

# INVEST NI MANAGEMENT OF ATTENDANCE POLICY

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## INTRODUCTION

Invest NI aims to be a motivational and positively challenging place to work, providing a comprehensive benefits package to all Staff and helping to prevent non-attendance at work. Invest NI will assist wherever possible to allow staff to discharge their duties in full, and will promote good health and wellbeing.

The purpose of these guidelines is to enable both Staff and Line Managers to be aware of the process which will be followed should a Staff Member be unable to attend work due to sickness. These guidelines are under continuous review and will be updated as necessary to reflect changes/improvements in practice.

### 1.0 PRINCIPLES

1.1 All absences will be treated sympathetically and consistently. However, it must be noted that levels of absence which give cause for concern may be dealt with under the Attendance Management Procedure.

1.2 Annual leave (or other leave) must not be taken to cover sickness and, similarly, sick absences must not be used to cover for other absences which are not caused by a staff member's sickness eg to cover time taken to care for dependants who are ill etc.

1.3 Invest NI reserves the right to require a Medical Certificate to cover any period of absence due to sickness regardless of the Procedure detailed below.

1.4 Where absence on medical grounds gives cause for concern, Invest NI will seek advice from its appointed medical adviser regarding the fitness or otherwise of Staff Members to carry out their duties. Staff may be required to attend for a medical examination during or after any absence from work due to sickness or injury. In cases of long-term sick absence, the appointed medical adviser will always be consulted. However, Invest NI reserves the right to require any Staff Member to attend a medical examination by its appointed medical adviser.

1.5 Invest NI's Welfare Officer is available to discuss sick absence with any Staff Member.

1.6 Sick absence for members of Staff who do not work five days per week (i.e. part-time/reduced hours etc) will be calculated on a pro rata basis.

1.7 Invest NI will comply with the Access to Medical Reports Act 1988.

1.8 Failure to comply with the procedure outlined below may result in Attendance Management Procedures being initiated.

## **2.0 PROCEDURE**

### **2.1 Reporting Sick Absence**

The Staff Member must notify their Line Manager on their first day of sickness before 10am or within 1 hour of coretime / start of shift, whichever is the most appropriate. A reason for absence must be given and an estimate of how long the Staff Member expects to be absent from work. If the line manager is unavailable the staff member should either arrange for a return call to be made or ask to speak to the manager of the next higher grade. Where practicable the staff member who is sick should always try to make the telephone call in person. Notification of absence via text message should be avoided.

#### *First day of sickness and up to 7 calendar days*

Immediately after the Staff Member has contacted their Line Manager, the Line Manager should then notify Human Resources via e-mail. Once Human Resources receive this notification of absence, a self-certification form will be issued to the Staff Member via e-mail for completion upon return from sick absence. The Staff Member's Line Manager should also sign off the self-certification form before it is returned to Human Resources.

#### *Sickness beyond 7 Calendar Days*

If a Staff Member expects to be absent from work due to sickness for more than 7 calendar days they must inform their Line Manager of this absence. The Line Manager should then notify Human Resources via e-mail. In addition, the Staff Member should request a Medical Certificate from their GP for the total period of absence. The Medical Certificate should be sent to the

Human Resources Team as soon as possible, where it will be treated in strictest confidence.

**It is important to ensure that every day of absence is covered by self certification or a Medical Certificate. Failure to submit the appropriate certificate may result in occupational sick pay being withheld.**

It is important to note that absences during pregnancy will be treated in accordance with Invest NI's current Guidelines on Pregnancy and Maternity Provisions.

Staff should endeavour to keep in reasonable contact with their Line Manager, Human Resources Account Manager or Welfare Officer during all absences.

## **2.2 Returning to Work**

When the Staff Member returns to work, they should immediately notify the HR Team via email.

The Staff Member should also notify their Line Manager once they return to work. After any absence the Staff Member's Line Manager should conduct a return to work interview within one week of the Staff Member's return to work. The line manager should complete the appropriate Return to Work Interview form with the staff member and return this to Human Resources.

If the Staff Member is absent for more than 30 calendar days due to sickness they should obtain a "Signing Off" line from their GP before returning to work. This signing off line should be forwarded to Human Resources as soon as possible. In addition, if the Staff Member wishes to return to work prior to the end of the medical line, they should first obtain a "Signing Off" line from their GP, and forward it to Human Resources as soon as possible.

If after the Staff Member returns to work Invest NI has any cause for concern regarding the Staff Member's health, Invest NI may request that the Staff Member attend a medical examination with its appointed medical adviser.

### **2.2.1 Temporary Part-Time Return To Work Agreement**

If a Staff Member wishes to return to work after a period of sick absence but has been advised by their Doctor and/or Invest NI's appointed medical adviser that they may not be fit for full-time duties, then Invest NI may consider in conjunction with the Staff Member's GP and/or Invest NI's appointed medical adviser /Welfare Officer a part-time arrangement (phased return) for a defined period of time, which will not normally exceed 3 months. To progress this the Staff Member must forward a signing off Doctor's Certificate with an accompanying letter from their GP recommending that the Staff Member should be facilitated by a part-time arrangement for a defined period as part of

a phased return to work. Often in these cases, Human Resources will liaise with the Welfare Officer and/or Invest NI's appointed medical adviser prior to putting such an arrangement in place. The decision on whether a phased return may be facilitated will reside with Human Resources.

If a phased return is agreed, Invest NI will advise the Staff Member regarding hours to be worked - i.e. part or full days. Payment will be as follows:

<b>Staff Member on Full Pay</b>	<b>Staff Member may work part-time hours whilst continuing to receive full pay</b>
Staff Member on Half Pay	Staff Member may work part time hours and receive payment for those hours in addition to their half pay for the remaining hours worked, provided that this does not exceed full pay
Staff Member on Pension Rate of Pay	Staff Member may work part-time hours and receive payment on a pro-rata basis for the hours worked and pension rate of pay for the remaining contracted hours worked.

Sickness records will be retrospectively amended when returning to full time work to account for this part time sickness period. Pay and increases may be delayed until such times as the Staff Member has returned to full time work. (This is due to an inability to calculate entitlements until the retrospective amendments in the sickness record have been made).

The Staff Member should complete a 'phased return to work' form and forward this to Human Resources on a weekly basis so that absences can be recorded.

### 2.2.2 Permanent Part-Time Return To Work Agreement

If medical opinion states that a Staff Member may never be fit to return to work on a full-time basis but that their health would allow them to return in a part-time capacity then Invest NI will consider their position against business need. Invest NI will endeavour to do their utmost to accommodate this request. However, if this is not possible, then the Staff Member's contract may be severed on the grounds of ill health.

2.3 Invest NI seeks to ensure consistency in the approach taken to managing attendance across the organisation. However, each case is reviewed on an individual basis and there will be situations which may fall outside these guidelines, eg, terminal illnesses, incomplete recovery etc. Invest NI will seek to treat such cases sympathetically and will work closely with the staff member to ensure that the most appropriate arrangements are made.

## 3.0 SICK ABSENCE MONITORING

### *Short-term/Intermittent Absences*

If a Staff Member has 3 or more occasions of sick absence totalling 8 working days in a one year rolling-period, Human Resources will contact the Staff member's Line Manager to advise them of this. In addition, the Staff Member will receive a letter (hereafter referred to as a 'Cause for Concern Letter') advising them of their sick absence and stating that the level of sick absence is causing concern. Patterns of regular absence may also lead to the issue of a Cause for Concern Letter.

If the Staff Member has a further period of absence in the 6 month period immediately following the last absence stated in the letter, this may result in a Written Warning letter being issued to the Staff Member. Section 6.1 of this document will refer to the duration and impact of this warning.

If there is insufficient improvement, or the improvement made is not sustained following the issue of a Written Warning then a Final Written Warning may be issued to the Staff Member.

If consideration is being given to issuing a Final Written Warning, an interview will take place with the appropriate HR Account Manager and the Staff Member's Line Manager, during which the Staff Member concerned will have the opportunity to present any mitigating circumstances. Staff receiving a Final Written Warning will be advised in writing of the consequences of the warning, including potential dismissal for inefficiency/incapacity. Section 6.2 of this document will refer to the duration and impact of this warning.

### *Long-term/chronic Absences*

Absence which lasts 30 calendar days continuously is considered to be long term. After 30 calendar days' continuous absence a letter requesting an update on the Staff Member's medical condition (a Progress Letter) will be sent to the Staff Member from Human Resources, for completion by the Staff Member's GP. Human Resources may issue a Cause For Concern Letter at this stage, and will decide if the Staff Member should be referred to its appointed medical adviser. In the event that a response to the Progress Letter is not received within 2 weeks of being issued, the Staff Member will be referred to Invest NI's appointed medical adviser.

Following receipt of the report from the appointed medical adviser, Human Resources will decide on any appropriate action and when the Staff Member's attendance should be reviewed again. Continuation of the absence may lead to a Written Warning. Section 6.1 of this document will refer to the duration and impact of this warning.

Continuation of the absence beyond the issue of a Written Warning may lead to a Final Written Warning. Section 6.2 of this document will refer to the duration and impact of this warning.

For all sick absences, Invest NI reserves the right to initiate Attendance Management Procedures where the above thresholds have not been met but where a specific pattern of non-attendance is established.

### 3.2 Role of the appointed medical adviser

Invest NI reserves the right to require the Staff Member to attend for examination by its appointed medical adviser as required, depending on the nature of the illness. Where a Staff Member is unable to attend an arranged consultation, Human Resources must be notified immediately and an acceptable reason provided. The appointed medical adviser will specify an estimated return to work date for the Staff Member. Attendance Management Procedures may be invoked if the Staff Member does not return to work or fails to provide a satisfactory explanation as to their continued absence.

Medical reports received by Invest NI will be treated in strictest confidence, and may normally be viewed by the staff member upon request.

## 4.0 IMPLICATIONS OF SICK ABSENCE

### 4.1 Remuneration

A cumulative period of 183 calendar days' absence in a rolling 1-year period will result in the Staff Member transferring to half-pay. This will continue until either:

- a) the Staff Member returns to work **or**
- b) due to continued absence, the Staff Member's cumulative sickness falls into the next category in which:

A cumulative period of 365 calendar days absence in a rolling 4-year period will result in the Staff Member transferring to pension rate of pay/zero pay. This will continue until either the Staff Member returns to work or the Staff Member's contract of employment is terminated on the grounds of inefficiency/incapacity/ill-health.

### 4.2 Annual Leave

If a Staff Member is on half-pay due to their level of absence then their paid annual leave entitlement for that period is not affected.

If a Staff Member is on pension rate of pay/zero pay due to their level of absence then they will not be eligible to accrue annual leave during that period. Upon returning to full-time work the Staff Member's annual leave

entitlements will resume accrual. (It will be for the Line Manager to control when annual leave may be taken.)

If returning to work on a part-time basis either as a phase-in option or on a permanent basis then the annual leave entitlement will be adjusted accordingly on a pro-rata basis.

Where a Staff Member is prevented by ill-health from taking their full annual leave allowance and at the end of the leave year they have more than the normal carry-over permitted, they may seek approval from their Director to carry over a proportion of their outstanding leave, subject to the limits set out below, in addition to the normal maximum carry-over of 10 days:

- Where a Staff Member is sick for a period during December/January and they return to work so late in January that, despite taking as much leave as is reasonably practicable between their return date and 31 January, they still have excess annual leave, additional carry-over will be limited to 25% of their annual leave allowance.
- Where a Staff Member is absent due to sickness on or after 1 December and does not return to work before 1 February additional carry-over will be limited to 25% of their annual leave allowance
- Where a Staff Member is absent due to sickness for more than 2 months during the year and they return so late in January that it is not reasonably practicable for them to use all their annual leave, additional carry-over will be limited to 30% of their annual leave allowance.

### **4.3 Pension**

Pension benefits will not be affected if a Staff Member moves onto half-pay. If a Staff Member is on pension rate of pay/zero pay, this will be treated as non-reckonable service for pension purposes. Therefore Invest NI will cease to pay all pension contributions on behalf of the staff member.

### **4.4 Additional Voluntary Contributions/The Benenden Society and Trade Union Membership**

If a Staff Member is on pension rate of pay/zero pay, AVC contributions cannot continue to be paid unless the Staff Member makes arrangement for these to be paid via a manual cheque payment. If these arrangements are not made, scheme membership will lapse.

Trade Union contributions will continue to be paid as normal when the Staff Member is receiving full pay, half pay and pension rate of pay whilst absent. However, if a Staff Member is receiving zero rate of pay then they must make arrangements for these contributions to be paid via a manual cheque. If this arrangement is not made, the Trade Union will be notified.

#### **4.5 Annual Pay Increases**

Entitlements will be effected in accordance with the yearly Pay Increase Guidelines provided from DETI.

#### **4.6 Probation/Promotion/Transfers**

Staff Members who demonstrate unsatisfactory attendance during probation will be placed on a trial period of not less than 2 months. If insufficient improvement in attendance results, this may have a negative impact upon the Staff Member's probationary period, which could lead to termination of the appointment of the Staff Member.

### **5.0 ATTENDANCE MANAGEMENT PROCEDURES**

5.1 Attendance Management Procedures will be invoked for short term/sporadic absence. Long-term absence will be treated as outlined in paragraph 3.0.

5.2 All warnings will be valid for a period of 12 months from the date of issue.

5.3 Staff are entitled to representation at any formal meeting to discuss their absence. Representation may be from an Invest NI colleague or a NIPSA representative.

5.4 Staff have the right to appeal any decision to issue them with a Written Warning, Final Written Warning, or to terminate their employment under the Attendance Management Procedures. Appeals should be submitted in writing, clearly stating the grounds for appeal to the Human Resources Manager within 5 working days of the date of the decision.

### **6.0 IMPACT AND DURATION OF WARNINGS**

#### **6.1 Written Warnings**

A Written Warning will apply for 12 months from the date of issue.

In addition, the Staff Member will be excluded from consideration for promotion/selection for a trial period of six months following their return to work or until their attendance is considered to be satisfactory, whichever is the later. This will apply to all competitions, including trawls, lateral movement and

interest circulars. Staff will not be eligible to apply for these competitions if they are on a trial period at the closing date. In addition, if a Staff Member has already applied for any of the above then their application will be withdrawn from the competition at any stage up to the date of interview. These arrangements extend to consideration for deputising and temporary promotion. If a Staff Member is already on temporary promotion this will cease with effect from the start of the trial period.

Each case will be reviewed individually and management discretion applied where appropriate. Please note that staff on secondment to Invest NI will be subject to the formal Attendance Management Procedures of Invest NI and referred to DETI (or other parent department) if and when appropriate.

## 6.2 Final Written Warnings

A Final Written Warning will apply for 12 months from the date of issue.

In addition, the Staff Member will be excluded from consideration for promotion/selection for a trial period of 12 months following their return to work or until their attendance is considered to be satisfactory, whichever is the later. This will apply to all competitions, including trawls, lateral movement and interest circulars. Staff will not be eligible to apply for these competitions if they are on a trial period at the closing date. In addition, if a Staff Member has already applied for any of the above then they will be withdrawn from the competition at any stage up to the date of interview. These arrangements extend to consideration for deputising and temporary promotion. If a Staff Member is already on temporary promotion this will cease with effect from the start of the trial period.

These arrangements also extend to consideration for deputising and temporary promotion. If a Staff Member is already on temporary promotion this will cease with effect from the start of the trial period.

A Staff Member serving a trial period following the issue of a Final Written Warning will have their entitlement to Occupational Sick Pay withheld. This will not be restored until the trial period has been satisfactorily completed.

Each case will be reviewed individually and management discretion applied where appropriate. Please note that staff on secondment to Invest NI will be subject to the formal disciplinary procedures of Invest NI and referred to DETI (or other parent department) if and when appropriate.

## 7 Useful Contacts

Line Managers and staff may find the following contacts useful:

- **Welfare Officer** – Mamie Clugston
  - Telephone: 028 9052 9333
  - E-mail: [mamie.clugston@detini.gov.uk](mailto:mamie.clugston@detini.gov.uk)

- **Civil Service Pensions**
  - Pensions Administrator on 028 7131 9000
  - [www.civilservicepensions-ni.gov.uk](http://www.civilservicepensions-ni.gov.uk)
  
- **Employment, Benefits and Disability**
  - [www.direct.gov.uk](http://www.direct.gov.uk)
  
- **Civil Service Benevolent Fund**
  - [www.csbf.org.uk](http://www.csbf.org.uk)