issued by you, the line manager.
- Seek advice from HR Help if a member of your staff is absent for more than 4 weeks and stay in touch appropriately with that individual during their absence.
- Understand how to conduct an effective Return to Work discussion and do so when appropriate.
- Understand your procedural responsibilities as set out in [paragraph 2.6](#) and apply them appropriately, consistently and fairly.

#### 2.3 **All staff**

- Know the attendance levels which are expected and make a reasonable effort to meet these expectations;
- Understand and adhere to your procedural responsibilities set out in [paragraph 2.5](#) of this guidance.

#### 2.4 **HRSSC**

- Support and advise staff who require further assistance (e.g. by referring them to the Occupational Health Service or Staff Welfare Officer)
- Carry out the line manager's responsibilities on his or her behalf in exceptional circumstances where it would be inappropriate for the line manager to do so

(e.g. if a Dignity at Work allegation has been made by the employee against the manager)

- Contact any employee who has not returned to work as agreed with their line manager and has not got in touch to explain why.
- Support and advise managers who are dealing with any attendance management issues, see [intermittent absence](#) and [long term absence](#).
- Discuss with the line manager whether it is appropriate for an advisory letter to be issued. If it is decided that a letter should be issued it is signed jointly by the line manager and HR and issued by the line manager.

## Procedures for Staff and Managers

### 2.5 All staff

- To telephone and speak to the line manager (or agreed alternative) as soon as reasonably practical and in any event before their scheduled start time. For officers on standard working patterns this will be before 10am on the first day of absence. If possible, please indicate an expected return date.
- To keep in touch with the line manager to let him or her know of the expected return date and advise of any changes to this expectation.
- If the absence exceeds 7 consecutive calendar days to submit a medical certificate to the line manager or HR at the earliest opportunity. Certificates should be sent to HRSSC (F1 Spur, Saughton House) either directly or via the line manager.
- To participate in the Return To Work discussion on the first day back. While nobody is expected or required to disclose confidential information about their health or personal lives, the line manager will be better able to advise and support if he or she has some awareness of the circumstances. The SG, as an employer, has a responsibility to identify health or health and safety issues that affect its staff. To do this effectively, it does need your co-operation in the timely reporting of illness and accurate recording of the reason for your absence. This enables HR to monitor individual records and general absence trends to see if support, intervention action or further identification of underlying causes is needed.
- To close the sickness absence record on eHR which the manager will approve after the Return to Work discussion. You must provide self-certification for absences of 7 consecutive days or less. This is done via the recording and closing of the absence on e-HR. However, you can, if you wish to keep your health issue confidential, contact HR direct to provide appropriate self-certification. You should call HR Help to arrange this. Certification is necessary to meet contractual and statutory sick pay conditions. In addition, general and specific monitoring of health is important to enable HR to identify work related health issues and any health and safety measures.
- To advise the line manager in advance, where possible, of planned medical treatment and expected absence. It will be helpful if information on dates and duration of absence can be provided.

- To maintain awareness of this policy and procedures.

## 2.6 Line managers

- To respond appropriately when an employee reports a sickness absence. This means:-
  - Offering sympathy and support
  - Treating all information given about the absence as private, i.e. not disclosing details or discussing the absence other than with HR;
  - Not questioning the genuineness of the absence or putting pressure on the person to come to work;
  - Opening a sickness absence record on e-HR on the first day of the absence – a Quick Reference Guide is available on Saltire which sets out the system steps to open a sick absence on eHR;
  - Agreeing with the employee when he or she will next make contact, which should be determined by them, and being available to take that call. If someone says they do not want to be contacted then you should always respect that. In this case contact HR who will set up alternative keep in touch arrangements.
- To support the employee when they come back to work. This means:-
  - Conducting an effective Return to Work (RTW) discussion on the person's first day back, or arranging for an appropriate alternative (such as their next line manager) to do so (e.g. if on leave).
  - Approving the closure of the sick absence record on e-HR after the RTW discussion has taken place, noting any comments as appropriate. Where the individual does not want to disclose the nature of his/her illness ensuring that he/she meets self-certification obligations by contacting HR Help direct.
  - Checking, if required, that HRSSC has received the medical certificate(s).
- To take formal action (in conjunction with HR) when an employee has reached the absence trigger point.

### Application of these procedures to probationers

2.7 Probationers are required to demonstrate that they can attain an acceptable standard of attendance. Attendance may give cause for concern and have implications for the decision on their employment if seven working days of sick absences are accrued, whether self certified or medically certified, during the nine month probationary period. HR may also decide to review the sick record if there are concerns about the pattern of absences, e.g. being off on the same day/occasion on a regular basis. In these circumstances probation may be extended or employment terminated.

2.8 For lengthy periods of illness, HR will decide on the action to be taken. Advice may be sought from the OHS. If the OHS advises that you have a condition which comes within the scope of the DDA, consideration will be given to adjustments to your duties or hours. Probation may be extended or, where a return to work within a reasonable period or

maintaining an acceptable attendance standard is unlikely, employment may be terminated.

2.9 If probation is extended, the HR Advisor will advise on the standard of attendance that is expected during the period of the extension. For example, if probation is extended for a further six months, the HR Advisor will normally consider taking action if sick absences during this period add up to a total of 5 working days. If further action becomes necessary, the appointment could be terminated.

### **3. Levels of Attendance and Hospital Appointments**

#### *What levels of attendance are expected?*

3.1 Like many employers the SG uses a 'trigger point' system to help identify situations where absence requires investigation and possible action.

3.2 For all permanent and fixed term contract staff the 'trigger point' is a total of 11 working days absence (whether self-certificated or medically certificated) in any 12 month rolling period. The trigger point for probationers is 7 working days in the 9 month probationary period. (The introduction of pro-rata trigger points for staff who work less than 5 days per week is currently under consideration.)

3.3 Should an employee be absent for more than 4 weeks, the absence is likely to be treated as long-term and the manager should seek advice from HR Help as to whether it is appropriate to refer to the Occupational Health Service.

#### *Hospital appointments*

3.4 Hospital appointments and any prior preparations for outpatient treatment are not treated as sick absence but as medical/dental leave and should be recorded as such on the FWH and e-HR systems. Where the appointment lasts less than a full day, staff should make every effort to attend work before and/or after the appointment, and will be credited with a flexi update for the actual appointment and reasonable travel time (up to the length of a normal working day).

3.5 However, if the employee is unfit for work as a direct result of the treatment received at a hospital appointment, this does constitute sick absence and should be recorded and managed as for any other such absence as described in this guidance. If managers are in doubt as to whether such an absence should be treated as sick absence, they should consult HR Help for advice.

3.6 If such an absence is due to a hospital appointment or treatment being given directly in relation to a DDA condition, consideration will be given to any necessary reasonable adjustments (such as the sickness absence not counting towards trigger points) on a case by case basis.

## **4. Support to help staff achieve Required Attendance Levels**

### *Return to Work (RTW) discussions*

4.1 When an employee has been absent the line manager should schedule a meeting with the employee when they return. The SG believes that effective RTW discussions can help prevent short-term problems becoming longer-term, help staff to access further support if required, and demonstrate that an employee's presence at work is important to managers.

4.2 Managers may use their discretion in how they approach such a discussion. If someone has been off for a day with the cold or a 'bug' the RTW may simply involve updating them on the work situation. In other circumstances, it may be appropriate to enquire into the reasons for the absence (if the employee chooses to disclose this) and explore any features of the work environment which may be contributing to someone's attendance and need to be addressed. Managers are expected to take RTW discussions seriously and conduct them appropriately, fairly and consistently. However, they must bear in mind that if the employee does not wish to disclose the reason for their absence they do not have to do so. However, this is in discussion with the line manager and does not remove the responsibility of the employee to provide appropriate certificates. For absences of 7 consecutive days or less, a self-certificate is necessary. This is provided by completion of their absence details on e-HR. If preferred, the employee can submit the reason for absence direct to HR. This should be arranged via HR Help. Medical certificates should be provided for absences over 7 days. Self certification and medical certificates are necessary to meet contractual and statutory sick pay conditions and health monitoring.

4.3. Further guidance on how to handle RTW discussions [[link](#)] is available on Saltire.

4.4 Unless otherwise specified in this guidance, RTW discussions do not have to be recorded. However, a note can be entered in the 'Comment' field of the e-HR absence record if desired by both employee and line manager.

## 5. What may happen when required levels not achieved

5.1 Although everyone's circumstances are unique, situations where this might be the case tend to fall into two categories – intermittent absence (i.e. several episodes adding up to 11 days or 7 days for probationers) or a single long-term absence.

### Intermittent absence

5.2 If an employee has been absent for a total of 11 working days in a 12 month rolling period the line manager should contact HR Help to discuss whether any further action needs to be taken. The manager is expected to do this in *all* cases even if it is felt that action would be inappropriate, so that he or she can benefit from support from an HR Advisor (see [paragraphs 2.7-2.9](#) for staff on probation).

5.3 Action is *not* automatic; nor is it intended to be punitive. Its purpose is to ensure that the person is aware that the trigger point has been reached and provide an opportunity to address any underlying causes. Factors which will be taken into account include: the pattern, frequency and duration of absences; ongoing medical condition; previous attendance record; the nature of duties.

5.4 The approach to be taken is as follows.

**Firstly**, the line manager should ascertain whether the employee is willing to disclose the reason for his or her absence(s). If not, HR should be notified and an HR Advisor will take over. HR will also take over if there is a grievance or Dignity at Work complaint pending between the employee and the line manager.

**Secondly**, if the employee is willing to disclose the reason, the line manager should conduct a discussion of their absence history and this should be recorded. This may be part of the RTW interview for the most recent absence, or may be a separate conversation, depending on the circumstances. The aims of this discussion are:-

- to explore whether there are underlying reasons for the pattern of absence which may require further support;
- to give the employee a chance to provide any additional information which they consider relevant and generally explain their point of view on their absence history;
- to gather any additional information relevant to a decision about what, if anything, happens next.

This discussion is intended to be supportive and constructive and enable the line manager and HR to make a decision about further action which is based on all the available information. It is not a disciplinary interview.

**Thirdly**, the line manager will discuss the situation with HR and reach a joint decision on what, if anything, should happen next. If the line manager and HR agree that it is necessary to do so, they will jointly write to the employee (the letter is issued by the line manager) to advise that:-

- the trigger point has been reached;
- the person's attendance will be monitored over the next six months;
- if the trigger point is reached again over that period a formal review meeting will be held;
- there are support services available and how to access them.

5.5 If it is decided to issue a letter the line manager is also expected to tell the employee beforehand so that it does not come 'out of the blue'. The line manager should also be available to answer any questions from the employee or refer him or her to further support such as EAP.

5.6 If the trigger point is breached again within the 6 month monitoring period a formal review meeting is required. The meeting is conducted by an HR Advisor. The employee concerned can choose whether or not their line manager is also present. The employee also has the right to be accompanied by a colleague or a trade union representative. The possible outcomes of the review meeting include:-

- The employee is placed on a formal trial period for six months and given a formal written warning to this effect.
- The employee is referred to the Occupational Health Service to identify whether there is an underlying medical condition and/or whether any further support can be offered to improve future attendance. Further support can include making reasonable adjustments in the workplace including adjusting the trigger point, making adaptations to the duties, supplying aids and equipment
- No further action.

5.7 If absence continues to be of concern during a trial period, the HR Professional Advisor will review the case. A number of options are available to the HR Professional Advisor to consider including dismissal on the grounds of inefficiency due to poor attendance. See flowcharts.

#### Long-term sickness absence (over 4 weeks)

5.8 If a member of your staff is absent for more than 4 weeks you should contact HR Help for advice. You may have received a medical certificate from the employee and from this (and from other contact with the employee) you **may** have details of the nature and likely length of the absence. Where the certificate has been sent directly to HR, then HR may contact you to discuss. In either event, the case will be allocated to an HR Advisor who will discuss with you the appropriate action that should be taken. Early intervention by an occupational health specialist can improve the chance of a positive outcome and this will be borne in mind when deciding whether an OHS referral should be made.

5.9 Where a referral is made, OHS advisors will see the employee and provide a medical opinion. One of the things that the OHS will consider is whether the person is disabled according to the Disability Discrimination Act (see section 6). The HR Advisor will discuss this opinion with the employee and the line manager, and agree any appropriate action. The aim is to facilitate a return to work within a reasonable period but if this is not possible, dismissal or retirement on grounds of ill-health may ultimately be considered (see [Flowcharts](#)).

## 6. How the Disability Discrimination Act affects these requirements

6.1 The Disability Discrimination Act 1995 (DDA) makes it unlawful to discriminate against disabled people in connection with employment. Employers must make “reasonable adjustments” to the workplace so that disabled members of staff can contribute. These adjustments are not limited to changing the physical office environment and may also include changes to duties, including any phased return.

### Intermittent absence

6.2 Disability-related absences **may** need to be discounted when considering the overall level of absence, so that someone who is off sick more frequently because they are disabled is not discriminated against. This is true whether or not he or she has declared his/her disability to the SG.

### Long-term absence

6.3 If someone is off for more than 4 weeks, they **may** be referred to the Occupational Health Service. One of the things OHS will consider is whether the person is disabled according to the DDA. Duties, working pattern or the physical environment might need to be adjusted to enable a return to work. The OHS advice will be sent to the HR Advisor, who will discuss what reasonable adjustments may be required with the line manager and the employee.

### What managers must do

6.4 Managers who consider that an employee may have a disability *must* take advice from an HR Advisor. Adjustments may also need to be made to absence reporting procedures to help disabled staff comply with this (e.g. a deaf person may need to e-mail rather than phone if they are reporting sick). If there is any doubt about whether the DDA applies to a particular situation HR Help can advise.

## **7. Recording and Authorising absence on eHR**

7.1 The following Quick Reference Guides are available in the HR intranet:

Recording Sickness – Full Day Leave

Recording Sickness – Half Day Leave

Closing Sickness Absence

### *What to do with a medical certificate*

7.2 A medical certificate is required when an absence lasts more than 7 consecutive calendar days. Certificates should be sent to HRSSC (F1 Spur, Saughton House) either directly or via the line manager.

### *Health and safety requirements*

7.3 Accidents or injuries at work, and some types of illness, should be reported for Health and Safety reasons. As well as dealing with the resulting absence, any line manager who thinks H&S regulations may apply should also check the H&S Guidance on Saltire or seek advice from the Health and Safety Team in Saughton House.

### *What information is available on absence, and to whom?*

7.4 Staff have access to all absence information held about themselves via e-HR employee self service. If an employee is referred to the Occupational Health Service, a copy of the advice may be obtained directly from Occupational Health and Safety Advisory Service (OHSAS), 55 Liberton Gardens, Edinburgh, EH16 6JT or from HR on request.

7.5 Further information is available on the HR intranet regarding data protection and personal information held on eHR.

## **8. How to appeal a management decision made about attendance**

8.1 You have the right to lodge an internal appeal against a decision to administer a formal warning or to extend the period of probation. This will be heard by an arbiter appointed by HR whose grade will be at least one level above that of the individual who made the original decision.

8.2 You also have an internal right of appeal against any decision made to dismiss you. Appeals against such decisions will be heard by a member of the Senior Civil Service, Agency Chief Executive or equivalent. You will be given the opportunity to make written and oral representations and may be assisted by a colleague or, if you are a member, by a Trade Union representative. The decision of the officer hearing the internal appeal will be final.

8.3 Internal appeals should be raised with HR in writing within 7 working days of receiving the decision. The appeal will be heard within 20 working days of receiving the appeal or alternative timescale as agreed by all parties.

8.4 If you have been employed for more than one year you have an external right to appeal to the Civil Service Appeal Board against dismissal and/or non-payment of compensation or the level of compensation paid (details will be given in the letter of dismissal).

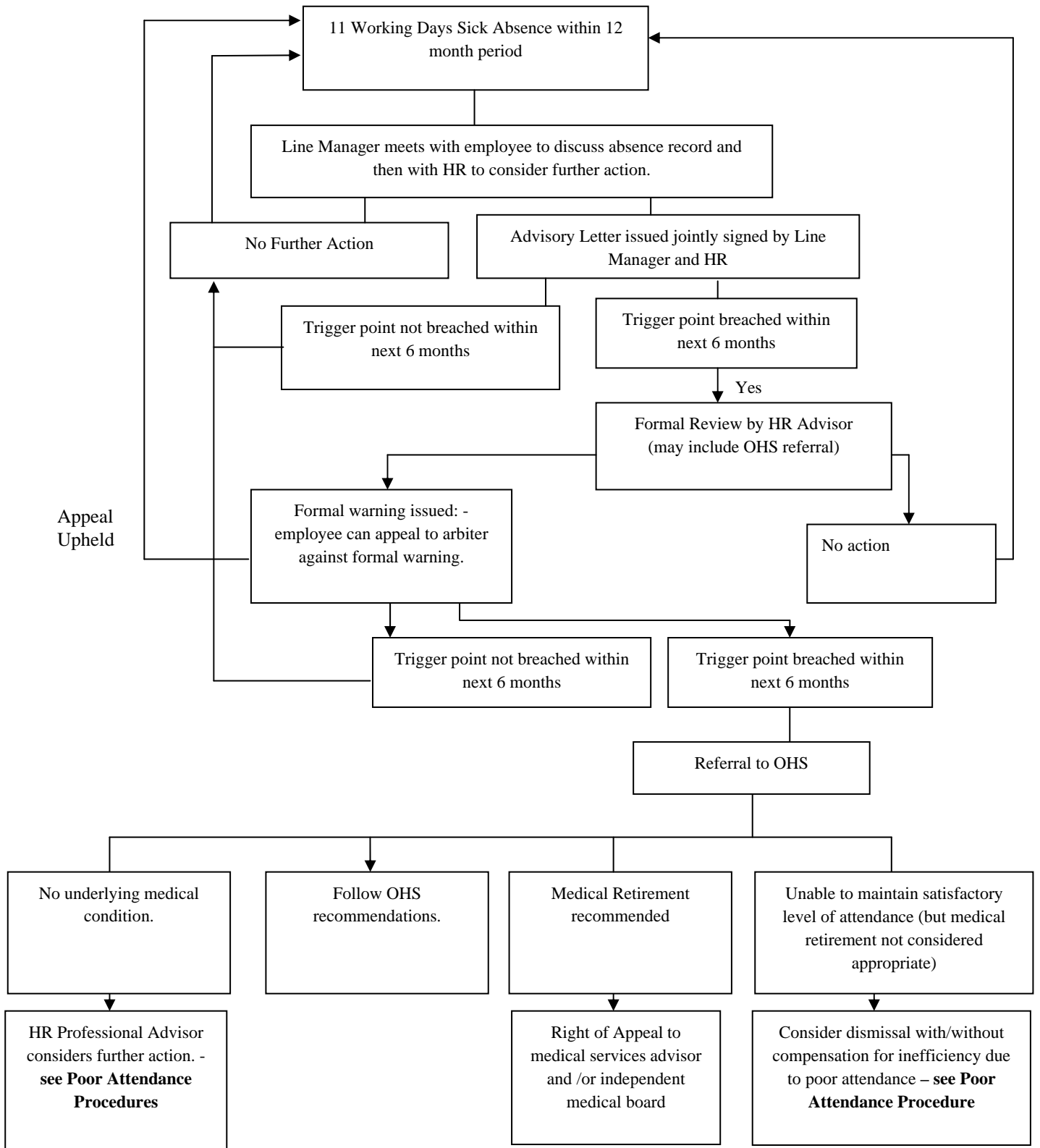
8.5 Staff who have additional medical evidence supporting their case have a right of appeal first to the medical services advisor appointed by the Cabinet Office for provisions relating to Civil Service Pension arrangements and then to an independent Medical Board convened by the advisor against:

- A decision to retire them on medical grounds; or
- A refusal to retire them on medical grounds.

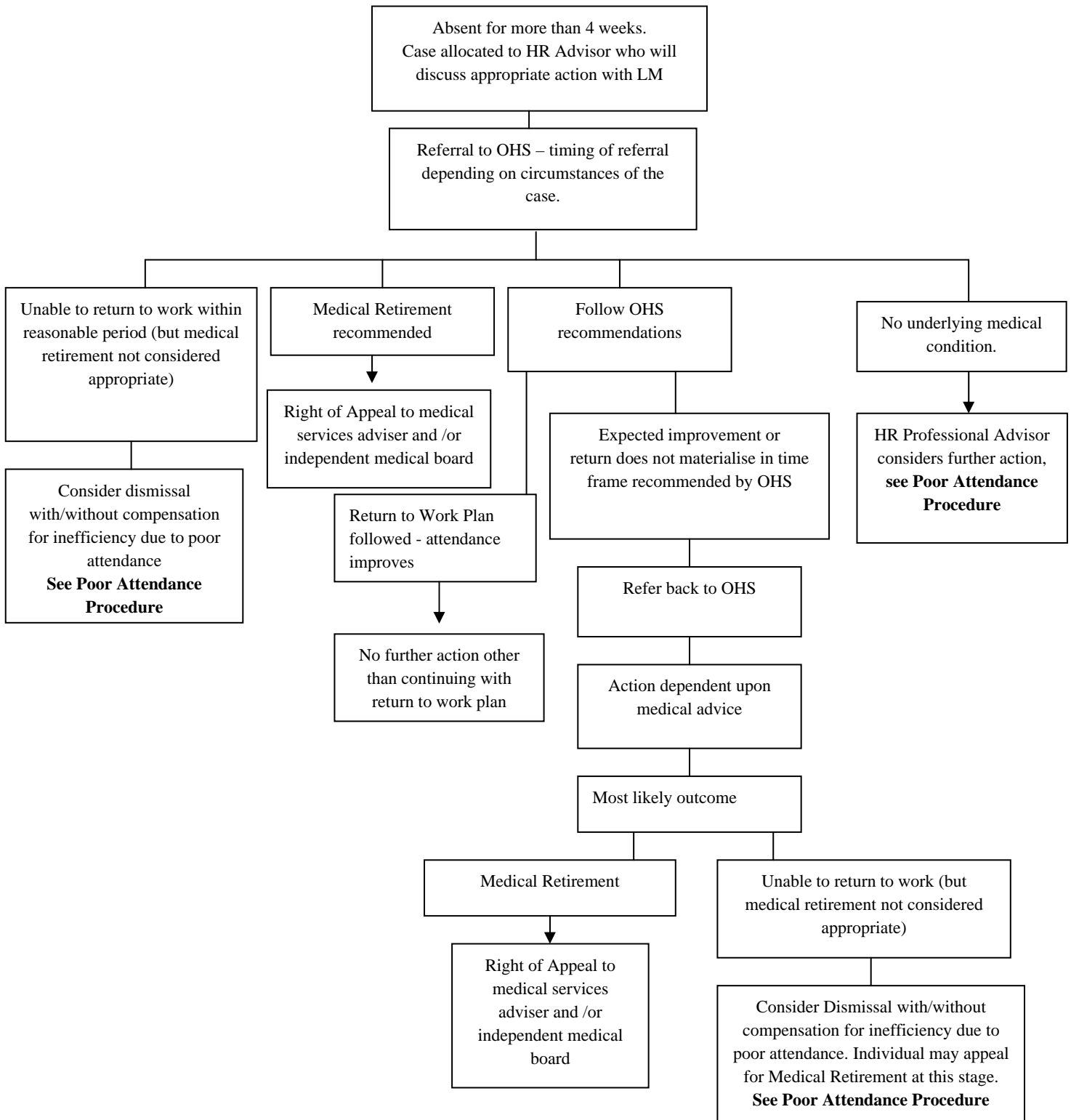
## **9. Useful links**

- Health and Welfare
- Employee Assistance Programme
- Welfare and Counselling Services

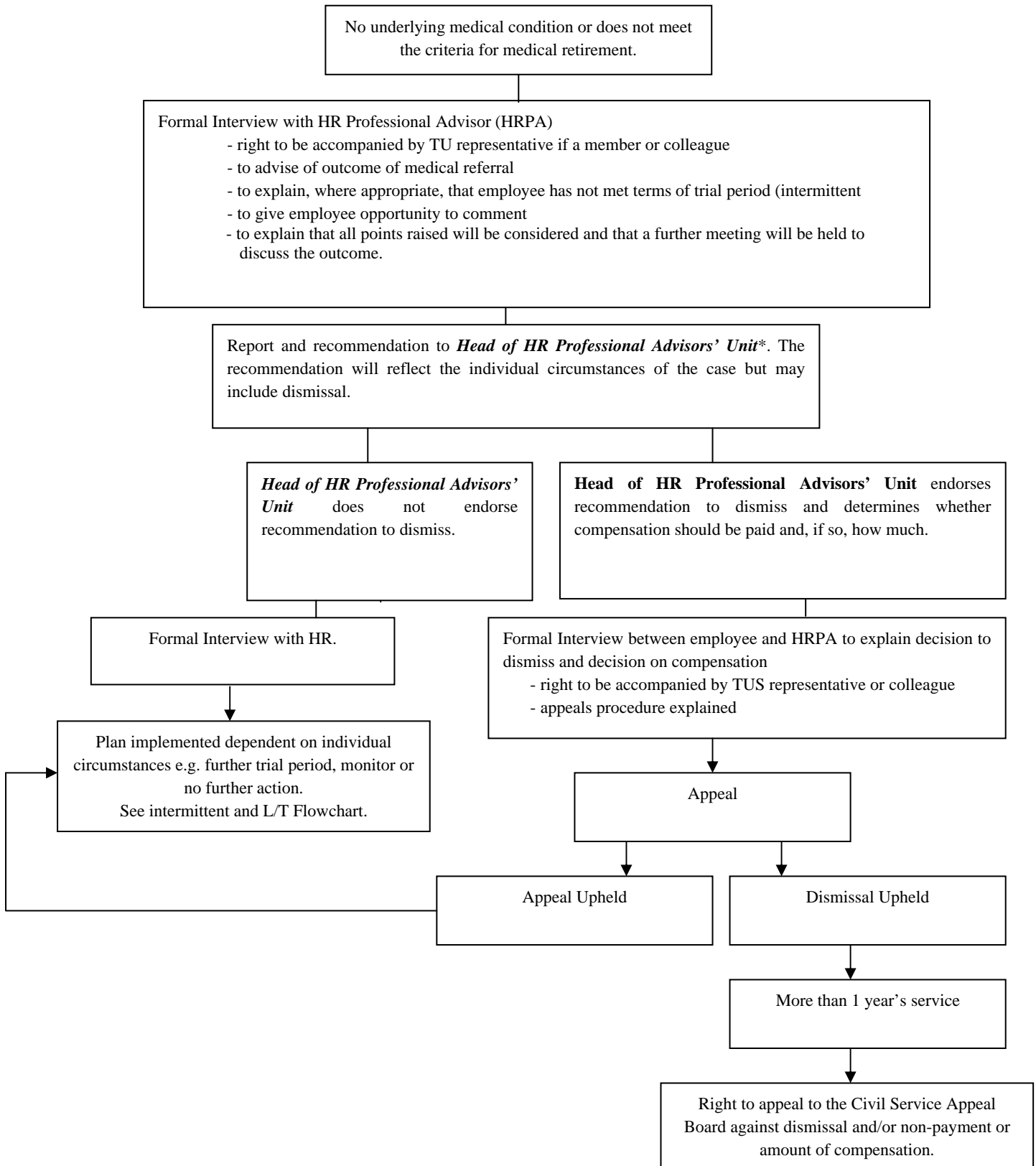
# Intermittent Sickness Absence Management Procedures



# Long Term Absence Management Procedure



## Poor Attendance Procedures



NB. Any reference to **Head of HR Professional Advisors' Unit** includes Agency equivalent.