

ATTENDANCE AT WORK POLICY & PROCEDURE

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1. Introduction

ELCAP aspires to be:

- A first-class provider of care and support services
- An excellent employer
- A financially sound organisation committed to sustainable development

These three drivers underpin our Attendance at work policy and procedures.

We provide high-quality care and support to the individuals we work with by ensuring everyone has a self-organised and stable team that knows and understands their needs and wishes.

We provide fulfilling jobs with a social purpose and encourage staff to be creative, innovative, resilient, and resourceful.

We seek to generate income sufficient to our needs and manage costs well. As a not-for-profit organisation, we must be financially sustainable.

2. Managing your absence levels

Social care organisations operate in a challenging environment. In addition to staff recruitment, retention and reward issues, many organisations in our sector operate on tight financial margins.

These factors mean that ELCAP has to take great care in managing our human and financial resources.

Our commitment to providing self-organised and stable support and our financial performance relies on our ability to manage sickness well. Our target is that sickness absence levels are at or below 4%.

3. Balancing the interest of the individuals we support, our organisation and our staff

The individuals we work with require care and support to enable them to achieve their full potential and be active and valued members of our community.

Our mission is to become the recognised gold standard in social care, and we aspire to be excellent employers.

Our Attendance at work policy requires us to balance these interests.

The individuals we work with expect consistent, quality, and reliable care from staff they know. Our staff expect us to recognise their commitment and loyalty by supporting them during times of need, including periods of ill health.

We will support our staff in maintaining good health and satisfactory attendance. Where ill health prevents satisfactory attendance, we will review this to look at support mechanisms to return to work as soon as possible. If long-term sickness continues, provided a fair procedure is followed, we may look at capability reasons to end the employment contract.

In terminating employment because of poor attendance, ELCAP will follow good practice and relevant legislation, including the provisions of the Equality Act 2010.

4. Health & Social Care standards

The application of this policy is guided by the Health and Social Care Standards and by the following standards in particular:

- I know who provides my care and support daily and what they are expected to do. If possible, I can have a say on who provides my care and support (3.11).
- My care and support is consistent and stable because people work together (3.19).
- I experience stability in my care and support from people who know my needs, choices and wishes, even if there are changes in the service or organisation (4.15).
- I am supported and cared for by people I know so that I experience consistency and continuity (4.16).

5. Objective of the policy

- To set out measures which support staff to remain at work, where possible;
- To set clear expectations of staff absence reporting, supported by clear procedures;
- To set out steps to be taken during periods of sickness absence;
- To set out the circumstances in which contracts may be terminated in the event of long-term sickness absence;
- To explain the options open to staff if ELCAP does not follow procedures when dealing with sickness absence;
- Employee's rights if ELCAP does not follow good practice when dealing with sickness absence.

6. Measures to support staff to remain at work

ELCAP has a free Employee Assistance Programme (EAP) that employees can access via an app or phone to receive support. Through the EAP, employees can also access six counselling sessions and advice.

If you are experiencing distress due to an issue—it may be personal or work-related—you can speak to your line manager and request access to this service. You do not need to share your reason for wishing to attend the counselling service.

7. Staff absence reporting

To ensure we can deliver a stable service to the individuals we support, it is crucial that you notify your team immediately if you plan to be off work sick. This will allow your colleagues to ensure that the team covers any short-term absences.

You should also call your line manager during office hours (Monday through Thursday, 9 a.m. to 5 p.m., and Friday, 9 a.m. to 4 p.m.) to notify them of your absence. Where possible, you should call no later than one hour before you are due to start your work.

If you need to report an absence outside normal office hours, you should follow the process above and contact your team. Then, you should call your line manager at the earliest opportunity the following working day.

You should not use the on-call service to notify of sickness absence unless the service being provided is not 24/7 and there is no other staff member supporting the individual you are due to work with at that time.

Once you have notified your team and manager of your absence, you should email payroll@elcap.org to ensure your sickness is recorded and you are paid correctly. Your email should state the start and likely end date of your absence and its reason. Failure to notify payroll means your absence will be recorded as unauthorised, and this will affect your attendance record the same as sickness absence would, and you will not be paid for any unauthorised absence.

If your absence period extends beyond seven days, you must obtain a FIT NOTE from your GP. The seven-day period includes non-working days and weekends.

You should email this to payroll@elcap.org or post to ELCAP, Suite One, Ground Floor, Hercules House, Station Road, Eskmills, Musselburgh, East Lothian, EH21 7PQ

8. Contact with your line manager during your absence period

You must keep your line manager informed of your expected length of absence to ensure they can plan for your service and support you during your sickness absence.

Your line manager will contact you upon receiving the FIT note from your GP. They will discuss your absence from work, ensure you receive the right support while you are off and look ahead to your return to work. You are responsible for contacting your manager weekly to inform them of any changes.

Upon your return to work – particularly in the event of long-term sickness absence – you may be required to work in a different service with a different individual. Your line manager will meet with you upon your return to work to discuss this.

Return to Work Meeting

Your Line Manager will meet with you within the first three days of your return to work following each absence.

The purpose of the meeting is to review how you are on your return to work, to update you on relevant information while you have been absent and to offer any support that you require for your return to work.

This meeting is designed to be supportive and to provide a platform for you to share anything relevant that may impact your return to work.

Short term absence

Your line manager will meet with you within the first three days of your return to work

Long term absence

In line with the policy, you should be communicating with your line manager during your absence, so that they can offer support and assist with your plan for returning to work.

Your return to work meeting relating to long term absence will take place before you return to work or on the day of your return.

The return to work meeting can take place in person, on the telephone or on Teams so that there is a flexible approach to support convenience for you.

Your return to work meeting form will be stored in your file.

9. Absence management

ELCAP has minimum attendance standards. When these standards are not met, we have the right to act, which supports staff's return to work. When absences are connected to ill health and do not meet the criteria for ill-health retirement, a possible outcome could be dismissal. This would be because you are not capable of doing your job, as set out in your job description, and all other options have been explored.

More information on these minimum standards is detailed below.

Short-term absences

ELCAP uses a formula called the Bradford factor to measure staff absence. It produces a number that represents the number of unplanned absences an employee has had during the working year.

The Bradford Factor helps measure the potential impact employees' absences could have on the overall running of our organisation. The higher the score, the greater the impact.

We use the Bradford Factor to help prevent continued short-term absences that have the potential to disrupt services to the individuals we support.

The table below sets out how Bradford's scores are used to manage short-term absences.

Bradford factor score and action taken:

Employment status	Period (months)	Bradford score	Action taken
Probationary period	Six months	25	If you exceed this score during your probationary period, your line manager will extend your probationary period.
	Next two months	2	If you then exceed this score, you will again have your probationary period extended, with the possibility of it being ended.
	Next two months	2	If you fail to meet the minimum standards at this stage, your probationary period will be ended.
Permanent staff	12 months	85	Stage 1 If you exceed this score, you will be issued with a first stage warning, outlining the standard of absence you will be requested to meet in the future period.
		10	Stage 2 After being issued with a first stage warning, if you exceed the score outlined, you will then be issued with a stage two warning.

		10	<p>Stage 3</p> <p>You will be invited to a formal meeting with your line manager to discuss your attendance at work and may be dismissed due to capability.</p>
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Any warnings issued to you will stay on your file for six months and will be extended by any further period of absence after this point. Your line manager will discuss any warning issued to you to discuss any underlying reason for the absence.

Long-term absences

ELCAP appreciates that ill health will affect our staff members. We want to support staff who are affected by long-term sickness absence. Any absence over 28 days is regarded as long-term sick.

Occupational health referrals

If your GP signs you off work due to work-related stress, we will immediately refer you to our Occupational Health service. A specialist assessment will provide us with details of your fitness to work and any measures we can take to support you back to work.

For all other absences, ELCAP will refer you to the Occupational Health Service if you are absent from work for more than four weeks. As above, we will be given a detailed assessment of whether you are fit to return to work and any measures that will be put in place to support your return.

If you are absent from work due to surgery and have a clear planned return date, we will not refer you to Occupational Health.

For all long-term absence referrals to OH, it should be noted that if they advise a phased return to work for you, we will do our best to accommodate this. You will be paid your contracted hours during the phased return, and your carried forward balance will be adjusted to reflect the hours you work.

You will be offered a second appointment if you do not attend your first OH appointment. Failure to attend the second appointment allows ELCAP the right to decide on your fitness to work without this assessment.

Occupational and Statutory Sick Pay (SSP)

ELCAP does not normally pay staff for their first three days of all sickness absence.

The only exception is when a staff member is absent due to a workplace accident, reported under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013). You have to notify your line manager and payroll – payroll@elcap.org that your absence results from an accident.

Depending on your length of service, you will be entitled to statutory sick pay or occupational sick pay.

Appendix 1 provides further information on your entitlements. Entitlement to occupational sick pay applies over a rolling period of 24 months. Staff who qualify for Occupational Sick Pay, i.e., have 12 months continuous service or more but less than 24 months continuous service, and any absence during the previous 12 months will be considered when calculating their entitlement.

10. Termination of contract due to capability/ill health.

While we are keen to support our staff during periods of ill health, there may come a time when you cannot attend work regularly enough to justify your continued employment. This means that we may have to terminate your employment on grounds of capability.

We will seek advice from our occupational health service to inform us of our decisions where possible.

If the advice states that you are not fit for work during the occupational health assessment and are unlikely to be fit for work within a reasonable timescale, we will take the following actions.

In the first instance, you will be invited to meet with your line manager to discuss your absence and the assessment provided by Occupational Health. You have the right to be accompanied to this meeting with a trade union representative or colleague.

A discussion will take place about your planned return to work.

If you feel unable to consider a return to work, you will be given the opportunity to outline your reasons. The meeting will then be adjourned to allow ELCAP and you to consider the next steps.

You will be invited to a further meeting to discuss possible outcomes. These outcomes may include:

- Confirmation of an agreed date to return to work
- Redeployment if this is possible
- Dismissal on the grounds of capability
- Retirement on ill-health grounds

If ELCAP dismisses you on grounds of capability or if you retire on ill health grounds, you will be given between one- and three-months paid notice from the date of the decision to dismiss you.

11. Right to appeal

If you are unhappy with a decision to dismiss you, you have the right of appeal.

The appeal must be submitted to ELCAP's Chief Executive within 14 days of your dismissal. Your appeal must set out the grounds for disagreeing with the decision to dismiss you.

Appendix 1.

Sick Pay

No sick pay payment is made to staff for their first three days of absence (unless the absence is due to RIDDOR)

Length of service	Full-pay	Half-pay
Less than 1 year	SSP only	SSP only
1 year and under 3 years	5 weeks full-pay	5 weeks half-pay
3 years and under 5 years	10 weeks full-pay	10 weeks half-pay
5 years and over	17 weeks full-pay	17 weeks half-pay