HR35 Sickness Absence Policy

The NHS Walsall CCG Remuneration Committee approved this document on:

27 October 2016

Please note that the Intranet version of this document is the only version that is maintained. Any printed versions should therefore be viewed as 'uncontrolled' and may not be the most up-to-date.

<table>
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<th>Version:</th>
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<td>Preet Sond, Head of HR &amp; OD</td>
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<tr>
<td>Monitoring Compliance and Effectiveness</td>
<td>The policy will be reviewed periodically by HR in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.</td>
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CONTRIBUTION LIST
Key roles involved in developing the document

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<tr>
<td>Human Resources</td>
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<td>Union Representatives</td>
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**Version Control Summary**

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**Consultation**

| Staff Council Consultation 11\textsuperscript{th} October 2016 |

**Staff Side Agreement**

[Signature]
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1.0 Purpose

1.1 NHS Walsall Clinical Commissioning Group (hereon in referred to as the “organisation”) recognises the considerable commitment which many of our employees demonstrate on a day to day basis. Excellent attendance and supporting employees is crucial to the organisation’s success and achievement of its objectives. Therefore, this Policy is intended to provide a balanced approach to managing sickness absence for both employees and the organisation. Regular, punctual attendance is an implied term of every employee’s contract of employment and we ask each employee to take responsibility for maintaining good attendance and reporting absence.

2.0 Key Principles

2.1 Unfortunately, employee absence due to sickness has a direct impact upon the service. As an employer committed to the well-being of all its employees, the organisation is committed to taking all reasonable steps to ensure that employee health issues and any associated work environment contributors, are identified at an early stage and that appropriate action is taken. The mechanisms within this Policy are intended to support employees through sickness absence, focusing on wellbeing, to facilitate a successful return to work wherever possible.

2.2 The organisation accepts that whenever sickness absence becomes a concern, appropriate investigation and consultation with employees will occur to ensure that sickness absence is handled in a fair, supportive and efficient manner, whatever its duration or pattern. The organisation is also responsible for appropriately addressing sickness absence in order to minimise the impact on service provision and pressure on other staff.

2.3 As all cases of sickness absence need to be treated on an individual basis, this Policy does not intend to be prescriptive. However, procedural guidelines have been devised to ensure that the Sickness Absence Policy is applied by managers in a fair, consistent, supportive and efficient manner.
3.0 Legal Considerations

3.1 The organisation recognises its statutory obligations to ensure the health, safety and welfare of its employees, so far as is reasonably practicable. This includes being aware of the requirements of the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, Data Protection Act 1998, Employment Rights Act 1996 as amended and the Equality Act 2010.

4.0 Definitions

Types of sickness absence

4.1 For the purpose of this Policy, a distinction has been made between short-term and long-term sickness absence. These have been defined as follows.

4.2 Short Term/Intermittent – is normally frequent intermittent sickness absences usually for periods of absence of less than four weeks duration. For example, where sickness absence precedes or follows days off, holidays, bank holidays, school holidays, weekends or where the absence is persistently one or two (or more) days a month, or a week every few months.

4.3 Long Term – relates to a situation where the employee either is absent for 4 weeks or more or has had recurrent periods of time absent from work with a serious or underlying health problem.

4.4 Sickness absence during the latter stages of pregnancy will be managed in line with the organisation’s Maternity Policy.

Trigger Points and Targets

4.5 Each case of absence that meets or exceeds the trigger levels set out below will be reviewed and formally addressed by the manager on an individual basis. For part-time employees who work shorter days than 7.5 hours for the purposes of sickness triggers and day absent is classed as a working day.
• 3 episodes during any ‘rolling’ 12 month period;

• 4 weeks continual absence.

4.6 The triggers and targets will be used with common sense. If an attendance record has been distorted by, for example, a one-off accident or work related injury, the appropriateness of using the triggers and targets as stated will be considered carefully; each case of absence must be dealt with in accordance with the individual circumstances. Furthermore, staff that are covered by the auspices of the Equality Act will have any absence managed accordingly. For example, absence that is directly attributable to an employee’s disability will need to be considered without reference to the trigger points. However, this will not prejudice the organisation’s right to manage the absence accordingly and depending on the circumstances specific to each individual.

4.7 In cases where disciplinary action is being considered conditions covered by an IR1 form for staff who suffer an injury, disease or condition which is attributable to their NHS employment will not be considered. It should be noted, however, that managers must still manage the sickness of staff who are absent from work and are covered by an IR1 form.

Certification

4.8 For absence of more than a week employees must obtain a certificate from their doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. This should be forwarded to the line manager as soon as possible. If absence continues, further medical certificates must be provided to cover the whole period of absence.

4.9 If the employee’s doctor provides a certificate stating that they "may be fit for work" they should inform their line manager who will discuss with them any additional measures that may be needed to facilitate their return to work, taking account of the doctor’s advice. This may take place at a return to work interview. If appropriate measures cannot be taken, you will remain on sick leave and a date will be set to review the situation.
4.10 Where an individual feels ready to return to work before the expiry of a medical certificate they are required to get a ‘fit for work’ certificate before they are able to return to work. Where the medical certificate has expired a ‘fit for work’ certificate is not required.

4.11 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, you will be required to cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

4.12 All certificates will be treated as confidential and stored accordingly in a secure location.

4.13 Appropriate certification should be provided to cover the entire sickness absence period, as follows.

<table>
<thead>
<tr>
<th>Length of Absence</th>
<th>Type of Certification</th>
<th>When to submit</th>
<th>Who to submit to</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Calendar Days or less</td>
<td>Self-Certificate (This can be found in the sickness absence guide)</td>
<td>As soon as is reasonably practicable or immediately on return to work.</td>
<td>Immediate Line Manager</td>
</tr>
<tr>
<td>More than 7 Calendar Days</td>
<td>Medical or GP fit note (medical certificate)</td>
<td>As soon as reasonably practicable and within 3 days of expiry date of last fit note (medical Certificate)</td>
<td>Immediate Line Manager</td>
</tr>
</tbody>
</table>

5.0 Duties

5.1 There are five key groups of staff who have responsibilities for sickness absence.

- Employees
- Managers
- Human Resources
- Occupational Health
Employee responsibilities

5.2 Employees have the following statutory obligations (under the Health and Safety at Work Act 1974, and the Management of Health and Safety at Work Regulations 1999.

5.3 To take reasonable care at work for the health and safety of themselves and other persons, who may be affected by their acts or omissions at work.

5.4 To co-operate with any persons discharging any duty or requirement on behalf of the organisation, which has been imposed on the organisation under any of the health and safety statutory provisions, to enable the performance of or compliance with that duty or requirement.

5.5 In circumstances where staff are unable to fulfil their contractual responsibilities, staff have a personal responsibility to satisfy the organisation that they are temporarily incapable of performing their duties.

5.6 Employees have the following implied contractual obligations to:

- Report for work, unless unfit to perform duties;
- Notify the organisation appropriately of their absence;
- Keep the organisation updated during any sickness absence period;
- Do everything practicably possible to assist with their own recovery.

5.7 Employees should be aware that it is their responsibility to personally notify their line manager (or nominated deputy) verbally of their sickness absence. If an employee cannot attend work because they are ill or injured they should telephone their manager as early as possible and by no later than 30 minutes after their normal working day commences. The following details should be provided:

- The nature of their illness or injury
- The expected length of their absence from work
• Contact details

• Any outstanding or urgent work that requires attention

5.8 If the manager is unavailable, this information should be given to the individual responsible for taking the call. If the issue is particularly sensitive, the manager should be contacted later that day at a convenient time. Self-certificates or fit notes (medical certificates), as appropriate, must be submitted by employees to cover all periods of absence (please refer to the Certification details on page 3).

5.9 Only in exceptional circumstances if the employee is not able to notify their manager personally can an employee nominate someone to make contact with their line manager on their behalf. Clear reasons for this should be given by the individual who is reporting the sickness absence.

5.10 Failure to comply with this Policy such as failing to follow the correct reporting procedure, may affect the payment of salary as employee absence will be deemed as unauthorised absence unpaid. Employees should be aware that failure to comply with this Policy can result in disciplinary action being taken under the Disciplinary Procedure.

5.11 As part of the application of this Policy, employees may be required to undertake a medical examination to assess their fitness to work, where appropriate. This will be carried out either by the organisation Occupational Health Provider or a relevant specialist. Employees also have the opportunity to self-refer to the organisation Occupational Health Provider at any time.

5.12 If employees wish to undertake surgery for non-medical reasons, this will not normally be classified as sickness absence and should be classed as unpaid leave or annual leave. However, should there be complications or an infection, which will be certificated by a GP, then this will be classed as sick leave.
Manager’s responsibilities

5.13 Managers, on behalf of the organisation, have the following statutory obligations to:

- Ensure, as far as is reasonably practicable, the health safety and welfare at work of all their staff. Any action which can be taken to improve working conditions and promote the health, safety and wellbeing of employees will be identified;
- Assess and record health and safety risks to which employees may be exposed;
- Take reasonable measures to ensure that they are not discriminating against people with disabilities.

5.14 Managers also have the following implied contractual responsibilities to:

- Monitor levels of sickness absence for all employees;
- Take appropriate action if attendance is unsatisfactory. Documenting the details of all meetings in a file note, and providing the employee with a copy;
- Ensure that your records are updated with employee absence details as soon as they are reported (including part days) and make certain that records including copies of medical certificates are maintained confidentially on personal files. Accurately record sickness absence using the correct forms and templates appended to this policy;
- Identify any patterns or frequency of absence which may be of concern;
- If an employee is taken ill or injured while at work they should notify their manager immediately. Managers should where appropriate, make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.
- Ensure an IR1 form is completed for/by staff who suffer an injury, disease or condition which is attributable to their NHS employment.
Managers must ensure employees are aware of local reporting procedures, along with likely consequences of failing to adhere to them.

Managers must adopt a fair and consistent approach with regard to the handling of sickness absence, taking into account the needs of the service, the reasons for sickness absence and individual’s attendance record.

Managers must ascertain when a return to work is likely from employees and agree a course of action if there is uncertainty regarding a date.

Managers must refer employees to the organisation Occupational Health Provider at the earliest opportunity to seek a professional medical opinion as required. All such referrals must be done using the Occupational Health Referral pro-forma and in consultation with the relevant HR representative. All referrals should be discussed with the employee and a copy of the completed referral pro-forma should be sent to HR (please see sickness absence guide for pro-forma).

Managers must undertake a return to work interview with employees after every episode of sickness absence in order to gain a full understanding of the situation, to determine the level of support required and to improve employee awareness of their own responsibilities. The return to work interview should take place on their first day back. Due to service reasons it may not always be possible to complete the return to work discussion face-to-face. Where this is the case, a follow up face to face meeting arranged at the earliest opportunity (please refer to the sickness absence guide for the return to work form).

When notification is received from the Paymasters Department (Payroll) that an employee is entering a half or nil pay situation, the manager should ensure that the employee is informed in writing in a timely fashion.

Managers are required to undertake regular training and updates (at least every 3 years) in the management of sickness absence.
HR responsibilities

5.22 HR will facilitate the effective management of sickness absence as follows.

- Monitor sickness absence levels within the organisation and provide reports to the relevant committee on a quarterly basis.

- Provide advice in the application of this Policy, supporting review meetings as appropriate.

- Facilitate training for managers in the management of sickness absence.

- Support and facilitate discussions between the organisation Occupational Health Provider, managers and employees.

Occupational Health responsibilities

5.23 The Occupational Health Provider has key responsibilities in order to facilitate the effective management of sickness absence, as follows.

- Manage referrals efficiently, by arranging an appointment with the employee as soon as practicable and if the employee fails to attend the appointment, inform the manager and HR Department.

- Ensure that adequate knowledge regarding the employees’ condition is acquired through medical reports from general practitioners or specialists responsible for treating individuals in consultation with the employee. The relevant department would be responsible for any cost incurred.

- Provide a confidential report to the manager, and a copy to the employee and HR Department (and if appropriate the named TU Representative) As appropriate, this report should include information regarding progress and prognosis; likely date of return to work; relevant role adjustments; redeployment; information on whether an application to the NHS Pensions Agency for ill health retirement would be supported and/or whether the terms of the Equality Act apply.
Paymasters Services (Payroll) and Workforce Information responsibilities

5.24 The Paymasters Services (Payroll) and Workforce Information team have key responsibilities in order to facilitate the effective management of sickness absence, as follows.

- Ensure employees receive sick pay in accordance with sickness entitlements.
- Notify as soon as is practicably possible, the relevant manager when an employee enters half pay and nil pay situation.
- Advise managers and employees of estimated benefits under the NHS Pension Scheme.
- Action application for 'Ill Health Retirement Benefits' upon notification from Human Resources.
- Maintain appropriate records for Temporary Injury Allowance (TIA) and Permanent Injury Benefit (PIB) claims and provide monitoring reports.
- When advised by the relevant manager and HR representative, withhold pay for any period of sickness absence not covered by a medical certificate. It is the manager’s responsibility to make staff aware of any adjustment to salary prior to it taking effect and action required by the employee.
- The Workforce Information team should monitor and provide reports on sickness absence trends across the organisation.

6.0 Managing absence

Keeping in touch

6.1 Employees are contractually obliged to maintain contact with their line manager during any period of absence. Furthermore, in order to ensure that
appropriate support is provided to employees during periods of absence, managers are responsible for maintaining regular contact with employees.

6.2 As each sickness absence case differs, it is not appropriate to be prescriptive on how often contact should be made. However, as a guide, it is anticipated that in cases exceeding 3 days employees will contact their manager on a weekly basis or as agreed depending on the length of time that the employee will be medically certified to refrain from work.

6.3 The method (e.g. telephone) and frequency of contact made by the manager will be dependent upon the circumstances of each specific case of absence. Contact must be mutually agreed between the employee and his/her line manager and managed in a reasonable manner, e.g. contact will be made at times and dates agreed in advance.

6.4 However, in order to continue to provide an effective service provision to both colleagues and managers the organisation may have to contact staff at any time in exceptional circumstances.

6.5 If the employee becomes aware their date of return to work they must inform their line manager and confirm the date of return prior to returning to work. If the employee is able to return to work sooner than previously indicated, then they should obtain a ‘fit note’ from their GP and inform their manager as soon as possible so that any cover that has been arranged can be cancelled.

6.6 Conversely, if an employee is unable to return to work as expected, they should inform their manager as soon as is possible.

6.7 Where employees are able to return to work after sick leave but have booked annual leave, it is important that they telephone their manager to confirm that they are fit to return to work and will be taking the planned annual leave otherwise this may be counted as part of the sickness absence period.

**Medical appointments**

6.8 There is no statutory right for employees to take time off to attend medical or dental appointments in work time and such appointments should always be made outside working hours wherever possible. However, there may be times
when it is not possible for such appointments to be made outside of working hours and as a reasonable employer the organisation will allow staff reasonable paid time off for this purpose.

6.9 If appointments cannot be made outside of working time, then they should be made, wherever possible, at the start or finish of the working day to minimise disruption to the service.

6.10 Time off for appointments will not be recorded or classified as sickness absence. However, should treatment provided during such appointments prevent an employee from returning to duty such time should be classified as sickness absence.

6.11 Where reasonable time is given for appointments such as hospital or dental appointment the employee will need to provide evidence of the appointment to the line manager.

**Sickness Occurring During Annual Leave**

6.12 If illness occurs during a period of annual leave, the employee must inform their manager and follow normal reporting arrangements. If an employee returns from annual leave and states that they were sick whilst on annual leave, but no notification was given at the time, this will be regarded as sick leave.

**Statutory annual leave and contractual annual leave**

6.13 It should be noted that statutory annual leave will be different to the annual leave that is afforded as part of an employee’s terms and conditions. Therefore an employee on sick leave for all or part of the annual leave year is entitled to any untaken annual leave provided for by the Working Time Regulations – up to maximum of 20 days (plus 8 general public bank holidays) for a full time member of staff or pro rata for part time staff when they return to work, which might be in the next leave year.

6.14 Alternatively, if employment is terminated, before they have had the opportunity to take their statutory annual leave entitlement due to sickness, the employee will be entitled to a payment in lieu at the normal rate of
pay. Entitlement to a payment in lieu only arises on termination of employment.

6.15 The employee will be regarded as being on sick leave, providing a medical/self certificate is produced to that effect and annual leave will be suspended from the date of the certificate.

6.16 Employees will not be entitled to an additional day of leave if off sick on a statutory holiday. This is in line with Agenda for Change Terms and Conditions.

**Sick Pay and Entitlement**

6.17 Employees absent from work owing to illness will be entitled to, subject to the conditions of Agenda for Change, Occupational Sick Pay. Pay will be calculated based on length of service as outlined below.

<table>
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<th>Entitlement</th>
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<tr>
<td>During the first year of service</td>
<td>One month’s full pay and two months’ half pay</td>
</tr>
<tr>
<td>During the second year of service</td>
<td>Two months’ full pay and two months’ half pay.</td>
</tr>
<tr>
<td>During the third year of service</td>
<td>Four months’ full pay and four months’ half pay.</td>
</tr>
<tr>
<td>During the fourth and fifth years of service</td>
<td>Five months’ full pay and five months’ half pay</td>
</tr>
<tr>
<td>After completing five years of service</td>
<td>Six months’ full pay and six months’ half pay.</td>
</tr>
</tbody>
</table>

6.18 In the event of employment coming to an end, entitlement to sick pay ceases from the last day of employment.

6.19 Sick pay is calculated on the basis of what the individual would have received had he/she been at work. This would be based on the previous three months at work or any other reference period that may be locally agreed.

6.20 Sick pay for those who have exhausted sick pay entitlements should be reinstated at half pay, after 12 months of continuous sickness absence in the following circumstances outlined below. Reinstatement of sick pay should continue until the final review meeting has taken place. Reinstatement of sick
pay is not retrospective for any period of zero pay in the preceding 12 months of continuous absence:

- Staff with more than 5 years reckonable service - sick pay will be reinstated if sick pay entitlement is exhausted before a final review meeting for long term absence has taken place;

- Staff with less than 5 years reckonable service - sick pay will be reinstated if sick pay entitlement is exhausted and a final review does not take place within 12 months of the start of their sickness absence.

6.21 These arrangements will be in accordance the AFC Terms and Conditions of Service Handbook and will only apply where the failure to undertake the final review meeting is due to delay by the employer. This provision will not apply where a review is delayed due to reasons other than those caused by the employer.

6.22 Employers will also have discretion to extend the period of sick pay on full or half pay beyond the scale set out in 6.17.

- Where there is the expectation of return to work in the short term and an extension would materially support a return and or assist recovery.

- Particular consideration should be given to those staff without full sick pay entitlements.

- In any other circumstance that the employer deems reasonable.

6.23 During the rehabilitation period, employers should allow employees to return to work on reduced hours or, where possible, be encouraged to work from home without loss of pay. Any such arrangements need to be consistent with statutory sick pay rules.

6.24 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.

6.25 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. Employers will advance to an
employee a sum not exceeding the amount of sick pay payable under this scheme providing the employee repays the full amount of sickness allowance to the employer when damages are received. Once received the absence shall not be taken into account for the purposes of the scale set out above.

6.26 Payment of NHS Temporary Injury Allowance for workplace injuries or disease will be in accordance with the NHS Injury Benefit Scheme Regulations.

6.27 Staff will continue to accrue their right to statutory annual leave during periods of sickness absence. This means that all employees who are on long term sick leave will be eligible to take statutory annual leave regardless of whether they have been able to work for any or all of the relevant annual leave year. **Statutory** annual leave can be taken during a period of sick leave upon the employee’s request, or taken upon the employees return to work in accordance with line manager approval - this will be agreed at review meeting.

6.28 Alternatively, if employment is terminated, before they have had the opportunity to take their statutory annual leave entitlement due to sickness, the employee will be entitled to a payment in lieu at the normal rate of pay. Entitlement to a payment in lieu only arises on termination of employment.

**Referral to Occupational Health**

6.29 In order to ensure that the appropriate support is available to employees during a period of sickness absence, the manager should complete a Management Referral Form (please refer to the sickness absence guide), at the earliest opportunity, depending upon the nature of the case. This form should be copied to the relevant HR Representative.

6.30 In cases of pre-planned absence (i.e. planned surgery for medical reasons) it may be appropriate to complete the Management Referral Form in advance, so that the employee can be supported at the earliest opportunity.

6.31 In cases of sickness absence due to stress, whether related to work or personal reasons, a Management Referral Form MUST be completed following the first day of absence to Occupational Health.
6.32 Should the Occupational Health Department need further additional information on an employees state of health, they may need to approach an employees GP or health professional for clarification and advice in order to ascertain whether an employee is able to carry out a job safely and effectively. Where such as medical report is required the employee will be required to authorise this in accordance with the Access to Medical Reports Act (1988).

Medical Suspension

6.33 Medical suspension is rare and would only normally be considered in the following circumstances:

- To prevent the spread of infection;


6.34 All reasonable adjustments, including temporary redeployment and adjustment to working hours and tasks, should be exhausted and advice sought from the appropriate HR representative and the Occupational Health Provider before taking a decision to medically suspend an employee.

Returning to Work from Long Term Sickness Absence

6.35 Long-term sickness is defined as any period over 4 weeks. We are committed to helping members of staff return to work from long-term sickness absence. As part of our sickness absence meetings procedure we will, where appropriate and possible, support returns to work by:

- Carry out a home visit if required
- Obtaining medical advice
- Making reasonable adjustments to the workplace, working practices and working hours
- Considering redeployment; and/or
- Agreeing a return to work programme with everyone affected

6.36 It is expected that the manager will meet with an individual to discuss the return to work programme prior to their return to work and this should be done
through a planned home visit. Where a return to work plan can be agreed and meets the needs of the business and the individual there may not be a need for a referral to Occupational Health.

6.37 If an employee is unable to return to work from long-term sickness absence and where they are a member of the NHS Pension Scheme, we will discuss with them whether they are entitled to make an application for ill-health early retirement or any temporary/permanent injury allowance. The decision as to whether they are entitled to these benefits is taken by the NHS Pensions Agency.

Phased Return to Work and Rehabilitation Programme

6.38 Phased return to work is likely to be considered when an employee has been absent from work for more than 4 weeks. This process will be agreed in conjunction with the employee, manager, Occupational Health and appropriate HR representative. In such instances, a phased return to work is designed to allow the individual to ‘build up’ to normal working capacity, including normal contracted hours.

6.39 Phased return to work programmes will usually apply for a period of up to 4 weeks, although this time period may be varied as appropriate following advice from the Occupational Health Department and HR and in conjunction with the employee.

7.0 Sickness absence meetings procedure

7.1 We will apply this procedure when:

- the Sickness Absence Triggers have been reached as per section 4.5; and/or
- employees have discussed matters at a return to work interview that require investigation

7.2 Unless it is impractical to do so, employees will be given 5 working days written notice of the date, time and place of a sickness absence meeting. Any concerns about sickness absence and the basis for those concerns will be put in writing or otherwise advise why the meeting is being called. A reasonable
opportunity for this information to be considered before a meeting will be provided.

7.3 The meeting will be conducted by the employee’s line manager and the employee may bring a companion with them to the meeting.

7.4 Employees must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If they or their companion are unable to attend at the time specified they should immediately inform their line manager who will seek to agree an alternative time.

7.5 A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

7.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given in writing within 5 working days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

7.8 If, at any time, the line manager considers that an employee has taken or is taking sickness absence when they are not unwell, they may refer matters to be dealt with under the Disciplinary Policy.

**Allow the employee to be accompanied at a meeting**

7.9 This policy gives workers the right to be accompanied by a companion at each stage of the process. The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

7.10 Employees must make a reasonable request to be accompanied and what is reasonable will depend on the circumstances of each individual case.
However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site. Nor would it be reasonable for the worker to delay proceedings because their chosen companion was not available within a reasonable time scale (usually within 5 working days of the original meeting).

7.11 The companion should be allowed to address the meeting, to put and sum up the worker’s case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the meeting. The companion does not, however, have the right to answer questions on the worker’s behalf, address the meeting if the worker does not wish it or prevent the employer from explaining their case.

**Stage 1 sickness absence review meeting**

7.12 Stage 1 will be invoked where the sickness absence triggers as set out above have been met and will follow the procedures set out in this policy on the arrangements for and right to be accompanied at sickness absence meetings. The purposes of a first sickness absence meeting may include:

- Discussing the reasons for absence
- Where an employee is on long-term sickness absence, determining how long the absence is likely to last
- Where an employee has been absent on a number of occasions, determining the likelihood of further absences
- Considering whether medical advice is required and whether there is an underlying medical condition
- Considering what, if any measures might improve an employee’s health and/or attendance
- Agreeing a way forward, which can include alternative duties; action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure

7.13 Details of the meeting and any agreed outcomes will be confirmed in writing and a copy will be held on the employee’s personal file. An outcome of the
review meeting may be that the employee is issued with a first written warning for unsatisfactory attendance and advised that their attendance is expected to improve. Another outcome may be to provide further support to the individual. Further guidance on the outcomes of this stage can be found in the Guidance document.

7.14 Managers must continually monitor absence and, if there is a further period of sickness absence which triggers the sickness absence policy, the employee will move to Stage 2.

**Stage 2 sickness absence review meeting**

7.15 If further periods of absence trigger the policy as set out above, a Stage 2 review will be conducted.

7.16 Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in this policy on the arrangements for and right to be accompanied at sickness absence meetings.

7.17 The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of the employees ongoing absence(s)
- Where an employee is on long-term sickness absence, discussing how long their absence is likely to last
- Where an employee have been absent on a number of occasions, discussing the likelihood of further absences
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering an employee’s ability to remain in their job in view both of their capabilities and our business needs and any adjustments that can reasonably be made to their job to enable them to do so
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying employees
Where an employee is able to return from long-term sick leave, whether to their job or a redeployed job, agreeing a return to work programme

Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). Depending on steps that have already taken e.g. (first written/final warning). Warnings will be kept on the employees file in line with the CCGs Disciplinary Policy.

7.18 Details of the meeting and any agreed outcomes will be confirmed in writing to the employee a copy will be held on their personal file. One outcome of the review meeting is that they may be issued with a written warning (which might be a first or final warning depending on the outcome of Stage 1) for unsatisfactory attendance and advised that their attendance is expected to improve. Where they are issued with a final written warning they will be advised that a failure to improve their attendance may result in their dismissal.

7.19 Managers will continue to monitor their absence and if they trigger the policy again, they will be required to attend a Stage 3 meeting.

Stage 3 final sickness absence review meeting

7.20 Where an employee has been warned that they are at risk of dismissal, they will be invited to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in policy on the arrangements for and right to be accompanied at sickness absence meetings. The purposes of the meeting will be:

- To review the meetings that have taken place and matters discussed with the employee
- To consider any further matters that the employee wishes to raise
- To consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time
- To consider the possible termination of their employment

7.21 If notice of termination is issued, it will be subject to notice or payment in lieu of notice.
Provide employees with an opportunity to appeal

7.22 Where an employee feels that the action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. Employees should let employers know the grounds for their appeal in writing and within 5 working days of receiving the outcome letter.

7.23 The appeal should be dealt with impartially and wherever possible, by a manager who has not previously been involved in the case. Workers have a statutory right to be accompanied at appeal hearings. Employees should be informed in writing of the results of the appeal hearing as soon as possible.

7.24 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 5 working days of the appeal meeting. There will be no further right of appeal.

7.23 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

8.0 Monitoring compliance and effectiveness

8.1 Compliance with this Policy will be monitored by the Human Resources Department. The Human Resources Department will record and monitor all absence management cases in line with monthly ESR reporting.

8.2 Line Managers will be expected to monitor and manage sickness absence levels within their own teams and departments to ensure they are compliant with the relevant trigger points and absence management procedures contained within this policy.

8.3 Non-compliance with the procedures outlined in this Policy will also be monitored and reported.