

Title:	Rotherham CCG – managing Sickness Absence Policy and Procedure
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Compliance:	Mandatory for all permanent and temporary employees of Rotherham CCG.
Equality & Diversity Statement:	In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Managing Sickness Absence Policy

SUMMARY	Managing Sickness Absence Policy
AUTHOR	P Smith
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THIS POLICY HAS BEEN SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT

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1. POLICY STATEMENT

- 1.1 The Organisation recognises the importance of balancing the health needs of employees against the needs of the organisation, and is committed to providing excellent working conditions and appropriate support to achieve that balance.
- 1.2 Encouraging employees to attend work, and supporting them back into the workplace is known to maintain employee health and wellbeing, and improve organisational effectiveness.
- 1.3 The overall purpose of the policy is to set out the Organisation's approach to the management of sickness absence within the workplace. This document also sets out guidance to employees and managers about their responsibilities in relation to Sickness Absence Management.
- 1.4 This procedure should be read in conjunction with the Sickness Absence section contained within Agenda for Change terms and conditions.
- 1.5 This procedure will apply to all employees.

2. PRINCIPLES

2.1 Definitions

Persistent Short Term Absence	Short term sickness is identified as a series of absences, often unconnected, which results in persistent short term absences from the workplace.
Long Term Absence	Absences that are at least 28 calendar days

- 2.2 This procedure enables managers to address sickness absence issues, both short and long-term, in a fair, consistent and equitable manner. It is recognised however that all cases must be dealt with on an individual basis because of differing circumstances therefore this procedure gives an outline of the principles to be observed.
- 2.3 It should be noted that all other types of absence should be dealt with in accordance with the appropriate policy, e.g maternity, adoption, employment break, etc. Line managers should consider, and take due account of, individual circumstances and all relevant factors before action is taken eg maternity related absence, stress, disability related absence, work related factors.
- 2.4 Confidentiality will be maintained in all aspects of absence management and records will be kept in line with the Data Protection Act.
- 2.5 Guidance and support will be provided to line managers who implement and apply policies and procedures relating to absence. All new employees will be made aware of this policy during their induction.

- 2.6 The Organisation recognises that, on occasion, anyone may become unwell or subject to emergencies that entail absence from work. However regular attendance at work is a contractual requirement.
- 2.7 The appropriateness of referral to the Organisation's Occupational Health Provider will be discussed between the individual, their line manager and a HR representative. A referral will be made in all cases of long term sickness absence, and where short term absences gives rise for concern a referral should also be considered.
- 2.8 It is acknowledged that on occasion people may be away from work on a long-term basis as a result of chronic or acute ill health. Although each case will be dealt with on an individual basis this policy outlines certain principles that will always be observed.
- 2.9 In dealing with any sickness absence cases, managers must be mindful of obligations that they and the Organisation may have under the Equality Act 2010. In identifying whether or not an employee is covered by the Act advice will be sought from appropriate medical professionals.
- 2.10 Advice should be taken from the HR Manager at all formal stages of this procedure to ensure the consistent application of this procedure throughout the Organisation.
- 2.11 Employees may be accompanied by a trade union representative or work colleague in all discussions with management about their absence.

3. RESPONSIBILITIES

3.1 Manager responsibilities

Line managers have an important role to play in the management of absence. The key responsibilities for managers include:

- Ensure that they are familiar with this policy and their obligations in relation to the management of the policy.
- Communicate appropriately with absent employees
- Dealing with any actions in a timely manner, balancing the needs of the individual with those of the organisation
- Maintain and retain accurate records of all absences in line with the data protection act
- Conduct effective return to work meetings after each individual episode of sickness
- Maintain appropriate levels of confidentiality at all times
- Make Occupational Health referrals as appropriate
- Attend any training provided on policy updates, and/or legislation
- Identify a 'nominated deputy' for staff to report sickness absence to during periods of annual leave/out of the office/non-working time and communicate this to staff.

3.2 Employee Responsibilities

Employees are expected to:

- Ensure regular attendance at work;
- Report absences promptly to their line manager, or 'nominated deputy' – usually on the morning of the first day of absence
- Communicate appropriately with their manager when absent from work;
- Co-operate fully in the use of these procedures
- Attend an appointment with a medical practitioner nominated by the organisation, where appropriate
- Compliance with sick pay scheme
- Attend review meetings, and return to work meetings with appropriate manager when discussing periods of absence or planning return to work, reasonable adjustments or alternative employment.

3.3 Operational Executive (OE)

OE will oversee the content and the implementation of the Policy. Any discretionary element of the Policy will be subject to the agreement of an OE member with reference to decisions made in previous cases.

3.4 Accountability

The Chief Officer is accountable for this policy.

The Strategic Clinical Executive is responsible for formal approval of this policy.

4. GENERAL POINTS

- 4.1 If an employee knowingly gives any false information, or makes false statements about their sickness, it may be treated as misconduct and may result in disciplinary action being taken. In proven cases of gross misconduct it could lead to dismissal (an example of this may include: absent on sick leave and working elsewhere).

If the employee undertakes work with an agency/other employer, any period of sickness should affect all work including voluntary work or self employment. The only exception to this would be where a medical practitioner determines that specific work would be therapeutic for the individual. In these circumstances confirmation from the medical practitioner would be required. This would not prevent the manager from requesting a second opinion from Occupational Health if appropriate.

On no account must employees undertake work (whether paid or unpaid) for another employer or in their own business or enterprise during periods when they are either self or medically certified as sick unless the above evidence is provided that it is of therapeutic benefit. Failure to provide this evidence may result in this being regarded as a fraudulent act and can have very serious consequences, including dismissal from the employment of the Trust and the application of criminal sanctions.

If it is found that during a period of absence an employee is acting in a manner inconsistent with the reason for the absence or not aiding their return to work, occupational sick pay will be withheld and where appropriate action taken in accordance with the CCGs Disciplinary Policy and Procedure and, where appropriate, the Counter Fraud, Bribery and Corruption Policy.

- 4.2 Any employee who unreasonably fails to comply with the Organisation's Sickness Absence policy and procedure may have their occupational sick pay withheld. Any decision to withhold sick pay must be made in conjunction with advice from the HR manager. Advice may also be sought from the Organisations Occupational Health Provider.
- 4.3 The Organisation has the right to dismiss employees whilst they are receiving sick pay entitlement. Any decision to dismiss on capability grounds will be subject to medical advice.
- 4.4 The Organisation reserves the right to make an occupational health referral for each period of absence of less than seven calendar days in cases of short-term persistent absence. However this should normally follow a prior Occupational Health referral which confirms there is no medical reason for continued short-term persistent absence. Furthermore, this option should only be used for a finite period and should be reviewed on a regular basis.

5. SCHEME OF DELEGATION

- 5.1 Each policy will contain a scheme of delegation specific to the stages and actions associated to the policy. All Schemes will adopt the levels as outlined below therefore ensuring consistency throughout all policies and clarity within the organisation

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation
Formal procedure: First Stage Formal Meeting Second Stage Formal Meeting Third Stage Formal Meeting	Line manager or equivalent level manager from elsewhere within the organisation. Nb: It is reasonable that the same manager conduct first, second and third stage of this process
Appeal following formal procedures above	Line Managers manager or equivalent who has not previously been involved or implicated

Formal Procedure: Final Formal Meeting	Chaired by an appropriate member of the Operational Executive or equivalent plus one other manager and a HR representative
Appeal against dismissal	Chaired by the Chief Officer or Chief Finance Officer plus one other member of the Operational Executive and a HR representative

6. EQUALITY

- 6.1 In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

7. MONITORING & REVIEW

- 7.1 The policy and procedure will be reviewed periodically by the Operational Executive in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

The implementation of this policy will be audited on an annual basis by the Operational Executive.

PART 2

PROCEDURE

1. REPORTING ABSENCE

- 1.1 All employees must contact their line manager on the first day of absence as soon as is reasonably practicable or within one hour of their normal starting time. The employee must make this call. The only exception is where it is clearly not possible for employees to ring personally, such as admission to Hospital.
- 1.2 Employees must talk directly to their line manager. Alternative methods of communications such as text messages, e-mail or leaving messages with anybody else are not considered appropriate, unless there are exceptional circumstances. If the line manager is unavailable, then the employee should contact an alternative nominated manager.
- 1.3 If an employee does not have a telephone at home alternative arrangements for reporting sickness must be made.
- 1.4 When reporting absence employees must give the following information:
 - the reason for the absence (if known);
 - the expected length of absence (if known);
 - whether a visit will be made to their GP, and if so, the date of the appointment.

Where possible the manager should be advised of any outstanding work that may require urgent attention during the period of absence. This will enable managers to better plan and allocate work.

- 1.5 In cases of continued absence, employees and line managers should agree appropriate levels, and methods of communication. As a minimum the employee must contact their line manager again on the fourth day of absence to provide them with up to date information. Should the absence continue then the employee and the manager must decide upon the frequency of further/continued contact and the form that this will take. It is not sufficient to provide medical certificates as a means of maintaining contact.
- 1.6 It should be noted that failure to maintain contact as per the agreement with the line manager, may result in the payment of occupational sick pay being delayed or withheld. Any decision to take disciplinary action or to withhold or delay payment of occupational sick pay must be made in conjunction with the HR Manager.

Evidence of Incapacity for work

- 1.7 For absences lasting seven calendar days or less, on the first day back at work, employees will be required to sign off the Sickness Self-Certificate with their line manager. This should include the reason for absence. The Certificate will be countersigned by a manager and subsequently will be kept in a confidential file.

- 1.8 If an absence exceeds seven calendar days a doctor's medical certificate must be submitted to the line manager, no later than the tenth day of absence, covering the absence from the eighth day. The medical certificate is normally retained by the line manager and the absence recorded on the appropriate staff absence record form.
- 1.9 If an absence continues beyond the period covered by the initial medical certificate, further medical certificates must be submitted to give continuous cover for the period of absence. On eventual return to work employees must complete the Organisation's Sickness Self-Certificate in respect of the first seven days or less not covered by a doctor's medical certificate.
- 1.10 Failure to submit consecutive medical certificates in a timely manner may be considered in breach of the Sickness Absence Management policy and may invoke the Disciplinary Procedure.
- 1.11 If the doctor's medical certificate does not specify the period of absence covered, it will be taken as covering a period of seven calendar days only.
- 1.12 For reporting purposes, reports will show long-term absence as at least 28 calendar days.

Statement of Fitness to Work (FIT Note)

- 1.13 The statement of fitness to work, known as the 'fit note' was introduced in April 2010. It allows a doctor/GP to advise whether an employee is either:
 - Not fit to work
 - May be fit to work

If the doctor/GP suggests that they 'May be fit to work' there are now a number of options open which may help to get the employee back to work:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

Any such recommendations should be discussed and agreed with the individual and line manager prior to commencement of work at a return to work interview.

Employee Occupational Sick Pay Entitlements

- 1.14 The amount of paid sickness leave entitlement depends on length of service, as outlined below:

• During 1st year of service	One months' full pay and two months' half pay
• During 2nd year of service	Two months' full pay and two months' half pay

- During 3rd year of service Four months' full pay and four months' half pay
 - During 4th and 5th years of service Five months' full pay and five months' half pay
 - After 5th year of service Six months' full pay and six months' half pay
- 1.15 The period during which sick pay is paid and the rate of sick pay for any period of absence is calculated by deducting from the employee's entitlement, on the first day of absence, the aggregate periods of paid sickness during the 12 months immediately preceding that day.
- 1.16 Sick pay is based on basic pay only.
- 1.17 Full pay is inclusive of any statutory benefits. Half pay plus statutory sick pay will not exceed full pay.
- 1.18 For the purpose of calculating entitlement to sick pay, a previous period or periods of NHS service will be counted towards the employee's entitlement to sick leave with pay where there has been a break, or breaks, in service of 12 months or less.
- 1.19 In the event of employment coming to an end, entitlement to sick pay ceases from the last day of employment.
- 1.20 Absence for planned elective medical treatment, which is for cosmetic reasons alone, must be taken as annual leave and not sick leave. Where planned medical treatment has both a cosmetic and health improvement purpose, absence should be reported as sick leave.

Occupational Sick Pay Conditions

- 1.21 The conditions for sick pay are financial provisions indicating an entitlement to occupational sick pay and in no way indicate the amount of absence to which an employee is entitled.
- 1.22 If sick pay entitlement is exhausted before a Final Review Meeting takes place, and where the failure to undertake the Final Review is due to delay by the manager, sick pay will be reinstated at half pay as follows:
- Employees with more than 5 years reckonable service – sick pay will be reinstated if the entitlement is exhausted before the Final Review meeting takes place.
 - Employees with less than 5 years reckonable service – sick pay will be reinstated if the entitlement is exhausted and the Final Review meeting does not take place within 12 months of the start of their sickness absence.

Reinstatement of sick pay in these circumstances will continue until the Final Review meeting takes place. It is not retrospective for any period of zero pay in the preceding 12 months of service.

1.23 The period of full or half sick pay may be extended:

- where there is the expectation of a return to work in the short term and an extension would materially support a return and/or assist recovery. Particular consideration will be given to those staff without full sick pay entitlements.
- where it is considered that individual circumstances mean that an extension will relieve anxiety and/or assist recovery.

When an extension to sick pay is being considered for any reason this must first be discussed with a HR Manager.

1.24 Sick pay is not normally payable for an absence caused by an accident due to active participation in sport as a profession, or where contributable negligence is proved.

1.25 An employee who is absent as a result of an accident is not entitled to sick pay if damages are received from a third party. Under these circumstances the employee will be advanced a sum not exceeding the amount of sick pay payable under this scheme providing the employee repays the full amount of sickness allowance when damages are received. Once received, the absence will not be taken into account for the purposes of the scale set out in 1.13 above.

2. SICKNESS DURING ANNUAL LEAVE

2.1 If an employee falls sick during a period of annual leave either in this country or overseas, and the period of incapacity seriously interrupts the period of leave, then they may count the statutory leave as sick leave provided they;

- Notify their line manager either in writing or by telephone at the earliest opportunity, in line with organisation/departmental procedures and no later than the fourth continuous day of illness; and
- Provide a statement by a qualified medical practitioner; the statement should cover the period of the illness and the nature of the illness.

For information, a serious interruption of annual leave would be deemed as four or more days of continuous illness.

2.2 If an employee is absent on sick leave and has pre-booked annual leave then they must notify their manager as soon as possible of the nature of the leave, otherwise it will be assumed that the annual leave is being taken. If the employee intended to spend time at their normal place of residency then the leave may be credited back upon receipt of appropriate medical statements/Doctors notes.

2.3 If the employee intends to spend more than one night away from their normal place of residency whether it be overseas or in the UK, then the CCG reserves the right to take occupational health advice beforehand as to whether or not the holiday would be beneficial to their condition or recovery, and in no way would aggravate or cause detriment to the illness/injury. If the leave is supported by Occupational health then the Organisation will consider the period as annual leave, in which case sick pay, occupational and/or statutory as

appropriate, will cease. If an employee is physically unable to return to work after a holiday they must submit a medical certificate which covers them from the day on which they were expected to return to work. Should the employee take the leave as sickness, then entitlements to sick pay both occupational and statutory will be in line with the normal eligibility rules.

- 2.4 Where the request to continue with a pre-booked holiday is not supported by a medical practitioner, then annual leave should be taken.
- 2.5 Employees will not be entitled to an additional day off if they are sick on a statutory holiday. Part time staff who sick on a statutory holiday on a day they would normally have worked will have their inclusive leave entitlement reduced by the number of hours normally worked.
- 2.6 Where an employee requests annual leave at short notice or on the actual day of the absence stating that the reason for the absence is because they are feeling unwell then the organisation will consider on a case by case basis whether to sanction annual leave or whether the absence will be regarded as sick leave. Annual leave will normally only be granted at short notice in emergency or urgent situations.

3. SHORT TERM ABSENCE

- 3.1 The Organisation operates an accurate method of recording and monitoring levels of absence. If the amount of time being taken off for illness is giving cause for concern, managers will discuss this with employees at the return to work meeting and provide them with a record of all absences from work. The individual will have the opportunity to explain any personal or work-related issues which may be a factor in the absence.
- 3.2 To ensure the consistency with the application of the Sickness Absence Management Policy, trigger points are used to monitor short term sickness and long term sickness. The triggers for short term absence are:
 - Four occasions of absence in any rolling 12 month period, or
 - 12 days absence in any rolling 12 month period
- 3.3 Where an employee reaches a trigger, a formal meeting will be held with the individual- please refer to section 5: Scheme of delegation. The purpose of the meeting is to provide support and assistance to overcome any short – term issues, patterns or problems which are identified in order to support and encourage improved attendance. At this stage an action plan of improvement will be set.
- 3.4 Where an individual fails to maintain regular attendance deemed acceptable for the organisation, they will progress through the stages identified in the scheme of delegation. This process may, eventually result in dismissal if the absence continues.
- 3.5 At any stage during this process, it may be appropriate to seek advice from an Organisation appointed medical practitioner.
- 3.6 Employees are entitled to have a staff side representative or work place

colleague not acting in a professional capacity to accompany them to any of the formal stages of this procedure if they so wish.

3.7 If at any stage the employee achieves a better attendance record than is required by a warning, no action will be taken. The manager will continue to monitor the level of attendance or pattern of absence.

3.8 Prior to formal action being taken advice must be sought from the HR Manager.

4. LONG TERM ABSENCE

4.1 Long-term absence is classed as at least 28 calendar days.

4.2 In all cases of Long term absence, Occupational Health advice must be sought.

4.3 In cases of long-term absence line managers must arrange to conduct regular review meetings to discuss possible courses of action should the absence continue. These may include rehabilitation and return to work requirements, redeployment, ill-health retirement as appropriate. The meetings should be recorded and notes sent to the employee concerned. Employees may be accompanied by a Trade Union Representative or a workplace colleague. The line manager may also be accompanied. The frequency of such meetings will depend upon the circumstances of the individual case.

4.4 These meetings should be held at mutually convenient locations, with due regard made to the employee's circumstances. If an employee is too ill to travel, the line manager may arrange to conduct a home visit at a mutually convenient time, if the employee agrees. However it should be noted that, as part of the return to work process, it may be more relevant to hold the meetings at a business location, or a suitable alternative venue.

4.5 The first formal stage of this process should take place, at the 3 months stage, or when full sick pay is due to expire if this is earlier. This meeting should be held in line with section 5 – scheme of delegation.

4.6 The purpose of this meeting is to allow all parties to consider a range of options that may be available. These options could include, but aren't limited to:

- Possibility, and likelihood of return to work, and when
- Possibility of alternative employment
- In the case of a disability as defined by the Equality Act 2010, identifying and implementing 'reasonable adjustments'
- Ill Health retirement
- Termination of contract on the grounds of medical capability – the organisation would only ever consider this after exhausting all other options

4.7 Where an individual continues to remain absent from the workplace through ill health, they will progress through the stages indicated in section 5- scheme of delegation.

4.8 Employees who fail to attend review meetings, and formal meetings may still be subject to the various sanctions contained within this policy.

5. ONGOING MEDICAL CONDITIONS

In some situations an employee may have ongoing health related problems which may impact upon their ability to perform the duties of their role. The employee may still be in work, or have long term or short term absence. This will be addressed by any or all of the following three steps.

1. **Medical advice**, support and guidance to help determine the best course of action for the individual
2. **Reasonable Adjustments / redeployment** – consider what adjustments can be made to role including hours or lighter duties. Identify if there is any suitable alternative role the individual could undertake either on a permanent basis or Interim basis. (refer to redeployment policy for additional information)
3. **Final Review Panel**- if the individual's substantive post is not suitable due to their ill health and the above stages have been unsuccessful in supporting the employee to resume full duties, and final review hearing is the next stage (See appendix 1)

Before any decision to terminate an employee on medical grounds the following must have been meaningfully considered:

- Rehabilitation
- Phased return
- A return to work with or without adjustments (in the case of a disability as defined by the Equality Act 2010)
- Redeployment with or without adjustments (in the case of a disability as defined by the Equality Act 2010)

6. RETURN TO WORK MEETING

- 6.1 Following each period of sickness absence, employees will attend a return to work meeting with their line manager to discuss their absence. If the employee has been absent with a highly sensitive condition he/she may ask for a manager of the same gender to manage the absence.
- 6.2 The discussion should allow for an exchange of information and be as frank and as open as possible as this will prevent any misunderstandings concerning the nature of the absence. Managers should also take this opportunity to discuss any patterns or trends of absence that may emerge.
- 6.3 A fundamental purpose of this meeting is to allow the line manager the opportunity to discuss any assistance, help, counselling or action on work-related issues that may be provided to enable an employee to return to work or prevent further absence occurring.
- 6.4 Notes and outcome of the meeting will be agreed and retained on file.

7. OCCUPATIONAL HEALTH SERVICES

- 7.1 In cases of long-term absence, managers are expected to make a referral to the Occupational Health Service (and the following principles should be applied:

- The Occupational Health Service can be consulted for advice when the likelihood of a return to work or cause of absence is not known.
- A member of staff may be referred to the Occupational Health Service at an early stage in the absence if it is considered that a referral may benefit the employee or the Organisation.
- The Occupational Health Service is available to give both general and specific advice on the fitness of an employee for work, adjustments to the workplace where appropriate and likely return dates.
- An employee may request an occupational health referral, via their manager, for advice and support on the best way of seeking a return to work.

7.2 Where there is doubt regarding an employee's ability to return to work on a permanent basis advice must be sought from the Occupational Health Service. Employees may be eligible to ill-health retirement benefits if they have two years continuous membership of the NHS Pension Scheme. Ill-health retirement may be discussed with the individual during the review meetings.

7.3 Employees must make themselves available to attend Occupational Health referrals (this may include home visits by an Occupational Health representative or the attendance at an Occupational Health Office). However, due regard should be made to the accessibility of the location in relation to the nature of absence. Following the referral, Occupational Health provider will then provide a written report to management, a copy of which will also be sent to the individual. In all cases the manager will meet with the individual to discuss the content of the report.

7.4 In some cases it may be more appropriate for Occupational Health to contact a third party for a medical opinion e.g. GP, Consultant etc. and consent must be obtained from the employee concerned. In these cases, any information provided by a third party is always disclosed to Occupational Health and not to the manager. Occupational Health will then provide the manager with a written summary of information provided which is pertinent to the employee's ongoing employment. Employee consent is not required for the release of this report.

7.5 Occupational Health may recommend appropriate treatment, such as physiotherapy or cognitive behavioural therapy, in supporting staff to remain in work, or return to work, at the earliest opportunity.

8. DISABILITY RELATED ABSENCE AND REASONABLE ADJUSTMENTS

8.1 If an employee is disabled or becomes disabled during their employment, then the organisation is legally required under the Equality Act 2010 to make reasonable adjustments to enable the employee to continue working. The Act broadened the provisions of the Disability Discrimination Act of 1995, for public sector employees.

8.2 Advice must be sought from Occupational Health as to what they suggest are 'reasonable adjustments'. However it will be the line manager's decision as to whether those adjustments are also reasonable for the service. Any adjustments made must be discussed with the individual concerned

- 8.3 The amendment to the Disability Discrimination Act (now Equality Act 2010) also introduced the concept of positive discrimination where a disabled member of staff can be treated differently in order to ensure they remain in work. E.g. An internal disabled applicant, who has been displaced from their current role, may be considered favourably against an able bodied candidate.
- 8.4 If the absences are linked to a disability Occupational Health advice should be sought at the earliest opportunity.

9. SUBSTANCE MISUSE

- 9.1 Where an employees absence is as a result of a suspected or admitted substance misuse problem, please refer to the Organisations Substance Misuse Policy.

10. RETURNING TO WORK

- 10.1 Wherever possible the Organisation will aid a return to work on a permanent basis. To establish the most effective way of doing this the Organisation may seek further medical advice.
- 10.2 This may include making reasonable adjustments to the employee's job, allowing a phased return to work, or by allowing the employee to return to work on a reduced or alternative hours basis.

Phased Return

- 10.3 Where a phased return to work is recommended by the Occupational Health provider, or a medical practitioner, the employee will be able to return to work on a part-time basis whilst receiving their full pay. This will be for a maximum period of four weeks, thereafter the employee must either substitute their annual leave for days not worked or receive payment only for the hours worked.
- 10.4 Where an employee requests a phased return to work themselves, they must take annual leave for days not worked or receive payment only for the hours worked.

Redeployment

- 10.5 If medical opinion is that an employee is unfit to return to their role, the possibility of alternative employment must be considered. (Please refer to the Redeployment Policy).
- 10.6 Where an employee's pay reduces because of ill-health or injury, and they have the required membership of the NHS Pension Scheme, or the New NHS Pension Scheme, their membership at the higher rate of pay may be protected.

Temporary Injury Allowance

- 10.7 Employees on sick leave, and receiving either reduced pay or no pay, as a result of an injury or illness that is wholly or mainly attributable to their NHS employment will be eligible to apply for Temporary Injury Allowance.

Applications should be made by the employee to their line manager who will make the decision on whether payment should be made, in conjunction with a HR representative. Further guidance may be sought from OHS or NHS Pensions.

- 10.8 Employees do not need to be members of the NHS Pension Scheme to apply for Temporary Injury Allowance.
- 10.9 Temporary Injury Allowance will stop when the individual returns to work or leaves their employment.

III Health Retirement

- 10.10 Throughout the absence management process all options, such as rehabilitation, redeployment, part time working, job redesign etc must be considered in conjunction with the employee.

Where the medical opinion indicates that an employee is permanently unfit for any employment or for the duties of their current role, the individual has the option of applying for early retirement on the grounds of ill health, in line with the provisions of the NHS Pension Scheme. This option is only available to employees who have at least two years continuous, pensionable NHS employment.

If an application for ill-health retirement is made, this constitutes a mutual decision that the employee is unable to fulfil their contractual obligations due to their ill-health condition and therefore a termination date will be agreed between the individual and their line manager.

This option should be discussed with the individual in full at the appropriate time and as much information as possible will be provided to enable the employee to make an informed decision. For more information regarding this procedure please contact the HR Manager.

Dismissal On The Grounds Of Capability

- 10.11 Before dismissal is considered, all other options as outlined above must have been discussed with the employee during the regular meetings that have taken place throughout the absence. Managers must be satisfied that all relevant information has been obtained and all relevant facts investigated. Documentation supporting this must be provided to the employee. In cases of long-term sickness, managers must also be mindful of the cessation of occupational sick pay entitlements in conjunction with the long-term prognosis.

In cases of short-term absence, managers must also consider the potential loss of specialist knowledge/an experienced member of staff, the cost of replacing the employee, whether or any flexible working arrangements could be accommodated in order to retain the skill and knowledge in the organisation.

- 10.12 Should the dismissal of an employee be identified at any stage in the process as the only appropriate option (i.e. all other options as outlined above have been investigated and found to be inappropriate) a Final Review Hearing will be convened. This will be chaired in line with the scheme of delegation and will be

attended by the employee in question, their line manager and a Human Resources representative.

- 10.13 Prior to this meeting the employee will receive a copy of the report, detailing the case history to date and considerations taken into account (eg Equality Act, implications, suitable alternative employment, ill health retirement) together with all other relevant documents, made to the person authorised to dismiss.
- 10.14 At this meeting the employee will have the opportunity to present their case and submit supporting evidence. They have the right to be accompanied by a Trade Union Representative or work colleague. The employee has the right to appeal this decision.
- 10.15 Following the meeting the employee will be given a letter confirming the reason for dismissal, the date of dismissal, their right to appeal, details of any payment in lieu of contractual notice and any other outstanding payments to which they are entitled eg annual leave.
- 10.16 Where an employee is dismissed during the paid sick leave period they will be entitled to payment equivalent to their total occupational sick pay entitlement (full and half pay), plus payment in lieu of contractual notice and any outstanding annual leave.

11. MATERNITY RELATED ABSENECE

Should an employee be absent from work due to pregnancy related sickness, these absences should be recorded separately and not counted towards absence triggers. However should continue to be monitored

12. APPEAL

- 12.1 Employees do not have the right of appeal against informal action e.g. implementation of an action plan.
- 12.2 Employees do have the right of appeal against any formal action taken up to and including dismissal, in addition to redeployment.
- 12.3 Employees may appeal against any formal decision made under this procedure by writing to the appropriate Manager- in line with the scheme of delegation, giving clear reasons for the grounds of appeal. This must be done within 10 working days of any action being taken.
- 12.4 The manager to whom the appeal is addressed will identify an appeal panel in line with the scheme of delegation and a hearing will take place

Stages of the process relating to managing sickness absence

	Period of absence	Improvement target	Action	Decision
First Stage Formal meeting	If the employee has had 4 occasions, or 12 days absence in any rolling 12 month period they will be required to attend a formal meeting.	During the next 12 months, if the employee has a further 3 occasions or 10 days absence in total, they will progress to the next stage	Formal meeting: Review absence record and reasons for absence. Agree standard of attendance and support if necessary. Possible OH referral if needed	Decision in writing, copy kept on personnel file. Will remain on file for 12 months. Right of appeal
Second Stage Formal Meeting	From the date of the first stage meeting, if the employee has had 3 occasions or 10 days absence in total, they will be required to attend a second stage formal meeting	During the next 12 months, if the employee has a further 3 occasions or 10 days in total, they will progress to the next stage	Formal meeting: Review absence record, reasons for absence and medical advice. Agree standard of attendance and support if necessary. Refer to Occupational Health	Decision in writing, copy kept on personnel file. Will remain on file for 12 months. Right of appeal
Third Stage Formal Meeting	From the date of the second stage meeting, if the employee has had 3 occasions or 10 days absence in total, they will be required to attend a third stage formal meeting	During the next 12 months, if the employee has a further 3 occasions or 10 days in total, they will progress to the next stage	Formal meeting: Review absence record, reasons for absence and medical advice. Agree standard of attendance and support if necessary. Refer to Occupational Health	Decision in writing, copy kept on personnel file. Will remain on file for 2 years. Right of appeal
Final Review Panel	During the next 2 years, if the employee has a further 3 occasions or 10 days absence in total, in any 12 month period, they will progress to stage 4 – Final Review Panel	If the employee hasn't met the improvement notification issued at stage 3 consider review or reissuing of improvement targets	Final review hearing: Review absence record, actions taken to support improvement and any supporting medical advice. Alternatives to dismissal will be discussed including redeployment	Decision in writing, copy kept on personnel file. Possible outcome- Dismissal Right of appeal

*Please note – Triggers should be pro rata for part time employees and calculated on contractual days

Appendix 2 - Equality Analysis Initial Assessment

Title of the change proposal or policy:

Sickness Absence Management

Brief description of the proposal:

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHSLA standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

NAME – Peter Smith, HR Manager
NAME – Sarah Whittle, Assistant Chief Officer

Date of assessment:

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes, it will affect all employees

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

Believe that the policy will have an effect on all staff including those with protected characteristics under the Equality Act.

Please return a copy of the completed form to the Equality & Diversity Manager

Appendix 3

Model letter to the Occupational Health Department for Cases of Frequent and Persistent Short Term Absence

IN STRICT CONFIDENCE

Name
Staff Occupational Health
Oakwood Hall
ROTHERHAM DISTRICT GENERAL HOSPITAL

Dear

Name Post

Address

.....
.....

Date of Birth

I would be grateful if you could arrange a medical examination for the above named employee. Mr / Mrs / Miss has been absent on a number of occasions, the details of which are enclosed, and I would like to know if you are able to find any underlying medical condition which explains this pattern of absence. If so, could you please indicate whether the absences are likely to continue at the same rate or whether he / she will recover in the near future and improve their level of attendance.

Over the past year, Mr / Mrs / Miss has had days absence over spells (insert any details about noticeable problems).

I enclose for your information:

- A copy of the relevant absence record card(s)
- Copies of the relevant self certificates and medical certificates
- A copy of his / her job description

I would be pleased to supply any further information which would assist you at this stage. May I thank you in anticipation of your assistance in this matter.

Yours sincerely

Name
Position



Rotherham

Model letter to the Occupational Health Department for Cases of Long Term Sickness Absence

IN STRICT CONFIDENCE

Name
Staff Occupational Health
Oakwood Hall
ROTHERHAM DISTRICT GENERAL HOSPITAL

Dear

Name Post

Address

.....
.....

Date of Birth

I would be grateful if you could arrange a medical examination for the above named employee. Mr / Mrs / Miss has been / is expected to be absent for some time and in order to assist him / her, and plan the work of the department, it would be helpful if you could assess the following:

- The likely duration of the absence and the expected date of return
- Will there be any temporary or permanent restrictions on his / her ability to carry out the duties of the post
- Any restriction or suggestion for alternative work which may be considered

Mr / Mrs / Miss has been absent since and over the last year has haddays absence.

I enclose for your information:

- A copy of the relevant absence record card(s)
- Copies of the relevant self certificates and medical certificates
- A copy of his / her job description

I would be pleased to supply any further information which would assist you at this stage. May I thank you in anticipation of your assistance in this matter.

Yours sincerely

Name
Position