Management of Sickness Absence Policy

Document Summary
To promote opportunities for flexible working and give clear guidance on the application process and criteria for accepting flexible work

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<tr>
<th>POLICY NUMBER</th>
<th>POL/004/005</th>
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<tr>
<td>DATE RATIFIED</td>
<td>Oct 2015</td>
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<td>DATE IMPLEMENTED</td>
<td>October 2015</td>
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<td>NEXT REVIEW DATE</td>
<td>October 2017</td>
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<tr>
<td>ACCOUNTABLE DIRECTOR</td>
<td>Director of Workforce and OD</td>
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Important Note:
The Intranet version of this document is the only version that is maintained.

Any printed copies should therefore be viewed as “uncontrolled” and, as such, may not necessarily contain the latest updates and amendments.
1 Introduction

This policy describes the Trust's approach to managing sickness absence.

The Trust recognises there is a need to manage absence in a fair and consistent manner, while considering service need and the highest level of care to patients and service users.

The Trust is committed to promoting the health, wellbeing, safety and welfare of all employees at work in accordance with our Trust policies. The purpose of this policy is to provide a framework for managers and employees to work together to attain maximum attendance levels.

2 Scope

This policy applies to all employees of Cumbria Partnership NHS Foundation Trust.

3 Statement of Intent

It is acknowledged, in partnership with staff side organisations, that some employees will suffer periods of ill health which is broadly defined to include both physical and mental ill health and/or disability. When this occurs, employees will be treated in a supportive way.

Responsibility for managing sickness absence lies with the individual and their line manager, with advice and support available from Human Resources and Occupational Health.

The key principles of the policy include:

- Employees of the Trust have a contractual obligation to attend work to fulfil their contract of employment.

- Employees must follow the sickness absence notification procedure by contacting their line manager when they are unable to attend work or are unavailable to cover any on-call commitment due to sickness and producing appropriate certification.

- Managers have a responsibility to maintain contact in a sensitive and agreed manner with employees absent due to sickness.

- The manager, employee and staff representative will work in partnership to address sickness issues and the impact on service delivery.

- Managers will distinguish between reported sickness absence and unauthorised absence which is not reported in line with procedure and where no acceptable
An explanation is given. Genuine sickness will be managed through this policy. Disciplinary action may be taken for unauthorised absence.

- The Trust will always take into account the provisions of the Equality Act 2010 in managing sickness absence. Under the Act, the employer must ensure that they do not discriminate against disabled people and has a duty to make reasonable adjustments to working practices and premises. This is a complicated legal area and managers should seek advice from the Human Resources Department where necessary.

4 Definitions

Short-Term Sickness Absence
This is any period of sickness absence which is less than 4 weeks.

Long-Term Sickness Absence
This is any period of sickness absence of at least 4 weeks.

5 Duties

5.1 Line Managers
Line managers are responsible for ensuring effective and consistent application of this policy. The line manager must attempt to deal with issues sensitively and without undue delay.

5.2 All Staff
All staff should be aware of this Policy and are expected to follow medical advice and engage with the support offered by their manager to facilitate their early return to work.

5.3 Occupational Health
Occupational Health will provide management advice in response to any referrals made in the course of managing this process.

5.4 Human Resources
Provide advice and support to managers in application of this Policy, ensure compliance with legal requirements and encourage the adoption of a consistent and positive approach to managing ill health in accordance with this policy and accepted standards of good practice.
5.5 Trade Union Representatives

Assist the Trust in ensuring a consistent and fair application of the policy by providing support to employees and working to facilitate an early return to work wherever possible.

6 Details of the Policy

6.1 Accompaniment

At each stage of the procedure, except formal return to work interviews, employees are entitled to be accompanied by a Trade Union Representative or work colleague.

Where the companion cannot attend on a proposed date, the employee may suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

6.2 Recording Sickness Absence

When recording sickness absence, managers must record this on ESR both in terms of days lost, including those on which an employee would not normally work and weekends, and also in terms of the employee’s working hours lost due to sickness.

Example:

A part-time staff member works 2 days per week, Monday and Tuesday.

On Monday they work 4 hours. On Tuesday they work 5 hours.

The staff member calls in sick on the first Monday and does not attend work for 2 weeks due to an episode of sickness.

The sickness should be recorded as 14 days (from the first Monday until the Sunday before their return) and as 18 hours.

6.3 Moving between the long-term and short-term procedure

Although there are separate procedures detailed for the management of short and long-term sickness, where an employee has reached a certain stage of either the short-term or long-term procedure, should they then hit a trigger under the other they will move across to the appropriate process and progress to the next stage.

Example:

An employee returns to work following a Stage One meeting under the long-term process.

The employee then has a further 10 days or 3 spells of short term absence within the following 12 months.
This employee would be invited to a Stage Two meeting under the short-term process.

Any long-term period of absence (i.e. four weeks or more) will not count towards a short-term trigger.

In these cases, managers are advised to take advice from Human Resources before taking any action.

6.4 Return to work interviews

Following each period of absence, regardless of duration, a return to work interview will be held between the employee and their line manager. This discussion is to ascertain whether the member of staff is fully fit to return to work, whether any adjustments need to be made and whether there are any reasons for the absence which may require addressing.

Managers may, on occasions, delegate this task to a Deputy. In exceptional circumstances, a telephone discussion may be used if this is the only way to carry out a prompt interview. These meetings/phone calls will be recorded on the return to work form. One copy should be given to the employee and another forwarded to the HR Helpdesk to be retained on the employee’s personnel file.

The date of the return to work interview must be recorded on ESR.

6.5 Absence Trigger Points

It is very important that managers regularly review absence levels and invoke the formal sickness absence management procedure when an absence trigger point is reached.

Special factors may need to be taken into account by managers when moving through the various stages. This may include past sickness absence records and advice from Occupational Health.

Where any of the following trigger points have been met the relevant procedure should be invoked and consequent actions applied in managing short and long-term absence.

**Short-Term Absence**

3 periods of absence in 12 months (a period can be one day or more).

Or

10 working days absence in 12 months (pro-rata) – Please refer to Appendix 3 for a pro-rata ready reckoner in regards to this trigger.

**Long-Term Absence**

4 weeks continuous absence.
If a manager has concerns about invoking the procedure, for any reason, they should contact Human Resources for advice.

6.6 Procedure for Managing Short-Term Absence

The following stages should be used for managing short-term absence if a trigger is reached.

A referral to Occupational Health may be made prior to the manager meeting with the employee.

The employee will normally be given at least 5 working days’ notice of meetings and may be accompanied by a trade union representative or work colleague. Another manager and/or a representative from HR may accompany the line manager.

In the event that an employee fails to attend a scheduled meeting without prior notification, the meeting may proceed in their absence after reasonable attempts have been made to contact them. At the discretion of the line manager, a meeting may also proceed in circumstances where an employee reports being unfit to attend providing that the employee has been offered the right to be accompanied in their absence and/or provide a written submission for consideration by the manager holding the meeting.

The manager will normally write to the employee within 5 working days of a meeting, confirming the points discussed, actions agreed and detailing the possible consequences of failing to meet the agreed targets. The letter must state what stage of the policy the individual has reached and offer a right of appeal against the decision to place them on any stage within the procedure. A copy of this letter should be placed on the employee’s personnel file.

Stage One

The purpose of a Stage One meeting is to:

- Discuss the employee’s absence record.
- Discuss, if appropriate, any Occupational Health report(s) received.
- Explore the reasons for continued absences.
- Identify areas for support/reasonable adjustments.
- Set targets for improvements, including timescales.
- Clarify what further action may be taken if the improvement targets are not met.

The following outcomes may result from the Stage One Meeting (this list is not intended to be exhaustive but to act as a guide):

- Further Occupational Health advice may be sought.
• Other support mechanisms may be identified and implemented.

• Reasonable adjustments, such as changes to the workload, working practices or working patterns, additional training or the possibility of redeployment may be identified (Occupational Health advice may be sought to aid such discussions).

• Targets for improvements, including timescales, should be set.

• The opportunity to self-certificate for future periods of absence may be withdrawn, meaning that the employee may be required to submit medical certification from a doctor for every instance of absence.

At the conclusion of the meeting the Manager will, where appropriate and unless evidence is presented otherwise, confirm that the employee is now on Stage One of the procedure and that the employee has a right of appeal against this decision.

The employee will stay on Stage One for a period of 12 months. Should absence levels fail to meet the required standard at any time during this 12 month period then the individual will progress to Stage Two of this Policy.

Should the employee meet the required target for improvement and the manager has no further concerns over their attendance, the employee will automatically be taken off Stage One after 12 months. There is no requirement for any further meetings in this case.

This will be confirmed to the employee in writing following the meeting.

**Stage Two**

If a further absence trigger is reached, the manager will invite the employee to a Stage Two absence review meeting. This may be conducted by the line manager or by a more senior manager if deemed more appropriate. The purpose of a Stage Two meeting is to:

• Reaffirm the issues discussed at previous reviews.

• Discuss the latest Occupational Health advice.

• Identify and reflect on support provided to the employee and identify what further support may be appropriate.

• Set targets for improvement, including timescales.

• Explain the possible consequences of not meeting the targets.

At the conclusion of the meeting the Manager will, where appropriate and unless evidence is presented otherwise, confirm that the employee is now on Stage Two of the procedure and that the employee has a right of appeal against this decision.

The employee will stay on Stage Two for a period of 12 months. Should absence levels fail to meet the required standard at any time during this 12 month period then
the individual will progress to Stage Three of this Policy.

Should the employee meet the required target for improvement and the manager has no further concerns over their attendance, the employee will automatically be taken off Stage Two after 12 months. There is no requirement for any further meetings in this case.

This will be confirmed to the employee in writing following the meeting.

**Stage Three**

If a further absence trigger is reached, the managers should seek advice from their HR Advisor/Business Partner before inviting an employee to a Stage Three absence review meeting. This meeting may be conducted by the line manager or by a more senior manager if deemed more appropriate. The purpose of this meeting is the same as in Stage Two.

Occupational Health advice must be sought prior to this meeting, if not already done so at an earlier stage.

The employee will be informed at the meeting, to be confirmed in writing, that failure to improve sufficiently at this stage may lead to termination on the grounds of ill health capability.

At the conclusion of the meeting the Manager will, where appropriate and unless evidence is presented otherwise, confirm that the employee is now on Stage Three of the procedure and that the employee has a right of appeal against this decision.

The employee will stay on Stage Three for a period of 12 months. Should absence levels fail to meet the required standard at any time during this 12 month period then the individual will progress to Stage Four of this Policy.

Should the employee meet the required target for improvement and the manager has no further concerns over their attendance, the employee will automatically be taken off Stage Three after 12 months. There is no requirement for any further meetings in this case.

This will be confirmed to the employee in writing following the meeting.

**Stage Four**

If a further absence trigger is reached, the managers should seek advice from their HR Advisor/Business Partner before inviting an employee to a Stage Four meeting. This meeting should normally be held by an appropriate Senior Manager (who has not been previously involved), however, where an employee would prefer the manager who has dealt with the absence to date to hold the Stage Four meeting this will be considered and, where appropriate, they will be delegated authority to hold the meeting. HR support will be in attendance.

Up to date Occupational Health advice will be sought if appropriate.
The outcome of this meeting may be an extension of the period of monitoring at Stage Three, termination on the grounds of ill health capability or alternative action as deemed appropriate.

Should an individual’s employment be terminated, the employee will be informed of their right of appeal. Should the employee wish to appeal, they must write to the Director Workforce and OD within 10 working days of notification of the outcome of the meeting. The letter from the employee should state the grounds for the appeal.

This will be confirmed to the employee in writing following the meeting.

6.7 Procedure for Managing Long-Term Absence

The following procedure will be used for managing long-term absence (any absence of four weeks or more).

A referral to Occupational Health will be made by the manager as soon as it is known the employee will be absent for four weeks or more.

The employee will be given at least 5 working days’ notice of meetings and may be accompanied by a trade union representative or work colleague. Another manager and/or a representative from HR may accompany the line manager.

In the event that an employee fails to attend a scheduled meeting without prior notification, the meeting may proceed in their absence after reasonable attempts have been made to contact them. At the discretion of the line manager, a meeting may also proceed in circumstances where an employee reports being unfit to attend providing that the employee has been offered the opportunity to be accompanied in their absence and/or provide a written submission for consideration by the manager holding the meeting.

After a meeting, the manager will normally write to the employee within 5 working days of the meeting, confirming the points discussed and actions agreed. A review date will be confirmed in the letter based on the indicative timescales as set out below:

Formal review meetings – indicative timescale

In the absence of there being an identified return to work date, formal reviews of sickness absence should be undertaken within the timescales set out below:

- Stage One Review – after 4 weeks absence
- Stage Two Review – after 10 weeks absence
- Stage Three Review – after 16 weeks absence
- Stage Four Hearing – after 24 weeks absence

N.B. (i) Holding a Stage One meeting is mandatory following the appropriate trigger being met even though the employee may have returned to work prior to the meeting.
(ii) If an employee had previously been staged under the short-term procedure, the next formal review under the long-term sickness absence procedure will be following 6 weeks absence.

The outcome letter must state what stage of the policy the individual has reached and offer a right of appeal against the decision to place them on any stage of the procedure. A copy of this letter will be placed on the employee’s personnel file.

Where medical advice is received which deems that an employee is unlikely to be fit to return to their full duties in the foreseeable future and, where all other options for adjustments and redeployment have been considered, it may be deemed appropriate for the long-term absence procedure to be fast tracked with the employee being progressed to Stage Four without the requirement to move through all of the other three stages first.

Where a decision to fast-track is taken, this will be discussed fully with the employee and the reasons for this decision will be provided in writing by the manager before the Stage Four meeting is arranged.

Stage One

If an employee has been absent for four weeks, or has indicated that they may be absent for four weeks or more, the manager should contact them and arrange a Stage One meeting.

In most cases, prior to the Stage One meeting taking place, the manager will have advised the employee that they intend to make an Occupational Health referral so that this advice is available for discussion at the meeting. Where this has not been possible, this should not prevent the Stage One meeting going ahead as planned.

The Stage One meeting must go ahead for any employee who is absent for four weeks regardless of whether they have returned to work prior to the meeting date.

The purpose of a Stage One meeting is to:

- Discuss the employee’s absence and reasons.
- Discuss, if appropriate, any Occupational Health reports and advice received.
- Explore the reasons for continued absences if appropriate.
- Identify areas for support and reasonable adjustments.
- If there is a known return to work date, the manager will discuss and agree with the employee a plan for their return to work and any support required to assist the employee.
- Outline the right of appeal against the decision to place the employee on Stage One.

The following outcomes may result from the Stage One Meeting (this list is not intended to be exhaustive but to act as a guide):
• Further Occupational Health advice may be sought.

• Other support mechanisms may be identified and implemented.

• Reasonable adjustments, such as changes to the workload, working practices or working patterns, additional training or the possibility of redeployment may be identified.

• A review date at which point the manager will assess the employee’s progress and absence record must be set, although this may be brought forward if appropriate (see indicative timescales above).

Should the employee return to work by, or before, the review date they will stay on Stage One for a period of 12 months. If absence levels fail to meet the required standard at any time during this 12 month period, then the individual will progress to Stage Two of this Policy.

Should the employee return to work at Stage One and the manager has no further concerns over their attendance, the employee will automatically be taken off Stage One after 12 months. There is no requirement for any further meetings in this case.

This will be confirmed to the employee in writing following the meeting.

Stage Two

If an employee has not returned to work by the review date, the manager will invite the employee to a Stage Two absence review meeting. This may be conducted by the line manager or by a more senior manager if deemed more appropriate.

The purpose of an absence review meeting is to:

• Reaffirm the issues discussed at previous reviews.
• Discuss the latest Occupational Health advice.
• Identify and reflect on support offered to the employee and amend if appropriate.
• Identify what further support may be appropriate.
• Set a review date at which point the manager will assess the employee’s progress and absence record, although this may be brought forward if appropriate (see indicative timescales above).
• Outline the right of appeal against the decision to place the employee on Stage Two.

Should the employee return to work by, or before, the review date they will stay on Stage Two for a period of 12 months. If absence levels fail to meet the required standard at any time during this 12 month period, then the individual will progress to Stage Three of this Policy.

Should the employee return to work at Stage Two and the manager has no further concerns over their attendance, the employee will automatically be taken off Stage
Two after 12 months. There is no requirement for any further meetings in this case. This will be confirmed to the employee in writing following the meeting.

**Stage Three**

If an employee has not returned to work by the review date, Managers should seek advice from their HR Advisor/Business Partner before inviting an employee to a Stage Three absence review meeting. This meeting may be conducted by the line manager or by a more senior manager if deemed more appropriate. The purpose of this meeting is the same as in Stage Two.

Up to date Occupational Health advice will be sought prior to this meeting.

The manager undertaking the Stage Three meeting has a duty to inform the employee that failure to improve sufficiently at this stage may lead to termination on the grounds of ill health capability. The employee should also be informed of the right of appeal against being placed on Stage Three of the procedure.

Should the employee return to work by, or before, the review date they will stay on Stage Three for a period of 12 months. If absence levels fail to meet the required standard at any time during this 12 month period, then the individual will progress to Stage Four of this Policy.

Should the employee return to work at Stage Three and the manager has no further concerns over their attendance, the employee will automatically be taken off Stage Three after 12 months. There is no requirement for any further meetings in this case.

This will be confirmed to the employee in writing following the meeting.

**Stage Four**

If an employee has not returned to work by the review date, Managers should seek advice from their HR Advisor/Business Partner before inviting an employee to a Stage Four meeting. This meeting should normally be held by an appropriate Senior Manager (who has not been previously involved), however, where an employee would prefer the manager who has dealt with the absence to date to hold the Stage Four meeting this will be considered and, where appropriate, they will be delegated authority to hold the meeting. HR support will be in attendance.

Up to date Occupational Health advice will be sought, if appropriate.

The outcome of this meeting may be an extension of the period of monitoring at Stage Three, termination on the grounds of ill health capability or alternative action as deemed appropriate.

Should an individual’s employment be terminated, the employee will be informed of their right of appeal. Should the employee wish to appeal, the employee must write to the Director of Workforce and OD within 10 working days of notification of the outcome of the meeting. The letter from the employee should state the grounds for the appeal.
This will be confirmed to the employee in writing following the meeting.

6.8 Appeals against staging and dismissal

Any appeal must be in writing setting out the grounds of appeal which must fall within one or more of the following categories otherwise the appeal will be rejected:

1. New evidence;
2. Undue severity or inconsistency of the penalty;
3. Failure to follow procedure.

Wherever possible, appeals against staging will be heard by a senior manager.

Appeals against dismissal due to ill health capability will be heard by a senior manager who has not had previous involvement with the case.

Appeals will be heard as soon as reasonably practical. The appellant will be invited to attend the appeal and if they do not attend without providing a good reason for non-attendance the appeal may go ahead in their absence after reasonable attempts have been made to contact them.

The decision of the manager hearing the appeal will normally be notified to the applicant within 7 calendars days.

The decision of the manager hearing the appeal will be final.

7 Training

Training in the use of this policy will be included in the training delivered in accordance with the Trust’s training needs analysis.
8 Monitoring Compliance with this policy

The table below outlines the Trusts’ monitoring arrangements for this policy/document. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.

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<th>Aspect of compliance or effectiveness being monitored</th>
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<th>Individual responsible for the monitoring</th>
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<th>Group / committee which will receive the findings / monitoring report</th>
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<tr>
<td>Sickness absence cases are managed in accordance with this policy</td>
<td>Review of a sample of 5 cases</td>
<td>HRBP or HRA</td>
<td>Annual</td>
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<tr>
<td>Any negative effects of this policy on employees with a protected characteristic</td>
<td>Monitoring and analysis of the equality profile of employees</td>
<td>HRBP or HRA</td>
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9 Related Trust Policy/Procedures

Disciplinary Policy POL/004/001
Grievance Policy POL/004/002
Alcohol and Drug Policy POL/004/011
Capability Policy POL/004/017
Stress at Work Policy POL/004/024
Infection Prevention and Control–an Overview POL/004/042
10 Appendix 1 - guidelines

Absence notification rules

Employees who are prevented from reporting for duty due to sickness should notify their line manager or other authorised person at the earliest possible opportunity, usually prior to their normal start time. During this contact the manager should be made aware of the broad nature of the medical condition, anticipated length of absence, treatment sought and whether the absence relates to an accident at work or road traffic accident.

Notification should be made by the member of staff concerned by telephone except in circumstances where this is not physically possible (e.g. admittance to hospital). Texting, e-mailing, telephoning a colleague or leaving a voicemail message is not considered an appropriate means of notifying an absence from work.

For short-term absence the individual must keep the manager up to date of their progress on a daily basis, unless there are exceptional circumstances.

Employees should contact their manager to notify them as soon as they are considered fit for work even if, in the case of part-time employee, this is a day on which they would not normally work.

In the case of long-term absence, it is the responsibility of both the individual and the manager to maintain regular contact, as agreed and appropriate. Weekly contact is recommended in most cases, however the Trust accepts that in certain circumstances this may not be appropriate.

Should the employee fail to make contact or leave a message for their manager, they may expect to be contacted by their manager.

If the employee is in hospital, they should provide their manager with a hospital admittance and discharge certificate as soon as reasonably possible.

Failure to notify the Trust within these arrangements may result in the absence being regarded as unauthorised. Breaches of the notification rules may result in disciplinary action being taken.

Employees with multiple posts

Where an employee has more than one post at the Trust and is absent from both due to sickness, a Return to Work should be completed by both managers separately on the employee’s return.

Where an employee with multiple posts hits a trigger for sickness absence, line managers should agree which manager will lead the sickness management process and advise the employee of this. This will usually be the line manager of the post in which the employee works the majority of their hours.

The expectation is that the nominated manager will keep the other manager(s) informed throughout the process.
Leaving work due to illness

If an employee leaves work due to illness, or is sent home, during the first 3 hours of their working day, this should be recorded as sickness absence and treated as such.

Medical Certificates

If an employee is sick for between 1 and 7 calendar days, they must fill in a self-certificate form as soon as they return to work. This can be completed as part of the return to work meeting. The Trust self-certificate form should be used.

If an employee is sick for 8 calendar days or more, inclusive of non-working days, they must send their manager a medical certificate from their doctor and this must cover their absence from the 8th day. The medical certificate (Statement of Fitness for Work or “Fit Note”) will state the reason for the sickness absence and that the employee is either “unfit for work” or “may be fit for work”.

In certain circumstances managers may require an individual employee to produce a doctor’s medical certificate from the first day of absence. In this case, the medical certificate will be supplied at the employer’s expense.

If the medical certificate indicates that the employee is “not fit for work”, it will indicate the length of time the absence is likely to last and whether the Doctor requires to see the employee again at the conclusion of the certificate. This must be sent to the manager as soon as it is obtained.

If the medical certificate indicates that the employee “may be fit for work”, it will indicate the length of time and recommended adjustments to enable an earlier return to work. This must be sent to the manager as soon as it is obtained so that the employee and manager can discuss the adjustments recommended by the doctor and agree whether these can be facilitated. If, following discussion with the employee, the recommended changes or adjustments cannot be made by the manager, the medical certificate should be treated as if the doctor had advised “not fit for work”. The employee does not need to go back to the doctor for a new statement confirming this. If a phased return, restricted hours/duties or work place adaptations are agreed, this should be confirmed in writing and a review date should be set.

If an employee remains ill beyond the date given by the doctor, they must send in further medical certificates to cover their absence. Employees should ensure that they arrange any doctor’s appointments in good time before the medical certificate expires, as the Trust does not normally accept back-dated certificates.

Failure to provide an up-to-date medical certificate may result in disciplinary action and/or the withdrawal/non-payment of sick pay.

Contractual Sick Pay

Whilst off sick, the employee’s contractual pay will be protected in accordance with their sick pay entitlement. For more details on what constitutes contractual sick pay see relevant Terms & Conditions of Service handbook (Section 14) (Agenda for Change).
Sick pay is not normally payable for absence caused by an accident/injury where contributory negligence is proved.

**Occupational Health Referrals**

Referrals should be made for all staff on sick leave for 4 weeks or more. Referral should be made prior to the 4 week point and as soon as possible if it is expected that absence will last at least 4 weeks. Referral where the absence is due to musculoskeletal conditions or stress/anxiety/depression should be made immediately.

In addition to the service provided by Occupation Health, our in house Musculoskeletal Physiotherapy and Counselling Services (First Step) will also provide support to Trust staff. Staff wishing to access these services should speak to their line manager or Human Resources for further information.

**DSE/Work Station Assessments**

Where an Occupation Health Referral has recommended a work station or DSE assessment, managers should contact the Trust’s Health and Safety Department as soon as possible to arrange for one to be undertaken. The Policy for the use of Display Screen Equipment is available on the intranet for reference.

**Phased Return to Work**

The Trust is committed to ensuring staff who have suffered from long-term sickness absence are able to return to work by means of a phased return, where required, in line with Occupational Health guidance. Where agreed, a phased return allows an individual to return at reduced hours/altered shifts without loss of contractual pay. A phased return can be for a period from one week but should last no longer than 4 weeks. If, in exceptional cases, a longer period is required then the individual may be required to cover unworked hours with annual leave, unpaid leave or consider flexible working on a temporary basis.

**Accidents at Work**

If an employee is injured while on duty, this must be reported to management as soon as possible, preferably no later than the end of the working day. An incident reporting form must be completed and the appropriate Trust procedure followed.

Occupational Health is able to provide advice and support to managers and the employee regarding follow up action after an accident at work.

**Injury Allowance**

The function of the Injury Allowance is to recompense employees who have temporarily lost income due to an injury or illness as a result of work. It is paid as an income top-up to eligible staff. The allowance will top up NHS sick pay (or earnings when on phased return on reduced pay) and certain other income i.e. contributory state benefits, up to 85 per cent of pay. Occupational Health, Human Resources and Payroll may be contacted for advice. The reporting and investigation procedures for accidents / incidents are available on the intranet and should be used.
An application for injury allowance will not be accepted where it is considered that
the cause of the injury was not work related.

**Elective Surgery**

An employee undergoing elective surgery which is not a medical necessity (e.g.
cosmetic surgery) will not be entitled to contractual sick pay and will therefore have
to take time off as either annual leave or unpaid leave.

An employee undergoing cosmetic surgery for medical or psychological reasons
must arrange a referral, in good time prior to surgery. This will be arranged through
their line manager to Occupational Health for confirmation, or otherwise, of a medical
or psychological reason for the surgery.

If Occupational Health confirms that the surgery is for medical or psychological
reasons the employee will be entitled to sick pay subject to their entitlement

**Ill Health Retirement**

A member of staff who has completed two years’ pensionable service in the NHS,
who is permanently incapable of resuming work and is below normal retirement age
for their occupation, may apply to retire on the grounds of ill health and receive an
immediate pension allowance. The NHS Pension Scheme operates a two tier
system, Tier 1 for those permanently incapable of doing their present job, and Tier 2
for those permanently incapable of any regular work.

It is the decision of the NHS Pensions Agency whether or not to grant ill health
retirement and employees should be made aware that this is not automatically
granted.

If an individual’s contract has been terminated due to ill health prior to an application
for ill health retirement being made, the Trust will assist with the application. If an
application for ill health retirement is made by the employee prior to their contract
being terminated, the Trust may end their contract on grounds of ill health subject to
the relevant procedure.

Should an employee decide to apply for Ill Health Retirement they should complete
application form (AW33) and send it to the NHS Pensions Agency. This form can be
obtained after consultation between the employee, the line manager and Human
Resources.

**Terminal Illnesses**

There are special provisions in the NHS Pension Scheme for terminal illnesses,
which are designed to make a person’s circumstances as comfortable as possible in
such difficult times. Early advice should be sought from the Pensions Department
and information is available on www.nhsbsa.nhs.uk/pensions. Staff may be able to
opt to convert their pension benefits (annual pension and lump sum) into a larger
lump sum, known as commutation.
Notifiable and Infectious Diseases

Where an employee is unable to attend work due to restrictions placed on them following contact with an infectious disease (in accordance with the Trust’s infectious control policies) their absence will be recorded.

In addition, clinical staff who have been absent from work due to diarrhoea should remain off work for 48 hours after the symptoms have subsided, in line with the Trust Infection Control policies. Note that diarrhoea and vomiting is not in itself a notifiable disease. However some notifiable diseases will have symptoms of D&V such as salmonella and dysentery. A confirmed diagnosis will be required and Occupational Health should be contacted to provide further advice.

These periods will be recorded as sickness absence and treated as such.

Medical Suspension

Where an employee has refused a suggestion to go home from their manager who is concerned about their state of health and believes that the health, safety or welfare of the employee concerned or others may be at risk as a consequence, the manager can take action by approaching their Head of Service to suspend the employee. In these circumstances, the manager must immediately contact Occupational Health for an urgent referral and Human Resources for advice.

If an employee is suspended in these circumstances it is deemed to be a medical suspension and he/she will receive an allowance equivalent to their normal rate of pay until advice is received from Occupational Health or the employee’s GP on the suitability of their return to work.

If the medical advice received is that the employee is fit to return to work, the medical suspension should end with immediate effect with a return to work agreed. The period of medical suspension will not be recorded as sickness absence.

If medical advice is received that the employee is not fit to return to work, then the medical suspension should end with immediate effect and the whole period of absence, including the medical suspension, will be recorded as sickness absence. The employee would need to provide medical certificates in accordance with the normal reporting arrangements and it will count towards the employee’s contractual sick pay entitlement.

Annual Leave

Where an employee is away on leave/holiday during a period of sickness and therefore unavailable for meetings under this Trusts Management of Sickness Absence Policy, the leave will be deducted from their annual leave entitlement. Bank holidays do not accrue during sickness absences, i.e. they are deemed to have been taken.

Staff who are on long term sickness absence and accrue annual leave during that period will carry over untaken holiday into the next annual leave year in accordance
with the minimum requirements of the Working Time Regulations 1998 (20 days per annum inclusive of bank holidays), pro rata for part time staff.

Any annual leave taken during the previous leave year, including bank holidays, must be deducted from the 20 days (pro rata for p/t staff) carry over allowed in such circumstances prior to the actual entitlement being confirmed.
11 Appendix 2 – Sickness Policy Flowchart

Long-Term Sick Trigger Reached
(4 weeks continuous absence)

Long-Term Stage One Meeting Held

Employee Does Not Return to Work by Review Date
Long-term stage two meeting arranged.

Employee Returns to Work
Remains on 'Stage One' for 12 months.

Long-Term Stage Two Meeting Held

Employee Does Not Return to Work by Review Date
Long-term stage three meeting arranged.

Employee Returns to Work
Remains on 'Stage Two' for 12 months.

Long-Term Stage Three Meeting Held

Employee Does Not Return to Work by Review Date
Long-term stage four meeting arranged.

Employee Returns to Work
Remains on 'Stage Three' for 12 months.

Long-Term Stage Four Meeting Held by Appropriate Senior Manager
(HR to be in attendance)

Employee cannot be facilitated back into their current role or alternative employment
Extension of the period of monitoring at Stage 'Stage Three' or termination on the grounds of ill-health capability.

Termination on grounds of ill-health capability
Dismissal with notice and right of appeal

Extension of Monitoring at Stage Three

Employee Does Not Return to Work by Review Date
Long-term stage four meeting arranged.

Employee Returns to Work
Remains on 'Stage Three' for 12 months.

Short-Term Sick Trigger Reached
(3 spells in 12 months or 10 working days in 12 months (Pro-rata))

Short-Term Stage One Meeting Held

Employee Does Not Meet Improvement Target
Short-term stage two meeting arranged.

Employee Meets Improvement Target
Remains on stage one for 12 months.

Short-Term Stage Two Meeting Held

Employee Does Not Meet Improvement Target
Short-term stage three meeting arranged.

Employee Meets Improvement Target
Remains on stage two for 12 months.

Short-Term Stage Three Meeting Held

Employee Does Not Meet Improvement Target
Short-term stage four meeting arranged.

Employee Meets Improvement Target
Remains on stage three for 12 months.

Short-Term Stage Four Meeting Held by Appropriate Senior Manager
(HR to be in attendance)

Employee Does Not Meet Improvement Target
Short-term stage four meeting arranged.

Employee Meets Improvement Target
Remains on stage three for 12 months.

Termination on grounds of ill-health capability
Dismissal with notice and right of appeal

Extension of Monitoring at Stage Three

Employee Does Not Return to Work by Review Date
Long-term stage four meeting arranged.

Employee Returns to Work
Remains on 'Stage Three' for 12 months.

Please note: Although this flowchart details the separate processes for long-term and short-term sickness, where an employee ‘remains on X stage’ of either process and hits a trigger under the other process, they will move across and down to the next stage (as detailed in section 6.3).
### Appendix 3 - READY RECKONER – 10 Working Days (Pro-Rata Trigger)

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Management of Sickness Absence Policy