

Supporting Attendance Policy and Procedures

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Purpose:	The purpose of this policy and procedures is to outline the Trust's approach to managing sickness absence and health-related issues
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Impact assessments:	This policy has been equality impact assessed using the Trust's agreed process, and the assessment has not identified any significant adverse impact on people with one or more protected characteristic

Version history

Version	Date	Reason for change
1	August 2019	Creation of a harmonised policy for use in 2gether and Gloucestershire Care Services NHS Trust
2	August 2021	Amendments to 13.3.3 and 13.3.4 to include referring to Working Well / medical advice, the ability to extend a phased return to work period beyond 8 weeks in exceptional circumstances
3	January 2022	Amendments to 13.1 to ensure wording is consistent throughout the policy relating to management of long-term sickness absence
4	January 2023	Agreed with Staff Side to extend review date May 2023
5	August 2023	Agreed with Staff Side to extend review date November 2023

PART 1

SUMMARY

This policy outlines the Trust approach to supporting attendance at work and managing sickness absence and health-related issues that impact on staff attendance at work. The Trust recognises that there is a need to support attendance and manage absence in a consistent and fair manner, whilst considering service need and ensuring that the highest level of care is available to service users at all times.

The policy defines the Trust trigger points and the processes for managing both short-term and long-term sickness absence to ensure that employee ill health and sickness absence is addressed in an equitable manner. It also includes the options for managing instances where employees are unable to return to work for health-related reasons.

It sets out the procedure by which employees should report any absence from work and the conduct expected of all employees whilst they are absent.

The policy includes the obligation to consider reasonable adjustments (both temporary and permanent) for employees with a disability and/or long-term health condition and wherever possible for these to be accommodated, in line with the requirement of the Equality Act 2010.

At all formal meetings associated with this policy and its procedures employees have the right to be accompanied by a trade union representative or a colleague who is an employee of the Trust.

All employees are responsible for reading, complying with and maintaining up-to-date awareness of policies, procedures and any associated guidance.

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PART 2

1. INTRODUCTION

- 1.1 The Trust is committed to promoting and encouraging the highest levels of attendance as it values the contribution made by all of its employees to the successful delivery of care and services. The effects of low levels of attendance are twofold. The first is a reduction in the levels of service and the effects on the workload and morale of colleagues who bear the burden of covering the duties of those who are absent. The other is the cost to the Trust through payment of sick pay, higher levels of overtime and the use of bank or temporary staff.
- 1.2 All managers are required to take consistent and proactive action in the management of attendance. In order to ensure fairness and consistency, managers are required to act within the agreed policy, procedures and guidelines.

2. PURPOSE

- 2.1 The purpose of this policy is to assist managers in supporting attendance and to set out the procedures for actively and consistently manage situations relating to ill health or sickness absence. The policy and associated procedures also inform employees of the approach taken by the Trust in supporting them whilst either absent due to sickness or suffering from ill health.

3. SCOPE

- 3.1 For the purposes of managing attendance this policy covers all sickness-related absence with the exception of pregnancy-related sickness. Employees absent due to pregnancy-related sickness should follow the absence reporting procedures set out in this policy but their pregnancy-related sickness absence should not be considered as part of any attendance management process.

4. DUTIES

- 4.1 **All employees** (including permanent, part-time, interim, bank and agency staff) are responsible for:
 - Attending work unless unfit to do so;
 - Knowing and complying with the Trust's absence reporting procedures, including the need to provide self-certification form and/or medical certifications and to participate in return to work interviews;
 - Discussing with their manager if they are anxious about certain aspects of their job role which they are finding difficult owing to health problems and agree to a Working Well referral if appropriate;
 - Attending appointments with Working Well when required and following advice and support given that would facilitate a return to work;
 - Taking action to maintain good health;
 - Aiding their own recovery and as such not carrying out any activities that would be detrimental to their recovery;

- Agreeing with their manager a plan for maintaining ongoing contact throughout any period of absence and attending any related meetings as requested, dependent upon circumstances, during the absence;
- Being aware that if they unreasonably fail to report absence in accordance with the correct procedures the absence will be deemed to be unauthorised absence for which payment may be withheld;
- Being aware of what is appropriate conduct during a period of sickness absence, including being aware of the provisions set out in the Additional Employment Policy and the Counter Fraud, Bribery and Corruption Policy.

4.2 **Line managers** are responsible for:

- Ensuring the employees within their team are fully aware of the reporting procedures when unable to attend work;
- Conducting return to work interviews in a timely fashion;
- Managing attendance and health-related issues in accordance with this policy, ensuring that all employees are supported and managed;
- Referring employees to Working Well when required or asked;
- Monitoring sickness absence within their team and taking prompt, consistent and appropriate action if they notice patterns emerging;
- Agreeing a plan for maintaining ongoing contact with employees during any period of sickness absence;
- Taking appropriate action if they do not receive medical certificates from employees when required;
- Encouraging employees to be supported at any formal discussion relating to attendance management.

4.3 **Occupational health** (Working Well) are responsible for:

- Completing pre-placement health assessment and pre-placement medical screening, giving a medical opinion regarding fitness for work and any adjustments for consideration to assist the individual to meet the requirements of the role;
- Advising managers about the fitness of employees to undertake work activities during employment and following sickness absence, including providing guidance about the suitability of the job and workplace, suggesting adjustments to roles, and identifying a way forward where employees are unable to return to their current/former duties;
- Assisting managers in planning for possible future rehabilitation, restrictions or absences of employees;
- Providing advice and support to employees (e.g. lifestyle, health promotion, etc.);
- Identifying and communicating information on risk identification and assessment; advising and providing information to managers and employees, in conjunction with the Health and Safety Advisor;

- Abiding by the rules for medical confidentiality, data protection legislation and the professional code of ethics in the provision of a confidential, independent and impartial advisory service.

4.4 Human Resources are responsible for:

- Providing support and guidance to managers and employees, incorporating best practice, in order to assist in dealing with problems affecting attendance at work;
- Providing training for managers to equip them with the knowledge to effectively manage absence;
- Supporting the process to find alternative work within the Trust for employees where appropriate through the redeployment process;
- Providing appropriate information and support to employees applying for ill-health retirement;
- Attending sickness absent related meetings when required;
- Producing reports on sickness absence to assist in identifying and managing attendance issues, and supporting managers to understand and use such reports.

4.5 Heads of department and operational leads are responsible for:

- Ensuring that systems are in place to ensure that the levels of sickness absence in their area are monitored and managed on a monthly basis and implementing remedial action plans when absence exceeds the Trust target;
- Monitoring their managers'/supervisors' use of the policy and providing support to them as required.

4.6 For junior doctors the manager shall be the Clinical Director for Medical Education.

5. ABSENCE REPORTING PROCEDURES

5.1 The employee must personally notify their manager/supervisor by telephone as soon as possible on the first day of absence. This should preferably be before the start of their shift / normal working day or at the latest within one hour of their normal starting time.

5.2 The employee should advise their manager/supervisor of:

- The actual date they became unfit for work (including Saturdays, Sundays, days off or holidays);
- The nature of the illness / the cause of the absence and if it is as a result of an incident at work;
- The likely duration of the absence (if known);
- Any critical aspect of their role/work that will need to be covered during this period;
- A telephone number that they can be contacted on during their absence.

- 5.3 Only in exceptional circumstances can someone acting on behalf of an employee notify the manager of an employee's absence.
- 5.4 Any delay in notification must be reasonable and justifiable; failure to have an acceptable reason for non-notification will result in the absence being recorded as unauthorised unpaid absence.
- 5.5 For the first 7 calendar days of absence the employee is responsible for keeping their manager updated on a daily basis by telephone, unless other arrangements have been agreed. For absences that last beyond 7 calendars the manager and employee should agree regular keep in touch arrangements
- 5.6 For absences lasting between 1 to 7 consecutive calendar days (including weekends and non-working days) the employee will be required to complete a Trust self-certification form (available from the intranet and their line manager). Once completed the self-certification form should be given to their manager.
- 5.7 For absences of more than 7 calendar days (including weekends and non-working days) the employee must submit a doctor's note/certificate promptly to their manager to cover the absence from the eighth day. Further certificates must be sent to cover the whole of the period of absence and must be consecutive. The Trust reserves the right to request a GP Fit Note from the first day of absence.
- 5.8 The employee is responsible for advising their manager when they are well enough to return to work, even if it is a non-working day. This is particularly important to ensure that any period of absence is accurately recorded.
- 5.9 Should the employee fail to submit appropriate self-certification form and/or medical certificates for their absence within 7 days of the certificate being required, the period concerned will be recorded as unauthorised and will be unpaid. If this is the case, the manager will notify the employee in writing of the reasons for the sick pay being withheld and the dates to which this applies. The manager will also record this on the timesheet or electronic roster system and notify the Payroll department.
- 5.10 If an employee is required to submit medical certificates to the Department for Work and Pensions (DWP) in order to claim benefits they should still show the original medical certificate to their line manager in the first instance to allow a photocopy of the certificate to be taken, and a note to be made indicating that the original has been forwarded to the DWP.
- 5.11 Should there be any query or problem regarding any medical certificates, or self-certification form submitted, this will be discussed with the employee concerned. The matter may be referred for investigation to the local counter fraud service and further action may be taken if necessary. If, following enquires, there is a doubt about the validity of certification, the Trust reserves the right to reclaim all or part of the sick pay entitlement and if the circumstances warrant it statutory sick pay (SSP).

6. SICKNESS PART-WAY THROUGH THE WORKING DAY

- 6.1 Employees who attend work and then subsequently have to leave owing to illness during the course of that day should be treated as off sick.

6.2 How it should be recorded:

- If half or more of the working day's hours have been completed prior to the employee's absence commencing they will only be recorded as having been absence due to sickness for a half day;
- If less than half of the working day's hours have been completed prior to the employee's absence commencing they will be recorded as having a full day's sickness absence;
- If a pattern emerges of an employee going home sick part-way through their working day / rostered shift the manager has the right to classify the whole day as sickness absence for the purposes of this policy.

6.3 If there is concern regarding the number of times an individual goes home part-way through the day due to sickness the matter should be dealt with by seeking advice from a HR representative.

7. **EMPLOYEE CONDUCT DURING SICKNESS ABSENCE**

7.1 Whilst absent the employee:

- Should maintain contact with their manager throughout their period of absence and attend any related meetings as requested, dependent upon circumstances;
- Should submit all medical certificates within 7 days of each medical certificate being required;
- Attend Working Well appointments as required;
- Should not undertake any paid or unpaid employment, including voluntary work, whilst on paid or unpaid sick leave. This includes work completed through staff bank. If an employee is found to do so, disciplinary action may be taken and employment may be terminated on grounds of gross misconduct. It may also be considered as fraudulent activity by the Local Counter Fraud Service and could be investigated in accordance with the Counter Fraud, Bribery and Corruption Policy, in addition to any disciplinary action taken;
- Should discuss with their manager and Working Well if they wish to go on holiday as part of their convalescence to explore the appropriateness of the activity and to ensure that the manager is informed of the dates as they will be recorded as annual leave (see section 10).

8. **TYPES OF SICKNESS ABSENCE**

8.1 Sickness absence falls broadly into two categories:

- Short-term sickness absence;
- Long-term sickness absence.

8.2 Whilst it is important to be able to distinguish between these two categories, short- and long-term sickness absences are not mutually exclusive. Therefore employees will be managed in accordance with the triggers for both short- and long-term absence, taking into account individual circumstances.

8.3 There may also be instances where a pattern of absence may seem unacceptable and these may also be managed in accordance with the processes set out in this policy. Under these circumstances these should be looked at closely over a 2-year period by the manager and advice sought from a HR representative. Examples of patterns may include but are not limited to:

- Regular absences on certain days / shifts (e.g. Monday/Friday, first/last shift, earlies, lates, nights or weekend shifts);
- Regular absences before or after a period of annual leave or following refusal of leave;
- Regular absences around school holidays, public holidays or major sporting events;
- Regular absences around spells of good or inclement weather;
- Regular patterns around part-day absence;
- Annual patterns (e.g. if absence occurs at a specific time each year).

9. SICKNESS ABSENCE DURING PREGNANCY

9.1 Pregnancy-related sickness is defined as any illness that occurs specifically as a result of a woman being pregnant, including postnatal depression.

9.2 All pregnancy-related sickness absence will be recorded in the normal manner and a return to work interview should be carried out following any episode of pregnancy-related sickness absence.

9.3 Sickness absence related to pregnancy will be dealt with under the Trust's Maternity, Paternity, Adoption and Shared Parental Leave Policy. All other sickness absence during pregnancy will be dealt with under this policy.

9.4 Where an employee is to commence maternity leave during a 6-month review period, the review period will be suspended. The employee will be given time to return to their role following maternity leave before the review period re-commences, this period should be up to 4 weeks.

10. SICKNESS AND ANNUAL LEAVE

10.1 Employees who become ill during the course of annual leave are eligible to reclaim those days affected as long as they have followed the proper reporting procedures and provided the appropriate medical certificate(s). Any failure to do this, evidence that the claim is not valid or evidence of a pattern emerging should result in the request being declined.

10.2 Where an employee is absent owing to sickness on a bank holiday they will receive sick pay as normal, but no substitute leave days will be granted for that bank holiday. Depending on the local method for record leave this may mean the manager will need to deduct the bank holiday from the employee's leave record or from the electronic rostering system.

10.3 Employees who are absent owing to sickness will continue to accrue annual leave

entitlement during the current leave year accruing occupational paid leave at their normal rate.

10.4 When an employee is restricted from taking annual leave owing to ill-health the following will apply:

- An employee is able to take annual leave during sickness absence;
- If an employee wishes to take annual leave during their period of sickness absence they should inform their manager of the dates. During this time the employee will be recorded as taking annual leave. If the employee is still unfit for duty on their return from annual leave they will need to submit another medical certificate;
- If an employee has a period of pre-booked leave for a planned holiday during sickness absence they should discuss with their manager if they still intend to take it as leave. The employee may need to provide confirmation from their GP or Working Well that taking this annual leave will not be detrimental to their recovery;
- When an employee returns to work they will be expected to use any accrued annual leave and accrued TOIL to account towards the non-worked hours of a phased return;
- If an employee is not able to take all of their annual leave entitlement because of a period of long-term sickness the employee will be entitled to carry over their remaining accrued annual leave in to the next leave year;
- If it is not possible to take any annual leave by the end of the leave year the outstanding statutory annual leave will be carried over to the next leave year;
- If there is sufficient time for the accrued leave to be taken in the current leave year it is expected that the leave should be taken before the end of the leave year and therefore the ability to carry over any remaining leave will not be an automatic right.

10.5 If an employee is on long-term sickness absence and does not return to employment their accrued untaken annual leave will be paid in their final salary.

11. MANAGEMENT OF SHORT-TERM SICKNESS ABSENCE

11.1 Short-term sickness absence is usually considered to be 1-28 calendar days in duration. Persistent short-term sickness absence may display a regular pattern of absence due to a variety of medical conditions.

11.2 Short-term absence should be monitored and managed by managers using the following triggers:

- 3 episodes of absence in a rolling 6 months period; and/or
- 5 days in total of absence in a rolling 6 months period; and/or
- 5 episodes of absence in a rolling 12 month period; and/or
- 10 days in total of absence in a rolling 12 month period; and/or

- Any other pattern of absence that gives cause for concern, e.g. patterns of sickness absence around holidays, weekends or start/finish of shift patterns.
- 11.3 Employees that meet or exceed these triggers will be managed using the stages of the sickness absence review procedure detailed (see section 20). Failure to improve attendance could ultimately lead to the termination of employment on the grounds of capability.
- 11.4 Where underlying trends become apparent, managers should seek to determine if there are any underlying causes. This can become evident through conducting return to work interviews and through seeking advice from Working Well.
- 11.5 All employees who are absent due to work-related stress, or musculoskeletal problems if the employee is required to undertake breakaway or physical intervention activities, should be automatically referred to Working Well. For stress-related absence (whether or not work related) the employee should be reminded that they can access staff counselling for themselves and their family on a self-referral, confidential basis. For musculoskeletal-related absence the employee should be reminded that they can self-refer to the Rapid Access to Physiotherapy service.
- 11.6 If the employee reports that the absences are work-related it may be necessary to consider whether any other action is required.

12. MANAGEMENT OF LONG-TERM SICKNESS ABSENCE

- 12.1 Long-term sickness absence is defined as an absence of more than 28 calendar days. The absence may be unexpected or planned in cases of surgery. Where an employee indicates at an early stage of the episode that they will be absent for more than 28 calendar days, this will normally be considered as long-term absence.
- 12.2 There is an expectation that the employee and the manager keep in touch regularly during a period of long-term sickness. The method and frequency of the keeping in touch should be agreed between the manager and the employee at the start of the sickness absence. In most cases, weekly or fortnightly contact is recommended, however the Trust accepts that in certain circumstances this may not be appropriate. Records should be kept by the manager of all contact made during sickness absence with the employee.
- 12.3 In addition to keep in touch arrangements the employee will be invited to regular face-to-face review meetings with their manager. These meeting should be documented. The initial face-to-face meeting should be arranged after the first 4 weeks of the absence and meetings should continue to take place every 6-8 weeks, unless there are exceptional circumstances which have been discussed with a HR representative and alternative arrangements agreed.
- 12.4 These face-to-face review meetings should be used to as an opportunity to:
- Establish the current position in relation to the employee's condition and ability to return to work;
 - Consider and discuss any advice from Working Well;

- Identify if there is anything that could be done to assist the employee to return to work at the earliest opportunity;
- Keep the individual informed about workplace news or developments if appropriate.

- 12.5 When the employee reaching 28 calendar days of continuous absence (including weekends and non-work days) and there is no identified return to work date they should normally be referred to Working Well by their manager (unless this has already been done). All work stress-related illnesses must be referred to Working Well immediately rather than waiting until the absence becomes long term.
- 12.6 Any referral to attend Working Well is a contractual commitment and must be complied with. If an employee is unable to make a Working Well appointment they are required to contact Working Well to rearrange the appointment as soon as possible.
- 12.7 When an employee is on long-term sickness absence the manager should inform and seek advice from a HR representative.
- 12.8 It is essential that assessments are conducted as necessary by Working Well regarding the individual's capability to carry out/return to work. A GP can make recommendations for an employee's return to work, in accordance with the Statement of Fitness for Work, e.g. a phased return to work. These recommendations should be considered along with Working Well advice.
- 12.9 When an employee returns to work from long-term sickness their attendance will be managed in accordance with the second formal review stage (see section 20.3 for more details).
- 12.10 In some circumstances an employee identified as fit by their GP following a period of long-term sickness may also need to have clearance from Working Well before returning to work.
- 12.11 Following consultation over time with the individual and Working Well, the manager may, in the knowledge of all available information, need to consider and discuss various options, e.g. ill-health retirement, reasonable adjustments, redeployment. In so doing, they must discuss the options with a HR representative and adhere to all appropriate employment policies and procedures.
- 12.12 Where an employee is terminally ill and a member of the NHS Pension scheme they should be reminded that the scheme offers a variety of flexibilities which they would be advised to consider with the Trust's Pensions Manager. If they are not a member of the NHS Pension Scheme and have made other financial arrangements, they should be advised to take advice from their financial advisor.

13. EMPLOYEE RETURNING TO WORK FOLLOWING LONG-TERM SICKNESS

- 13.1 When an employee returns to work from a period of long-term sickness absence there will be a return to work interview where the following should be discussed:
- The employee's sustained attendance in the work place;

- The employee's ability to carry out the full range of duties; the Equalities Act 2010 and any advice from Working Well about reasonable adjustments must be considered (also see section 15);
- The employee's behaviour/ conduct during sickness absence;
- The employee should be advised whether any future sickness absence will be managed in accordance with the second formal review stage (Stage 2) of the sickness absence management policy for the following 6 months (see section 20.3).

13.2 Following the meeting the manager must write to individual summarising the meeting within 7 calendar days.

13.3 **Phased Return to Work**

13.3.1. A phased return to work is designed to allow the individual to build up to normal working capacity, including normal contracted hours and full duties. A phased return can be offered when the GP or Working Well considers that the employee:

- Is fit to return to work, but is not capable of resuming full contractual duties (tasks or hours);
- Will, within a given time limit, be fit to return to full contracted duties and hours.

13.3.2. A phased return to work should be fully agreed by the manager with the employee, in conjunction with HR, and clearly documented ahead of the return to work. It is reasonable to expect that employees will be fit to return to at least 50% of their contracted hours when returning on a phased basis.

13.3.3. A phased return to work will be considered when an employee has been absent from work for more than 3 months. Consideration should be given to the nature of their sickness absence and role which they are returning to. In exceptional circumstances, with agreement from HR, alongside consideration of any necessary Working Well or medical advice, a phased return to work will be considered for a period of sickness absence less than 3 months.

13.3.4. A normal phased return to work will usually be completed within 4 weeks, although this may be extended up to a maximum of 8 weeks on an exceptional basis with prior authorisation of the Service Director, having taken advice from a HR representative alongside consideration of any necessary Working Well or medical advice. Any extensions beyond this must be prospectively approved by the Director of HR and Organisational Development. This must be documented and agreed with the member of staff.

13.3.5. During a phased return to work any unworked hours will be recorded as annual leave, TOIL or in exceptional circumstances authorised paid leave;

- Only annual leave that has been accrued can be used, i.e. annual leave that has been carried over from a previous leave year or that is in excess of the proportionate entitlement for the remainder of the year;

- Authorised paid leave should only be used in cases where the absence has been for 3 months or longer, when accrued annual leave and TOIL have been exhausted and can only be applied for the first 4 weeks of a phased return.

13.3.6. Other methods of offering reduced hours or an alternative pattern of work may include:

- Temporarily reducing contract hours and being paid at the reduced hours. This would need to be agreed with the employee;
- Altering the start and finish times of the worked day and reducing / increasing the number of days worked accordingly;
- Rehabilitation to a site which is closer to the employee's home to reduce travelling time.

13.3.7. Phased returns to work should be clearly indicated on the timesheet/in the electronic roster and all worked hours accurately documented to ensure that the employee is paid correctly.

13.3.8. During a phased return an employee will not be eligible to work on staff bank. They should also not undertake any other secondary employment if it is felt that it would be detrimental to their recovery.

14. TEMPORARY ALTERNATIVE DUTIES

14.1 Working Well or a GP may advise that a short period of alternative duties would be appropriate to enable an employee to return to work. The manager should discuss this as an option with the individual member of staff. Further advice may be obtained from Working Well and or a HR representative as appropriate.

14.2 The purpose of enabling an employee to undertake alternative duties on a temporary basis is to allow the individual to build up to returning to their normal working capacity, including the full duties of their substantive role. Temporary alternative duties should only be agreed where it is confirmed that the employee will be fit to resume the full duties of their substantive post at the end of the period.

14.3 Alternative duties may involve temporary adjustments to the employee's own role or the employee carrying out the alternative duties in another role or at another site for an agreed period of time. In each case there must always be a genuine need for those alternative duties to be completed by the employee.

14.4 Alternative duties can be agreed for a maximum period of 8 weeks, after which the employee must return to completing the full duties of their substantive role. Arrangements for alternative duties should not be extended to be in place beyond 8 weeks without the express agreement of both the Service Director and the Deputy HR Director. Any agreement to an extension of alternative duties must include a review date of the arrangement.

14.5 Both the manager and employee must be party to the arrangements for alternative duties, and advice should be sought from a HR representative. These must be documented and agreed with the member of staff.

15. REASONABLE ADJUSTMENTS

- 15.1 The Trust has a legal obligation to consider, and wherever possible make, reasonable adjustments to the working arrangements and environment to accommodate an employee who is/or becomes disabled, in accordance with the disability component of the Equality Act 2010.
- 15.2 When considering reasonable adjustments to a post the manager should seek advice from Working Well and the HR department. However, it is the manager's decision to establish which adjustments are reasonable and can be accommodated. Consultation with other work colleagues within the employee's team may also be appropriate where work is redistributed, taking due account of confidentiality.
- 15.3 The manager must be prepared to make all reasonable attempts to be flexible, particularly with regard to the content of the job and the working hours, if service delivery allows for it. The manager should keep a formal record of any reasonable adjustments agreed/put in place.
- 15.4 Advice may be sought from the Access to Work (disability employment advisers accessed through Job Centre Plus). In addition to advice, Access to Work can also provide assistance with equipment, training, financial support, etc. It is the responsibility of the employee to contact Access to Work directly, this cannot be done by a manager on the employee's behalf.

16. EMPLOYEES WHO DEVELOP A DISABILITY DURING THE COURSE OF THEIR EMPLOYMENT

- 16.1 If an employee is absent from work with an illness or injury which has resulted in a disability the manager should seek advice from the HR department and Working Well.
- 16.2 The purpose of this contact will be to seek appropriate advice to enable any reasonable adjustments to be considered and implemented if required in order that the employee can continue in their role wherever possible. Consideration will need to be given to the implications of the disability component of the Equality Act 2010 or any other relevant legislation or regulations.

17. REDEPLOYMENT PROCESS

- 17.1 Where Working Well have advised that an employee is unfit for their substantive role on a long-term, indefinite or permanent basis for health-related reason the Trust has a duty to actively consider redeploying the employee to suitable alternative work conducive to their individual health condition, in accordance with the disability component of the Equality Act 2010. This does not mean that the Trust must create a special job for the employee where none exists.
- 17.2 This will be managed in accordance with the process and timescales set out in the Redeployment Policy and Procedure.
- 17.3 If no suitable alternative employment using the redeployment process has been a final review hearing will be arranged (see section 20). During this period suitable alternative employment will continue to be sought up until the date of the final review

hearing.

- 17.4 If the Trust is unable to accommodate the member of staff after following the process set out above, it may be necessary to consider ill-health retirement or dismissal on capability grounds. This should be explored fully with the employee. It is important that the employee understands their situation and that this is confirmed in writing.

18. ILL-HEALTH RETIREMENT

- 18.1 If the employee is a member of the NHS pension scheme and meets the qualifying criteria then an application for ill-health retirement may be considered. Applications for ill-health retirement applications are to the NHS Pensions Agency, who approve or decline applications.
- 18.2 This option can be explored at any time during the management of an employee's absence; however, applications usually require the support of a Working Well physician or a doctor (e.g. the employee's GP or consultant). If ill-health retirement is considered to be an option in managing the employee's absence this process should be commenced as soon as reasonable possible.
- 18.3 Where an employee has decided to apply for ill-health retirement a date will be agreed to end the employee's employment. In such circumstances this will happen at the point the employee decides to apply for ill-health retirement, not the point a decision is made about their application by the NHS Pensions Agency.
- 18.4 If an employee is considering applying for ill-health retirement the manager should encourage them to contact the Trust's Pensions Manager for advice, including any possible implications of applying for ill-health retirement.

19. MUTUAL AGREEMENT TO TERMINATE CONTRACT

- 19.1 Nothing in this policy or procedure shall prevent the parties concerned reaching a mutual agreement whereby an employee's employment with the Trust is ended where it is accepted that the person does not have the ability to sustain an acceptable level of attendance. This will only be on a mutually agreeable basis, including the agreement of the individual concerned.
- 19.2 Where the employee shares the manager's view that all alternative options have been explored, the line manager, a HR representative, the employee and their trade union representative/supporting colleague should meet to discuss cessation of employment. The decision to terminate employment will then be confirmed in writing to the employee. The employee will still automatically be given the right of appeal against the final decision.
- 19.3 The employee will be given notice by the Trust that their employment is to be ended. Notice will be based on the contractual notice the Trust is required to give the employee. Any notice pay due will be paid in lieu.
- 19.4 Any decision to terminate employment through mutual agreement must be approved by the relevant senior manager who has the authority to dismiss prior to the decision being agreed by all parties.

20. PROCEDURE FOR MANAGING SICKNESS ABSENCE

20.1 Informal Stage

- 20.1.1. If the employee's attendance has breached the short-term trigger points (see section 11.2) or there are patterns that have raised a concern, the manager should speak to the employee informally to make the employee aware of the concern about their level of absence and place the employee of a period of informal review.
- 20.1.2. This informal discussion may take place as part of supervision or one-to-one sessions, a return to work interview, or as an informal meeting arranged specifically to discuss sickness absence.
- 20.1.3. At an informal meeting it is not necessary for the individual to be accompanied.
- 20.1.4. During the informal discussion the manager will:
- Discuss with the employee the nature and length of the absences; the likelihood of the absences recurring; whether there are any underlying health conditions or other issues;
 - Remind the employee of standards of attendance prescribed by the Trust and the possible consequences of continued poor attendance;
 - Set an agreed review period, usually 3 months, identify the level of improvement required and schedule the date of the end-of-review-period meeting.
- 20.1.5. The manager should document the main points discussed and agreed, give a copy to the employee and place a copy of this on the employee's personal file.
- 20.1.6. During the informal review period the manager should:
- Continue to monitor attendance, carry out return to work meetings for any period of absence during this review period and encourage open discussion;
 - Discuss if a referral to Working Well would be helpful at this point;
 - Ensure that any actions agreed during the informal discussion are carried out, for example changes of working pattern, additional training/ support, etc.
- 20.1.7. At the end of the informal review period the manager should meet with the employee to consider the employee's sickness absence during the review period and to inform the employee of any next steps. There are three options available to the manager at end of the informal review period:
- a) A substantial improvement in attendance: no further action required. The manager should:
- Acknowledge the improvement and inform the employee no further action is required;
 - Make the employee aware that if any further absences occur within 3 months of the review meeting the informal review stage will be re-invoked;

- Inform the employee there will continue to be a review of trends and patterns and based on this information the formal first review stage may be invoked (rather than the informal review stage being re-invoked).
- b) Some improvement in attendance but still some concerns about the level of attendance: extend current stage. The manager should:
- Inform the employee the informal review stage is being extended, usually for 3 months;
 - Explore if there are any considerations that may help the employee improve their attendance;
 - Advise the employee that if there is not an improvement in attendance then the first formal review stage may be invoked.
- c) Attendance has not improved as required: proceed to stage 1. The manager will need to ensure they follow the procedures as set out below.

20.1.8. The manager should document the main points discussed and the decision reached at the review meeting and place a copy of this on the employee's personal file.

20.2 Stage 1: First Formal Review Stage

20.2.1. A manager may place an employee on the first formal review stage if the employee has failed to improve their level of attendance following being placed on the informal review stage, or if the employee's attendance has raised concerns whereby it is necessary to place the employee directly onto a formal stage.

20.2.2. The first formal review period should be for 6 months.

20.2.3. The manager must write to the employee asking them to attend a first formal review meeting, giving 7 calendar days' notice from the date of the letter. The letter should advise the employee that they have the right to be accompanied by a trade union representative or work colleague who is an employee of the Trust. A HR representative will not ordinarily attend the first formal review meeting.

20.2.4. During the meeting the manager will:

- Advise the employee that it is a formal meeting being held in accordance with this policy;
- Discuss with the employee the nature of the illnesses, the likelihood of this recurring, the length of the various absences and the spaces of good health between them. This consideration should take account of any disability;
- Identify whether there are any underlying issues either work-related or otherwise and consider options which may alleviate issues;
- Discuss Working Well advice if it has been sought prior to the meeting or inform the employee a management referral for advice will be made;
- If Working Well advice is not being sought ensure that the reasons for this are clearly documented;
- Remind the employee of the standards of attendance required by the Trust

and the possible consequences of continued poor attendance, which include moving on to the second formal stage of the sickness absence procedures;

- Set the review period for 6 months and schedule the date of the end-of-review-period meeting.

20.2.5. Following the meeting the manager must write to the employee within 7 calendar days confirming the content of meeting, the level of improvement required and setting date for the next meeting.

20.2.6. A midpoint meeting should take place after 3 months. At this midpoint meeting the manager should consider attendance during the first half of the review period to date, ensure that any actions agreed at the initial meeting are in the process of being carried out and check if further actions need to be agreed. Following the midpoint meeting the manager should write to the individual summarising what was discussed within 7 calendar days of the meeting.

20.2.7. During the 6-month review period the manager should:

- Continue to monitor attendance, carrying out return to work discussions for any absences and encouraging open discussion;
- Ensure that any actions or reasonable adjustments agreed are carried out;
- Ensure that appropriate supervision is provided and documented; that the employee's statutory and mandatory training and appraisal are up to date;
- If it becomes clear at any point during the 6-month review period the employee has breached the Trust triggers consideration may be given to moving to the next stage of this policy. In such cases advice should be sought from a HR representative before any action is taken.

20.2.8. Towards the end of the 6-month review period the manager should write to the employee to formally invite them to the formal review meeting, giving 7 calendar days' notice from the date of the letter. The letter should remind the employee that they have the right to be accompanied by a trade union representative or work colleague who is an employee of the Trust. A HR representative will not ordinarily attend the meeting.

20.2.9. At end of the first formal review period there are three options available to the manager:

a) A substantial improvement in attendance: no further action required. The manager should:

- Acknowledge the improvement and inform the employee no further action is required;
- Make the employee aware that if any further absences occur within 6 months of the review meeting the first formal review stage will be re-invoked;
- Inform the employee there will continue to be a review of trends and patterns and based on this information the second first review stage may be invoked (rather than re-invoking the first formal review stage);

- Write to the employee, within 7 calendar days of the review meeting taking place, confirming the details of the meeting.
- b) Some improvement in attendance but still some concerns about the level of attendance: extend current stage. The manager should:
- Inform the employee the first formal review stage is being extended, usually for a further 6 months;
 - Explore if there are any considerations that may help the employee improve their attendance;
 - Advise the employee that if there is not an improvement in attendance then the second formal review stage may be invoked;
 - Write to the employee, within 7 calendar days of the review meeting taking place, confirming the details of the meeting.
- c) Attendance has not improved as required: proceed to stage 2. The manager will need to ensure they follow the procedures as set out below. Support from a HR representative should be sought prior to any escalation to second formal review.

20.3 Stage 2: Second Formal Review Stage

- 20.3.1 A manager may place an employee on the second formal review stage if the employee has failed to improve their level of attendance following being placed on the first formal review stage, or if the employee has been absent for more than 28 calendar days (i.e. has been absent due to long-term sickness, see section 12), or if patterns or trends have been identified with previous management of sickness absence. Managers should seek advice from a HR representative where this relates to long-term sickness absence.
- 20.3.2 The second formal review period should usually be for 6 months.
- 20.3.3 During the meeting the manager will:
- Advise the employee that it is a formal meeting being held in accordance with this policy;
 - Discuss with the employee the nature of the illnesses, the likelihood of this recurring, the length of the various absences and the spaces of good health between them. This consideration should take account of any disability;
 - Identify whether there are any underlying issues either work-related or otherwise and consider options which may alleviate issues;
 - Discuss Working Well advice. If there has been a change in the reason for sickness absence refer to Working Well again to seek up to date advice;
 - Remind the employee of the standards of attendance required by the Trust and the possible consequences of failing to sustain their attendance at work, which include a stage 3 final review hearing and the potential termination of their employment;
 - Set the review period for 6 months and schedule the date of the end-of-

review-period meeting.

- 20.3.4 Following the meeting the manager must write to the employee within 7 calendar days confirming the content of meeting, the level of improvement required and setting date for the next meeting.
- 20.3.5 A midpoint meeting should take place after 3 months. At this midpoint meeting the manager should consider attendance during the first half of the review period to date ensure that any actions agreed at the initial meeting are in the process of being carried out and check if further actions are needed. Following the midpoint meeting the manager should write to the individual summarising the meeting within 7 calendar days of the meeting.
- 20.3.6 During the 6-month review period the manager should:
- Continue to monitor attendance, carrying out return to work discussions for any absences and encouraging open discussion;
 - Ensure that any actions or reasonable adjustments agreed are carried out;
 - Ensure that appropriate supervision is provided and documented; that the employee's statutory and mandatory training and appraisal are up to date;
 - If it becomes clear at any point during the 6-month review period the employee has breached the Trust triggers consideration may be given to moving to the next stage of this policy before the end of the review period. In such cases advice should be sought from a HR representative before any action is taken.
- 20.3.7 Towards the end of the 6-month review period the manager should write to the employee to formally invite them to the formal review meeting, giving 7 calendar days' notice from the date of the letter. The letter should remind the employee that they have the right to be accompanied by a trade union representative or work colleague who is an employee of the Trust. It is the individual's responsibility to make arrangements to be accompanied and arrangements must be made in a timely manner. Depending on the possible outcome of the meeting a HR representative may attend the review meeting to support the reviewing manager.
- 20.3.8 At end of the second formal review period there are three options available to the manager:
- a) A substantial improvement in attendance: no further action required. The manager should:
- Acknowledge the improvement and inform the employee no further action is required;
 - Make the employee aware that if any further absences occur within 6 months of the review meeting the second formal review stage will be re-invoked;
 - Inform the employee there will continue to be a review of trends and patterns and based on this information a final review hearing (stage 3) may be invoked (rather than the second formal review stage being re-invoked);

- Write to the employee, within 7 calendar days of the review meeting taking place, confirming the details of the meeting.
- b) Some improvement in attendance but still some concerns about the level of attendance: extend current stage. The manager should:
- Inform the employee the second formal review stage is being extended, usually for a further 6 months;
 - Explore if there are any considerations that may help the employee improve their attendance;
 - Advise the employee that if there is not an improvement in attendance then the final review hearing (stage 3) may be invoked;
 - Write to the employee, within 7 calendar days of the review meeting taking place, confirming the details of the meeting.
- c) Attendance has not improved as required. The manager should inform the employee that they are being moved on to the third formal review stage, which is a final review hearing. Support from a HR representative must be sought prior to any escalation to the third formal review stage.

20.4 Stage 3: Third Formal Review Stage – Final Review Hearing

- 20.4.1 Where there has been a failure to achieve or maintain an acceptable level of attendance and when the option to mutually agree the termination of employment has not been reached or where the redeployment process has been unsuccessful a final hearing should be convened and chaired by the appropriate manager who has the authority to dismiss. A HR representative who has not previously been involved in the case will be present to advise the chair on matters of procedure and fairness. The manager who has carried out the reviews to date will also be present as will the HR representative who has been involved in the case. If the final review hearing is held to consider a case against a Director, the panel will be convened in accordance with the constitution.
- 20.4.2 A manager with authority to dismiss will write to the individual requiring them to attend a final review hearing, giving 7 calendar days' notice of the date of the hearing. The letter should include the date, time and venue, and details of the panel members, as well as the right to be accompanied.
- 20.4.3 The employee must confirm their attendance at the final review hearing. The employee must be informed that in the event of their non-attendance at the final review hearing, and in the absence of any mitigating circumstances submitted prior to the date of the hearing, the hearing may continue and a decision may be reached in the employee's absence.
- 20.4.4 The employee has the right to be accompanied by a trade union representative or work colleague who is an employee of the Trust (see section 22). It is the individual's responsibility to make arrangements to be accompanied and arrangements must be made in a timely manner.
- 20.4.5 Prior to the hearing the employee will receive the management case at least 7

calendar days before the date of the hearing. If the employee wishes to present any written information to the panel this needs to be submitted 3 working days prior to the hearing.

- 20.4.6 The manager should also ensure that the employee has recently attended Working Well, if appropriate, and that the advice received has been appropriately considered.
- 20.4.7 The hearing will follow the procedure set out in Appendix 1.
- 20.4.8 If the outcome of a final review hearing be other than dismissal, the final review panel shall determine what management actions will subsequently be taken.
- 20.4.9 If, after careful consideration, the decision has been made to terminate employment, dismissal shall be on the grounds of capability. Notice of termination shall be given in accordance with the employee's contract of employment. This notice will normally be paid in lieu.
- 20.4.10 The main points of the decision, and if appropriate the reasons for the decision to terminate employment, should be confirmed in writing to the employee. This should be done within 7 calendar days of the meeting, together with details of the employee's right of appeal against the decision (see section 21).

21. RIGHT OF APPEAL

- 21.1 Following a final review hearing, where an employee has been issued with a sanction there will be a right of appeal. The appeal must be made in writing, setting out the grounds of the appeal to the Director of Human Resources & Organisational Development, in line with the Trust's Appeal Policy. The appeal will be heard in accordance with the Trust's Appeal Policy.

22. THE RIGHT TO BE ACCOMPANIED

- 22.1 Employees have a right to be accompanied by a trade union representative or a work colleague who is an employee of the Trust at any of the formal stages of this policy. A trade union representative who is not an employed official must have been certified by their union as being trained to accompany the employee.
- 22.2 The trade union representative/ supporting colleague should be allowed to address the meeting to put forward the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The trade union representative/ supporting colleague does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.
- 22.3 Reasonable adjustments will be made for a worker with a disability or for their trade union representative/ supporting colleague to enable their attendance at any meetings.
- 22.4 Trade union officials and colleagues do not have to accept a request to accompany an employee and they should not be pressurised to do so.

- 22.5 The employee will be contacted regarding the date and time of a meeting. If their trade union representative/ supporting colleague cannot attend on the original date an alternative time and date will be arranged, this should be no more than 7 calendar days after the original date.
- 22.6 Before the meeting takes place, the employee must inform the manager who is leading the meeting whom they have chosen as a trade union representative/ supporting colleague.
- 22.7 It is the employee's responsibility to make arrangements to be accompanied and arrangements must be made in a timely manner.

23. MEDICAL SPECIAL LEAVE

- 23.1 Where an employee has refused a suggestion to go home from their manager who is concerned about their state of health, and the manager believes that the health, safety or welfare of the employee or others may be at risk as a consequence, the manager should seek advice from a HR representative.
- 23.2 To place an employee on medical special leave it must be agreed by a HR representative and the Director or Head of Service. When an employee is placed on medical special leave the manager must immediately contact Working Well to make an urgent referral.
- 23.3 If an employee is placed on medical special leave in these circumstances they will receive an allowance equivalent to their normal rate of pay until advice is received from either Working Well or the employee's GP on the suitability of their return to work.
- 23.4 If the medical advice received is that the employee is fit to return to work, then the medical special leave should end with immediate effect and a return to work date agreed. The period of medical special leave would not be recorded as sickness absence and would not count against the employee's contractual sick pay entitlement.
- 23.5 If the medical advice received is that the employee is fit to return to work but the manager has concerns about the individual returning due to the specific nature of the employee's role then the manager should contact the HR department to seek further advice. Temporary redeployment to a different area of work or the possibility of the employee remaining on medical special leave will be considered if appropriate.
- 23.6 If the medical advice received is that the employee is not fit to return to work, then the medical special leave should end with immediate effect and the whole period of absence, including the period of medical special leave, 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. If the employee fails to submit a medical certificate in these circumstances they will be recorded as having taken unauthorised, unpaid absence for this period.

24. SICKNESS ABSENCE DUE TO INDUSTRIAL INJURY

- 24.1 For every episode of sickness absence the employee must declare if the absence was as a result of industrial injury. If the employee makes such a declaration, the manager must then ensure that an incident form is completed and the Health and Safety Adviser is made aware for RIDDOR reporting purposes.
- 24.2 It is essential that detailed records are kept where an employee is on sick leave with a condition that is wholly or partially attributable to an injury sustained at work. Managers should note that the period of sickness may not immediately follow the date the accident occurred, and in these circumstances, clarification from the employee must be sought as to whether the sickness is related. If the sickness absence is related the manager must then ensure the Health and Safety Adviser is made aware for RIDDOR reporting purposes. In addition, the incident must be reported to Working Well for advice and confirmation.
- 24.3 It is the manager's responsibility to reduce the likelihood of further injury to other staff, seeking advice from the Trust's Health and Safety Adviser or other appropriate members of staff.
- 24.4 Injury allowance may be paid to employees that are eligible (see section 25).

25. WORKPLACE INJURY ALLOWANCE

- 25.1 NHS injury allowance is paid to employees who have been injured at work or develop diseases or conditions as a result of work. It is payable when an employee is on authorised sickness absence, or on a phased return to work, with reduced pay or no pay due to an injury, disease or other health condition that is wholly or mainly attributable to their NHS employment. It tops up sick pay or reduced earnings to 85% of their pay immediately prior to the date of the incident/absence.
- 25.2 An employee who believes they have a claim for injury allowance should complete the Injury Allowance claim form which can be found on the intranet. The form should be sent to their manager with any available supporting information.
- 25.3 The manager should check the employee meets the criteria to apply and then consider the application. Some applications will be straightforward and the manager will be able to decide without needing to refer to further information. However, in most cases the manager may need to consider corroborative evidence such as:
- How the injury or disease is connected to NHS employment;
 - Datix reports;
 - Sickness absence records;
 - Working Well advice and letters;
 - Training records;
 - Any statements from the employee or witnesses;
 - Any other relevant medical advice;
 - Any internal investigation reports connected with the incident or claim;
 - If they need to speak to the employee to obtain clarification or additional

information.

- 25.4 The manager can contact the HR department for advice when considering an application.
- 25.5 If on the basis of the evidence the manager believes the injury, disease, or ill health condition was wholly or mainly attributable to the employee's NHS employment, then that manager will advise the employee and submit an F291 Notification of Industrial Injury form (available on the intranet) to Payroll.
- 25.6 If the manager believes the injury, disease, or ill health condition is not wholly or mainly attributable to the claimant's NHS employment then the claim will be rejected. The manager should advise the employee and confirm their decision and the reasons for the rejection. The employee will have the right of appeal in line with the Trust's Resolution Policy.

26. MEDICAL/DENTAL APPOINTMENTS

- 26.1 Where possible, any such appointments should normally be made by the employee outside their normal working time. For more information refer to the Trust's Other Types of Leave Policy which covers time off for medical / dental appointments.

27. COSMETIC SURGERY

- 27.1 Time off to receive cosmetic surgery treatment that relates to a medical or psychological condition and is supported by a medical certificate may be treated as sick leave. For example, this may be to correct a disfigurement sustained in an accident or to have a growth removed. Any pre-appointments should be treated in the same way as other medical/dental appointments.
- 27.2 However, if the cosmetic surgery is undertaken because an employee wishes to otherwise change their appearance, then absence relating to the procedure should be taken as annual leave, TOIL or unpaid leave. For example, this would apply if an employee elects to have a face-lift.
- 27.3 In the event that such treatments result in the employee becoming unfit for work, the usual sickness absence provisions apply, including the procedure for certification.
- 27.4 If the manager or employee is concerned on this issue they should seek advice from a HR representative.

28. DISCIPLINARY SUSPENSION AND SICKNESS ABSENCE

- 28.1 If an employee is suspended in accordance with the Disciplinary Policy and subsequently state that they are ill, they should be instructed to follow the normal sickness absence reporting procedures during their period of ill health. The formal investigation will continue and advice will be obtained from Working Well about whether the employee, although not fit for work, is fit to participate in the investigation process and attend any interviews or meetings that occur as part of the process.
 - 28.2 The employee should be informed that this period sickness will be recorded as
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sickness absence and that they will be paid as per their contractual sick pay entitlement. If during this period of sickness absence the employee's sick pay entitlement ends, although the episode of sickness absence continues the employee should be informed that their sick pay entitlement has ending and that the terms of their suspension will only recommence when they are declared fit to return to work. (In addition refer to the Trust's Disciplinary Policy.)

- 28.3 If the sickness absence appears to have been triggered by the commencement of formal disciplinary or performance procedures, the employee must be referred immediately to Working Well for an assessment of their fitness, including their fitness to participate in the meetings associated with the processes.
- 28.4 Once an employee is declared fit to return to work after such an episode of sickness absence, the employee's suspension will be reviewed. If the decision is to resume the original suspension then the employee should be informed of this decision.
- 28.5 Any delays caused by sickness absence to disciplinary procedures should be communicated to all parties, so that the issues can be considered and interviews, meetings and/ or a hearing rearranged if appropriate.

29. EXCLUSIONS

- 29.1 There is no entitlement to any occupational sick pay where the Trust can demonstrate that an employee has knowingly entered false absence information on a self-certification form or application form. This is regarded as gross misconduct, which could result in disciplinary action being taken and a referral to the Local Counter Fraud Team.
- 29.2 Should employees fail to submit appropriate medical certificates for their absence, the period concerned will be recorded as unauthorised and will be unpaid. Medical certificates must be submitted within 7 days of the medical certificate being required.
- 29.3 There is no entitlement to any occupational sick pay for workers engaged through the staff bank. Staff bank workers will be entitled to receive statutory sick pay if they meet the eligibility criteria.

PART 3

30. DEFINITIONS

- 30.1 **Short term sickness absence** – separate occurrences of absence between 1 and 27 calendar days which may or may not be related.
- 30.2 **Long term sickness absence** – continuous absence caused by illness or injury which lasts 28 calendar days (4 weeks) or more.
- 30.3 **Disability** – defined by the Equality Act 2010 as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. The Act defines long-term as having lasted, or being likely to last, for at least 12 months or the rest of the person's life. Substantial is defined as more than minor or trivial. People with cancer, HIV and multiple sclerosis are protected effectively from the point of diagnosis.
- 30.4 **Reasonable adjustment** – the duty set out in the Equality Act 2010 to make sure that a person with a disability has, as far as is reasonable, the same access to everything that is involved in getting and doing a job as a non-disabled person. An adjustment is reasonable to the extent to which it is or might be effective, practicable and acceptable to the requirements of the organisation, affordable or within the means available to the organisation.

31. PROCESS FOR MONITORING COMPLIANCE

- 31.1 Executive Directors will monitor compliance with this policy as policies are submitted to them for approval.
- 31.2 Policy authors will monitor their own policies to ensure that they remain in date.

32. TRAINING

- 32.1 There are no specific training requirements in respect of this policy.

33. REFERENCES

- 33.1 There are no specific references related to this policy

34. ASSOCIATED DOCUMENTS

- 34.1 This policy will be used in conjunction with the following agreements and Trust policies:
- Additional Employment Policy
 - Appeals Policy
 - Counter Fraud, Bribery and Corruption Policy
 - Corporate and Local Induction Policy
 - Disciplinary Policy
 - Annual Leave Policy

- Other Types of Leave Policy
- Health and Safety Policy
- Improving Performance Policy
- Agenda for Change (National Terms and Conditions of Service Handbook)
- The Management of Viral Gastroenteritis
- Maternity, Paternity, Adoption and Shared Parental Leave Policy

This list is not exhaustive.

APPENDIX 1: FINAL REVIEW HEARING PROCEDURE

Final review hearing will usually follow the procedure set out below, unless varied by mutual agreement.

The hearing will be recorded digitally.

At the final review hearing the following running order will be used:

Introduction:

- a) The Chair facilitates introductions all parties present.
- b) The Chair goes through the format for the hearing.

Management:

- a) The employee's manager who undertook the sickness review meetings will state all the actions taken to date and the reasons for consideration of termination of employment.
- b) The employee or employee's representative will have the opportunity to ask questions of the manager.
- c) The members of the panel shall have the opportunity to ask questions of the manager.

Employee:

- a) The employee or their representative will state their case, explaining any mitigating factors.
- b) The manager will have the opportunity to ask questions of the manager.
- c) The members of the panel shall have the opportunity to ask questions of the employee.
- d) The panel may, at its discretion, adjourn the hearing in order that further evidence may be considered.

Summing Up:

- a) If required summing up will take place.
- b) The manager will sum up their case.
- c) The employee will sum up their case or their representative may do it for them.
- d) In the summing up, neither party may introduce new information or matters.

Adjournment:

Following summing up, all parties to the appeal will withdraw to enable the panel to consider the case privately. Recall of all parties may be necessary to clarify any points of uncertainty on evidence already given. All parties will reconvene for these purposes even if the clarity required only requires a response from one of the parties.

Decision:

It will be agreed as part of the hearing how the outcome will be conveyed. There are two possible options as set out below:

- The panel, and all relevant parties, will reconvene on the day of the appeal hearing, or an alternative date (agreed with all parties) and verbally give the outcome of the hearing. This will also be confirmed in writing to both the employee and their manager.
- The outcome of the hearing will be provided in writing without all parties reconvening.

The outcome will be confirmed in writing to both the employee and the manager.