

# Attendance Policy

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<b>CONSULTATION SCHEDULE</b>		
<b>Name and Title of Individual</b>	<b>Groups consulted</b>	<b>Date Consulted</b>
Staff Engagement Group	Staff Engagement Group	December 2018
Staff Side Reps	Unison, MiP, RCN	January 2019
Caroline Lawrence	Head of HR ICB	February 2019
Lisa Kelly	Senior HR Business Partner, CSU	January 2019
Zena Richards	HR Business Partner	March 2021
Staff Engagement Group	Staff Engagement Group	July 2024

<b>RATIFICATION SCHEDULE</b>	
<b>Name of Committee approving Policy</b>	<b>Date</b>
Communications, Engagement, Equality and Employment Committee	26 <sup>th</sup> Feb 2019
Communications, Engagement, Equality and Employment Committee	2 <sup>nd</sup> March 2021
Governing Bodies	30 <sup>th</sup> Sept 2021
Integrated Care Board	1 <sup>st</sup> July 2022
ICB People, Culture and Inclusion Committee	9 <sup>th</sup> August 2024

<b>VERSION CONTROL</b>			
<b>Version</b>	<b>Version/Description of amendments</b>	<b>Date</b>	<b>Author/amended by</b>
<b>South Staffs v.4</b>	<ul style="list-style-type: none"> <li>• Insertion of information which clarifies authority and responsibilities of the ICB, employee, managers, the ICB' HR provider and Occupational Health. Previous policy contains limited information.</li> <li>• Clarification around the notification procedure to report absence from work and the timeframes employees are expected to adhere to when reporting absence</li> <li>• Change to procedural timeframes in relation to notifying employees of formal absence meetings to allow more flexibility</li> <li>• Change to right to representation; removal of permission to allow employees to bring friends not acting in a legal capacity to formal meetings.</li> </ul>	1.05.17	Alison Gooding, MLCSU HR

	<ul style="list-style-type: none"> <li>• Clarification of monitoring periods, attendance improvement targets during monitoring periods and the processes to follow during monitoring periods.</li> <li>• Clarification around phased return timeframes</li> <li>• Insertion of information relating to ill health retirement and injury allowance</li> <li>• Clarification of processes to follow relating to sickness during annual leave and taking annual leave during periods of long term absence</li> </ul>		
<b>Pan Staffs V.5</b>	<ul style="list-style-type: none"> <li>• Policy to become pan Staffordshire policy</li> <li>• Role of Occupational Health outlined</li> <li>• Section on Stress related illness and Terminal Illness added</li> </ul>	15.01.19	Staff Engagement Group
V6	<ul style="list-style-type: none"> <li>• Scheduled review of policy</li> <li>• Minor revisions to terminology to improve clarity of understanding</li> <li>• Further detail added to the Appeal procedure.</li> <li>• Additional detail to note that meetings may be held remotely (e.g. via video conferencing).</li> </ul>	October 2020	Robert Downing – MLCSU HR
V7	<ul style="list-style-type: none"> <li>• Amendment of equal opportunities to reflect Diversity in Employment Policy.</li> <li>• Insertion of manager responsibilities for employees who work from home.</li> <li>• Insertion of employee responsibilities who work from home when reporting sick.</li> <li>• Insertion of expectations when unwell and working from home</li> </ul>	17 March 2021	Zena Richards HRBP - MLCSU
V.8	Adapted for use by Integrated Care Board	June 2022	Jane Chapman
V.9	Updated and reviewed as per review schedule	April 2024	Lewis Dorrian, MLCSU HR

### **Impact Assessments – available on request**

	Stage	Complete	Comments
Equality Impact Assessment	1	May 2017	
Quality Impact Assessment	N/A		
Privacy Impact Assessment	N/A		

## Contents

1.	Introduction .....	6
2.	Scope .....	6
3.	Policy Statement .....	6
6.	Responsibilities.....	7
6.1.	<i>Responsibilities of the ICB</i> .....	7
6.2.	<i>Responsibilities of HR (incl. outsourced via the Commissioning Support Provider)</i> .....	7
6.3.	<i>Responsibilities of Managers</i> .....	7
6.4.	<i>Responsibilities of Employees</i> .....	7
6.5.	<i>Responsibilities of Occupational Health</i> .....	8
7.	Notification Procedure.....	8
7.4.	<i>Recording Absence for Part Days</i> .....	9
8.	Certification of Sick Leave .....	9
9.	Sick Pay .....	10
9.1.	<i>Occupational Sick Pay</i> .....	10
9.2.	<i>Statutory Sick Pay</i> .....	10
10.	Policy in Practice: Procedure .....	10
10.1.	<i>Absence Meeting Procedure</i> .....	10
10.2.	<i>Right to Representation</i> .....	11
10.3.	<i>Persistent, Short-Term Absence</i> .....	11
11.	Stage 1. First Formal Absence Meeting .....	11
12.	Stage 2. Second Formal Absence Meeting.....	12
13.	Stage 3. Final Formal Absence Meeting .....	13
14.	Attendance during Review Periods.....	13
16.	Long-Term Sickness Absence Management Options .....	15
16.1.	<i>Options</i> .....	15
16.2.	<i>Phased Return to Work</i> .....	15
16.3.	<i>Redeployment</i> .....	15
16.4.	<i>Reasonable Adjustments</i> .....	15
17.	<i>Dismissal and Long-Term Absence</i> .....	15
18.	Deferring a Monitoring Period .....	16
19.	Ill health retirement applications .....	16
20.	Injury Allowance.....	16
21.	Sickness during Annual Leave, and Holidays during Periods of Sickness .....	17

22. Appeal Procedure..... 17

23. Monitoring..... 18

Appendix 1..... 19

Appendix 2..... 21

## **1. Introduction**

NHS Staffordshire and Stoke on Trent Integrated Care Board (the ICB) as commissioners of Health Services, are committed to developing a high-quality and locally accessible service to the local population. In order to achieve this objective, the ICB recognise the importance of retaining a stable workforce and that regular attendance at work is vital in maintaining a quality service.

This policy will be applied equally to all staff covered by the policy and in accordance with the ICB's Diversity in Employment Policy.

## **2. Scope**

This Policy applies to all ICB Employees including temporary and contract staff.

## **3. Policy Statement**

- 3.1.** The ICB recognises the importance of a positive approach to the management of sickness absence to enable it to operate effectively. The ICB is committed to providing the necessary support to employees to allow them to attend work regularly and to ensure that all employees are treated in a consistent, fair and sympathetic manner.
- 3.2.** The ICB recognises that a level of absence due to sickness does occur and is inevitable but aims to minimise this and promote a healthy workplace.
- 3.3.** The ICB's commitment to the welfare of employees includes the following initiatives: counselling, redeployment where appropriate and training for all new employees on health and safety issues.
- 3.4.** Employees are also encouraged to use the confidential services of Occupational Health and other support routes available to them.
- 3.5.** In cases where the employee is disabled within the meaning of the Equality Act 2010, or where employees become disabled and wish to remain in employment, every effort will be made to make reasonable adjustments or find an alternative post where appropriate. This includes making adjustments to sickness absence trigger points (see section 11 below).
- 3.6.** The employee may be referred to Occupational Health to enable the ICB to receive medical advice which may include the requirement to consider making reasonable adjustments to the employee's job to accommodate the employee's short-term or long-term requirements and / or to consider offering alternative employment, a shorter working week or other adjustments to the employee's job as may be reasonable.
- 3.7.** All employees who suffer from ill health or have sustained an injury will be treated with respect and any employee who becomes aware that they have an illness is encouraged to inform their Manager at the earliest opportunity.

## **4. Stress-related illness and Terminal Illness**

Managers have a duty to protect employees as far as reasonably practicable, from risks to health at work including mental health. If an employee is absent due to a stress-related illness, managers should aim to intervene early and make a referral to Occupational Health as soon as possible whilst also undertaking a risk assessment prior to any return to work.

There are special provisions for employees who are members of the NHS pension scheme and are suffering from a terminal illness – such provisions are designed to make the process as comfortable as possible in difficult times. Advice should be sought from the HR team as soon as possible.

## 5. **Medical Appointments – Family Leave Policy (which includes Special Leave)**

Routinely requested appointments, e.g. GP, Dentist etc. should be arranged outside of working hours or at the beginning or end of the working day, wherever possible. Where this is not possible, they should be arranged in advance and at a time convenient to ensure sufficient staffing cover and following line management review. Requests will be dealt with in accordance to the Family Leave Policy.

## 6. **Responsibilities**

### **Scheme of Delegation**

The Operational Scheme of Delegation sets out who has responsibility for HR decisions.

#### **6.1. Responsibilities of the ICB**

- 6.1.1. To ensure, through the management structure, that staff are appropriately trained for the positions they hold and are supported appropriately in the management of ill health.
- 6.1.2. To ensure this policy is monitored and reviewed.
- 6.1.3. To ensure this policy is communicated and accessible to Managers and staff.

#### **6.2. Responsibilities of HR (incl. outsourced via the Commissioning Support Provider)**

- 6.2.1. To provide initial training and on-going support in the application of this Policy.
- 6.2.2. To provide reports and analysis of an employee's sickness absence in line with agreed reporting schedules.
- 6.2.3. To be present at all formal meetings from Stage 2 onwards, and also be present at formal Stage 1 meetings, as necessary.

#### **6.3. Responsibilities of Managers**

- 6.3.1. To ensure that this policy is applied fairly to all employees for whom they are responsible.
- 6.3.2. To support their employees to sustain regular attendance at work and to monitor attendance accurately and report as required.
- 6.3.3. To ensure that accurate information on all sickness absence for every employee is given to the ICB' Commissioning Support Provider, that return to work interviews are conducted after **every** episode of sickness absence and these such interviews are conducted in a supportive environment.
- 6.3.4. To ensure that an adequate assessment is undertaken, where appropriate, in conjunction with Occupational Health to facilitate an employee's return to work in a safe environment.
- 6.3.5. To ensure employees who work from home, or who work from home on a regular basis, are contacted on a regularly to ensure they feel engaged and supported, dealing with any concerns raised as required.

#### **6.4. Responsibilities of Employees**

- 6.4.1. To follow the notification procedures at all times, including when working from home, in accordance with the Agile Working Framework (see section 7 below).

- 6.4.2. To inform their Manager of any condition or illness which may affect their ability to do their job both satisfactorily and safely, this includes when working from home. Employees are not expected to continue working, if unfit to do so, because they are working from home.
- 6.4.3. To maintain regular contact, as mutually agreed with their Manager, during any period of sickness absence.
- 6.4.4. To inform their Manager of any illness or condition to which they are suffering from or have been exposed to which may present a risk to themselves or others.
- 6.4.5. To never use sickness absence to cover another form of absence if they themselves are not sick. If an employee is not sick but cannot attend work, in conjunction with their Manager, other methods of leave as identified in relevant policies e.g. the Family Leave Policy, should be used. Using sickness absence to cover other absences may result in fraudulent payment of sick pay, and result in disciplinary action.
- 6.4.6. To not undertake other activities which may be detrimental to their recovery and subsequent return to work during a period of sickness absence. Employees on sick leave must not attend any work-related activities, e.g. college, courses etc., without the prior agreement of their Manager and / or Occupational Health.
- 6.4.7. To not undertake any employment elsewhere whilst on sick leave without the explicit, written agreement from the ICB. Any breaches of this may result in disciplinary action.

## **6.5. Responsibilities of Occupational Health**

### **6.5.1. To:**

- Provide support to employees who are suffering ill health;
- Provide an independent medical opinion on the reason for absence and the health of an employee;
- Indicate the likely length of continued absence and anticipated date of return to work;
- Assess the effect of an illness on an employee's ability to do their job and what reasonable adjustments could be made to enable the employee to sustain regular attendance;
- Advise on the potential for recurrence of the illness;
- Engage in case conferences where necessary to provide further advice to the Manager, HR or the ICB as required.

6.5.2. To provide a report to Managers when requested giving advice on the health of the employee and long-term prognosis of the condition which is affecting the employee's ability to undertake current duties.

6.5.3. To advise Managers on possible, suitably alternative or modified work activities, either temporarily or permanently, which will allow the employee to sustain regular attendance at work.

6.5.4. To assist in an employee's application for early retirement due to ill health.

6.5.5. To follow all legislation concerning access to medical reports/records on behalf of the ICB and to advise if the Equality Act 2010 is likely to apply or not.

## **7. Notification Procedure**

**7.1.** Except in emergency circumstances or unless previously agreed, all absence from work must be notified to the ICB to the employee's Manager as early as possible and no later than one hour after the employee's usual start time. Absence that has not been notified in this manner may be treated as unauthorised absence.

**7.2.** The employee should report the reason for absence, expected length of absence, and confirm their contact details. It would also be helpful if the employee confirms any outstanding or urgent work that requires attention in their absence. It is not appropriate for employees to text or email the Manager to let them know they will be absent for work. Wherever possible, contact should be made with their Manager via a telephone call.

**7.3.** Contact should then be maintained at regular intervals throughout the period of absence as appropriate. Employees who are not able to telephone personally should ensure that a relative or friend does so on their behalf. If an employee has been unable to speak with their Manager, they should expect to be contacted by their Manager who will provide advice and help where appropriate to facilitate recovery. If a return date is unknown at the time of reporting their absence, employees should contact their Manager with their date of return as soon as possible. Managers must ensure that all absence(s) due to sickness is recorded on the HR system at the earliest opportunity.

#### **7.4. *Recording Absence for Part Days***

If an employee:

7.4.1. Returns from sickness leave and then subsequently goes home unwell again on the same day, this will be counted as a continuation of their previous absence.

7.4.2. Comes to work unwell and goes home before having completed over half of their normal working day that they are due to work, this should be recorded as a full day's absence

7.4.3. Became unwell over the course of the day and has worked over half of the day before going home, this should not be counted as a full day of absence - only if they continue to be unwell the following day should the absence begin from the previous day.

7.4.4. The Manager should, however, keep a record of part-day absences and record these on the HR system. The monitoring of these for any patterns is advised, seeking advice from HR if an employee repeatedly presents as unfit for work or becomes unfit during the course of the day.

### **8. Certification of Sick Leave**

**8.1.** Self-certified sick leave is permitted for a maximum of seven consecutive (calendar) days on any one occasion. On calculating the length of sick leave, intervening Saturdays, Sundays and public holidays count. For absences of up to seven days, employees must complete a self-certification form (Appendix 1).

**8.2.** When returning to work, employees are required to notify their Manager of their fitness to return and to attend a 'Return to Work' interview with their Manager at which the Manager will complete a 'Return to Work Form' (Appendix 2) agree the absence details and any action to be taken if appropriate. Any statements made and recorded on this Return to Work Form must be true and accurate. Any details given which are subsequently found to be false will be dealt with under the disciplinary procedure. The completed form will be kept on the employee's file and will be kept in accordance with Data Protection Principles.

**8.3.** Due to working arrangements of the ICB, it may well be more appropriate in for this interview to be conducted via video conferencing facilities (e.g. Microsoft Teams).

**8.4.** Any sickness/injury absence that lasts beyond the seventh consecutive calendar day must be covered by a medical certificate issued by an appropriate general medical

practitioner. Thereafter, consecutive medical certificates must be provided. Failure to provide consecutive medical certificates may result in a loss of payment as any absences not covered by current self-certificates and/or medical certificates may be treated as unauthorised absence and will thus be unpaid.

- 8.5.** An employee who fails to comply with the notification or certification procedures, or who otherwise abuses the ICB's rules on sickness absence, may be reviewed under the ICB's Disciplinary Policy.

**9. Sick Pay**

**9.1. Occupational Sick Pay**

- 9.1.1. Provided employees comply with the notification and certification procedures above, the ICB will pay Occupational Sick Pay during periods of sickness absence according to length of service.
- 9.1.2. An employee's entitlement to Occupational Sick Pay, in accordance with NHS Terms and Conditions, is based on completed months / years of service including continuous NHS Service with a break of less than 12 months.
- 9.1.3. The following table sets out the maximum entitlement to Occupational Sick Pay:

Period of Service	Period of Full Pay	Period of Half Pay
0 – 12 months	1 month	2 months
1 – 2 years	2 months	2 months
2 – 3 years	4 months	4 months
3 – 5 years	5 months	5 months
Over 5 years	6 months	6 months

- 9.1.4. Entitlement to Occupational Sick Pay will be calculated from the first day of any absence due to sickness or injury. Any days of absence due to sickness or injury in the 12 months prior to the first day of absence shall be deducted from the relevant maximum entitlement above.
- 9.1.5. The ICB reserve the right to withhold payment of Occupational Sick Pay where an investigation has produced evidence that an employee has breached relevant procedures with regard to their entitlement to Occupational Sick Pay.

**9.2. Statutory Sick Pay**

- 9.2.1 Provided employees comply with the notification and certification procedures above and subject to the current statutory provisions, after a period of three days illness they will be entitled to receive Statutory Sick Pay ("SSP"). However, any payment of Occupational Sick Pay will offset any entitlement to Statutory Sick Pay due for the same period.

**10. Policy in Practice: Procedure**

**10.1. Absence Meeting Procedure**

The formal Absence Meeting procedure will be invoked when an employee's absence record breaches the trigger points as outlined in section 11 below). The following procedure for all meetings should therefore be followed:

- Unless it is impractical to do so, an employee will be given a minimum of four working days' notice of the date, time and place of any formal stage meetings. Template invitation letters should be used to invite employees to meetings; these should be obtained from Human Resources. Meetings can be held with shorter notice providing agreement is sought from all parties.

- Meetings may take place at a workplace or via videoconferencing facilities as deemed necessary or in line with health and safety guidance.
- Whilst absent from work, employees should make themselves available to attend sickness review meetings unless they have prior expressed permission from their GP or Occupational Health. Failure to attend meetings without good reason, however, may be treated as misconduct and a decision on an employee's situation taken in their absence. If an employee or their support (e.g. Staff Side representative – see 10.2 below) is unable to attend at the time specified, the employee should immediately inform their Manager who will seek to agree an alternative time. Any rescheduling of a meeting should take place within five working days, where feasible.
- A meeting may also be adjourned if a Manager is awaiting receipt of information, needs to gather further information or give consideration to matters discussed at a previous meeting. An employee will be given reasonable opportunity to consider any new information obtained before the meeting is reconvened.

### **10.2. *Right to Representation***

- An employee may be supported during any formal sickness absence meetings by a recognised Trade Union/Staff Side representative or an existing employee of the ICB.
- The representative's role is to support the employee. They may present, ask questions or summarise the employee's case. However, they may not answer questions posed directly to the employee, nor should they speak on behalf of the employee if the employee does not wish them to do so.

### **10.3. *Persistent, Short-Term Absence***

- The aim of these procedures is to ensure fair and effective management of absence due to sickness or injury. Absence management is necessary to ensure that full support is provided by the ICB, together with monitoring where necessary, to the employee.
- An employee is entitled to have a Trade Union/Staff Side Representative or work colleague to accompany them to each of the formal stages of this procedure if they so wish. A representative from HR will be present from Stage 2 onwards and may be present at Stage 1 as requested by a manager.

**10.4.** Managers should exercise discretion to manage situations sensitively when there is an understandable reason for the absence or a defined end to the absence period. It is important for managers to ensure that employees do not feel compelled to attend work when they are unwell and must on no account allow employees to work when they are obviously in an unfit state of health. This procedure will be used where an employee's attendance record is giving cause for concern.

**10.5.** Levels of absence become a cause for concern when:

- a) The total number of days or episodes of absence rises sharply;
- b) There are regular and/or intermittent absences.

Where line managers have concerns about regular and/or intermittent periods of absence they should discuss these with HR in the first instance.

## **11. *Stage 1. First Formal Absence Meeting***

**11.1.** When an employee's absence meets or exceeds the trigger levels set out below then it is recommended that the manager should meet formally under this Policy with the employee:

- a) 4 occasions of absence in a rolling 12-month period;
- b) 15 days absence in the last 12-month rolling period (pro rata for part-time staff);
- c) A regular/intermittent or unacceptable pattern of absence (e.g. the employee is regularly absent on Mondays, the day after a public holiday or annual leave etc.).

**11.2.** Discussions during a first formal meeting will include:

- Reasons for and frequency of absence(s)
- Likelihood of further absences
- Consideration whether advice is required from Occupational Health or consideration of a recent (within the last three months) report from Occupational Health
- Consideration as to whether there is an underlying health condition
- Consideration what measures or support could be used to improve the employee's attendance
- Making the employee aware that their absence record is giving cause for concern and the potential consequences of further absence.

**11.3.** At this stage the employee should be informed that their attendance is subject to a monitoring period which will normally be 6 months from the date of the meeting. Attendance improvement targets will be set, and the employee should be made aware that if they fail to meet or exceed improvement targets, depending on the circumstances, they may be moved to Stage 2 of the absence management process. Employees should also be made aware that moving through the stages of the policy may ultimately result in dismissal on the grounds of capability, where their contract of employment with the ICB will be terminated.

**11.4.** The recommended improvement targets within the Stage 1 monitoring period are:

- a) No more than 2 separate occasions of absence; or
- b) No more than 5 days absence in any one episode.

However, these targets will be considered on a case-by-case basis, given the circumstances of both the employee and the reason(s) for absence. During the monitoring period, managers should meet informally with an employee, ideally on a at least a monthly basis, to review sickness levels and ensure employees are supported in reaching the required levels of attendance. These informal meetings will also provide employees with the opportunity to raise any health-related issues. Informal meetings should be between the manager and employee only, and an informal record of each meeting should be placed on their personnel file and given to the employee for their records.

**11.5.** All cases will need to be considered on an individual basis and occasionally either or both of the improvement targets may need to be increased or decreased due to individual circumstances. It is recommended that any variations to the improvement target are discussed with Human Resources prior to being adjusted.

**11.6.** Managers should confirm the discussions and any agreed outcomes of the Stage 1 meeting in writing to the employee for their records, and a copy of the letter placed on their personnel file. A template Stage 1 outcome letter should be used which can be obtained from HR.

## **12. Stage 2. Second Formal Absence Meeting**

**12.1.** If the employee does not achieve the improvement targets within the monitoring period set out at Stage 1, depending on the reasons and any mitigating circumstances (e.g. a change in medical advice), a formal Stage 2 meeting will be held with the employee to discuss their absence(s). If an employee has not

achieved the required monitoring targets, advice should be sought from HR before a decision not to hold a Stage 2 meeting is made.

**12.2.** The purpose of a Stage 2 meeting may include:

- Discussing the reasons for and impact of further absence(s).
- Discussing the likelihood of further absences.
- Discussing a referral to Occupational Health if one has not already been done to check whether there are underlying reasons for absence. If an Occupational Health input has already been received, consideration should be given as to whether another referral needs to be completed if there have been changes to the employee's health/circumstances.
- Consideration of the employee's ability to remain in post in view of both the employee's capabilities and service needs, and any reasonable adjustments that can be reasonably made to their job to enable them to do so.
- Consideration of re-deployment opportunities (if appropriate) in conjunction with Occupational Health advice.
- Agreeing a way forward, action that will or may be taken and the timescale for further review and / or further meetings.

**12.3.** At this Stage 2 meeting, a further monitoring period will be agreed, and improvement targets set. The Stage 2 monitoring period will be as per the Stage 1 monitoring period set out in Section 8.2.4. If at the end of the monitoring period there is cause for concern relating to an employee's attendance, the monitoring period may be extended to a maximum of a further 6 months. Advice should be sought from HR before a monitoring period is extended.

**12.4.** During the Stage 2 meeting, the employee must be made aware that if they fail to improve their attendance levels and meet the improvement targets set within the specified monitoring period, the process will be escalated to Stage 3 of the ICB' Attendance Policy. Stage 3 is the final stage of the policy and may result in an employee's contract being terminated on the grounds of ill health incapability.

### **13. Stage 3. Final Formal Absence Meeting**

**13.1.** Where an employee has been informed they are at risk of dismissal, if the employee fails to meet the requirements of the Stage 2 improvement targets, or they remain absent from work as a result of long-term sickness, the employee will be invited to attend a Stage 3 Final Absence Meeting. Arrangements and right to representation for this meeting will follow the procedure set out in Sections 10.1 and 10.2. The meeting will be conducted by an appropriate Manager with the authority to dismiss, and they will be supported by a Senior HR Representative.

**13.2.** The purpose of the meeting will be:

- To review the meetings that have taken place and matters discussed, along with all paperwork related to the process
- To consider whether all reasonable measures have been taken to support the employee to improve their attendance levels/return to work
- To consider any further matters the employee wishes to raise
- To consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time
- To consider the possible termination of the employee's contract on the grounds of ill health capability.

### **14. Attendance during Review Periods**

- 14.1.** The key outcome of the above procedure will be an improvement in attendance. Wherever possible, Managers should facilitate flexible, pro-active and person-centered solutions to achieve regular attendance.
- 14.2.** Managers may proceed to the next stage of the procedure before the review period is completed if it becomes apparent that the employee's attendance has deteriorated further.
- 14.3.** If at any stage in this procedure the employee achieves a better attendance record than is required by the improvement plan, that employee shall return to the next lower level stage in which the Manager will monitor the level or pattern of absence and take no action unless an employee's absence has again become a matter for concern.

## **15. Long-Term Sickness**

- 15.1.** Long-term sickness absence is normally defined as a period in excess of four weeks' continuous absence. All absences in excess of four weeks will normally result in a referral to Occupational Health. However, Managers need to take an informed decision as to the value of Occupational Health referrals during the period of long-term sickness absence.
- 15.2.** Following receipt of the Occupational Health report, the employee and their Manager will meet to discuss its contents as part of a formal, long-term absence review meeting. Arrangements and right to representation for this meeting will follow the procedure set out in Sections 10.1 and 10.2. A representative from HR should be present at all formal, long-term absence meetings.
- 15.3.** During a long-term absence meeting, the Manager and the employee should discuss the reasons for absence and ultimately how the Manager can support the employee back to work, if possible. Arrangements should be made for a further meeting(s) to discuss the employee's progress and return to work. The Manager will continue to monitor the situation and arrange further meetings as necessary with the employee (and their representative if appropriate).
- 15.4.** If long-term absence continues, if all reasonable, supportive options have been explored, and/or there is no prospect of an employee returning to work in any capacity within a reasonable timeframe, the employee should be informed that a Stage 3 meeting may be convened to consider whether it is appropriate to terminate their contract on the grounds of ill health incapability. The format for a Stage 3 meeting is outlined in 13.2 above.
- 15.5.** It may be necessary for the Manager to continue to refer the employee to Occupational Health in order to gain continuing and up to date medical advice for appropriate management of a particular case.
- 15.6.** A meeting between the employee, Manager and Occupational Health may be arranged if this may be helpful in gaining further insight into the employee's health condition and the prospect of a successful return to work.
- 15.7.** Throughout a period of long-term sickness, Managers will ensure that they maintain regular contact with employees via telephone, email, videoconferencing or letter. Employees on long-term sick leave must be kept informed of any departmental or service developments and should continue to receive any newsletters or briefings as appropriate.
- 15.8.** Employees who fail to attend sickness absence review meetings may be subject to the various sanctions within the Attendance Policy including dismissal. In the case of an employee failing to attend a meeting without good reason, decisions may be

taken in the absence of the employee on the basis of the medical evidence available at that time.

## **16. Long-Term Sickness Absence Management Options**

### **16.1. Options**

Throughout this procedure, it will be necessary for the Manager to consider appropriate options. Following appropriate advice from Occupational Health, the employee together with their manager may agree on one of the following options:

### **16.2. Phased Return to Work**

16.2.1. The ICB will support staff in a phased return to work following a prolonged period of ill-health, where the Occupational Health Physician advises that a phased return is likely to aid rehabilitation and a gradual return to full hours and duties.

16.2.2. To aid rehabilitation, Managers have discretion to allow employees to return to work on reduced hours without loss of pay to aid rehabilitation. Any such arrangements need to be consistent with statutory sick pay rules.

16.2.3. The timescale and basis of a phased return without loss of pay will be determined, in partnership, between the Manager and the employee, taking into account the circumstances of the individual's case and Occupational Health advice. A phased return will not normally exceed 4 weeks unless advised by Occupational Health.

16.2.4. If, at the end of the period determined for a phased return, the employee remains unfit to resume full contractual hours and duties, the Manager may use their discretion, subject to the needs of the service, to agree a further period of reduced hours, with the employee being paid solely for the hours they work. It is acceptable for employees to request paid annual leave within their entitlement to offset, or partially offset, the reduction in pay.

16.2.5. Where it becomes apparent that there are doubts or concerns about the employee's ability to progress to full hours/duties within this further period, further Occupational Health advice will be sought.

### **16.3. Redeployment**

Following appropriate Occupational Health advice, consideration may need to be given to redeploying the employee on a temporary/permanent basis to an alternative post. The potential for redeployment will be managed via discussions with the employee, the Manager, HR and, if appropriate, the employee's Staff Side representative.

### **16.4. Reasonable Adjustments**

Following Occupational Health advice, it may be possible for the employee to return to their original post with some temporary/permanent adjustments. Examples of these restrictions could include reduced hours, lighter duties or alternative shift patterns.

It may be necessary at this stage to consider the purchase of any specialised equipment that would help the employee to sustain their return to work. In cases where the employee has become disabled during their employment, help may be available through 'Access to Work'.

## **17. Dismissal and Long-Term Absence**

Where all possible support options have been exhausted and there is no likelihood of the employee returning to work or being able to maintain regular attendance at work, it may be necessary for the Manager to request that a Stage 3 Final Absence Meeting be convened. The format of this meeting is outlined in Section 13.

**18. Deferring a Monitoring Period**

If an employee commences maternity/paternity/ adoption/ shared parental leave or a career break from the ICB whilst in a sickness absence monitoring period, this monitoring period should be deferred for the duration of their leave (up to a maximum of 12 months) and reinstated upon return.

**19. Ill health retirement applications**

Employees who are members of the NHS Pension Scheme may decide to apply for ill health retirement benefits, subject to satisfying the requirements of the Scheme. Such applications will be facilitated by Occupational Health. Any application for ill health retirement will trigger a dismissal on medical grounds via a Stage 3 final review meeting.

**19.1.** There are two tiers of Ill Health benefits:

**Tier 1:** is entitlement to the retirement benefits an employee has earned to date paid without any actuarial reduction for early payment. This level of benefit is payable if an employee is:

- a) A Scheme member accepted by medical advisers as permanently incapable of doing their current NHS Job; or
- b) A former Scheme member accepted by medical advisers as permanently incapable of earning an income by undertaking regular work.

**Tier 2:** is entitlement to the retirement benefits an employee has earned to date, enhanced by two thirds of their prospective membership up to reaching their normal retirement age. This level of benefit is payable only if an employee is a Scheme member accepted by medical advisers as permanently incapable of both doing their current NHS job AND permanently incapable of regular employment of similar status to their current NHS job, taking into account their:

- a) Mental Capacity;
- b) Physical Capacity;
- c) Previous training; and
- d) Previous practical, professional and vocational experience.

**19.2.** Once completed, the application form must then be sent directly to the Pensions Agency together with details of the employee's current job role by either the employee or their medical representative.

**19.3.** The Pensions Agency will contact the employee directly and will ask for permission to obtain further medical advice as to the employee's condition from their doctors or consultants where necessary.

**19.4.** The decision whether to permit the employee to retire on the grounds of ill-health rests entirely with the Pensions Agency Medical Advisors.

**20. Injury Allowance**

**20.1.** Injury Allowance (IA) is paid by employers to staff on authorised absence with reduced pay or no pay because of an injury or disease wholly or mainly

attributable to their employment. IA tops up the employee's income to 85% of the average they were getting before their pay was reduced as a result of the injury or disease. It is not payable if the employee's income is more than 85% of their average pay, and it stops when they return to work or leave employment. IA is subject to income tax and National Insurance deductions but not pension contribution deductions.

**20.2.** To qualify for IA, an employee covered by the scheme must be on leave of absence and be suffering a reduction in their NHS pensionable pay as a result of an injury or disease that is wholly or mainly attributable to their actual NHS duties.

## **21. Sickness during Annual Leave, and Holidays during Periods of Sickness**

**21.1.** If an employee falls sick during a period of annual leave, either in this country or overseas, and the period of incapacity seriously interrupts the period of leave, then they may count the absence as sick leave provided they:

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

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

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

**21.4.** Whilst absent from work because of sickness, if the employee intends to spend more than one night away from their normal place of residency, whether it be overseas or in the UK, then the employee must provide a written statement from a medical practitioner advising that the holiday would be beneficial to their condition or recovery, and in no way would aggravate or cause detriment to the illness/injury. Where necessary, the ICB will reimburse the cost of such letters. In addition, the ICB may also choose to obtain a medical opinion from Occupational Health. If the leave is supported by a medical practitioner, then the employee will have the option to continue with sick leave and have the annual leave credited back or take the time as annual leave, in which case sick pay, occupational and/or statutory as appropriate, will cease. If an employee is physically unable to return to work after a holiday, they must submit a medical certificate which covers them from the day on which they were expected to return to work. Should the employee take the leave as sickness, then entitlements to sick pay both occupational and statutory will be in line with the normal eligibility rules.

**21.5.** Where the request to continue with a pre-booked holiday is not supported by a medical practitioner, then annual leave should be taken.

**21.6.** Employees will not be entitled to an additional day off if they are sick on a statutory holiday.

## **22. Appeal Procedure**

**22.1.** An employee has a right of appeal against a formal warning given in relation to their attendance. In order to lodge an appeal, the employee must submit their case in writing

within five working days upon receipt of the outcome of any of the above-referenced three Stages of the procedure.. The recipient of the appeal will be stated in the outcome letter following the issuing of a sanction. Wherever possible, the appeal hearing will not be chaired by a Manager involved in the issuing of the sanction.

- 22.2.** Where the appeal is against dismissal employees should address their appeal to the Accountable Officer outlining the reasons for the appeal within ten working days.
- 22.3.** The appeal hearing will take place within 20 days of the lodged appeal. At the appeal hearing the employee has the right to be accompanied by a staff side representative or colleague not acting in a professional capacity.
- 22.4.** There will be no further right of appeal once an employee's appeal has been considered.

## **23. Monitoring**

- 23.1.** The ICB will have responsibility to monitor the effectiveness of this policy and review it every three years in conjunction with HR and Staff Side representatives. Where a review is necessary due to legislative change, this will happen immediately. Minor changes may be approved by the Accountable Officer.

# Appendix 1

## Self-Certified Sickness Notification

SVL.....

To certify up to 7 calendar days sickness absence

### PERSONAL DETAILS

Surname:		Mr / Mrs / Miss / Ms									
First Names:											
Home Address:								<b>National Insurance Number</b>			

### EMPLOYMENT DETAILS

Job Title:											
Team:											
Assignment Number:										-	

### DATE OF ABSENCE

<b>Date you became unfit for work</b>	TIME am/pm	DAY	DATE	MONTH	YEAR
<b>Night workers only</b> Your last shift began	TIME am/pm	DAY	DATE	MONTH	YEAR
<b>Date you expect to return to work (if known)</b>	TIME am/pm	DAY	DATE	MONTH	YEAR

### DETAILS OF SICKNESS/INJURY

Say briefly why you are unfit for work:	
Is absence as a result of an accident at work? NO	YES /
If yes, Date and time of accident? Whom did you notify?	

Has an Accident Report Form been completed?	YES / NO
<b>Did you fall ill abroad?</b>	YES / NO
If yes, which country were you in?	

I declare that during the period stated, I have been unfit for work and that information given is complete and correct. I claim any sick pay to which I may be entitled.

**Signed**.....  
**Date**.....

---

When completed and signed, this form should be sent to your Manager as soon as possible and not later than 7 calendar days from the first day off sick.

**FOR COMPLETION BY MANAGER**

To the best of my knowledge, the information given above is correct.

Additional Information .....

.....

**Manager Name** .....

**Manager Signature** .....

## Appendix 2

### RETURN TO WORK FOLLOWING A PERIOD OF SICKNESS ABSENCE FORM

*(THIS FORM SHOULD BE COMPLETED DURING A BACK TO WORK INTERVIEW FOLLOWING EVERY PERIOD OF SICKNESS ABSENCE)*

Name		
Department:	Interviewing Manager	
First Notified to Manager	First Day of Absence	
Last Day of Absence		
Total number of days of sickness (including non-working days)		
Total number of days of work		
Total number of days absent in previous 12 months		
Number of occasions absent in previous 12 months		
Is absence due to an injury at work	YES / NO	
Have you seen a doctor	YES / NO	
<input type="checkbox"/> Self-Certified	<input type="checkbox"/> Medically Certified	<input type="checkbox"/> Uncertified
Reason for absence (Please give brief description of illness or other reason for absence)		
Action Taken (please give brief description any action taken to date) Explain sickness absence procedure		
Propose course of action – Manager’s comments. Please comment on employee’s state of health of return from absence and ability to resume full duties:		
Occupational Health Referral required	YES / NO	
I understand that if I knowingly provide inaccurate or false information regarding my absence it may result in disciplinary action:-		
Employee’s signature .....		
Manager’s signature .....		