

**POLICY FOR MANAGING SICKNESS ABSENCE**

**Version 2.0**

**Final**

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**VERSION CONTROL SUMMARY**

<b>Version</b>	<b>Date</b>	<b>Comments/Changes</b>
1.0		Draft reviewed by Negotiating Sub Committee in March 2001.
2.0		Agreed policy following negotiation above. To be implemented from 1 <sup>st</sup> October 2001

## Policy for Managing Sickness Absence

### 1. *Policy Statement*

East London and The City Mental Health NHS Trust, (herein after referred to as "The Trust") believes in the importance of promoting and supporting the health and welfare of its employees whilst at the same time is committed to achieving excellence in terms of attendance at work. All staff are expected to make a full contribution to delivering services, in support the Trust wants to demonstrate its commitment to enabling a healthy working life for its workforce.

It is in the interests of both employees and service users that sickness absence and its affect upon services is effectively managed and minimised. This can be achieved by the implementation of positive procedures and guidelines. A consistent and pro-active approach to improving attendance is needed and managers will need to maintain a continuous and co-ordinated effort in; monitoring the attendance of staff on a regular basis; positively reinforcing the good attendance of staff; showing an understanding towards those who need to be absent from work on a long term basis through sickness; and dealing fairly and consistently with staff whose attendance is of concern.

### *Managers' Responsibilities*

In order to ensure the consistent application of this policy and its associated procedures managers have the following responsibilities:

- To show commitment to their staff's health, safety and welfare;
- To understand the links between work and health;
- To offer staff members practical support and advice and encourage staff to make full and effective use of Counselling services;
- To apply the guidance contained within this document in a consistent, equitable and sympathetic manner.
- To carry out return to work interviews after all absences to investigate the facts and establish the reason(s) (whether obvious or underlying) for long term, or repeated short-term absence before taking any action;
- To maintain accurate, up to date records of each employee's attendance daily. (These records should include details of other forms of absence: e.g. annual leave, study leave, rostered days off etc.). To send forms onto payroll weekly for the collation of statistics. The Human Resources Department can give further advice on this;
- To seek clear medical information, medical advice and medical evidence to assist in any decision making process concerning an employee's health. Early involvement of the Occupational Health Department should take place wherever possible (managers are reminded that Occupational Health can give advice to managers over the telephone);
- To consult their Human Resources contact prior to any action related to sickness absence, being considered;

- To discuss absence records at interviews with candidates – as this is a good predictor of future attendance
- To communicate this policy to all their staff and include as standard as part of the induction for new starters;
- To be aware of the cost of absence for staff they manage i.e. Administration Cost, Replacement Costs and Salary Costs.

### ***Individuals' Rights/ Responsibilities***

- Employees are entitled to be accompanied by friend, colleague or Trade Union Representative at all formal meetings on sickness;
- Staff may make confidential self-referral, informally to Occupational Health at any time;
- Staff may also, at any time refer themselves to Staff Counselling Service, which is both free of charge and confidential;
- To make every effort to attend work regularly;
- To communicate with their line manager about any illness or condition which may affect them at work;
- To adhere to the terms of this policy;

### ***The Trust's Responsibilities: -***

The Trust will ensure that:-

- working conditions are as safe and healthy as possible and meet statutory requirements;
- all staff are dealt with fairly, consistently and confidentially in accordance with the Trust's agreed policies and procedures for managing absence;
- all staff whose attendance is of concern are given the opportunity and support to improve;
- all staff are aware of the procedures for reporting sickness absence which they should follow and the standards of attendance which are expected of them and as standard this should be included in the induction programme for new starters (guidelines are given in Appendix C);
- the Trust Board receive quarterly sickness absence reports including cost of sickness absence and these reports include all staff from Dr's to Chief Executive
- a Trust target for reducing sickness absence is set and report on these in the Annual Report
- all managers have the management of sickness absence as one of their personal objectives
- staff are informed of what sickness absence is costing the Trust as a whole.
- those involved in managing sickness absence receive mandatory training and are fully conversant with:
  - their responsibilities within this policy
  - the Trust's agreed procedures

## ***Human Resources Responsibilities:-***

- Encourage and support managers to manage sickness absence effectively
- Provide training to managers on this policy and include within return to work interview training.
- Ensure all staff are Occupational Health cleared before unconditional letters of appointment are sent.
- Employment references should be requested and include information on the employees sickness records for the past 12 months
- Provide quarterly statistics on sickness absence for Trust Board.

## ***2. Procedures for Managing Sickness Absence***

The Trust has introduced the following procedures for dealing with short and long term sickness absence:

- Inadequate Attendance Procedure (to deal with short term absence) (Appendix A)
- Procedure For Managing Long Term Sickness Absence (Appendix B)

## ***3. Sickness Absence Reporting Procedures***

All managers will be expected to have in place robust Sickness Absence Reporting Procedures as outlined in the draft procedure in Appendix C, which should be communicated to all staff. An essential component of these procedures must include provision for a return to work or re-entry interview with the individual member of staff and their line manager following all periods of sickness absence (including one day). This discussion must be recorded on the Sickness/Absence form. The appropriate guidelines for completion of this form should be observed to ensure consistency of approach. It must also be stressed that this is not a disciplinary interview but to help managers understand any problems and to ensure staff know what is expected of them and staff have an opportunity to discuss absence in an attempt to identify and address issues affecting health at work.

## ***4. Absence Relating to Misconduct***

In situations of misconduct it may be more appropriate to take some form of *disciplinary* action against an employee. This would be where an individual fails to:-

- follow the sickness reporting procedure and having no good reason for not doing so;
- Provide an satisfactory reason for being absent from work.

Issues around *poor attendance* will be dealt with through the Inadequate Attendance Procedure.

## ***5. Implementation***

This policy shall be implemented as follows:

- direct communication to all employees and to managers involved in monitoring and reviewing sickness absence;

- training of all managers involved;
- inclusion of the Trust's policy in the Trust Induction Day.
- monitoring of its effectiveness by the Executive Group.

## **6. Scope**

This policy and its procedures will apply to all staff employed by the Trust.

## **7. Policy Review**

The Director of Human Resources & Corporate Development will monitor and review the policy and present any necessary changes, after negotiation with the JSC to the Executive Group and Trust Board.

## East London & The City Mental Health NHS Trust

### Inadequate Attendance Procedure

#### 1. *General*

The aim of this procedure is to ensure that staff who fail to meet the standards of attendance expected of them are dealt with fairly and consistently and are given the opportunity to improve their attendance where possible. The fact that short-term absences are for reasons of illness and may be covered by a medical certificate does not mean that action by management is inappropriate. Occasions will arise when it is reasonable to review the attendance record of an employee because of the effect that the absences are having on the running of the service. However, continued failure to meet the required standards of attendance may result in dismissal on the grounds of capability if the procedure has been correctly followed.

The Trust is committed to substantially reducing absence levels within the organisation.

The Trust believes that managing absence is a core component of each and every managers role and they will be supported and provided with the necessary information to carry out this key task.

#### 2. *Initial Interview - Identifying Concerns and Expectations*

Where an employee's sickness absence record is a cause for concern because it does not meet the standards set by the Trust or departmental manager, the manager should meet with the employee to discuss the reasons for the sickness and to advise that the sickness record is of concern.

Trigger points could be (in a rolling 6-month period):

- 6 or more days, over 3 or more occasions.
- Or a clearly defined pattern of absence (e.g. sick days adjoining weekends or annual leave, or sick days all falling on the same day(s) of the week etc.)

The manager and member of staff may come up with options to help improve the sickness absence but notwithstanding this, the manager will inform the member of staff of the improvements expected in the sickness record in the following months. The manager will also inform the member of staff that should the record not improve, the Inadequate Attendance Procedure may be invoked.

## Inadequate Attendance Procedure

### 3. Stage 1

Where an employee has previously been advised in the initial interview that their attendance record is unsatisfactory, further periods of absence may trigger Stage 1 of this procedure.

The employee should be interviewed to establish the reason for the absence and to review this absence against the required standards specified by the manager in the initial interview.

Depending on the information forthcoming at this interview, the options available to the manager are: -

- a) A further period of monitoring against set standards. Where this is the case, a clear review date should be agreed at the meeting and the employee informed that further failure to meet the standards required may lead to action being taken under Stage 1 of this procedure;
- b) A *First Formal Caution* under this procedure which will remain in force for 6 months and further monitoring of absence during that period. The employee should be advised that further failure to meet the standards set may lead to Stage 2 of the procedure and ultimately dismissal.

Where reasons for absence appear to be related to, or the employee or the Trust would appear to benefit from advice from, Occupational Health, a referral to this department should be made. This action will be in addition to the options outlined in (a) or (b). The Trust may require an assessment of the employee's ability to meet the requirements of their job description and the contract of employment.

The outcome of the meeting will be confirmed in writing to the employee within 5 working days and a copy of the letter will be placed on the employee's file.

### 4. Stage 2

Where an employee fails to meet the targets set following the issue of a First Formal Caution under Stage 1 of this procedure, they should be interviewed to establish the reasons for the failure to meet the standards required.

Depending on the information forthcoming at this interview, the options available to the manager are: -



- a) A further period of monitoring against set standards. Where this is the case, a clear review date should be agreed at the meeting and the employee informed that further failure to meet the standards required may lead to action being taken under Stage 2 of this procedure;
- b) A *Final Formal Caution* under this procedure which will remain in force for 12 months and further monitoring of absence during that period. The employee should be advised that failure to meet the standards of attendance required is likely to lead to the employee being dismissed.

The same options apply with regard to Occupational Health.

The outcome of the meeting will be confirmed in writing to the employee within 5 working days and a copy of the letter will be placed on the employee's file.

### **5. Stage 3**

Where an employee fails to meet the required standards following the issue of a Final Formal Caution, they should be interviewed and unless there is reasonable cause to decide upon other action they should be dismissed by reason of failure to adequately attend for work. This meeting must be chaired by the manager designated with the authority to dismiss.

The dismissal must be confirmed in writing to the employee, with a copy to his/her representative. A copy must be filed on the employee's personal file, which is held in the Human Resources Department.

The reason for the dismissal will be failure to attend for work regularly and must be clearly stated.

The appropriate notice period should be given but need not be worked at the discretion of the manager and with guidance from the Human Resources Department.

### **6. Human Resources Department Involvement**

A representative of the Human Resources Department should be in attendance at all meetings under Stages 1,2 & 3.

### **7. Representation**

At Stages 1,2 & 3 of this procedure the employee is entitled to be represented by a trade union/staff side representative, or a friend or colleague not acting in an official capacity and this will be drawn to employees' attention.

### **8. Status of Caution**

Cautions issued under this procedure do not have any status within the Trust's Disciplinary Procedure.

### **9. Appeals against Cautions and Dismissal**

The employee will have the right to appeal against cautions and dismissal by writing to the Director of Human Resources within 21 days of the hearing.

The appeal procedure will mirror the procedure of appeal against dismissal in the Disciplinary Procedure.

## East London & The City Mental Health NHS Trust

### Procedure For Managing Long Term Sickness Absence

#### 1. *General*

The aim of this procedure is to ensure that staff who are absent due to long term sickness (i.e. a period of 4 weeks or more with no immediate prospect of return to work) are dealt with fairly, consistently and sensitively and are supported as far as possible in making a return to work if and when they are fit and able to do so.

In such cases, it is essential that regular contact should be maintained and in exceptional circumstances where the employee agrees this could include home visits. This will enable up-to-date decisions to be made in the best interest of the employee and service. This is a joint responsibility and therefore the line manager and individual should agree early on how this contact will be made and how frequent it will be. Care must be taken to ensure that this regular contact does not place inappropriate pressure on the individual.

In addition, where an employee is absent due to injury or disease caused at work and where their salary falls below their average monthly/weekly pay; the member of staff may apply for temporary or permanent injury allowance which may bring their pay up to 85% of their average salary.

#### 2. *Referral to Occupational Health and Management Response*

Where an employee is absent from work on a long-term basis they will be contacted by their manager by letter with a view to discussing the prospects for recovery and a return to work.

The early involvement of the Occupational Health Department is essential to determine the prognosis in connection with the absence. If after four weeks absence, the manager should seek to refer the employee to Occupational Health, by sending the individual an occupational health referral form to sign, with a covering letter.

In order to see a member of staff, Occupational Health require:

- a completed management referral form signed by the individual member of staff;
- a current job description;
- details of previous sickness record;
- a covering letter from the manager giving any other relevant information (if appropriate to the case).

The Occupational Health Department will give the employee information about their rights under the Access to Medical Reports Act 1988.

If, after discussion with the manager, the member of staff refuses to sign an Occupational Health referral form then they must be clearly advised by their manager of the possible consequences: i.e. that a decision may need to be made on their present and future fitness

for work only on the available information, and without the benefit of medical evidence, the employee increases the risk of being fairly dismissed.

When the individual is referred, the Occupational Health Department will liaise with the employee's GP or Specialist as necessary and report the likely timescale for return to work, or in more severe cases, whether a return to work is likely or advisable. A formal referral may result in a consultation with the Occupational Health Physician. The Trust will also consider a report from the employees own GP/Specialist as well as Occupational Health as they may be better placed to judge the employees' health.

Employees will be entitled to see any Occupational Health reports and make any amendments with consent from Occupational Health. If Occupational Health does not consent the employee will be entitled to add a personal statement to the report.

Once a health report is received the manager should arrange a meeting with the employee to discuss the contents.

The subsequent management response to the sickness absence will be subject to all the circumstances of the case and may include the need to seek further specialist advice, redeployment to alternative duties on a temporary or permanent basis or an application for ill-health retirement.

However, where an employee is not able to return to work in any capacity within the Trust and other options have been exhausted, it may be that dismissal on the grounds of capability is the only option.

### 3. *Redeployment*

The Trust will endeavour to support employees to return to work following long term sickness by offering opportunities for temporary or permanent redeployment where possible. Permanent redeployment is appropriate where it is clear that the employee will not be able to return to their substantive post at any time in the future and would be subject to the normal recruitment and selection procedures of the Trust. Any move to a new post as permanent redeployment will be paid at the proper rate for the job and will be by agreement with the employee and thus would not be subject to protection of pay under the normal arrangements.

Temporary redeployment may include a reduction of hours/change of job description and would be suitable for employees who were fit to return to work in some capacity but needed a period of transition before resuming the full duties of their substantive post. Temporary redeployment may be within the same department, (eg; by a modification of the substantive post) or elsewhere in the Trust and may be offered to the employee for up to 3 months. In order to provide as much support to the employee as possible, the budget holder in discussion with the Human Resources Department, will have the discretion to approve that the employee is paid at full pay even if they are only working reduced hours. This will be for a maximum of 3 months or may allow the employee to take paid annual leave each week.

Every effort will be made to facilitate an employee's return to work including making reasonable adjustments under the Disability Discrimination Act 1995 which may include applications for grants where appropriate and the seeking of advice from Disability Advisers in the Employment Service.

Occupational Health may recommend permanent redeployment to an appropriate post where an individual is no longer able to perform their established role, due to their health.

Permanent redeployment on health grounds:

- is normally sought after 3 months;
- is offered on a one month trial basis;
- does not give protection of previous salary or earnings;
- may be refused by the individual, but unreasonable refusal of what is deemed 'suitable' redeployment, may lead to dismissal on the grounds of ill health being considered where there are no other options.

#### 4. *Ill-Health Retirement*

Employees will be eligible to apply for ill-health retirement where they have at least 2 years pensions Scheme membership and Occupational Health or their GP have advised that they are permanently unfit to carry out their duties.

Where redeployment is not an option for the employee, they will be advised that they may be eligible to apply for ill-health retirement and the procedure for doing so.

Where the employee is a member of the NHS Pension Scheme, and in the opinion of the Occupational Health Physician is considered to be unfit for the foreseeable future, an application can be made to the Pensions Agency for the employee to retire early on the grounds of their ill health.

The Manager, with the assistance of Human Resources will liaise with the individual to explain the procedure and monitor the progress of the application.

In these circumstances, the employee's contract will not be terminated until a decision on the application has been made by the NHS Pensions Agency, unless the employee's sick pay expires before this time.

If the employee's first application is not successful, or is deferred, then the Trust will allow a reasonable amount of time for the Pensions Agency to consider the application further, before considering termination of employment.

#### 5. *Terminal Illness*

Where the employee is suffering from a terminal illness there are a variety of options open to the manager/employee. The Trust would aim, as far as possible to give the employee's interests serious attention and would try to provide the most financially beneficial result for the employee and/or his relatives. The options open would include:

- That the employee continues to work fully or in a reduced capacity;
- That if the employee is eligible they could make an application for ill-health retirement or where their life expectancy is 12 months or less, their incapacity pensions could be commuted so that the value of their benefits is paid as a single lump sum.

#### 6. *Termination of employment*

Where other options are not available, it may be that the employee will be dismissed for reasons of capability. Before reaching the decision to terminate employment the manager will take a balanced view of the following factors;

- the length of the absence to date and the likely length of the continuing absence;
- the nature and likely duration of the illness;
- any medical advice/prognosis on the individual;
- the effect of the continuing absence on the work which needs to be done.
- The prevailing Whitley Council or Trust conditions of service relating to sick pay entitlements for the member of staff.
- The need for the worker to do the job for which they were employed to do and the difficulty covering his/her absence

7. *Human Resources Department Involvement*

A representative of the Human Resources Department should be in attendance at all formal meetings.

8. *Representation*

At all formal meetings the employee is entitled to be represented by a trade union/staff side representative, or a friend or colleague not acting in an official capacity.

9. *Appeals against Dismissal*

The employee will have the right to appeal against cautions and dismissal by writing to the Associate Director of Human Resources within 21 days of the date of the letter confirming the meeting.

The appeal procedure will mirror the procedure of appeal against dismissal in the Disciplinary Procedure.

**SICKNESS REPORTING PROCEDURE**

- Any member of staff who is ill and unable to attend work (other than be pre-arrangement) must notify their manager or other designated person as soon as possible. The notification time will need to be determined locally.
- It is the responsibility of each individual member of staff to ring in and report that they are sick. Only in very exceptional circumstances is it acceptable for someone to ring in on their behalf (e.g. emergency hospitalisation). The set timescales must still be met. **Failure to notify absence properly may lead to the absence being classed as unauthorised absence, which will be unpaid, and may lead to disciplinary action.**
- The same information is required at the time of ringing in, whether the individual themselves telephones, or someone telephones on their behalf:
  - reason for the absence
  - estimated length of absence
  - immediate work issues needing to be addressed
  - (the manager may also ask for a contact number: only to be used if necessary)
- Absences in excess of three continuous days (including rostered days off and weekends) require a self certificate (which is included on the sickness absence form). Where the absence continues, a medical certificate issued by a recognised medical practitioner will be necessary from the eighth day of absence. It is the individual's responsibility to provide the necessary certification; failure to do so may lead to loss of sick pay and/or disciplinary action.
- In addition to the regular ongoing contact, when an employee becomes well again, they must telephone their line manager, or other designated person and provide an indication of their likely return. At the latest, the day before they wish to return so that appropriate staffing and scheduling arrangements can be made.
- For all periods of absence due to sickness, the line manager is responsible for ensuring the completion of the sickness notification forms for payroll.
- In addition, the line manager should record the sickness absence on an overall attendance sheet for each member of staff which would also record annual leave, study leave, etc.
- If any employee comes into work but subsequently goes home (i.e. only part of the day worked), this should still be recorded by the manager's on the individual's attendance record, although it will not need to be notified to payroll, as only whole sick days count for sick pay purposes.
- On return to work, managers must carry out a return to work interview for all absences, and complete the second part of the carbonised sickness notification form and forward to the payroll department.
- For sick pay purposes, all days lost to sickness including rostered days off and weekends must be counted. However, for the purpose of measuring absence, managers should record the number of days that the employee was expected to work in that period.