

POLICY FOR MANAGING SICKNESS ABSENCE

Version 3.0

final

Title	Policy for Managing Sickness Absence
Purpose of document	Policy and procedures for managing staff who have intermittent or long term absences
Electronic file reference (author)	
Electronic file reference (network or intranet)	
Status	Final – for implementation from 1 st April 2008.
Version No.	3.0
Date of this draft	24/1/08
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Circulated to	Communication Pathways
Approved by (Names, titles and date)	Joint Staff Committee
Next Review Date	January 2009
Equality Impact Assessment Completed in	December 2007
Financial implications of This version	No change

VERSION CONTROL SUMMARY

Version	Date	Comments/Changes
1.0		Draft reviewed by Negotiating Sub Committee in March 2001.
2.0		Agreed policy following negotiation above. To be implemented from 1 st October 2001
3.0		Changes agreed by JSC. For implementation from 1 st April 2008

Policy for Managing Sickness Absence

1. Policy Statement

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

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

2. Scope

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

3. Standards for Attendance

It is ideal that everyone should come to work on every day they are scheduled- a theoretical 100%, however, the reality is that everyone is liable to be ill or injured from time to time. The key question is how to recognise the existence of sickness absence that requires a management intervention. A serious long term illness or injury will normally be self evident but frequent short term absences can be harder to recognise as a problem and more difficult to deal with. It is particularly difficult to recognise when an individual takes un-certificated sick leave or has frequent medically certificated absences with rather non-specific diagnosis such as stress and viral infections.

The Trust will use Bradford scores to trigger a management review of an individual's absence. A Bradford Score is calculated by multiplying the square of the number of absences over the previous twelve months by the total number of working days lost. For example, 5 absences with the total of 14 days lost would yield a score of $5 \times 5 \times 14 = 350$. This information will be provided on a monthly basis and reflect a rolling year.

The Trust has decided that a score of 128 should be regarded as a trigger for a meeting of concern. An example of absence that would lead to a score of 128 would be 4 occasions with a total of 8 days lost $4 \times 4 \times 8$. This total score however is not exclusive and managers may initiate a meeting of concern where they have identified distinct patterns of absence,

for example frequent Fridays and Mondays, or have other cause of concerns about an individuals absence levels.

4. Managers' Responsibilities

Managers have a legal and moral responsibility for the health, safety and welfare of their staff; the Trust is required to provide safe places and systems of work under the Health & Safety at Work Act 1974.

Managers are responsible for the accurate recording, monitoring and management of absence levels of the staff they line manage. Absence should be managed in a way that supports the needs of the service and treats employees consistently with dignity, respect, sympathy and understanding. Managers must be aware at all times of the absence levels in their areas of responsibility (and associated costs) and develop action plans to reduce levels in line with the requirements of this policy. It is essential that absence is reported in an accurate and timely manner to the Payroll Department to prevent incorrect or overpayment of salaries.

Managers should -

- ensure they understand this policy and any local procedures and are aware of their responsibilities under them,
- ensure that employees within their area are aware of the policy and how it will be applied, and
- apply the policy correctly and consistently.
- be aware of and monitor the costs associated with absence developing strategies to reduce such costs
- ensure that accurate records are made of that absence using the recording arrangements which have been agreed within the department. Absence forms should be completed and forwarded to payroll. These should be completed when an employee is either back at work or has submitted a sickness absence certificate;
- arrange to cover the work of the absent employee which may mean re-organising workloads, re-arranging appointments or canceling meetings;
- maintain contact with employees who are absent from work for extended periods. It can be difficult to balance the need to keep in touch with developments and consider whether any help or assistance might be made available without becoming intrusive or seeming to pry into private affairs.
- judge each case on its merits but bear in mind that many staff would welcome brief contact during extended periods of absence, one call to talk each week or perhaps every other week.
- ensure that absence records and associated medical certificates/documentation are passed to the employees new manager in the event of an internal transfer.
- If managers do not hear from employees they may consider contacting them by telephone during their absence. This will be particularly appropriate when there are concerns for welfare. If employees cannot be contacted by telephone, and reasonable contact cannot be made by any other means, it might be necessary

to arrange a visit. In such cases a discussion should take place with employees subsequently to determine why they have not complied with the procedure. If satisfied with the explanation, no action need be taken other than a reminder about the importance of complying with procedures. However if a manager is not satisfied with explanations, they may consider disciplinary action.

- Hold a return to work meeting with each member of staff after each absence in line with the guidance below.

5. Individuals' Rights/ Responsibilities

Employees are responsible for ensuring they give satisfactory attendance. Only individuals can judge (sometimes with advice from doctors) whether they are well enough to travel to and from work and to be productive.

Colleagues of employees who are ill or absent from work for other reasons may have to take over their duties during absence and this may make it difficult for them to do their job and may cause resentment and stress.

Employees who have a problem which may interfere with attendance are recommended to seek help straight away; staying away from work may increase problems. Employees should speak firstly with their line manager/supervisor and can also seek help from their Human Resources Manager.

Employees are responsible for the following -

- To attend work when fit to do so.
- To comply with absence reporting procedures outlined in this policy and any local arrangements.
- To submit medical certificates.
- To maintain contact with their line manager and to ensure medical advice and treatment is received, when appropriate, in order to facilitate a return to work.
- To attend appointments with the Occupational Health Service when required.
- Not to undertake any work/activities incompatible with their illness or that may delay recovery.
- To return to work as soon as they have recovered after an illness and are well enough to work.
- On returning to work reporting to their line managers or bleep holder in their absence.
- To tell their manager as quickly as possible if they learn that their absence is likely to be longer than first thought, or if a Doctor tells them how long it is likely to be before they can return to work.

When an employee is ill and absent from work they are not permitted to work for another employer. Any breach of this condition may result in action being taken under the Trust's Disciplinary policy.

6. The Trust's Responsibilities

The Trust will ensure that:-

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

7. Human Resources Department Responsibilities

The Human Resources Department will:-

- encourage and support managers to manage sickness absence effectively They can provide advice, guidance and support based upon best practice, taking account of service delivery, contractual rights and legal obligations. They may also co-ordinate communication with Occupational Health, and be able to assist in referring to Employee Counselling Support Services .
- ensure consistency in the application of this policy
- provide training to managers on this policy and include within return to work meeting training.
- ensure all staff are Occupational Health cleared before unconditional letters of appointment are sent.
- request employment references for new starters which include information on the employees sickness records for the past 12 months
- provide quarterly statistics on sickness absence for Trust Board.
- review and monitor the policy in accordance with indicated timescales.

8. Occupational Health Service Responsibilities

The Occupational Health service will :-

- provide guidance to managers based upon competent medical advice in order to assist them to make informed decisions and take appropriate action. The service works with managers and employees to identify the underlying causes of absence and will assist in the development of strategies to support the overall health of the workforce.
- contribute to the provision of information on the reasons for absence and absence trends and will develop plans for health promotion activity as appropriate.

9. Return to Work Meetings

On the first day of return to work after each and every absence, the line manager, or designated deputy, should hold a return to work meeting with the member of staff. This type of discussion should take place in a quiet location without fear of being overheard or interrupted.

The purposes of this discussion are to -

- welcome the employee back to work
- establish the reason for the absence (particularly whether there may be an underlying medical condition or impairment that may effect attendance,
- if the employee has an impairment or disability whether the Trust must consider any adjustments to working arrangements,
- confirm that they are fit to perform their duties and discuss any underlying causes of sickness,
- find out if work-related factors are causing or exacerbating the illness or absence
- find out if the illness or absence is likely to reoccur
- find out what changes might be made to minimize/overcome absence levels
- ensure that the absence has been correctly certificated;
- Managers may also wish to use this discussion to aid the employee with the completion of the self-certification form.

10. Procedures for Managing Sickness Absence

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

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

11. Reporting Personal Accidents and Industrial Injury

Staff must report any personal accidents or injury arising out of the course of their employment or shift, however trivial, to their line manager. The manager should make an entry in the Accident Book and the Departmental Incident Book accordingly. Managers are required to complete a Notification of Sickness Absence form providing full details of their sickness or injury, giving consideration as to whether notification is made as to whether the injury is considered an 'Industrial Injury' for submission to Payroll. The Industrial injury may attract Temporary Injury Allowance (that is, an allowance that will ensure that the member of staff's pay will be maintained at full-pay when their sick entitlement falls below 85%). Managers should contact their Human Resources Adviser and/or Pensions Adviser for further guidance.

12. Sickness Absence Allowance & Statutory Sick Pay

Entitlement to Statutory Sick Pay is dependent on length of service and contributions made and is subject to satisfying the relevant statutory qualifying requirements. If these requirements are satisfied, all staff will receive Statutory Sick Pay (SSP) for any period of absence. Full details of Sickness Absences Allowances and Statutory Sick Pay are set out in staff an individual's Statement of Terms and Conditions.

13. Sickness Absence Reporting Procedures

All managers will be expected to have in place robust local Sickness Absence Reporting Procedures as outlined in the draft procedure in Appendix C, which should be communicated to all staff. Staff should follow these procedures in all instances in order to report sickness.

14. Sickness Occurring during Annual Leave or Bank Holidays

If an employee falls sick whilst on annual leave they must report the sickness and provide certificates in line with absence reporting procedures. If this is the case, the period covered will be treated as sick leave.

In accordance with Agenda for Change Terms and Conditions, employees will **not** be entitled to an additional day off if sick on a Bank Holiday that they would otherwise have been required to work as part of their basic week.

15. Absence Relating to Misconduct

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

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

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

16. Sickness Absence and Bank work

Bank staff are not entitled to Occupational Sick Pay.

Bank workers who are prevented by sicknesses (or any other reason) from attending work, must ensure that they inform the Departmental Manager or designated deputy for their booking is notified as soon as possible on the first day of sickness absence (in accordance with the local absence reporting procedure as notified). They should also contact the relevant Staff Bank Officer to advise them of their cancellation accordingly. For any period of sickness, managers responsible for the Bank staff on placement with their department who reports sickness absence will be required to complete a Notification of Sickness Absence form providing full details of their sickness or injury, for submission to Payroll, as per the procedure for substantive staff.

Medical Certificates

For any period of sickness of more than 7 calendar days, in addition to the initial self-certification, Bank staff should provide medical certificate from General Practitioner (GP) is required. This should be submitted to the Trust Staff Bank Manager without delay. Subsequent certificates must be provided on the expiry of the previous certificate.

Restriction on Bank work following sickness absence

Substantive staff returning from a period of sickness will not be permitted to work on the Bank for a period of seven days after returning from sick leave. Failure to comply may result in disciplinary action under the Trust Disciplinary Policy & Procedure, up to and including dismissal.

17. Policy Review

The Director of Human Resources will ensure this policy is impact assessed and will monitor and review the policy by 2009.

Inadequate Attendance Procedure

1. General

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

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

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

2. Trigger Points

The trigger point under the Bradford scoring system is 128 points. It is very important that an HR and Management review is undertaken to ensure the raw Bradford Score is not used in isolation to trigger action without further investigation of individual circumstances. The risk is that action may be taken against an employee for their Bradford Score alone without trying to find out if there are any underlying issues. That said, as long as Bradford Scores are used only as a trigger to investigate each situation and line managers are consistent in looking for any underlying cause, it is a good way of identifying those whose unsatisfactory absence record need to be addressed.

3. Initial Interview - Identifying Concerns and Expectations

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

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

4. Formal management interventions

At all stages outlined below the following principles apply:

- Employees are entitled to be represented by a trade union/staff side representative, or a friend or colleague not acting in an official capacity;
- Staff must be informed of their right to appeal against any formal caution issued or dismissal as outlined in Section 10 of the inadequate attendance procedure

5. Stage One

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

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

The objectives of the stage one meeting are -

- To let the individual know how much sickness absence has been taken. A copy of the attendance record and Bradford Score should be given to the employee at the interview.
- To give the employee the opportunity to correct any inaccuracies in his or /her attendance record.
- To explain the Trust is concerned about the employee's health, welfare and well being but also has to be concerned about the effect unsatisfactory attendance has on the efficiency of the service. To remind the employee of the requirement in his or her conditions of service to maintain a satisfactory level of attendance, conduct and performance.
- Workplace assessment to be considered
- Modification of the role to be considered
- Look at the possibility of redeployment
- To consider whether it is appropriate to review flexible working arrangements e.g. long days if absences are having a greater impact on service delivery and incurring additional cost in respect of temporary cover arrangements.
- To establish whether there is any underlying cause for the absences such as personal problems, e.g. perhaps there is difficulty with the work environment which is causing distress or anxiety.
- When a problem is identified, efforts should be made to resolve it. The assistance of Human Resources Manager and Occupational Health should be sought if necessary.
- To make it clear the sick pay provisions assume an individual will be able to give regular and effective service. They do not anticipate regular patterns of absence.

- To inform the individual that a record of the meeting will be placed on their personal departmental file

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

- a) A further period of monitoring against set standards. Where this is the case, a clear review date should be agreed at the meeting and the employee informed that further failure to meet the standards required may lead to action being taken under Stage One of this procedure; Recommended targets and monitoring periods include no further episodes of sickness absence over the next three months. Variations on these may need to be considered where it is highlighted an employee's condition may fall under the Disability Discrimination Act. In these circumstances it is advised that the manager liaise with their Human Resources Manager in establishing what a 'reasonable adjustment' in target setting may be.
- b) A *First Formal Caution* under this procedure which will remain in force for 6 months and further monitoring of absence during that period. The employee should be advised that further failure to meet the standards set may lead to Stage Two of the procedure being invoked and potentially dismissal upon arriving at Stage Three.

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

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

6. Stage Two

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

The stage two meeting will be conducted when there has been failure to attain the agreed targets established at stage one.

A stage one interview must have been carried out within the last year before a stage two meeting is undertaken.

The objectives of the meeting are the same as Stage One and as extended below -

- To stress the individual's attendance record is unsatisfactory and its effect is to reduce his/ her overall efficiency to a level which is unacceptable to the Trust.
- to make it clear the Trust is looking to the individual to quickly achieve and thereafter sustain an improvement in attendance to a satisfactory level

- To make it clear that if such an improvement does not occur the Trust will consider action which may lead to dismissal from employment.
- To explain, if the individual wishes to pursue ill-health retirement they have the right to consult their Doctor or Occupational Health to this effect.
- If not previously undertaken, at this stage you must refer to Occupational Health, who will arrange a medical examination and may need to write to General Practitioners or Consultants (with the employees' consent) for further information or advice.

Immediately after the Stage Two meeting, managers must confirm the outcome of the meeting to the employee in writing. A review meeting must be held 3 months from the date of the Stage Two meeting details of which should be included in the letter. If at this meeting it is recognised that an employee has achieved the agreed targets the line managers should acknowledge this improvement in writing and remind the employee that their First Formal Caution issued at Stage One will remain live on their file for a year from this meeting date.

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

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

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

7. Stage Three

The objectives of the meeting are the same as Stage One and Stage Two meetings and as extended below -

- To inform the individual that attendance has not improved to a satisfactory and acceptable level
- To tell the individual what advice has been obtained from the most recent Occupational Health assessment and report,
- Consideration to be made for the individual to take unpaid leave, if appropriate.
- Last option, the consideration of dismissal on the grounds of failure to maintain regular and sustained attendance at work

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

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

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

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

8. Human Resources Department Involvement

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

9. Status of Caution

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

10. Appeals against Cautions and Dismissal

The employee will have the right to appeal against cautions and dismissal by writing to the Director of Human Resources , giving details of the reason for appeal, within 15 working days of the date of the decision taken at hearing if they consider-

- the sanction imposed is too harsh,
- they dispute the medical advice which management considered in reaching their decision,
- There has been a misapplication of the policy and procedure.

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

Procedure For Managing Long Term Sickness Absence

1. General

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

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

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

2. Referral to Occupational Health and Management Response

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

The early involvement of the Occupational Health Department is essential to determine the prognosis in connection with the absence. After four weeks absence, the manager should refer the employee to Occupational Health, making the employee aware of this action.

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

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

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

If, after discussion with the manager, the member of staff refuses to sign an Occupational Health referral form then they must be clearly advised by their manager of the possible consequences: i.e. that a decision may need to be made on their present and future fitness for work only on the available information, and without the benefit of medical evidence, the employee increases the risk of being fairly dismissed.

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

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

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

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

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

3. Redeployment

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

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

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

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

Attempts to find permanent redeployment on health grounds will be made for 6 weeks following the occupational health advice. Permanent redeployment on health grounds:

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

Employees will be provided with clear, written reasons if the Trust has been unable to identify a potentially suitable post or if after consideration, a decision is made not to appoint to a potentially suitable post.

4. Phased Return to Work

Occupational Health may recommend a phased return to work during or after treatment for illness. Every reasonable assistance should be provided to facilitate this where it is not unacceptably detrimental to the needs of the service and especially where employees have a disability or impairment that has a serious, long term effect on their daily lives. Employees' progress should be reviewed at mutually agreed intervals after the period of phased return to work

Some issues/arrangements to be discussed when a phased return to work is being considered are:-

- support, assistance or job related changes that may be necessary (Occupational Health will normally provide advice on this subject)
- whether Occupational Health will sanction such a phased return
- the time period over which a return to normal duties will be phased
- whether employees will undertake all duties and , if not how other work will be covered
- the work pattern that can be agreed (i.e. on a set number of days per week or hours per day). In cases where employees are working extended days e.g. 4 long days, advice should be sought from Occupational Health in terms of whether this arrangement should be reconsidered in either the short or longer term.

In order to provide as much support to the employee as possible, the budget holder in discussion with the Human Resources Department, will have the discretion to approve that

the employee is paid at full pay even if they are only working reduced hours. This will be for a maximum of 3 months or may allow the employee to take paid annual leave each week.

5. Ill-Health Retirement

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

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

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

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

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

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

6. Terminal Illness

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

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

7. Termination of employment

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

- the length of the absence to date and the likely length of the continuing absence;
- the nature and likely duration of the illness;
- any medical advice/prognosis on the individual;

- the effect of the continuing absence on the service.
- The prevailing Agenda for Change or Trust conditions of service relating to sick pay entitlements for the member of staff.
- The need for the employee to do the job for which they were employed to do and the difficulty covering his/her absence

8. Human Resources Department Involvement

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

9. Representation

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

10. Appeals against Dismissal

The employee will have the right to appeal against cautions and dismissal by writing to the Director of Human Resources, giving details of the reason for appeal, within 15 working days of the date of the decision taken at hearing

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

SICKNESS REPORTING PROCEDURE

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

- For sick pay purposes, all days lost to sickness including rostered days off and weekends must be counted. However, for the purpose of measuring absence, managers should record the number of days that the employee was expected to work in that period.