

MANAGING SICKNESS ABSENCE POLICY

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1.0 Policy Statement

- 1.1 The East London Foundation NHS Trust, (herein after referred to as “The Trust”) believes that the well being of our staff directly relates to the achievement of our strategic objectives. The Trust wishes to develop and maintain policies that provide all employees with appropriate support in relation to their health. The following guidelines on sickness absence have been formulated to ensure the smooth running of the organisation and appropriate support for staff with health difficulties.
- 1.2 The Trust aims to secure the regular attendance at work of all employees in order to meet contractual obligations. The Trust recognises that absence may happen based on medical grounds. It is the Trust’s policy to offer security of employment during such periods, bearing in mind the Trust's obligations under the Disability Discrimination Act 1995 and the need to ensure the efficient and effective operation of all parts of the Trust.
- 1.3 As a responsible employer, the Trust has a duty to ensure that the interests of both individuals and the organisation are safeguarded. To this end the Trust provides sick pay at a level above the statutory minimum for staff absent through illness. An important part of meeting its obligations is the maintenance of a monitoring system for all sickness absence to ensure the long-term well-being of the Trusts' employees.
- 1.4 This policy and its procedures will apply to all staff employed by the Trust.

2.0 Standards of Attendance

- 2.1 This policy outlines how to recognise the existence of sickness absence that requires a management intervention.
- 2.2 The Bradford Score is a diagnostic tool which assists in identifying frequent short term absences. This is calculated by multiplying the square of the number of absences over the previous twelve months by the total number of working days lost. For example, 5 absences with the total of 14 days lost would yield a score of $5 \times 5 \times 14 = 350$. It is recommended that a score of 400 should be regarded as a cause of concern. The Bradford Score does not replace the continuous management review of absence and is not the only means for having concerns about sickness absence.

3.0 Sickness Absence

- 3.1 When an employee reports absence through illness it is essential that managers take appropriate steps to ensure accurate records in line with this the sickness absence policy and procedure.
- 3.2 Absence forms should be completed and forwarded to payroll. These should be completed when an employee is back at work.
- 3.3 When an employee is ill and absent from work they are not permitted to work for another employer. Any breach of this condition may result in action being taken under the Trust’s Disciplinary policy.
- 3.4 A self certificate must be completed for any absence of 7 calendar days or less.

3.5 If absence continues beyond 7 calendar days the member of staff must obtain a Medical Certificate from their GP.

See the procedure for reporting sickness absence (Appendix A)

4.0 Absence Relating to Misconduct

4.1 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 following the procedure.
- Provide a satisfactory reason for being absent from work.

5.0 Injury at Work

5.1 Where an employee is absent as a result of 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.

6.0 Sick Pay

6.1 An employee who is absent because of an accident either inside our outside of the workplace is not entitled to sick pay if damages are recovered from a third party. The employee must notify their Line Manager of any such accident.

6.2 Full pay will include regularly paid supplements including long term recruitment and retention premia, payments for work outside normal hours and high cost supplements if applicable.

6.3 Sick leave entitlement are as follows:

Length of recognised NHS service	Full pay entitlement	Half pay entitlement
Up to 12 months	1 month	2 months
1 - 2 years	2 months	2 months
2 - 3 years	4 months	4 months
4 - 5 years	5 months	5 months
Over 5 years	6 months	6 months

7.0 Return to Work Interview

7.1 Return to work interviews provide managers with the opportunity to speak to employees who have been absent through ill-health and to complete the self-certificate form.

7.2 Interviews must be held in private and within two days of the employee's return to work. In cases of short-term absence (less than 7 days), the interview can be less formal with the manager just checking to see that the individual is fully recovered and that there are no problems. If uncertified absence levels become

a regular occurrence the meetings should become formal with the individual being made aware that their attendance will be monitored more closely.

See the procedure for more information on the return to work interviews (Appendix B)

8.0 Short Term Absence

- 8.1 Absences covered by a self-certificate are considered short term. While no member of staff should feel under pressure to return to work whilst unfit the Trust would not expect absence falling into this category to exceed either 8 working days, or more than 4 occasions, in any preceding 12 month period. The Bradford Score of 400 should be a cause of concern. The Human Resources Manager or Advisor will inform line managers of staff exceeding this threshold. It will be the line manager's responsibility to discuss the level of absence with the individual and to decide on what action to take.
- 8.2 Managers should have a return to work interview for every period of absence.
- 8.3 It is accepted that frequent short term absences may be symptomatic of larger issues (e.g. personal problems, job dissatisfaction, etc) and every effort will be made to allow free discussion of all the issues which are impacting on the staff member's attendance. The Trust will endeavour to be sympathetic to underlying problems and should refer the staff member to the Employee Assistance Programme where they will be able to provide the expertise to guide the staff member through difficult times. This does not remove accountability from the line manager to manage the member of staff's sickness absence.
- 8.4 In situations where attendance does not improve following a period of formal meetings (e.g. continues to exceed the levels stipulated in this policy) this may result in more formal action being taken.

See the procedure for more information on managing short term absence (Appendix C)

9.0 Long Term Absence

- 9.1 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 and consistently and are supported as far as possible in making a return to work if and when they are fit to do so.
- 9.2 The Line Managers should contact the employee to arrange a series of meetings to discuss implications for employment arising from the period of absence. This could include a home visit if this is challenging due to ill health for the employee to commute to the Trust's premises.
- 9.3 Where there is no reasonable prospect of the employee returning to normal duties in the foreseeable future, Human Resources will liaise with the Occupational Health Service to discuss the following options with the individual.

See the procedure for more information on managing long term absence (Appendix C)

10.0 Reasonable Adjustments

- 10.1 In line with the Disability Discrimination Act (1995) which defines a disabled person as: “A *person with a physical or mental impairment which has a substantial and long-term adverse effect on her/his ability to carry out normal day-to-day activities*”. A long-term adverse effect is any condition which has lasted at least 12 months, which is likely to last at least 12 months or which is likely to last for the rest of the person's life.
- 10.2 The Trust will, where possible, seek to make reasonable adjustments to the post to allow the individual to continue at work. Reasonable adjustments will be made to the individuals, current post only.

11.0 Dismissal Due to Medical Incapacity

- 11.1 Where it is unlikely that an employee will be able to return to work in the near future and ill Health Retirement is not an option, the Trust may terminate the contract because of medical incapacity. This will not happen without full discussion with the employee and appropriate medical information sought via the Occupational Health Service.
- 11.2 No contract will be terminated without a capability hearing being held at which the employee will be given the opportunity to submit evidence/put forward their case. Further information is available from Human Resources.

12.0 Ill Health Retirement

- 12.1 In the case of serious illness, which in the opinion of Occupational Health makes continued working impossible due to a permanent incapacity the employee can apply for early retirement on the grounds of ill-health. The staff member must apply in writing to whichever pension scheme they belong.
- 12.2 The Pensions department will require medical evidence to support the claim. Details of this procedure can be obtained from the Salaries and Pensions Office. No action will be taken without the consent of the employee.

13.0 Roles and Responsibilities

- 13.1 This section outlines the roles and responsibilities for the main parties involved in the management of sickness absence. The lists are not exhaustive.

14.0 The Trust's Responsibilities

- 14.1 The Trust will ensure that:
- All employees are dealt with fairly, consistently and confidentially in accordance with the Trust's agreed policies and procedures for managing absence.
 - All employees whose attendance is of concern are given the opportunity and support to improve.
 - All employees 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.

- The Trust Board receive quarterly sickness absence reports including cost of sickness absence.
- The Trust target for reducing sickness absence is agreed and reported on in the Annual Report.
- All managers have the management of sickness absence as one of their personal objectives.
- Those involved in managing sickness absence received mandatory training and fully understand their responsibilities within this policy and the Trust's agreed procedures. If Managers have not been trained then they will need to arrange a coaching session with the HR Manager or Advisor but training should be arranged as soon as possible.

15.0 Line Manager's Responsibilities

15.1 The Trust will ensure that:

- Line managers bear the main responsibility for monitoring attendance and for discussing any problems with employees. The more information managers have concerning absence, the better equipped they will be to deal with covering work etc.
- Managers have a moral and legal responsibility for the health, safety and welfare of their staff; the Trust is required to provide safe places and systems of work under the Health & Safety at Work Act 1974. Managers should ensure that regular risk assessments are carried out and that the hours worked by their staff comply with Working Time Regulations
- Where the Line Manager finds cause for concern in the staff member's absence the line manager should meet with the individual concerned. The individual will be informed of the required attendance improvement and possible actions should improvement not be satisfactory.
- Managers should remember that any information regarding the reason for absence is confidential and should be treated as such.

16.0 Employees' Responsibilities

16.1 Employees are responsible for ensuring satisfactory attendance. Employees should:

- Report their absence to their Line Manager or another designated person within 1 hour of their normal start time on the first day of absence. Giving the reason for their absence.
- Inform their Line Manager if their absence is likely to continue beyond 3 calendar days and where possible give a likely date of return.
- Provide medical certificates to cover absence over 7 calendar days.
- In the case of long-term absence, ensure that they keep in regular contact with their Line Manager and keep to up-date them on when they expect to be fit to return to work.

- Complete Part B of the self certificate form on their return to work and submit it to payroll via their line manager.
- To comply with absence reporting procedures outlined in this policy and any local arrangements.
- To maintain contact with their line manager and to ensure medical advice and treatment is received, when appropriate, in order to facilitate a return to work.
- To attend appointments with the Occupational Health Service when required.
- Not to undertake any work/activities incompatible with their illness or that may delay recovery
- To return to work as soon as they have recovered after an illness and are well enough to work.
- On returning to work reporting to their line managers or designated person in their absence.

17.0 Role of Occupational Health

17.1 The Trust will ensure that:

- When a member of staff is referred to the Occupational Health Service an appointment is offered to that individual to meet with either the Occupational Health Adviser or the Occupational Health Physician.
- At this appointment, the Occupational Health staff will undertake an assessment which will take into account the individual's health/illness and the functional requirements of their work. Written consent may be sought from the individual to request medical reports from their General Practitioner or Hospital Specialist to assist the Occupational Health staff in the assessment.
- All occupational health records, including medical reports, are stored confidentially within the Occupational Health Service and any medical information will not be given to management/Human Resources unless the member of staff gives consent.
- After assessment, advice will then be given to management/Human Resources with regard to any likely return to work date. This should include an assessment of the multi-faceted nature of long-term sickness absence: that is, sickness absence and the incapacity associated with one condition. For example, back pain may lead to further complications, for example, a stress-related condition)

18.0 Self Referrals

- ### **18.1** Individuals who have a health problem, which affects or is affected by work, are encouraged to approach the Occupational Health Service and nothing in this Policy shall prevent such approaches being made. Such contact will be dealt with in the strictest confidence.

19.0 Management Referrals

- 19.1 When a member of staff is referred to the Occupational Health Service an appointment is offered to that individual to meet with either the Occupational Health Adviser or the Occupational Health Physician.
- 19.2 In circumstances where employees have been consulted and referred as a result of their high level of self-certified absence the Occupational Health Adviser/Physician will provide a report to management indicating:
- Whether there is an underlying reason for the regular absence.
 - Whether any adjustments could be made to the individual's workplace or equipment to assist them at work.
 - Whether, if practicable, the staff member should be considered for re-deployment in another post.
- 19.3 Where employees have been referred as a result of long-term absence the Occupational Health Adviser/Physician will provide a report to management indicating:
- The likely date of return to work or an indication of the likely period of absence before such an assessment can be made.
 - Any reasonable adjustment that may be possible to assist the staff member with a disability.
 - Whether a period of rehabilitation will be necessary before returning to full duties and how this might be possible.
 - Whether, if practicable, the staff member should be considered for re-deployment in another post.
- 19.4 In all of these circumstances, the Occupational Health Adviser/Physician will ensure that at least 2 weeks notice is given to the School/Unit where an employee is returning to work after a lengthy period of absence in order that the feasibility of implementing any changes can be assessed and the necessary arrangements can be made.

20.0 The Role of the Human Resources

- 20.1 Human can provide advice, guidance and support based upon best practice, taking account of service delivery, contractual rights and legal obligations. They may also co-ordinate communication with Occupational Health and be able to assist in referring to Employee Assistance Programme.
- 20.2 Ensuring consistency in the application of this policy
- 20.3 Provide training to managers on this policy and include within return to work interview training.
- 20.4 Ensure all employees have Occupational Health cleared before unconditional letters of appointment are sent.

20.5 Employment references for new starters should be requested and include information on the employees sickness records for the past 12 months

20.6 Provide quarterly statistics on sickness absence for Trust Board.

20.7 To review and monitor the policy in accordance with indicated timescales.

21.0 Summary of Procedure for Managing Sickness Absence

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

- Sickness Absence Reporting Procedures
- Return to Work Procedure
- Managing Short Term Sickness
- Managing Long Term Sickness
- Questions and Answers

22.0 Equality Impact Assessment

22.1 The policy has been equality impact assessed, and does not discriminate on the grounds of race, gender, or age.

23.0 Policy Review

23.1 The Director of Human Resources will ensure this policy is Equality Impact Assessed and will monitor and review the policy by 2011.

MANAGING SICKNESS ABSENCE PROCEDURE

Appendix A

1.0 SICKNESS ABSENCE REPORTING PROCEDURE

- 1.1 All managers are expected to have in place the Trusts Sickness Absence Reporting Procedures, which should be communicated to all staff.
- 1.2 Line Managers should consider the following factors when assessing the conditions that led to the sickness absence.
- The employee's prognosis for returning to work and the type of work they are involved in needs to be taken into account. This should be based on an Occupational Health Review and a risk assessment.
 - Any incentives or financial implications which may encourage or discourage a return to work (for example, whether or not the absence has had any impact on their pay).
 - The underlying causes of absence which could include organisational or cultural issues.
- 1.3 An essential component of these procedures must include provision for a return to work interview with the individual member of staff and their line manager following all periods of sickness absence (including one day). This discussion should be recorded and kept on file. It must also be stressed that this is not a disciplinary interview.
- 1.4 Any member of staff who is ill and unable to attend work (other than by pre-arrangement) must notify their manager or other designated person as soon as possible. The notification time will need to be determined locally.
- 1.5 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.
- 1.6 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.

- 1.7 All absences up to seven days (including rostered days off and weekends) require a self certificate. 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.
- 1.8 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. If they do not make contact this can delay the return to work and they would need to remain on sick pay if due to the length of absence an Occupational Health Review is required.
- 1.9 For all periods of absence due to sickness, the line manager is responsible for ensuring the completion of the sickness notification forms for payroll.
- 1.10 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.
- 1.11 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. If the employee works less than 50% of their working hours it will be recorded as a sick day. If the employee is sent home on two occasions this will be recorded as two half days regardless of the hours attended on both days. On return to work, managers must carry out a return to work interview for all absences, and complete the 2nd part of the carbonised sickness notification form and forward to the payroll department. The Manager should also have an informal discussion with employees to check their well being and underlying issues.
- 1.12 For sick pay purposes, all days lost to sickness including rostered days off and weekends must be counted. However, for measuring absence, managers should record the number of days that the employee was expected to work in that period.
- 1.13 The third part of the form must be completed and placed in the employee's personal file.
- 1.14 Managers should have local files and they should keep a copy of the certificate in the employees personal file. Managers should also send this local file into HR if an employee is dismissed on grounds of capability. All self certificates should be sent to the locality HR teams who will file all certificates centrally in the employee's personal files.

2.0 RETURN TO WORK PROCEDURE

2.1 Line managers should discuss absence with employees when they return to work. The purpose of this discussion is to:

- Establish the reason for the absence and to discuss the impact on the service or department.
- If the employee has an impairment or disability whether the trust must consider any reasonable adjustments to working arrangements.
- Confirm that they are fit to perform their duties and discuss any underlying causes of sickness.
- Find out if work-related factors are causing or exacerbating the illness or absence.
- Find out if the illness or absence is likely to reoccur and future prognosis
- Find out what changes might be made to minimize/overcome absence levels.
- Brief employees on any information relevant to their work which they may have missed
- Ensure that the absence has been correctly certificated.
- Discuss Occupational Health Advice and the practicalities of implementation.

Adjustments to Duties or Hours of Work

2.2 Employee returning to work after a lengthy absence may require a period of readjustment to working life during which time the manager may need to monitor their performance and provide appropriate support.

Temporary Adjustments

2.3 Following a period of long term sickness, the Occupational Health Department may recommend that the member of staff returns to a reduced workload or part time work temporarily in order to limit the chances of a relapse. This should be accommodated wherever possible. All such arrangements should be reviewed after the time frame specified by Occupational Health.

2.4 The manager will meet with the member of staff to discuss the details of the changes to the hours or duties and will then confirm the arrangements in writing.

2.5 The nature of the adjustments should be agreed on the basis of what meets the employee's needs and can be reasonably accommodated by the department.

2.6 If part time work is recommended, to avoid financially disadvantaging the employee, the manager may agree to this being on full pay subject to the following conditions:

- The period of temporary adjustment should be a maximum of one month

- During this time a planned phased increase in hours of work should take place unless there are particular reasons why this is not advisable.
- The temporary hours of work are at least half the hours normally worked daily.
- There may be occasions when an employee is unable to attend work, but is able to undertake work at home or at another location (for example, where a foot injury prevents driving, but otherwise does not incapacitate the member of staff).
- The manager may agree to a temporary period of working from home where the person's duties are such that they can be undertaken away from the workplace during the planned return only.

Permanent Adjustments

- 2.7 In some cases, it may be appropriate to consider making reasonable permanent adjustments to the employee's duties or working arrangements. Such adjustments may include reduced hours, lighter duties or alterations to equipment etc.
- 2.8 It is particularly important to explore this option thoroughly when an employee's sickness is due to a disability, as defined under the Disability Discrimination Act (DDA). To conform with the requirements of the Act, careful consideration needs to be given to making whatever reasonable adjustments are necessary to accommodate a disabled employee if it is possible to do so.
- 2.9 Managers will need to assess the feasibility of making the required adjustments, taking advice from Occupational Health, the HR Team and other specialist advisers as necessary.
- 2.10 The manager will meet with the employee to discuss with them the results of this assessment and will record the outcome of the meeting to them in writing.

Redeployment

- 2.11 The employee may not be fit to return to their present post, but would be able to work in a permanent post that accommodated their health problem. Every reasonable effort should be made to identify suitable alternative employment for any employees this applies to, but it is particularly important to do so for staff whose sickness is due to a disability under the DDA.
- 2.12 The manager will meet formally with the employee to discuss the Occupational Health recommendation and explore the possibility of alternative employment. The employee will be given a minimum of 5 days notice of the meeting and will be informed of their right to bring a representative or colleague. A member of the HR Team will also be present at this meeting
- 2.13 A suitable vacant post will be sought for a specified period (normally for up to three months), during which time the employee will be entitled to a priority interview for any suitable posts that arise. Reasonable on-the-job retraining will be considered where appropriate.

- 2.14 All discussions and opportunities for redeployment should be recorded in writing to the employee. In the event that no suitable alternative employment can be found, it may be necessary to terminate the individual's contract of employment (see below). In some circumstances, it may be appropriate to refer the employee back to Occupational Health for further advice that can be taken into consideration.

III Health Retirement

- 2.15 To qualify for ill-health retirement, the employee must have at least two years membership of the NHS pension scheme and be permanently incapacitated from their normal job. If both apply, the Occupational Health Department may make a recommendation for ill-health retirement, but approval remains at the discretion of the NHS Pensions' Agency.
- 2.16 Ill-health retirement takes several months to process, so as part of the sickness management reviews the application should be made at the earliest opportunity to ensure that the employee's sick pay does not expire before their pension is available.
- 2.17 The manager will arrange to meet with the employee, with a member of the HR Team present, to discuss the Occupational Health recommendation and seek the employee's agreement to applying for early retirement on the grounds of ill-health. The employee maybe accompanied by a trade union representative or work colleague.

Termination of Contract

- 2.18 If the employee is considered permanently unfit or will remain sick for the foreseeable future, it may be necessary to terminate their contract on the grounds of medical incapacity. Before such a step is taken the following must be considered:
- The length of time the employee may be absent and the likelihood of a complete recovery at the end of that time.
 - The remaining paid sick leave entitlement of the employee.
 - The feasibility and cost of cover arrangements during this period.
 - The effect of the absence on the work of the department.
 - The history of absence within the 12 month period
 - Review of all steps taken including previous adjustments.
- 2.19 The appropriate Senior Manager with authority to dismiss must meet formally with the employee, with a member of the HR Team present. The employee will be given reasonable notice of the meeting and will be informed of their right to bring a representative or colleague.
- 2.20 The Occupational Health report and any other relevant documentation will be provided to the employee in advance of the meeting. The employee must be given every opportunity to put their case and provide any additional medical evidence that they wish to be considered.

- 2.21 Dismissal will be with notice or pay in lieu of notice on full pay and the employee will be encouraged to reapply for posts should they become fit in the future.

Re-Referral to Occupational Health

- 2.22 If the Occupational Health Department recommends that they see the employee again at a later date, when they will be better able to make an assessment, then the manager should meet informally with the employee to notify them of this. The employee will be required to continue to keep the manager informed of their progress until then.
- 2.23 If the Occupational Health Department recommends a re-referral at a date beyond that which could be accommodated by the department provided the manager can demonstrate that they are acting reasonably under all the circumstances, the process for termination above may be followed.
- 2.24 Further clarification or advice on the length of time that an employee may take to become fit should be sought from the Occupational Health Department where appropriate.

Appeals

- 2.25 The Appeals against warnings and dismissals are under the formal stages of this procedure or against termination mirrors the procedure in the Trust's Disciplinary Policy.

Appendix C

3.0 MANAGING SICKNESS ABSENCE PROCEDURE

- 3.1 All managers will be expected to have in place the Trust's Sickness Absence Reporting Procedures, which should be communicated to all staff.

Management of Short Term Absences

- 3.2 This section outlines the procedure for managing short term absence

Definition

- 3.3 Absences covered by a self-certificate are considered short term. While no member of staff should feel under pressure to return to work whilst unfit the Trust would not expect absence falling into this category to exceed either 8 working days, or more than 4 occasions, in any preceding 12 month period.

Initial Interview: Informal Meeting

- 3.4 If sickness levels are a concern, the manager will hold an informal meeting with the employee to discuss the level of absence and its impact. The manager will outline full details of the employees sickness absence record, give the employee an opportunity to provide an explanation, agree any action that may help alleviate the problem (which may include referral to Occupational Health)
- 3.5 The manager should inform the employee that they will have a review meeting in 6 weeks time where there is a requirement for sustained improvements in attendance. The employee should be made aware that failure to maintain the required improvement then formal action will be taken under the procedure. The outcome of the discussion will be confirmed to the employee in writing within 5 working days. The letter will remain on the employees.

Formal Procedure

- 3.6 Prior to entering the formal stages, the following procedure should be followed:
- Employees are entitled to be accompanied by a work colleague or Trade Union Representative at all formal meetings on sickness.
 - Staff may at any time refer themselves to Staff Employee Assistance Service, which is both free of charge and confidential.
- 3.7 Formal Stage One: At the stage one meeting the manager will confirm the sickness record with the employee and outline why it is unacceptable, including the impact that it has on the work of the department. The employee will have the opportunity to put forward any explanations or medical evidence in mitigation. The Manager will inform the employee that the review period will be 6 weeks and another meeting will be arranged at a maximum of 10 working days after the review period ends. The written warning if made will lapse after a period of 12

months providing there are no sickness absences in the period. The Trust reserves the right to move to stage two at any time during the 12 months period once reasons for the absence is explored.

- 3.8 Formal Stage Two: At the stage two meeting the manager will confirm the sickness record with the employee and outline why it is unacceptable, including the impact that it has on the work of the department. The employee will have the opportunity to put forward any explanations or medical evidence in mitigation. The Manager will inform the employee that the review period will be 6 weeks and another meeting will be arranged at a maximum of 10 working days after the review period ends. The written warning if made will lapse after a period of 24 months providing there are no sickness absences in the period. The Trust reserves the right to move to stage three at any time during the 24 months period once reasons for the absence is explored.
- 3.9 Formal Stage Three: If there has not been a noticeable improvement at formal stage two then the employee shall be informed that they will be dismissed on the grounds of conduct due to unsatisfactory attendance. If there has been an improvement the employee will receive a final written warning that if there are any absences over the next 24 months for more than 2 days then the Trust will arrange a dismissal meeting. The Trust reserves the right to arrange a dismissal hearing at any time once reasons for the absence have been explored.
- 3.10 Formal Stage Three – Dismissal: This meeting must be chaired by the manager designated with the authority to dismiss, supported by a Human Resources Manager. 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 in the letter. 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.

Management of Long Term Absences

- 3.11 Prior to entering the formal stages of the procedure, the following procedure should be followed:

Occupational Health Referral

- 3.12 The employee will be referred to the Occupational Health Department. The purpose of this is to establish whether or not the employee has an underlying medical cause for their absence and/or whether they are fit for their duties. The Occupational Health Service will maintain full confidentiality and advise managers only of any factors with a bearing on the employee's fitness for work. It may be appropriate to re-refer the employee to the Occupational Health Department for further advice at any stage in the process.

Underlying Medical Condition

3.13 Where an employee's sickness is caused by an underlying medical complaint, their case will be treated particularly sensitively and the following will be considered before deciding on any course of action:

- The likely period before an improvement can be expected and whether or not the employee will return to full fitness.
- The impact of the absence on the work of the department.
- Whether the medical condition is such that redeployment to another area of work or adjustments to the job or working hours would eliminate the need for the employee.

Stages for Managing Long Term Absence

3.14 If there is no clear evidence that the sickness level is likely to improve in the near future, the formal steps below will be followed:

- At all formal stages of the procedure, a formal sickness meeting will be called. The employee's manager will chair the meeting, supported by a member of the HR Team.
- The employee will have the right to be accompanied by a trade union representative or colleague.
- The employee will be given 5 working days notice of the meeting and will be provided in advance with a copy of the sickness absence record and the outcome of the Occupational Health referral, plus any other relevant documentation. If the employee does not attend they will be offered 1 more opportunities to attend the meeting. Both these dates should be at the latest six weeks after the date that the first meeting was arranged. If the employee does not attend then the meeting will take in their absence.
- At the meeting, the manager will confirm the sickness record with the employee and outline why this is unacceptable, including the impact it has on the work of the department.
- The employee will have an opportunity to put forward any explanations or medical evidence in mitigation. Where appropriate, the manager will discuss with the employee any action that could help alleviate the problem.

Actions Following the Meeting

- A letter confirming the outcome will be sent to the employee, normally within 5 working days of the meeting. The outcome letter will include details of any action that has been agreed to help alleviate the reasons for the continued

sickness, the timescales for review and the consequences if the necessary improvement is not achieved.

- Where, after the review period, the employee's absence levels have sufficiently improved, the employee will be met with to confirm the improvement and to remind them that the warning will remain on their file for the specified period and their absence will continue to be reviewed at regular intervals.
- If the employee's sickness record fails to improve, the manager will move to the next level of warning, culminating in dismissal on the grounds of unsatisfactory attendance.

Formal Process

3.15 If there is a failure to comply with this procedure including formal meetings. This will lead to meetings being held in the employees absence and decisions will be based on the facts available to the line manager. This could eventually lead to termination of their employment.

3.16 There are three stages under the formal procedure, which will be applied consecutively with an adequate review period between each stage for the sickness record to improve. The stages are as follows:

- **Formal Stage One:** At the stage one meeting the manager will inform the employee that the Review period will be 6 weeks and another meeting will be arranged at a maximum of 10 working days after the review period ends. The written warning if made will lapse after a period of 12 months providing there are no sickness absences in the period. The employee should be informed that this could lead to dismissal if further absences occur at least 4 times during the 12 month period from the date of the written warning. The Trust reserves the right to move to stage 2, once reasons for the absence is explored.
- **Formal Stage Two:** At the stage two meeting the manager will inform the employee that the Review period will be 6 weeks and another meeting will be arranged at a maximum of 10 working days after the review period ends. The written warning will lapse after a period of 24 months providing there are no sickness absences in the period. The employee should be informed that this could lead to dismissal if further absences occur at least 4 times during the 12 month period from the date of the written warning. The Trust reserves the right to move to stage 2, once reasons for the absence have been explored.
- **Formal Stage Three:** If there has not been a noticeable improvement at formal stage two then the employee shall be informed that they will be dismissed on the grounds of conduct due to unsatisfactory attendance. If there has been an improvement the employee will receive a final written warning that if there are any absences over the next 24 months for more than 2 days then the Trust will arrange a dismissal meeting. The Trust reserves the right to arrange a dismissal hearing once reasons for the absence have been explored.
- **Formal Stage Three – Dismissal:** This meeting must be chaired by the manager designated with the authority to dismiss, supported by a Human

Resources Manager. 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 in the letter. 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.

Definition

3.17 Long-term sickness can be defined as extended absence due to serious or significant illness lasting 4 weeks or more.

Initial Informal Interview

- It is important when dealing with long-term sickness that there is ongoing, regular communication and consultation between the manager and employee throughout the individual's absence and at every stage of the procedure.
- In some cases, the nature of the illness means that the absence is for a specific period, with a clear return date, and no long-term effect on the employee's continued employment. Under these circumstances, employees will need to keep their managers informed of their progress to the agreed timescales and ensure that certificates are forwarded on time.
- Before the employee's return to work, the manager will refer the individual to Occupational Health to ensure that they are fully fit. This is for the individual's benefit and to ensure health and safety obligations are met.
- If there is no clear date for return, however, after 4 -6 weeks of absence (or earlier if it becomes clear that the employee may not return to work), the manager will set up an meeting to discuss the sickness with the employee. If the employee is too sick to attend a meeting at work, their agreement to a home visit will be sought. Where, under exceptional circumstances, the employee is too sick to meet at all, the manager can telephone or write to obtain the information or contact the next of kin/carer, if the employee is unable to nominate someone within a week.
- The aim of the meeting is to discuss the nature of the illness and the likely duration of the absence, and for the manager to form a view about whether an immediate referral to Occupational Health would be helpful. If a referral is considered appropriate, the manager will discuss with the employee the range of outcomes that may result from the referral including the process to be followed if the employee is considered unfit to return to their job. If, taking all circumstances into account, the manager takes a view that it is too early to refer to Occupational Health, they will arrange to meet with the employee at a later date to review the position again.

Occupational Health Referral

3.18 The management of long term sickness absence should encompass occupational health referral at every stage of the process. There are five possible outcomes from the Occupational Health referral:

- Return to work – the employee is fit to return to their present job, either immediately or in the very near future.
- Adjustment to duties or hours of work – the employee would be fit to return to their current job with temporary or permanent adjustments to their duties or working hours.

- Redeployment – the employee is not fit to return to their current job, but could work in a job that accommodated their health problem.
- Termination of contract or ill-health retirement – the employee is unfit to return to work, permanently or for the foreseeable future, necessitating the termination of their contract on medical incapacity grounds. Under these circumstances the employee may be eligible to apply for ill-health retirement.
- Re-referral to Occupational Health – the employee is not currently fit to return to their job, but it is too early to make a recommendation about when they will be and a re-referral needed after a specified period of time.

3.19 The manager will take account of the Occupational Health recommendation in determining which of the following courses of action to take. They will also need to take account of any alternative medical evidence that the employee may wish to present.

Return to Work

3.20 If the employee is or will shortly be fit to return to work, the manager will meet informally with them to discuss the Occupational Health recommendation and arrange for their return. Employees returning to work after a lengthy absence are likely to require a period of readjustment to working life. During this time the manager may need to monitor their performance and provide appropriate support. This period should be based on the Occupational Health report.

Temporary Adjustments

3.21 Following a period of long term sickness, the Occupational Health Department may recommend that the member of staff returns to a reduced workload or part time work temporarily in order to limit the chances of a relapse. This should be accommodated wherever possible. All such arrangements should be for a limited period only, usually for a maximum of one month, with the employee returning to their normal contractual arrangements at the end of this period.

3.22 Employees will be encouraged to take their annual leave in addition to any support planned.

3.23 The manager will meet with the member of staff to discuss the details of the changes to the hours or duties and will then confirm the arrangements in writing within 5 working days. The nature of the adjustments should be agreed on the basis of what meets the employee's needs and can be reasonably accommodated by the department.

3.24 If part time work is recommended, to avoid financially disadvantaging the employee, the manager may agree to this being on full pay subject to the following conditions:

- The period of part-time work is for no longer than one month. During this time a planned phased increase in hours of work should take place unless there are particular reasons why this is not advisable.

- The temporary hours of work are at least half the hours normally worked daily.
- There may be occasions when an employee is unable to attend work, but is able to undertake work at home (for example, where a foot injury prevents driving, but otherwise does not incapacitate the member of staff).
- The manager may agree to a temporary period of working from home where the person's duties are such that they can be undertaken away from the workplace. The period will be determined by the Occupational Report

Permanent Adjustments

- 3.25 In some cases, it may be appropriate to consider making reasonable permanent adjustments to the employee's duties or working arrangements. Such adjustments may include reduced hours, lighter duties or alterations to equipment etc.
- 3.26 It is particularly important to explore this option thoroughly when an employee's sickness is due to a disability, as defined under the Disability Discrimination Act (DDA). To conform with the requirements of the Act, very careful consideration needs to be given to making whatever reasonable adjustments are necessary to accommodate a disabled employee.
- 3.27 Managers will need to assess the feasibility of making the required adjustments, taking advice from Occupational Health, the HR Team and other specialist advisers as necessary. The manager will meet with the employee to discuss with them the results of this assessment and will record the outcome of the meeting to them in writing.

Redeployment

- 3.28 The employee may not be fit to return to their present post, but would be able to work in a post that accommodated their health problem. Every reasonable effort should be made to identify suitable alternative employment for any employees this applies to, but it is particularly important to do so for staff whose sickness is due to a disability under the DDA.
- 3.29 The manager will meet formally with the employee to discuss the Occupational Health recommendation and explore the possibility of alternative employment. A member of the HR Team will also be present to discuss the employee's skills and experience with them.
- 3.30 A suitable vacant post will be sought for a specified period (normally for up to three months), during which time the employee will be entitled to a priority interview for any suitable posts that arise. Reasonable on-the-job retraining will be considered where appropriate. All discussions and opportunities for redeployment should be recorded in writing to the employee.
- 3.31 In the event that no suitable alternative employment can be found, it may be necessary to terminate the individual's contract of employment (see below). In all circumstances, it is essential to refer the employee back to Occupational Health

for further advice. This should be done before formalising the termination arrangements.

Final Stage: Termination of Contract

3.32 If the employee is considered permanently unfit or will remain sick for the foreseeable future, it may be necessary to terminate their contract on the grounds of medical incapacity. Before such a step is taken the following must be considered:

- The length of time the employee may be absent and the likelihood of a complete recovery at the end of that time.
- The remaining paid sick leave entitlement of the employee, however it is not sufficient in itself to not terminate the contract on grounds of incapacity to fulfil the role.
- The feasibility and cost of cover arrangements during this period.
- The effect of the absence on the work of the department.
- The appropriate Senior Manager with authority to dismiss must meet formally with the employee, with a member of the HR Team present. The employee will be given 5 days notice of the meeting and will be informed of their right to bring a representative or colleague.
- The Occupational Health report and any other relevant documentation will be provided to the employee in advance of the meeting. The employee must be given every opportunity to put their case and provide any additional medical evidence that they wish to be considered.
- The senior manager with the authority to dismiss will consider all the facts and make a final decision which will be conveyed at that meeting.
- Dismissal will be with notice or pay in lieu of notice on full pay and the employee will be encouraged to reapply for posts should they become fit in the future.
- Also any outstanding annual leave will be paid that has accrued within the annual leave year upon termination of the contract.

Ill-health Retirement

- 3.33 To qualify for ill-health retirement, the employee must have at least two years service? and be permanently incapacitated from their normal job. If both apply, the Occupational Health Department may make a recommendation for ill-health retirement, but approval remains at the discretion of the NHS Pensions' Agency. Ill-health retirement takes several months to process, so the application should be made at the earliest opportunity to ensure that the employee's sick pay does not expire before their pension is available.
- 3.34 The manager will arrange to meet with the employee, with a member of the HR Team present, to discuss the Occupational Health recommendation and seek the employee's agreement to applying for early retirement on the grounds of ill-health. The employee may be accompanied by a trade union representative or colleague.
- 3.35 As termination is in most cases the alternative to ill-health retirement, a termination date will normally be agreed at this meeting, with the appropriate period of notice being given to be paid at full pay. The individual may apply or re-apply for ill-health retirement after their employment has ended, if their condition deteriorates. They will need to request an ill health retirement form. Payroll will complete a section of the form and send it to the HR contact who will give it to the employee to complete.

Re-referral to Occupational Health

- 3.36 If the Occupational Health Department recommends that they see the employee again at a later date, when they will be better able to make an assessment, then the manager should meet informally with the employee to notify them of this. The employee will be required to continue to keep the manager informed of their progress until then. If, however, the Occupational Health Department recommends a re-referral at a date beyond that which could be accommodated by the department then, provided the manager can demonstrate that they are acting reasonably under all the circumstances, the process for termination above may be followed.
- 3.37 Further clarification or advice on the length of time that an employee may take to become fit should be sought from the Occupational Health Department where appropriate.

Appeals

- 3.38 Appeals against warnings under the formal stages of this procedure or against termination on the grounds either of long or short-term sickness absence will be managed by an procedure which mirrors our grievance procedure.

Appendix D

Questions and Answers

Q: Can I take time off work to attend a doctor or dentist appointment?

A: It is at Managers discretion to allow employees to take time off for medical or dental appointments. All staff who require time-off for a medical or dental appointment will be entitled to request the following, subject to the needs of the service:

- Flexibility in arrangement of working hours.
- Annual leave.
- Time-off in lieu.
- Unpaid leave.

In authorising reasonable time-off, the employee's manager should consider:

- The amount of time-off that is reasonable in the circumstances.
- The notice given for the request for time-off.
- Previous time-off permitted.

If time-off is agreed, staff will be expected as far as possible to book their appointment time either at the beginning of their shift or working day or the end of their shift or working day.

If you work part-time hours it is expected that any such appointments would not take place during working hours.

For antenatal care appointments, please refer to the Trust's Maternity Leave Policy.

Q. Do I have to attend the Occupational Health Service if my manager refers me?

A. While it is not compulsory for you to attend the Occupational Health Service, we would advise you to do so in order that an assessment of your health and work place can be undertaken. If you would prefer, it is acceptable for you to visit your own GP and the Trust will seek to obtain a written report under the Access to Medical Reports Act 1988.

Q. What is considered a day's sickness?

A. If a member of staff has been at work for less than 50% of their normal working day it will count as 1 day's absence.

Q. If I am ill during my annual leave what should I do?

A. If you become ill during the course of your annual leave, you would be regarded as being on sick leave from the date you advise us and as specified on a medical certificate. In such circumstances, only days covered by a medical certificate can be reclaimed as annual leave (excluding public holidays).

Q. If I am on long-term absence what will happen to my accrued annual leave?

A. During paid sickness absence you will continue to accrue annual leave in line with the conditions of your contract and the annual leave policy.

Q. Can I phone in sick in order to look after a family member who is unwell?

A. No, you should only phone in sick if you are ill and unable to undertake your duties. The Trust has other policies in place to cover these circumstances e.g. special leave procedure and policy.

Q. Can I work for another organisation during sick leave?

A. If you are absent from the Trust due to ill-health, you should not undertake any form of employment during your normal working hours, you should not undertake any comparable employment throughout the period of your absence. In situations where you are found to be doing either, disciplinary action may be invoked as it would be considered fraudulent.

Q. If I am unable to work full time when I return what will happen?

A. If you have been off work because of a long-term absence it may be possible to have a phased return to work e.g. you may be able to work part-time and build up your hours of work over a 4 to 6 week period. In these circumstances a variety of options can be considered including the use of any accrued annual leave to make up the difference in your hours or you can opt to be paid only for the hours you work.

Q. What would happen to me when my occupation and sick pay ends?

A. If you have been off work because of a long-term absence and have exhausted your Occupational and Statutory Sick Pay, discussions regarding your continued employment will take place between your Line Manager, Human Resources and the Occupational Health Service.

If you do not make contact with your line manager, in line with the procedure and they are unable to make contact with you during the first 7 days of your absence this will be classed as unauthorised absence. In these circumstances, disciplinary action will normally be taken.

Q. What will happen if I do not report my sick leave to my manager?

A. Every effort will be made to contact you including a home visit and contacting your next of kin if we have this information.

The Trust reserves the right to assume that you have resigned from your post if unauthorised absence continues for a period of more than 10 working days. This will be confirmed in writing by your line manager.

Payroll calculates the period of absence covered by a medical certificate from the date it was issued by your GP.