**ABSENCE REPORTING AND SICK PAY POLICY**

**Last Updated**: 8/2/2020

1. INTRODUCTION

We are sympathetic to genuine cases of illness or other problems which might make absence unavoidable. However, excessive or unauthorised absence causes disruption to the business, lowers the morale of other staff and makes us less able to accommodate genuine cases of long-term illness. Therefore, all absences are taken seriously and unacceptable levels of absence are likely to lead to disciplinary action.

This policy is not contractual but sets out the way in which Northern Ireland Fencing (NIF)) plans to deal with absence from work.

2. SCOPE OF THIS POLICY

This policy applies to all employees, including those on fixed-term contracts. It does not apply to casual workers, agency workers or contractors. The sick pay scheme applies to absence caused by personal illness or accident, and not to the need to take time off because of the illness or accident of others (e.g. children or parents). These absences are covered under our separate policies on parental leave and time off for dependents.

3. AIMS OF THIS POLICY

This policy aims to minimise the disruption caused by employee absence by setting clear guidelines on absence notification, by encouraging regular communication to assist employees to return to work as soon and as safely as possible, and by assisting NIF to handle absences due to illness or injury in a fair, consistent and effective way.

4. LEGAL CONSIDERATIONS

The following legislation applies to this policy: (Or NI equivalents)

- the Social Security Contributions and Benefits Act 1992 (as amended)

- the Employment Rights Act 1996

- the Data Protection Act 1998.

5. RESPONSIBILITIES

It is the responsibility of our Line managers to perform return to work interviews with the employees who report to them and to support individuals whilst they are off sick and also upon their return. In addition, managers are required to complete the correct paperwork and ensure that records are kept up to date in order to manage absence efficiently; bearing in mind the requirement to comply with the Data Protection Act when handling confidential sensitive personal data. Managers are not expected to be medical professionals and if specialist advice or guidance is required to manage a case of absence, consent and permission to obtain this should be sought.

Our employees are responsible for following our absence notification procedures, and for informing us of any medical condition that may affect their ability to perform their role safely. We only encourage employees to return to work when they are fit to do so, for their own health benefits and also for those with whom they work. Absence leave should only be taken however when genuinely ill and not for any reason other than the employee's own sickness. Other related policies cover different absence situations (please see below).

6. TIME OFF FOR MEDICAL AND DENTAL APPOINTMENTS

Wherever possible, and in order to minimise disruption, employees are asked to make medical and dental appointments either outside of normal working hours, or at the beginning/end of the working day or on a day of the week when their workload tends to be quieter. However, we do realise that this may not always be possible, particularly with hospital appointments.

Employees who need to take time off to attend a medical or dental appointment should notify their manager, giving as much notice as possible. Such time off will be paid but we do request that the time is made up. The manager may, at his/her discretion, require the employee to produce an appointment card. Wherever possible we will be as flexible as we can in accommodating appointments, however we reserve the right to ask an employee to reschedule a routine appointment if its timing would cause disruption to the running of the particular department, or the completion of vital or urgent work.

Employees who have an appointment which is not at the end of the working day will normally be expected to return to work following the appointment. Any employee who requests or takes time off work for a medical or similar appointment when such an appointment has not in fact been made; who deliberately arranges appointments at times that are clearly inconvenient for us to accommodate; or who fails to give reasonable notice of a prescheduled appointment, may be subjected to disciplinary action under our disciplinary procedure.

7. ILLNESS DURING THE WORKING DAY

An employee who is unable to complete a shift due to illness, or for any other reason, should notify his/her Line Manager prior to leaving site. If the employee is unable to return to work the following day, he/she must follow the absence notification procedure set out below.

8. ABSENCE NOTIFICATION

An employee who is unable to attend work for any reason should contact their Line Manager and inform Head Office as soon as possible but, in any event, no later than one hour after his/her normal start time on his/her first day of absence. Employees who regularly use email as part of their daily work should put an appropriate “out of office” on their individual email account or arrange for their emails to be forwarded to a colleague to be dealt with.

In order to minimise disruption, it is important that we receive as much notice of absence as

practically possible. An employee who is unable to notify us personally should ensure that a relative, neighbour or friend contacts us. In addition, the reason for the absence and an indication of its likely duration should be provided. The reason for the absence will be kept confidential if this is requested. If appropriate, the employee should provide details of any outstanding work that needs to be dealt with during his/her absence and should confirm details of how he/she can be contacted during the absence (particularly if away from home).

See below (absence whilst on holiday) regarding sickness whilst absent from work on authorised holiday, or just prior to taking authorised holiday.

Absent employees are then responsible to keep their Line Manager and Head Office informed of their situation on a regular basis. They should remain in contact with us, and if away from home at any time during their absence, should provide us with full contact details. We may contact them during a period of absence and, in addition, may visit them at home to discuss their health and progress towards returning to work.

An employee who is absent through sickness or injury for more than one week must obtain a

Statement of Fitness for Work from a doctor and forward it to the employee’s Line Manager/Head Office The name of the doctor, the surgery and its contact information should be clearly stated. If a period of medically certified absence is extended by a further Statement, the employee’s Line Manager and Head Office must be informed on the same day and advised of the extension of the absence. Statements of Fitness for Work should then continue to be sent on a regular basis until such time as the employee is able to return to work. This applies even where any entitlement to sick pay is exhausted.

If a Statement of Fitness for Work indicates that the employee is unable to undertake the full duties of his/her normal job, but may be able to do some work (either reduced or amended hours, or reduced duties) we will discuss this with him/her and consider any recommendations or suggestions made by the GP which may facilitate an earlier return to work. However, if appropriate measures cannot be taken for any reason, the employee will remain on sick leave until such time as he/she is able to return to his/her full duties. Employees shall not normally return to work during the period covered by a Statement of Fitness for Work, unless the doctor has recommended a phased return.

On return to work after any period of sickness absence, all employees are required to complete a self-certification of absence form covering the complete period of absence, irrespective of whether a Statement of Fitness for Work was submitted. The Line Manager will discuss the details with the employee and will counter-sign the form (provided the information provided is satisfactory) indicating whether or not payment is to be made for the period of absence. This form will then be retained on the employee's personnel file, and payroll notified of any payment implications. Sick pay will not normally be paid for any absences that are due to reasons other than the employee's own illness/injury. Any payments that apply to other absences are detailed in our employee handbook.

Whilst absent from work due to illness or injury, employees are expected to remain resting at home, unless specifically advised otherwise by their GP or other qualified medical advisor, and to refrain from any strenuous activity or activity that a reasonable person or healthcare professional would consider to be detrimental to their recovery. They are also expected to comply with the advice given by their GP or healthcare professional.

Employees must not take on any other work, either paid or unpaid, without our consent, irrespective of whether sick pay is still being paid. Employees remain bound by all of the terms and conditions of their contracts of employment. If therapeutic work is recommended, we should be informed, and we will take any appropriate steps to provide this ourselves if practicable. Failure to comply with the above procedures could affect any entitlement to sick pay and, in some instances, could warrant disciplinary action.

9. STATUTORY SICK PAY (SSP)

Employees are entitled to SSP provided they meet the detailed requirements of the scheme. They cannot get SSP if they are sick for less than four or more days in a row as this does not form a 'period of incapacity for work' (PIW). The following categories of employee are excluded from receiving SSP, if:

- their average weekly earnings are less than the lower earnings limit for National Insurance

contributions

- they have already had 28 weeks' SSP from us and this new spell of sickness links to the last

one

- they were not entitled to SSP the last time they were sick, for any reason, and this spell of

sickness links to that one

- they started or returned to work after getting Employment and Support Allowance (ESA)

from the JobCentre Plus and are a 'benefit recipient' who is sick within the first 104 weeks of

starting, or returning to, work for us

- they had a series of linked PIWs lasting more than three years

- they have not done any work for us under their contract of employment

- they are away sick during a stoppage of work due to a trade dispute which started before

the first day of sickness, unless they have not taken part in the trade dispute and have no

direct interest in it

- they are pregnant and the absence is either wholly or partly because of the pregnancy, and

it occurs during the qualifying period for Statutory Maternity Pay (SMP) which commences

with:

• the beginning of the week they are first entitled to SMP or the fourth week before

their expected week of confinement; or

• the beginning of the week they are first entitled to Maternity Allowance (MA) from

the Department for Work and Pensions (DWP); or

• the beginning of the fourth week before their expected week of confinement if they

cannot get SMP or MA

- they are outside the EU and we are not liable to pay employer's Class 1 NICs, even if their

earnings are high enough.

- they are in legal custody.

*9.1 QUALIFYING DAYS FOR SSP*

Unless otherwise specified in the employee's statement of terms and conditions or contract of employment, the days on which he/she would normally have worked had he/she not fallen sick will be identified as his/her qualifying days for SSP.

*9.2 WAITING DAYS*

Employees are eligible for SSP on the fourth qualifying day in a 'period of incapacity for work' (PIW). The first three qualifying days are known as 'waiting days', and there is no entitlement to SSP for these days.

*9.3 LINKED PERIODS OF ABSENCE*

Two or more continuous spells of sickness, each lasting at least four days and which are separated by 56 calendar days or less, are linked together and counted as one. This means that an employee who has already had three waiting days in a period of incapacity, and then has a second linked spell within 56 days, will be paid SSP from the first qualifying day in the second spell.

*9.4 DURATION OF PAYMENT*

Provided the eligibility criteria are met, SSP is payable for up to 28 weeks of sickness absence in either:

- one period of incapacity for work, or

- any number of periods linked by 56 calendar days (eight weeks) or less. These cannot

extend for more than three years.

*9.5 AMOUNT OF SSP*

The Government fixes the rate of SSP, which is normally reviewed annually. To be entitled to SSP the employee must earn at least the equivalent of Class One National Insurance Lower Earnings limit. SSP is subject to Income Tax and National Insurance deductions. The amount of SSP will be shown on the employee's pay slip.

10. RETURN TO WORK AFTER ABSENCE

It is our policy that all employees are seen informally, by their Line manager as soon as possible following their return to work. The reasons for the absence will be discussed in appropriate detail depending on the nature and frequency of the absence(s).

The employee will also be briefed on any developments in his/her area of work that occurred during the absence. The Line Manager will discuss the workload and how best to minimise any disruption that may have been caused by the absence. He or she will also need to know whether the employee is fully fit to return or should refrain from any tasks for health reasons.

An employee who, for whatever reason, finds it difficult to discuss the reasons for absence with his/her Line Manager, or who prefers to speak to a Manager of the same sex, should ask for this and we will make every effort to comply.

11. PHASED RETURN

If a phased return to work has been agreed, payment will depend on the circumstances and the duration of the part-time working arrangement. If contractual sick pay is exhausted, the employee will normally be paid for any hours worked at his/her normal basic hourly rate during a phased return (subject to earning at least the rate of SSP where there is an entitlement to this). If contractual sick pay is not exhausted, this will continue to be paid and the shortfall between worked hours and normal working hours will be deducted from the sick pay entitlement. If the employee is being paid SSP only, this will be the minimum rate of pay whilst on a phased return to work programme, unless SSP is exhausted, in which case payment will only be made for the actual hours worked.

An employee who wishes to continue with the reduced or revised hours indefinitely should ask his/her manager to consider a permanent change to the contract of employment and we will discuss the implications of this with him/her.

12. MEDICAL REPORTS

We reserve the right, at any time during employment, to require an employee to attend an

independent medical examination, or to ask permission to contact his/her doctor or consultant for a report. Prior written consent will be requested before we approach any doctor or consultant who is treating the employee, and full details will be provided of the employee's rights and obligations under the Access to Medical Reports Act 1988.

We would normally request such a report in the following circumstances: where an employee complains of an on-going health problem which is affecting his/her ability to do his/her job; where an employee claims that any aspect of his/her job is creating a health problem; where the absence gives us cause for concern; where an employee has been absent for some time and there is doubt about when he/she may be able to return to work.

We will also normally always request a medical report if we are considering dismissal for either a long-term health problem or unsatisfactory attendance made up of repeated short absences. In addition, if an employee has any health condition that could be considered a disability, we would wish to seek a report in order to obtain guidance on what, if any, reasonable adjustments should be made to enable the employee to perform his/her duties satisfactorily.

Employees are required to co-operate with our procedures, including providing medical advice and ensuring we are kept informed of any developments in their treatment or condition. Our standard employment contracts contain a clause requiring that employees co-operate with us by attending any occupational health assessments organised for them. Failure or refusal to do so would be a breach of contract and could also lead to any contractual sick pay being withdrawn and/or disciplinary action being taken, as could the failure to authorise us to obtain a medical report.

13. EXCESSIVE ABSENTEEISM

Employees who have a number of short absences that together comprise an unacceptable overall level of absence will be seen by their Line manager to discuss the frequency and reasons for these absences. This will be done in accordance with our disciplinary procedure, on grounds of unsatisfactory attendance, and will apply irrespective of whether the absences are believed to be genuine or not. The Line manager will explain what we consider to be an "acceptable" level of attendance. What is "acceptable" may be different depending on the nature of the work, the ability of the department to provide cover, the employee's length of service, previous absence history, the reasons given for the absences and the treatment of other employees in similar situations. If, despite warnings, attendance remains unsatisfactory, this may result in dismissal. Prior to any warning or dismissal, the employee will be invited to attend a formal disciplinary meeting to discuss his/her attendance. He/she may be accompanied at this meeting by a colleague or a trade union representative. The reasons for the absence, and the individual's overall level of attendance, will be fully discussed. If a decision is taken to give a warning or to dismiss, this will be confirmed in writing, together with details of any right of appeal and our appeals procedure.

14. LONG-TERM SICKNESS

We will normally make arrangements to see employees who are absent from work for a period in excess of 4 weeks. This may be either at work or at their home, to update ourselves on their progress and to ask for permission to obtain a doctor's or consultant's report. Employees may refuse their permission, but it should be emphasised that the request is made to help us manage the situation and it will usually be to their advantage to enable us to get further information about their likely date of return to work, whether any medical restrictions should be placed on their activities, and whether they have any condition which would be classed as a disability.

We will aim to inform an employee who is about to exhaust his/her entitlement to SSP of this. Note that an employee who has exhausted his/her sick pay is still required to comply with our absence notification procedure and to send in Statements of Fitness for Work to cover his/her absence. Employees may, if they choose, request to take some annual leave during periods of sickness absence, or prior to returning to work. An employee who is on sick leave may also choose to cancel any pre-arranged holiday that would otherwise coincide with his/her sick leave, but should notify his/her Line Manager as soon as possible of any such request.

Employees who are unable to take at least the basic four weeks' statutory holiday entitlement during our holiday year (including any bank/public holidays taken as paid leave) may carry the shortfall forward into the next holiday year but should use this within three months of their return to work; any annual leave not taken within 15 months of the end of the holiday year in which it accrues (whether or not the employee has returned to work) will normally be lost. Statutory leave will continue to accrue during periods of long-term sick, contractual leave in excess of this will cease to accrue and will only start to accrue again on return to work. If the absence continues at a level that we deem unacceptable, or if it becomes evident that there is little likelihood of a return to work, we will reassess the situation and may take a decision to dismiss on grounds of ill-health.

If dismissal is being considered, we will write to the employee, giving advance notice of a formal meeting to discuss the situation. The employee may, if he/she wishes, be accompanied at this meeting by a colleague or a trade union representative. Before reaching a decision, we will take into account the nature of the illness, any advice we have received from a doctor, consultant or occupational health professional as to likely return to work and future capabilities, length of service, previous absence history and performance. If the absence is due to a reason related to a disability, we will also wish to explore any ways of accommodating this.

If a decision is taken to dismiss, this will be confirmed in writing, together with the details of any right of appeal and our appeals procedure.

15. HEALTH CHECKS, CONCERNS AND CONTACT WITH

INFECTIOUS AND CONTAGIOUS DISEASES

All new employees, are required to complete a pre-employment health assessment on accepting our offer of employment and prior to starting work for us. This is aimed at identifying any areas of concern. Thereafter annual assessments (related to their working environment as specified by their job role) may be undertaken. If, at any time during employment, an employee suspects that he/she may be suffering from, or is diagnosed as suffering from, any condition which may affect his/her ability to do his/her job, he/she is required to notify their Line Manager in order that we may take all reasonable steps to ensure his/her well-being at work. This includes notifying us of any medication that the employee is taking which may affect his/her ability to work safely, or may cause drowsiness or fatigue, especially if his/her job involves working with machinery or driving.

Any employee who has been in contact with an infectious or contagious disease (including

diphtheria, typhoid, paratyphoid, polio or tuberculosis), should report the fact immediately to their Line Manager and then obtain advice as to whether it is necessary to remain away from work. Such absence will be treated as paid sick leave. An employee who has been in contact with measles, mumps, whooping cough, German measles (rubella) or chicken pox need not normally remain away from work.

16. ACCIDENTS WHILST AT WORK

The details of any absence that is related in any way to an accident at work should be recorded in our accident book, and the line manager notified.

17. ABSENCE WHILST ON HOLIDAY

An employee who falls sick either prior to commencing planned holiday absence or during a period of paid holiday, such that he/she would be unfit for work, and who would otherwise be unable to take at least his/her statutory holiday entitlement under the Working Time Regulations in this holiday year (including any bank/public holidays taken as paid holiday), may request that the period of illness/incapacity during the authorised holiday is converted to sick leave and the holiday taken at a later date. In this case, the employee is required to phone his/her Line manager on each day of the illness/incapacity to confirm that he/she is ill/injured and, if entitled to contractual sick pay during this period, provide a medical certificate covering the total period of the absence.

Note that self-certification may suffice for SSP but is not regarded as sufficient for the payment of contractual sick pay whilst absent on pre-authorised holiday.

An employee who falls sick on a working day directly before or after a bank or public holiday, or directly following absence for authorised holiday, may be required to produce a medical certificate in order to qualify for contractual sick pay.

18. EMERGENCY TIME OFF FOR DEPENDANTS

Our absence policy and payment schemes relate to absence due to our employees' own illness or injury, not that of other members of their family or dependents. Reasonable time off will be authorised to deal with the urgent unforeseen needs of a dependent, but this will normally be unpaid.

19. PREGNANCY-RELATED SICKNESS

Any sickness absence related to pregnancy will be recorded in the same way as any other sickness absence; however, it will not normally be counted when reviewing absence rates as part of a disciplinary procedure.

Employees should be aware that their maternity leave will start automatically if they are absent from work due to a pregnancy-related illness during the four weeks before the start of their expected week of childbirth, regardless of when they have said that they actually want their maternity leave to start.

20. ELECTIVE SURGERY

For the purposes of this policy, elective surgery is surgery that is not considered to be medically necessary or is for non-medical reasons. Examples might include vasectomies or the removal of bunions or moles. This provision is not intended to cover surgical or non-surgical procedures that are concerned solely with the enhancement of physical appearance (e.g. face lifts, breast enlargements, facial peels, teeth whitening, dental veneers etc.) for which time away from work should be taken from holiday entitlement or as time off in lieu.

We accept that there may be circumstances where a manager wishes to exercise his/her discretion to allow time off for elective surgery depending on the individual circumstances.

The employee making the request should discuss the reason for the time off and the underlying circumstances with his/her manager who may authorise unpaid leave, annual leave, time off in lieu (TOIL) or any combination of these. An employee who wishes to take time off for elective surgery is required to:

- inform his/her manager as soon as the plans have been confirmed

- provide a statement from a qualified medical practitioner that elective surgery has been

approved and giving the likely duration of recovery

- where possible, arrange for the elective surgery at a time that will cause the minimum

amount of inconvenience to NIF

- provide as much notice as possible of the day(s) on which the surgery will take place.

Any information provided to the manager will be maintained in strict confidence. The reason for the employee's absence will be disclosed only on a "need-to-know" basis and in consultation with the employee.

Where the outcome of the surgery is unexpected and the employee suffers an injury or illness, our standard sick pay provisions will apply, following receipt of the relevant sickness certificate.

21. FERTILITY TREATMENT

Any employee who may need time off work to undergo fertility treatment (or because his/her partner is undergoing fertility treatment) should discuss this with his/her manager. Time off can be taken as annual leave or, alternatively, unpaid leave may be authorised or a form of temporary flexible working may be approved, subject to the needs of NIF.

Any employee who may need such time off should inform his/her manager as soon as the plans have been confirmed; provide a statement from a qualified medical practitioner that fertility treatment has been recommended and approved; and, if requested, produce an appointment card for each occasion on which time off is required. Where possible, appointments should be made for times that will cause the minimum disruption to the working day, and we do ask that the employee provides as much notice as possible of the days and times on which time off is required.

Any information provided to the manager will be maintained in strict confidence.

22. ABSENCE RECORDS AND MONITORING

Details of an employee's health, either physical or mental, are categorised as "sensitive personal data" under the Data Protection Act. Health records are Password protected and stored in the NIF central archive access is by password only. A record for each employee is kept, detailing the number of days absent, dates and reasons given. These records are kept by the Line Manager. The employee may request to see the individual details at any time by contacting NIF Board. Records of any individual referrals and VDU assessments will be retained on the individual’s personnel file.

Our overall absence figures and the reasons for these will be reviewed and analysed by the CEO on a regular basis to identify any trends or any areas of concern. Where areas of concern are highlighted, we will investigate these to identify the causes and any appropriate action will be taken.

23. RELATED POLICIES AND DOCUMENTS

We also have the following related policies and documents: absence policy; flexible working policy and request form; maternity, adoption paternity and shared parental leave policy; parental leave and time off for dependents policy; self-certification of absence form. Our rules on compassionate leave and authorised unpaid absence can be found in our employee handbook.

24. IMPLEMENTATION, MONITORING AND REVIEW OF THIS

POLICY

This policy will take effect from 1st March 2020. The NIF Board has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this policy should be addressed to the MD.

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