

## SALSIBURY NHS FOUNDATION TRUST

### Attendance Management Policy and Procedure

#### Quick Reference Guide

- This policy and procedure applies to all employees engaged on a contract of employment, including those on fixed-term contracts. It excludes agency, contractor, Bank and volunteer colleagues.
- Paid and unpaid time off for medical appointments.
- Occupational and Statutory Sick Pay and when this applies
- Notification procedure for time off for appointments and sickness absence
- Short term sickness absence management procedure
- Long term sickness absence management procedure
- Guidance for People Managers - Managing Employee Sickness Absence (: short-term and long-term)
- Appeals

#### 1. Policy Introduction and Purpose

- Our ability to deliver an outstanding patient experience every time is reliant on you working to the best of your capability
- We recognise the considerable contribution to patient care that you demonstrate daily, and we believe that promoting and supporting your health and wellbeing is critical in achieving a consistently high standard of care for our patients. We will take all reasonable steps to help you to achieve high levels of attendance at work by identifying and addressing health or other issues at an early stage.
- We understand there may be occasions when you are unable to attend work due to a medical appointment or due to illness. We will be flexible in enabling you to attend appointments and during sickness absence, we will provide you with Occupational Sick Pay and assistance from our Occupational Health Service to support you whilst you are ill and on your return to work.
- Your attendance, health and wellbeing will be managed confidentiality, with fairness, discretion and sensitivity according to our policy and procedure whilst ensuring that we continue to meet service requirements which put our patients at the centre of what we do.

Version Information			
Version No.	Updated By	Updated On	Description of Changes
1.0	Sharon Holt	31/08/2007	New Policy
2.0	Sharon Holt	28/05/2010	Section 12, Section 18 Nos 18.8, 19.8, 20.1.4 and 20.2 Changes to sections 9.1,19.8 and 19.9 Addition of sections 4.5,5.2 ,9.10 and 26 Staff side consultation resulting in changes to 4.6,5.2,19.1, 19.6, 19.15,21.2, 21.10. Introduction of 'fit note' in section 9.13,16.6 and Appendix 7
2.1	Sharon Holt	13/08/2010	Section 18. Change of title to Procedure for Special Case Management

Version Information			
5.0	Directorate Personnel Manager	25/11/2011	Changes to Sections 6, 10.13, 13.1, 13.2, 17.4, 17.5, 18.4, 18.5, 18.6.2, 18.6.3, 18.6.4, 18.7, 19.2, 19.4, 19.5, 19.7.1, 19.7.2, 19.8, 20.2, 20.3, 20.8, 20.10, 22.2, 22.3, 25.3
6.0	Directorate HR Manager	13/08/2014	Changes to Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 30, 31. Addition of sections 4, 19, 20, 24, 28 and 32. Removal and replacement of Appendices J, K, L, M, N, O, P and Q.
6.1	Directorate HR Manager	05/09/2016	Review date revised to October 2016.
7.0	HR Advisor	19/10/2016	Clarified scope including ref to medical staff (section 2). Added reference to treating staff with dignity and respect (section 3) and amended wording in sections 25.4.1 and 25.5.1 to reflect this. Added a ref to infection control requirements section 6.10. Amended section 25 to reflect named stages from start of formal process only. Added links and references to forms etc. Removed appendices to place into HR pages on intranet. Increase of statutory leave and carry over (section 16.6). Removed reference to CBT and added mental health services; added reference to cancer in the workplace guidelines; updated section 13 re industrial injury reporting process. Added reference to e-rostering process (section 17.4).
9.0	OD and People Business Partner	26/06/2018	This policy replaces the current Management of Attendance Policy and Procedure.
9.1	OD and People Business Partner	15/07/2018	This policy replaces the current Management of Attendance Policy and Procedure. Layout revised
9.2	OD and People Business Partner	28/04/19	Revisions and minor updates made to sections 3.4, 5.3, 13.2, 13.3, 16, 23, 27.3 and 27.4
9.3	Senior Business Partner Employee Relations	March 2022 and April 2024	OD&P Policy and Procedure review in new Template including <ul style="list-style-type: none"> <li>• This policy and procedure applies to all medical and non-medical employees with the required continuous service engaged on a contract of service including those on fixed-term contracts. It excludes agency, contractor, Bank and volunteer colleagues.</li> <li>• Table for time off for medical appointments and those which will be paid and unpaid.</li> <li>• Table for Occupational and Statutory sick pay and when this applies</li> <li>• Notification procedure for appointments and sickness absence</li> <li>• Table - Short Term Sickness Absence Management Procedure</li> <li>• Table - Long Term Sickness Absence Management Procedure</li> <li>• Guidance for People Managers - Managing Short Term and Long Term sickness absence</li> </ul>

## 2. Eligibility

This policy and procedure applies to all employees engaged on contract of employment including those on fixed-term contracts. It excludes agency, contractor, Bank and volunteer colleagues.

## 3. Scope

This policy applies to the notification procedure and management of employee absence due to routine hospital or dental appointments, anti-natal or adoption appointments, and sickness absence due to illness, hospitalisation or surgery, pregnancy-related sickness, gender reassignment and industrial accidents at work.

## 4. Appointments and Sickness Absence Notification Procedure

### 4.1 Medical Appointments

We recognise that to ensure your ongoing health and wellbeing it will be necessary for you to attend medical and dental appointments from time to time. We request that you give your manager as much notice as possible of any appointment and that these are arranged, where possible, with minimum impact to service levels. Your manager will seek to accommodate your time off by agreeing to a change in your working pattern or by agreeing to time off in lieu. The table below provides guidance on how these appointments will be managed.

Guidance on Time off for Medical Appointments	
Appointment	Arrangements
Routine medical/Dental	You will be expected to arrange routine GP/dental and hospital appointments outside of normal working hours and where this is not possible you should arrange them at the start or end of your working day. If neither of these options is possible you should discuss alternative time off arrangements with your manager who will provide as much flexibility as possible and may be able to agree time off in lieu/ making up time at a later date or taking annual leave or unpaid leave.
Treatment or reviews for a disability	Under the Equalities Act 2010 provision is made for employees with a disability that may require time off for routine ongoing rehabilitation, hospital treatment/assessment or counselling. These are considered "reasonable adjustments" which must be accommodated wherever possible. Ideally, these should be arranged with minimum disruption to working hours. However, where this is not possible you will be granted the time off without having to make up time.
Guidance on Time off for Medical Appointments	
Appointment	Arrangements
Pregnancy/Adoption/Surrogacy Antenatal	Individual circumstances may differ and time off (including travel time) will usually be based on the following: <ul style="list-style-type: none"> <li>• <b>Antenatal:</b> up to 10 appointments for each baby as paid time off.</li> <li>• <b>Adoption:</b> up to 5 appointments for the main adopter which will be paid time off, up to 2 appointments for the secondary adopter which are unpaid.</li> <li>• <b>Surrogacy:</b> up to 2 unpaid appointments.</li> </ul>
IVF Treatment	Individual circumstances may differ and time off (including travel time) will usually be based on the following: <ul style="list-style-type: none"> <li>• Up to 3 appointments per rolling 12 months as paid time off.</li> <li>• Any future appointments will be taken making up time, annual leave or unpaid time off.</li> <li>• You should notify your manager once you have reached the implantation stage. If after implantation you are unable to work due to the effects of the treatment you may sign off sick by your GP. If treatment has been unsuccessful, you may receive up to a further two weeks 'protected sick absence' which will not count towards absence triggers in this policy.</li> </ul>
Gender Reassignment	Individual circumstances may differ and time off (including travel time) will usually be based on the following: <ul style="list-style-type: none"> <li>• Reasonable paid time off for pre-surgery appointments with medical specialists and gender reassignment surgery.</li> </ul>

	<ul style="list-style-type: none"> <li>Absence due to gender reassignment treatment or surgery will be treated as sick 'protected sick absence' which will not count towards absence triggers in this policy.</li> </ul>
<b>Occupational Health Appointments or EAP Counselling</b>	You will be given paid time off to attend Occupational Health or Employee Assistance Programme (EAP) appointments, as they form part of our Health and Wellbeing Strategy.
<b>Cosmetic Surgery/Alternative Therapies</b>	Sick pay is not normally payable for absence as the result of voluntary procedures such as cosmetic surgery, or alternative therapies that have no medical grounds to support them. In these situations, annual or unpaid leave will need to be requested for procedures/treatments and recovery time, but if complications arise following treatment, this would usually be considered as sickness absence.

## 4.2 Sickness Absence

- You must inform your manager of any absence due to sickness as early as possible before your scheduled start time and at least 30 minutes before your start time via a telephone call to your line manager or designated duty manager or in accordance with your local reporting requirements. This will include the nature of the sickness and its likely duration. Sickness absence not reported according to these requirements will be managed as unauthorised absence and you may be subject to our disciplinary procedure.
- On the 8<sup>th</sup> calendar day of continuous sickness absence, you must provide your manager with a Statement of Fitness for Work (available from your GP). This will identify the start date of your absence, nature of illness and period during which you should refrain from work.
- Your manager is required to check that your fit note is genuine and that there have not been any alterations and will retain the original document for your personal file. Fit Note Guidance is attached in [Appendix A - Fit Note Guidance](#)
- Further Statements of Fitness for Work must be provided to cover the whole period of absence.
- Planned surgery or medical day procedures will be recorded as sickness absence.
- You will need to agree contact arrangements with your manager during your absence. Your manager will support you during your absence ensuring your wellbeing is a priority and that your absence at work is covered by alternative arrangements.
- As soon as you return to work, irrespective of the length of your sickness absence you are required to complete a Return-to-Work Form ([LINK to FORM Appendix B](#)) which will provide the basis for your return-to-work discussion with your manager.
- As part of your contract of employment with us, from time to time, we may make a management referral, whether you are on sickness absence or not, to attend our Occupational Health Service for us to obtain an assessment on your health capability to do your job or other duties. This will be reviewed by the relevant manager/s and your People Advisor. With your consent, this will include your relevant medical information.
- If you work for 50% or more of your contracted hours on the day of absence this will not count towards absence triggers in this policy. However, if your sickness absence continues into the next working day your absence will start from the date your absence originally started.
- Failing to comply with this policy and procedure may result in action under the Trust Disciplinary Policy.

## 5. Sick Pay

### 5.1 Occupational Sick Pay

You are entitled to receive occupational sick pay under the NHS sick pay scheme, in accordance with the provisions of Section 14 of Agenda for Change, as amended from time to time, provided you comply with this procedure. Occupational Sick Pay levels are detailed below.

Occupational Sick Pay	
Length of Service	Level of Occupational Sick Pay
<b>Less than one year's service</b>	1 months' full pay and 2 months' half pay in any 12-month period.
<b>One to two years' service</b>	2 months' full pay and 2 months' half pay in any 12-month period.
<b>Two to three years' service</b>	4 months' full pay and 4 months' half pay in any 12-month period.
<b>Three to five years' service</b>	5 months' full pay and 5 months' half pay in any 12-month period.
<b>Under 5 years' service</b>	Occupational Sick Pay at half pay will be reinstated if a final review meeting has not taken place due to our delay within 12 months of the start date of continuous sick absence.
<b>Over five years' service:</b>	6 months' full pay and 6 months' half pay in any 12-month period. Occupational Sick Pay at half pay will be reinstated if a final review meeting has not taken place due to our delay.

Under exceptional circumstances only, sick pay may be extended beyond the periods set out above and with prior agreement between your manager and People Business Partner.

### 5.2 Statutory Sick Pay

Occupational sick pay is inclusive of any Statutory Sick Pay (SSP) which you may be entitled to for the same period. The rate of SSP is set by the government in April each year and will be included in your Occupational Sick Pay for a maximum period of 28 weeks. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence. If you are not eligible for SSP or if your sickness absence continues past 28 weeks, you will be given an "SSP1" form explaining the reasons and you should submit this form to the Department of Work and Pensions to claim SSP. You will continue to receive the relevant amount of Occupational Sick Pay as identified above. You will be required to provide details of any SSP payments paid by the government and these will be deducted from your relevant level of Occupational Sick Pay.

Any employer and employee pension contributions will continue subject to the relevant scheme rules during any period of Occupational sick pay or SSP.

### **5.3 Sickness Absence as the result of COVID-19**

This should be managed in accordance with Guidance on Managing COVID-19 and Sickness Absence and Requirements for Self-Isolation [Appendix C - Occupational Health Management Referral](#)

### **5.4 Sickness Absence caused by a Professional Sport**

You will not normally receive Occupational Sick Pay if your absence is the result of participation in sport as a profession, or where contributory negligence is proved.

### **5.5 Sickness Absence as the result of an Accident**

If you are absent due to illness caused by an accident, you will receive Occupational Sick Pay. However, if you receive damages from a third party this Occupational Sick Pay (including SSP) is repayable to the Trust. In this situation, this time will be recorded as sickness absence but will be 'protected sickness absence' which will not count towards absence triggers in this policy.

### **5.5 Industrial Injury and Disease**

- Your manager will ensure that you undertake relevant Health and Safety training in order to avoid accidents and injuries in the workplace. On commencing employment with the Trust you have a responsibility to take care of your own Health and Safety (please refer to the current Health and Safety policy). All incidents that cause an injury to occur in the workplace must be recorded on the DATIX reporting system as soon as possible.
- It is recognised that an accident at work may result in you being absent from work, and therefore the Trust will take a sensitive and supportive approach. A RIDDOR report must be raised if the injury is classed as 'major' or results in sickness of more than 7 consecutive days. While this activity is coordinated by the Health and Safety team, your manager must ensure that the payroll return reflects the fact that time has been lost as a result of an accident at work in order to satisfy statutory reporting requirements. In this situation, this time will be recorded as sickness absence but will be protected and therefore not counted towards absence triggers in this policy.
- You may be eligible to receive an Injury Allowance, subject to conditions set out in Section 22 of the NHS Staff Terms and Conditions of Service handbook, if they you sustained an injury, contracted a disease or developed another health condition due to NHS employment on or after 31 March 2013.
- The attribution of injury, illness or other health condition will be determined by seeking appropriate medical advice from the Occupational Health Physician.
- If a dispute should arise over whether an alleged incident caused a particular period of sickness, the Trust will formally investigate the incident under the relevant policy.

If your sickness absence as the result of an injury in the workplace lasts for more than 7 consecutive days this is classified as major and your manager will report this to Health and Safety and OD& People and it will be recorded as an accident at work. In this situation, this time will be recorded as sickness absence but will be protected and therefore not counted towards absence triggers in this policy.



## 5.6 Notifiable and Infectious Diseases

Following contact with an infectious disease (refer to the Trust’s Infection Control policy), you must report this to your manager and immediately seek advice from our Occupational Health Service via a self-referral.

If you are unable to attend work due to restrictions placed on you following contact with an infectious disease (as detailed in the Infection Control policy), this time will be recorded as sickness absence but will be protected which will not count towards absence triggers in this policy. This also includes if you experience symptoms of diarrhoea and vomiting. Although not a notifiable disease you should remain off work for 48 hours after the symptoms have subsided, in line with the Infection Control Policy.

## 5.7 Multiple Employments or Engagements

- If you have multiple employments and you are off due to sickness absence you must not engage in other paid or unpaid work/activity in any capacity including with the Trust without express permission from your manager in consultation with your People Advisor. Occupational Sick Pay and SSP will cease if you report sick on one contract but work on another and this may result in a Trust Fraud Investigation, and you may also be subject to our disciplinary procedure.
- The only exception to the above is where an Occupational Health Assessment obtained before the work commencing determines that specific work would be therapeutic for you.

## 5.8 Calculation of Occupational Sick Pay

The period during which Occupational Sick Pay will be paid and the amount of sick pay you will receive will be calculated by aggregating paid sickness absence in the 12 months immediately before your first day of sickness absence. The sick pay you receive when added to any statutory sickness, injuries or compensation benefits, including any allowances for adult or child dependants, must not exceed full pay. Sickness absence identified below is ‘protected sickness absence’ which will not count towards absence triggers in this policy or Occupational Sick Pay calculations.

Protected Sickness Absence
Sickness absence as a result of pregnancy/ or IVF
Sickness absence as a result of gender reassignment
Sickness absence levels as a result of a medical condition or disability will be assessed by Occupational Health who will make an assessment of the potential level of absence to be expected. Managers will decide what level of absence may be accommodated above the policy and will refer to their People Advisor for guidance and protected sickness absence identified depending on individual circumstances. For example it may be more appropriate to class certain types of absence as disability leave rather than sickness absence. If a disabled member of staff (as defined by the Equality Act 2010) needs time off for rehabilitation, assessment, or treatment related to their disability, this shall be classed as disability leave. When employee needs time off because they are unfit for work due to their disability this should be classed as sickness absence related to disability.

Sickness absence caused by injuries, diseases, or other health conditions that are wholly or mainly attributable to the employee's NHS employment and which have been sustained or contracted in the discharge of the employee's duties of employment defined in the Agenda for Change

Sickness absence caused by injury resulting from a crime of violence, not sustained on duty but connected with or arising from the employee's employment, where the injury has been the subject of payment by the Criminal Injuries Compensation Authority (England, Wales and Scotland), or which has not attracted payment of an award as it has not met the loss of earnings criteria or was not one for which compensation above the minimum would arise.

## 6. Sickness Absence Management Procedure

Your attendance is monitored by your manager to ensure your health and wellbeing is maintained so that we can deliver a high level of care to our patients. Your manager will discuss each sickness absence with you on your return to work in a return-to-work discussion. The purpose of the discussion is to establish the reason for your sickness absence and to address any support you may need.

Should you wish to, you may be accompanied by a workplace colleague or trade union representative to **formal** short- or long-term Sickness Absence Reviews. You should provide the manager chairing the meeting with 24 hours advance notice if you wish to be accompanied and the name of the person and, where relevant, the name of the trade union.

### 6.1 Managing Short Term Sickness Absence

If your sickness absence levels hit a trigger point identified below your manager will follow the Short Term Sickness Management Procedure

Trigger Point	Period
3 occasions of absence	Rolling 12 months
More than 14 calendar days of sickness absence	Rolling 12 months
Patterns of absence e.g. <ul style="list-style-type: none"> <li>• before or after a holiday period/weekend</li> <li>• particular time of year</li> <li>• following refusal of annual leave</li> <li>• Repeated sickness absence following completion of a monitoring period</li> </ul>	At any time



There are 4 stages to the Short Term Sickness Management Procedure which starts with an informal Attendance Counselling meeting

Short Term Sickness Management Procedure	
Stage of Procedure	Purpose of meeting
<b>Informal</b>	
<p style="text-align: center;"><b>Stage 1</b></p> <p><b>Short Term Sickness Absence Counselling</b></p> <p>Used where any of the sickness absence trigger points have been met for the <b>first</b> time. Your manager will discuss your attendance and sickness absence levels with you.</p>	<p>You will be invited to an informal Short Term Counselling with your manager to discuss:</p> <ul style="list-style-type: none"> <li>• dates, frequency and reasons for absences;</li> <li>• interventions to support your increased attendance e.g. is there an underlying medical reason that may warrant an Occupational Health referral/ are there any other reasons for the absences;</li> <li>• an action plan with a time frame for improvement which if not met could mean progression to the formal stage of the procedure. For example an a timeframe for improvement will be immediate unless reasonable adjustments have been agreed otherwise.</li> </ul>
<b>Formal</b>	
<p style="text-align: center;"><b>Stage 2</b></p> <p><b>First Short Term Sickness Absence Review</b></p> <p>Used where there is further sickness absence or insufficient improvement during or at the end of the previous review period. Your manager will chair the meeting and may include a People Advisor and your workplace colleague or trade union, representative.</p>	<p>You will be invited to a Sickness Absence Review with your manager to discuss:</p> <ul style="list-style-type: none"> <li>• dates, frequency and reasons for further absences, including if the absences are caused by an underlying medical condition.</li> <li>• a review of any recommended interventions/support and agreement to any further adjustments to increase attendance;</li> <li>• an action plan with a time frame for improvement.</li> <li>• the monitoring period during which a sustained improvement in your attendance is required to avoid progression to Stage 3 of this procedure. For example, a timeframe for improvement will be immediate unless reasonable adjustments have been agreed otherwise.</li> </ul>
<p style="text-align: center;"><b>Stage 3</b></p> <p><b>Second Short Term Sickness Absence Review</b></p> <p>Used where there is further sickness absence or insufficient improvement during or at the end of the previous review period. Your manager will chair the meeting and may include a People Advisor and your workplace or trade union, representative.</p>	<p>You will be invited to a Sickness Absence Review with your manager to discuss:</p> <ul style="list-style-type: none"> <li>• dates, frequency and reasons for further absences, including if the absences are caused by an underlying medical condition.</li> <li>• a review of any recommended interventions/support and agreement to any further adjustments to increase attendance including redeployment if appropriate;</li> <li>• an action plan with a time frame for improvement;</li> <li>• the monitoring period during which a sustained improvement in your attendance is required to avoid progressing to the final stage of this procedure, which could result in dismissal on grounds of capability due to attendance/sickness absence. For example a timeframe for improvement will be immediate unless reasonable adjustments have been agreed otherwise.</li> </ul>

<b>Short Term Sickness Management Procedure</b>	
<p style="text-align: center;"><b>Final Stage 4</b></p> <p><b>Short Term Sickness Absence Review</b></p> <p>Used where there is further sickness absence or insufficient improvement during or at the end of a monitoring period. An independent panel will be convened to consider a management report on the case. The panel may include the following positions: a senior manager, People Advisor, Directorate Senior Nurse, and your workplace or trade union representative. The chair of the panel must have the authority to dismiss.</p>	<p>You will be invited to a Sickness Absence Review with an independent panel who will consider the management report including:</p> <ul style="list-style-type: none"> <li>• an up-to-date Occupational Health assessment;</li> <li>• exploring if Ill-health retirement is an option;</li> <li>• whether all reasonable steps including redeployment have been taken.</li> <li>• if it is reasonable to conclude that attendance will not improve this may result in dismissal</li> </ul>

If you have a medical condition or disability which is the cause of higher absence levels, you may be referred to Occupational Health Occupational Health Referral Form Appendix C who will provide your manager with a health assessment identifying your health condition and what if any impact this may have on your capability to provide regular attendance including any reasonable adjustments to your post that may be required. A medical condition or disability may legitimately warrant higher levels of absence and your manager will need to decide what level of attendance is acceptable on a case-by-case basis and in meeting service needs.

A medical condition or disability will not prevent your manager from moving you to the next stage of the Attendance Management Procedure, however, your manager will consult with your People Advisor to ensure a fair and consistent approach is taken to absence levels in similar circumstances across the organisation.

## 6.2 Managing Long Term Absence

Where an employee's sickness absence lasts or is likely to last for 28 or more continuous calendar days your manager will follow the Long Term Sickness Absence Management Procedure.

<b>Long Term Sickness Absence Procedure</b>	
<b>Stage</b>	<b>Purpose of meeting</b>
<b>Informal</b>	
<p style="text-align: center;"><b>Stage 1</b></p> <p><b>Long Term Sickness Absence Review</b></p> <p>Used where sickness absence is likely to continue for 28 or more calendar days. Your manager will meet with you to discuss your sickness absence. This meeting may also include a People Advisor.</p>	<p>You will be invited to attend an informal Long Term Sickness Absence Review with your manager to discuss your health and attendance including:</p> <ul style="list-style-type: none"> <li>• arranging a referral to Occupational Health to determine the cause and likely duration of absence if an immediate return to work is not expected;</li> <li>• any interventions to support you during your absence;</li> </ul>

	<ul style="list-style-type: none"> <li>• when a return to work can be expected and what may be required to facilitate your return-to-work e.g., phased return and or reasonable adjustments.</li> </ul>
<b>Formal</b>	
<p style="text-align: center;"><b>Stage 2</b></p> <p><b>Long Term Sickness Absence Review</b>        Used where sickness absence is likely to continue past 6 weeks, to determine timescale for recovery and return to work.</p> <p>The meeting will include your manager who will chair the meeting and a People Advisor and may also include your workplace or trade union, representative.</p> <p>Subsequent formal review meetings may be required in accordance with your medical condition and your manager will consult your People Advisor to ensure your absence is managed in accordance with our practice and procedure in similar situations</p>	<p>You will be invited to attend a Long Term Sickness Absence Review with your manager to discuss:</p> <ul style="list-style-type: none"> <li>• your current health condition;</li> <li>• advice provided by Occupational Health or Healthcare Practitioner;</li> <li>• potential timescale for a return to work;</li> <li>• interventions to support rehabilitation;</li> <li>• reasonable adjustments that can be accommodated;</li> <li>• possible redeployment options if applicable;</li> <li>• occupational and Statutory Sick pay provisions including advance notification of any changes;</li> <li>• timings of subsequent formal review meetings if required in accordance with your medical condition.</li> </ul>
<p style="text-align: center;"><b>Final Stage</b></p> <p><b>Long Term Sickness Absence Review</b>        Used where an employee may not be able to return to their post or redeployed to an alternative post.</p> <p>An independent panel will be appointed to consider your case. The panel may include the following positions: a senior manager, People Advisor, Directorate Senior Nurse, and your workplace or trade union representative.</p>	<p>You will be invited to a final Long Term Sickness Absence Review with a panel who will consider:</p> <ul style="list-style-type: none"> <li>• advice provided by Occupational Health or Healthcare Practitioner;</li> <li>• further reasonable adjustments to support you returning to your post or redeployment into an alternative post in the immediate future;</li> <li>• the option of an application for Ill Health Retirement;</li> <li>• dismissal on the grounds of ill health capability (this may or may not include ill-health Retirement)</li> </ul>

### 6.3 Returning To Work Following Sickness Absence

We are committed to supporting all our people in maintaining positive health and wellbeing and we recognise that not all situations are the same and different interventions may be required to return employees to work. Our Occupational Health Service will provide your manager with advice which may include advice from other medical specialists and an appropriate programme of support will be considered and may include those identified below.

## Phased Return

- This enables you to gradually build your hours/days of work to achieve a full return to work. Phased returns would be expected to be for a maximum period of 4 weeks. During this period, you will receive your full pay. The reduction in hours because of a rehabilitated phased return will not be treated as sickness absence. Phased returns must be agreed by your manager and should a longer phased return be required your manager will consult your People Advisor.
- Following a return to work from a period of long-term sickness absence you will automatically enter a 3-month monitoring period. This period aims to provide you with any support that you may need to fully integrate back into the workplace.
- If before your long-term sickness absence, you were under a formal stage of the Short – Term Absence Management Procedure the monitoring period will be decided upon in relation to this stage i.e., if you were being managed at Stage 2 at the time you went long term sick, then your manager will return to this stage of the procedure on your return to work.

## Redeployment

This will be considered at any stage of long or short-term sickness absence where there is an underlying medical condition confirmed by Occupational Health that would preclude you from returning to your substantive post and duties - either on a temporary or permanent basis.

- Redeployment will only be considered if you are willing to explore it. To assist you, your manager will make an assessment of your skills and experience, and the areas of the organisation in which you might be able to work.
- Redeployment will take place for a period of up to 8 weeks during which time we will ring-fence you for prior consideration above other 'not at risk' applicants for vacancies you have applied for within the Trust.
- If by the time a final Long-Term Sickness absence review meeting has taken place and there are no immediate alternative redeployment opportunities available, redeployment will continue to apply during your notice period.
- Exploring possible redeployment opportunities does not indicate an agreement to abandon your current post. However, if a decision is made not to explore redeployment opportunities, dismissal may be the only alternative.
- If you are interested in accepting the post, the Trust will seek Occupational Health advice as to its suitability and a risk assessment will be conducted. If the post is at a lower salary to your current salary our Protection of Earnings Policy is not applicable in these circumstances and your salary will be reduced according to the salary for the post. Provided the requirements of the post are met (or with a reasonable period of training) a trial period of up to 4 weeks working in the new post will be organised. This trial period may be longer subject to your health status.
- If the trial period is successful, both in terms of attendance and performance, you will be formally redeployed into the new post.
- If the trial period is unsuccessful and has to be terminated early due to either your attendance or performance; or you unreasonably reject the redeployment opportunity identified or no suitable redeployment opportunity can be identified, then the Trust will manage your case in accordance with the stage in this procedure reached before attempting redeployment.

## III Health Retirement

Retirement on grounds of ill health may be applied for where, due to a medical condition, you are unable to continue working in your current post, or an alternative post, or if a suitable alternative post cannot be identified within the timescales. You will be supported in making an application, however, by doing so, you are accepting that you are no longer able to work for the Trust and if your Ill Health Retirement is approved this may also mean any other NHS employer.

- Ill health retirement may be available if you have made at least two years' continuous contributions to the NHS Pension Scheme.

An Ill Health Retirement Form AW33 [Appendix D - Ill Health Retirement form \(AW33\)](#) must be completed and submitted to the NHS Business Services Agency. This form can be obtained from the Trust's Pensions Manager. The form requires a tri-part entry: a section will need to be completed by you, then sent to your manager and, finally, the Trust Occupational Health physician. The Occupational Health team will then submit the form to the NHS Pensions Department on your behalf. The Occupational Health team will rely on evidence from your GP and any specialist involved. It is therefore advisable, when approaching ill-health retirement, to source that material from your GP so that the information is immediately available.

- The assessment of the application is entirely the responsibility of the NHS Business Services Agency. Once an application has been submitted, then your employment will be terminated with the relevant contractual notice at a Final Stage Health and Wellbeing Meeting.

#### 6.4 Medical Suspension

There may be rare occasions when it is necessary to suspend you on medical grounds for your safety, or the safety of patients, clients or colleagues. In all cases, your manager will obtain advice from Occupational Health and your People Advisor and in cases involving medical and dental colleagues, the advice of the Medical Director must be sought before action is taken. Suspensions of this nature will not be connected to disciplinary action. These include situations where:

- Your manager concludes that you are unable to perform the full range of duties safely.
- You are unwell or suffering from a condition that causes your manager concern, and might present a risk to yourself or others.
- You have been in contact with or are suffering from an infectious disease/condition.
- There is no other suitable alternative work that you can undertake safely.

This form of absence will be paid on full pay and will last initially for 2 weeks and then be reviewed every two weeks or at an agreed review date by your manager to consider whether the suspension should continue.

#### 6.5 Annual Leave and Statutory Holidays

- As your annual leave entitlement is over the statutory minimum (20 days), you will not receive an additional day off if you are sick on a Bank Holiday, in line with Agenda for Change (section 14.9 NHS Terms and Conditions of Service Handbook).
- If you are sick during statutory annual leave (statutory leave is the first 20 days taken from your annual leave entitlement) you may request that you convert annual leave to sickness absence and you may take your holiday at a later date subject to annual leave carryover limits. A 'Statement of Fitness for Work' will be required in all cases where an employee wants to change annual leave to sickness absence. We will pay any reasonable charge levied by the GP/health practitioner for the production of a Fit Note for any absence of under 8 days.
- You will continue to accrue annual leave at the contractual rate during periods of long-term sickness absence.
- If you wish to go on holiday during periods of long-term sickness absence you should request annual leave with your manager in the usual way. This will normally be agreed upon unless considered detrimental to your recovery.



- Where you have been unable to take your annual leave due to sickness absence, because your absence has crossed over into a new leave year, in line with our statutory obligations you will be able to carry forward any outstanding leave up to the statutory maximum of 20 days which must be taken within 18 months of your return date. Annual leave above this level will be lost if not taken.
- You will need to take annual leave during periods of long-term sickness absence, to avoid excessive build-up of leave or losing annual leave above the statutory 20 days. Your manager will discuss your annual leave options with you. For example, if you are on reduced or nil pay you can take your annual leave which will be paid at your contractual rate of pay. Your absence will remain unbroken and you will not accrue Occupational Sick Pay for this period of annual leave. You may also supplement your phased return to work with annual leave.

## **7. Guidance for People Managers Managing Employee Attendance: Short-term and Long-term Sickness Absence**

### **7.1 Benefits of Managing Attendance, Health and Wellbeing**

Your role is integral in helping our people manage their attendance, health and wellbeing which in turn ensures that we can provide a high level of service to our patients. The benefits of managing employee attendance, health and wellbeing include:

- promoting the Trust as a healthy organisation and a good place to work, significantly improving our ability to retain people in a competitive employment market including those with particular skills and valued experience;
- a more resilient and motivated workforce who will deliver high-quality work;
- a reduction in costs associated with high levels of absence, lost productivity, increased turnover, and recruitment;
- increased workforce efficiency and effectiveness reducing cost and increasing service for the Trust;
- compliance with disability discrimination under the Equality Act 2010.

For our people, managing their attendance, health and wellbeing can:

- improve their health and return them to work more quickly through faster access to health therapies;
- support those with disabilities or those with caring responsibilities to remain in employment;
- improve employee engagement making the Trust an attractive career choice.

### **7.2 Your Responsibilities as a Manager**

You are responsible for creating an environment where each member of your team can work to the best of their capability. Their attendance levels and health and wellbeing contribute to achieving this objective. You must ensure that you contact any absent employee if they have not contacted you to inform you of their absence from work, to establish the reason they are not at work. For short-term and long-term sickness absences you must also agree on appropriate check-in calls with the employee to keep updated on their illness and likely length of absence.

You should encourage open dialogue with an employee who requires time off to attend a health appointment or is sick and absent from work. This is necessary to fully support an employee and is not intended to be intrusive, it also enables you to identify and reorganise work that must be completed in their absence.

Assistance from your People Advisor is available to discuss the management of specific situations.



### 7.3 Medical Appointments

You should monitor the frequency and reason for medical appointments and provide flexibility with regard to time off in accordance with the guidance in section 4.1 Medical Appointments. Should the frequency of appointments increase to higher-than-expected levels you should discuss this with the employee to establish if you can provide additional options or support.

### 7.4 Sickness Absence Management Procedure

#### 7.4.1 Short Term Absence

Following each period of sickness absence, you should set a time to hold a Return-to-Work Discussion using [Appendix B – Return to Work Form](#) to guide and record your discussion.

#### Informal Short Term Sickness Absence Counselling

Where an employee's sickness absence hits an absence Trigger Points identified in Section 6.1 Short Term Sickness Absence. Their Return-to-Work discussion should be a Stage 1 Informal Short Term Sickness Absence Counselling. This meeting should be a supportive discussion identifying specific reasons for the absences and any support/adjustments that can be implemented to help the employee improve their attendance. Where there is an underlying medical condition or a disability you may refer to Occupational Health for advice – [Appendix C - Occupational Health Management Referral](#). You should also clarify the employee's current position in relation to the frequency of sickness absence which has been taken in the immediately preceding 12 months and that the objective is to reduce their sickness absence to avoid progression to the Formal Short Term Sickness Absence Management Procedure.

It is important to take the time to understand the employees' circumstances and discuss any patterns of absence or regular causes of absence in detail. The emphasis should be on early intervention to identify adjustments or changes that could be made to improve attendance.

You should record the meeting with agreed action points providing a copy to the employee – [Appendix E - Short Term Sickness Absence Counselling Outcome Letter](#)

#### Formal Short-Term Sickness Absence Review (Stages 2-4)

Following a Short Term Sickness Absence Counselling where an employee's sickness absence hits any of the trigger points identified in section 6.1 Short Term Sickness Absence you should arrange a formal Short Term Sickness Absence Review at the next stage of the procedure, Stage 2.

Following a Stage 2 or 3 formal Sickness Absence Review where the employee has not achieved the expected level of attendance you should arrange a formal meeting at the next stage of the Attendance Management Procedure. The expected level of improvement could either be an immediate reduction in the level of sickness absence to be within limits set out in section 6.1 or an improvement as agreed under 'reasonable adjustments'

You must notify the employee in writing of the requirement to attend a Stage 2, 3 or 4 Sickness Absence Review - [Appendix F - Invitation to Short Term Sickness Absence Review \(Stage 2, 3, 4 and Appeal\)](#), providing 5 calendar days' notice including the right to be accompanied (see Section 6 Sickness Absence Management Procedure). You should also provide the employee with copies of outcome letters from each of the previous stages identifying what was agreed together with details of further absences in the immediately preceding 12-month period from their most recent absence.

At formal Short Term Sickness Absence Reviews (Stage 2 and 3) you will assess why the employee has not met the required level of attendance as set out in the previous review meeting. You should discuss and consider the following:

- dates, frequency and patterns of absence to ensure that the employee is aware of their level of sickness absence.
- identify reasons for absences and discuss ways to resolve them.
- discuss expectations and strategies to improve regular attendance at work.
- where Occupational Health has confirmed absences are due to an underlying health condition, you should seek their advice on what level of sickness absence can reasonably be expected from the employee and what reasonable adjustments could facilitate increased attendance. These could include: higher absence levels and if your service could absorb this level of absence, changes in working patterns/location, reduction in hours including overtime, alternative duties or redeployment.
- outline the consequences of failing to achieve the set targets which may result in progressing to the next stage of the Short- Term Sickness Absence Management Procedure.

This process could commence at any stage of the Short-Term Sickness Absence Management Procedure depending on the circumstances. Additionally, if an employee has not maintained a satisfactory level of attendance within 12 months of a previous stage, you may progress to the next stage of the procedure.

#### **Final Short-Term Sickness Absence Review (Stage 4)**

You should arrange a Stage 4 Short Term Sickness Absence Review where insufficient improvement in attendance has been achieved during Stage 3. This meeting will consist of a Panel of independent managers and the Chair must have the authority to dismiss together with an OD and People Representative. You will need to produce a Management Case report outlining the relevant case history including sickness absence details and documents including an up-to-date Occupational Health Assessment. This needs to be sent to the Panel and the employee 5 calendar days before the meeting. During the meeting you will present the Management Case, the panel will consider the following:

- If the level of sickness absence has serious adverse effects on service provision.
- All reasonable steps to reduce the level of sickness absence have been exhausted.
- Other alternatives such as redeployment are either not available or not appropriate.
- Dismissal due to capability as a result of attendance/absence if it is reasonable to conclude that the current level of sickness absence will not improve in the foreseeable future.

Following each stage of the formal short-term sickness absence procedure, the Chair of the review will be required to confirm the outcome in writing to the employee normally within 5 calendar days of the meeting unless this is not possible when a later date will be confirmed to the employee at the meeting. This will include the name of the person to whom an appeal may be made. [Appendix F - Short Term Sickness Absence Review Meeting Outcome letter \(Stage 2,3,4\)](#)

## 7.4.2 Long Term Absence

### Informal Review

Where an employee's sickness absence lasts for 28 calendar days or more (or as soon as you are aware that the absence will last longer than this) you should arrange an informal Health and Wellbeing meeting. The meeting should be a supportive discussion identifying the nature of the condition, the likely duration, and arrange for an Occupational Health Assessment – [Appendix B - Occupational Health Referral Form](#).

It is important to take the time to understand the employee's circumstances and to discuss how you can best support the employee at this time, understanding that their absence could be for a serious condition.

If an employee is too unwell to attend meetings, then a letter from the GP/medical consultant or Occupational Health will be required to confirm this. You can agree with the employee on how the meeting can proceed. Ideally, this would be face to face however it could be on a video call, or you may organise transport for the employee to come onto the site, or you could make a home visit if this was appropriate. If the employee is seriously ill, you may have to have these discussions through the next-of-kin, their workplace or trade union representative or proceed in the employee's absence.

You should record the meeting with agreed action points providing a copy to the employee. [Appendix I - Informal Long Term Absence Review Outcome Letter](#).

### Formal Long Term Absence Review (Stage 2)

Where the absence will last longer than 6 weeks, following advice from your People Advisor you should arrange a further meeting under Stage 2 of the Health and Wellbeing Procedure - Long Term Absence. [Appendix J - Invitation to Formal Long Term Absence Review Stage 2](#)

At these meetings you will consider the employee's current situation and discuss the following:

- The current condition of the employee.
- A potential timescale for a return to work.
- Any advice provided by Occupational Health or other healthcare practitioners.
- Any further support or reasonable adjustments
- If appropriate, redeployment options and or ill Health Retirement if applicable
- Changes to Occupational and Statutory Sick Pay (ensuring the employee is provided with at least 1 months' notice of any changes)

Following the meeting you should summarise the discussion and confirm the outcome - [Appendix K - Long Term Absence Review Meeting Stage 2+ Outcome Letter](#)

The timings and number of subsequent Long Term Absence Review Meetings will depend on the following:

- The current medical prognosis identified by the employee's GP/medical consultant or Occupational Health.
- Changes to Occupational Sick Pay

Subsequent formal review meetings/case conferences should be arranged in accordance with the employee's medical condition. If the absence is likely to continue past the employee's Occupational Sick pay entitlement and medical evidence indicates a return to work is not anticipated in the foreseeable future you should discuss moving the employee to the final stage of the Long Term Absence Review Procedure

### **Final ill Health**

You should arrange a Final Health and Wellbeing Meeting where following subsequent formal review meetings; medical evidence still suggests that the employee may not be able to return to their substantive post or alternative job in the foreseeable future.

This meeting will consist of a Panel of independent managers not previously involved with the case with the authority to dismiss. This will include a manager from another department and a People Advisor or People Business Partner. You will need to send a management report providing all relevant details and documents including an up-to-date Occupational Health Assessment to the Panel and the employee 5 calendar days before the meeting. During the meeting the panel will consider the following:

- If the level of absence has serious adverse effects on service provision.
- All reasonable steps to reduce the level of absence have been exhausted.
- Other alternatives such as redeployment or ill-health retirement are either not available or not appropriate.
- Dismissal due to ill health capability, if it is reasonable to conclude that the current level of absence will not improve in the foreseeable future.

Following each stage of the formal Health and Wellbeing Procedure Attendance Management Procedure for long term sick absence, you or the Chair of the meeting will be required to confirm the outcome of the meeting in writing to the employee normally within 5 calendar days of the meeting unless this is not possible when a later date will be confirmed to the employee at the meeting. This will include the name of the person to whom an appeal may be made. [Appendix I – Final Long Term Absence Review and Appeal Outcome Letter](#)

## **8. Appeals**

The employee may appeal a decision at each stage of the formal Attendance Management or Health and Wellbeing Procedure for the following reasons:










- New information that was not available at the time the decision was made has been provided;
- Undue severity or inconsistency of the penalty and/or;
- Failure to correctly follow the procedure.




Appeals must be submitted in writing to the specified manager in the outcome letter within 10 calendar days of the date of the outcome letter.

The manager chairing the appeal meeting should invite the employee to the appeal meeting. [Appendix J - Invitation to Long Term Absence Review and Appeal](#). The outcome of the appeal will be confirmed to the employee in writing within 5 calendar days of the meeting unless this is not possible when a date will be confirmed to the employee in the meeting. [Appendix L - Final Long Term Absence Review and Appeal Outcome Letter](#).

## **9. Monitoring Compliance and Effectiveness of This Policy**

This will be monitored by the OD& P Directorate. Our People managers and our people are responsible for the implementation of this policy and procedure.

Appendix	Description	File
A	Fit Note Guidance	 Appendix A Fit Note Guidance.docx <a href="https://mg.salisbury.nhs.uk/media/3618/appendix-a-fit-note-guidance.docx">https://mg.salisbury.nhs.uk/media/3618/appendix-a-fit-note-guidance.docx</a>
B	Return To Work Form	 Appendix B RTW Form FINAL March 20 <a href="https://mg.salisbury.nhs.uk/media/3619/appendix-b-rtw-form-final-march-2023.docx">https://mg.salisbury.nhs.uk/media/3619/appendix-b-rtw-form-final-march-2023.docx</a>
C	Occupational Health Management Referral	 Appendix C Management-oh-refe <a href="https://mg.salisbury.nhs.uk/media/3620/appendix-c-management-oh-referral-form_updated-16323.doc">https://mg.salisbury.nhs.uk/media/3620/appendix-c-management-oh-referral-form_updated-16323.doc</a>
D	Ill Health Retirement Form (AW33)	 Appendix D - Ill health-AW33E-20222 <a href="https://www.nhsbsa.nhs.uk/sites/default/files/2022-12/III%20health-AW33E-20222110-%28V19%29.pdf">https://www.nhsbsa.nhs.uk/sites/default/files/2022-12/III%20health-AW33E-20222110-%28V19%29.pdf</a>
E	Short Term Sickness Absence Counselling Outcome Letter	 Appendix E Short Term Sickness Counselling Outcome Letter <a href="https://mg.salisbury.nhs.uk/media/3623/appendix-e-short-term-sickness-counselling-outcome-letter.doc">https://mg.salisbury.nhs.uk/media/3623/appendix-e-short-term-sickness-counselling-outcome-letter.doc</a>
F	Invitation to Short Term Sickness Absence Review (Stage 2,3,4 and Appeal)	 Appendix F Invitation to Short Term Absence Review <a href="https://mg.salisbury.nhs.uk/media/3624/appendix-f-invitation-to-short-term-absence-review-stage-2-4-and-appeal.doc">https://mg.salisbury.nhs.uk/media/3624/appendix-f-invitation-to-short-term-absence-review-stage-2-4-and-appeal.doc</a>
G	Short Term Sickness Absence Review Outcome letter (Stage 2, and 3)	 Appendix G Short Term Absence Review Outcome letter <a href="https://mg.salisbury.nhs.uk/media/3625/appendix-g-short-term-absence-review-stage-2-and-3-outcome-letter.doc">https://mg.salisbury.nhs.uk/media/3625/appendix-g-short-term-absence-review-stage-2-and-3-outcome-letter.doc</a>
H	Short Term Sickness Absence Review Outcome letter (Stage 4, and Appeal)	 Appendix H Short Term Sickness Absence Review Outcome letter <a href="https://mg.salisbury.nhs.uk/media/3626/appendix-h-short-term-sickness-absence-review-stage-4-and-appeal-outcome.doc">https://mg.salisbury.nhs.uk/media/3626/appendix-h-short-term-sickness-absence-review-stage-4-and-appeal-outcome.doc</a>
I	Informal Long Term Absence Review Outcome	 Appendix I Informal Long Term Sickness Absence Review Outcome 

		<a href="https://mg.salisbury.nhs.uk/media/3627/appendix-i-informal-long-term-sickness-absence-review-outcome.doc">https://mg.salisbury.nhs.uk/media/3627/appendix-i-informal-long-term-sickness-absence-review-outcome.doc</a>
J	Invitation to Long Term Sickness Absence Meeting Stage 2+ and Appeal	 Appendix J Invitation to Long Term Absence <a href="https://mg.salisbury.nhs.uk/media/3628/appendix-j-invitation-to-long-term-absence-rreview-meeting-stage-2plus-or-appeal.doc">https://mg.salisbury.nhs.uk/media/3628/appendix-j-invitation-to-long-term-absence-rreview-meeting-stage-2plus-or-appeal.doc</a>
K	Long Term Sickness Absence Review Stage2+ Outcome	 Appendix K Long Term Sickness Review <a href="https://mg.salisbury.nhs.uk/media/3629/appendix-k-long-term-sickness-review-stage-2plus-outcome-letter.doc">https://mg.salisbury.nhs.uk/media/3629/appendix-k-long-term-sickness-review-stage-2plus-outcome-letter.doc</a>
L	Final Long Term Absence Review and Appeal Outcome	 Appendix L Final Ill Health Review or App <a href="https://mg.salisbury.nhs.uk/media/3630/appendix-l-final-ill-health-review-or-appeal-outcome.doc">https://mg.salisbury.nhs.uk/media/3630/appendix-l-final-ill-health-review-or-appeal-outcome.doc</a>

<b>Post Holder/Author Responsible for Policy:</b>	Senior Business Partner Employee Relations
<b>Date Written:</b>	June 2022
<b>Approved By:</b>	JCC September 2022
<b>Ratified by:</b>	OMB September 2022
<b>Next Due for Review:</b>	September 2025
<b>Date Policy Effective From</b>	1 <sup>st</sup> July 2023