

ABSENCE MANAGEMENT POLICY



With you.
For you.



Document Reference:	HR01
Document Title:	Absence Management Policy
Version:	003
Supersedes:	002
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Authors Designation:	Midlands and Lancashire CSU HR Team
Consultation Group:	Executive Committee
Date Ratified:	22 October 2019
Review Date:	4 July 2022

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1. POLICY STATEMENT

- 1.1 The NHS Health & Well-being Improvement Framework, 2011, and the Boorman Review, 2009, set out the case for investing in health and wellbeing and supporting staff through any periods of ill health. They suggest that a key indicator of organisational performance is the level of health and wellbeing of the workforce.
- 1.2 This Managing Attendance Policy sets out the procedure for reporting sickness absence and the support that employees can expect when they are unwell to ensure the management of sickness absence in a fair and consistent way.
- 1.3 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and can have a number of different causes. This policy aims to ensure the reasons for sickness absence are fully understood in each case to support an employee to return to work.
- 1.4 This policy does not form part of any employee's contract of employment and may be amended with consultation.

2. WHO IS COVERED BY THE POLICY?

- 2.1 This procedure applies to all employees within the Clinical Commissioning Group including employees on temporary or fixed term contracts.
- 2.2 This policy does not apply to contractors or self employed consultants.

3. DISABILITIES AND PREGNANCY RELATED ILLNESS

- 3.1 Sickness absence may be related to pregnancy or result from a disability. At each stage of the sickness absence meetings procedure particular consideration will be given to reasonable adjustments to support the employee at work and/or assist a return to work.

4. OCCUPATIONAL HEALTH

- 4.1 The role of the Occupational Health Service is 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
 - Provide advice on any reasonable adjustments that can be made on either a temporary or permanent basis

- Assess the effect of an illness on an employee's ability to do the job and
- Advise on the potential for recurrence of the illness
- Engage in case conferences where necessary

4.2 An employee may be referred to the Occupational Health department at any point during their employment and must comply with this request. The report produced by Occupational Health following a referral will be discussed with the employee.

4.3 An Occupational Health referral must be made and report received prior to moving to final formal stage in this process in order to inform that process.

5. SICKNESS ABSENCE REPORTING PROCEDURE

5.1 Sickness at work

- a. If an employee is taken ill or injured while at work, arrangements will be made for them to be accompanied home or receive medical treatment if necessary.

5.2 Reporting procedure

If an employee cannot attend work because they are ill or injured they should telephone their line manager as soon as possible. The following details should be provided:

- (a) The nature of the illness or injury
- (b) The expected length of absence from work
- (c) Contact details and arrangements for the period of absence
- (d) Any outstanding or urgent work that requires attention

5.3 Managers should ensure that:

- (a) Any sickness absence that is notified to them is recorded confidentially
- (b) Arrangements are made, where necessary, to cover work and to inform colleagues and clients of the absence while maintaining confidentiality

5.4 If a line manager is unavailable, staff should expect them to make contact as soon as possible, and they will provide advice and help where appropriate to facilitate recovery. Staff will be asked for an expected return date arrangement for regular contact will be discussed and agreed.

5.5 Where illness occurs during a period of pre-arranged annual leave it is permissible to treat the days of incapacity as sickness absence instead of annual leave, subject to the provision of a medical certificate which covers the

full period of sickness. It is only on receipt of a valid medical certificate for the full period of incapacity that payment of occupational sick pay will be made. This arrangement does not apply to bank holidays.

6. SELF CERTIFICATION AND MEDICAL CERTIFICATION

- 6.1 For sickness absence of any period of up to seven calendar days staff must complete a self-certification form (Appendix 3). For absence of more than seven calendar days a certificate from a doctor must be provided (a "Statement of Fitness for Work") stating that the reasons and period of the sickness absence. This should be forwarded to the line manager as soon as possible.
- 6.2 If a doctor provides a certificate stating that the member of staff "may be fit for work" this should be discussed with the line manager so that any support that may be needed to facilitate a return to work, taking account of the doctor's advice, can be put in place. This may take place at a return to work interview (see paragraph 10 and Appendix 2) or during a sickness absence review meeting.

7. UNAUTHORISED ABSENCE

- 7.1 Absence that has not been notified according to the sickness absence reporting procedure may be treated as unauthorised absence.
- 7.2 Where a line manager has not been advised of an absence, they will try to contact the member of staff, by telephone and in writing if necessary.
- 7.3 Cases of unauthorised absence may warrant suspension of pay and/or be dealt with under the Disciplinary Procedure.

8. SICK PAY

- 8.1 Details of the sick pay that an employee is entitled to will be in line with Agenda for Change NHS Terms and Conditions of Service or NHS Terms and Conditions for Medical and Dental staff, whichever is applicable.
- 8.2 Sick pay will not normally be paid in the following circumstances;
- Where the absence is caused by an accident due to active participation in sport as a profession
 - Where contributory negligence is proved in a court of law e.g. where an employee has been driving under the influence of alcohol

- Where following an accident damages are received from a third party in respect of a loss of earnings, although this may be paid and claimed back retrospectively
- Where a member of staff fails to adhere to the terms of this policy
- Where an employee chooses to undergo treatment where there is no medical or clinical necessity (e.g. cosmetic surgery)

9. STRESS RELATED ILLNESS AND TERMINAL ILLNESS

- 9.1 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 refer to Occupational Health as soon as possible and undertake a risk assessment prior to any return to work.
- 9.2 There are special provisions for employees who are members of the NHS pension scheme and are suffering from a terminal illness designed to make the process as comfortable as possible in these difficult times. Advice should be sought from the HR team as soon as possible in these circumstances.

10. RETURN TO WORK DISCUSSIONS

- 10.1 After every period of sickness absence a return to work interview will take place with the line manager to understand the details of the sickness absence and identify any support that is required (Appendix 2). The manager will document the detail of the meeting, which will be signed by the employee and the manager.
- 10.2 At the return to work interview the manager will advise a member of staff if they are at risk of triggering the formal sickness absence triggers as set out in this policy. If the Sickness Absence Triggers are met, the formal sickness absence process will be followed.
- 10.3 Where a doctor has provided a certificate stating that an employee 'may be fit for work' a return to work interview will take place to discuss any additional measures that may be needed to facilitate the return to work, taking the doctor's advice into account.

11. RETURNING TO WORK FROM LONG TERM SICKNESS

- 11.1 The CCG is committed to helping employees return to work from long term sickness absence through maintaining regular contact and by:
- (a) Obtaining medical advice to identify support required

- (b) Making reasonable adjustments to the workplace, working practices and working hours
- (c) Considering redeployment; and/or
- (d) Agreeing a return to work programme that recognises the nature of the illness and supports an employee to return to work

If a member of staff is unable to return to work from long-term sickness absence and is a member of the NHS Pension Scheme, a discussion will take place to identify support for an application for ill-health early retirement or any injury allowance. The decision as to whether someone is entitled to these benefits is taken by the CCG. If an employee is unhappy with the outcome they should be referred to the CCG Grievance policy to pursue this.

12. FORMAL ABSENCE MEETING PROCEDURE

12.1 Formal sickness absence meetings will take place when:

- (a) Sickness absence triggers have been reached; and/or
- (b) A matter has been discussed in a return to work interview that requires further discussion
- (c) When it has become clear that a member of staff will be unable to return to work

12.2 The CCG will give 5 working days written notice of the date, time and place of a sickness absence meeting.

12.3 The meeting will be conducted by the line manager and employees have the right to be accompanied at this meeting by a recognised union representative or work colleague. Staff must take all reasonable steps to attend the arranged meeting. Failure to do so without good reason may be treated as misconduct. If a member of staff or their representative cannot attend the line manager should be informed immediately and they will seek to agree an alternative time.

12.4 A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal if applicable will be given in writing within 5 working days of a sickness absence meeting or as soon as is practicable.

12.5 Sickness absence is not a disciplinary matter, although in managing sickness absence, employees may progress through a series of formal stages. These stages are to support the individual to achieve an acceptable level of attendance and to inform them of the potential consequences of further periods of sickness absence so that the process is open and transparent.

12.6 Confirmation of discussions at these meetings will be provided in writing

13. RIGHT TO BE ACCOMPANIED AT FORMAL MEETINGS

13.1 Staff have the right to be accompanied by a recognised union representative or work colleague at any formal meeting or appeal meeting under this procedure.

It is the responsibility of the employee to arrange representation and to advise their manager if they will be supported at the meeting. The employee should inform their manager of alternative suitable dates if the arranged date is not convenient.

14. SICKNESS AND ABSENCE TRIGGERS

14.1 The following periods of sickness absence in a rolling 12 month period will trigger the formal sickness absence procedure as set out below:

- Any period of absence amounting to 16 calendar days or more; or
- 4 individual episodes of sickness
- If a pattern of absence is identified which is of concern, e.g. absence following days off or days when an individual is due to work on specific tasks

(Pro rata for part time staff)

15. STAGE 1: FIRST FORMAL SICKNESS ABSENCE MEETINGS

15.1 Stage 1 will be applied where the sickness absence triggers as set out in the section 14.1 of this policy have been met. The Stage 1 meeting is a supportive process to discuss the reasons for absence and support an employee to be able to attend work. The meeting will follow the procedure set out in in this policy on the arrangements for and right to be accompanied at sickness absence meetings.

15.2 The purposes of a first sickness absence meeting include:

- 15.2.1 Discussing the reasons for absence
- 15.2.2 Determining how long the absence is likely to last and any support that can be identified to facilitate a return to work
- 15.2.3 Determining the likelihood of further absences
- 15.2.4 Considering medical advice whether there is an underlying medical condition
- 15.2.5 Considering support to improve health and/or attendance

- 15.2.6 Agreeing a way forward which can include alternative duties, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure
- 15.3 Details of the meeting and any agreed outcomes will be confirmed in writing and a copy will be held on the employee's personal file.
- 15.4 Managers must continually monitor absence and, if there is a further period of sickness absence which triggers the sickness absence policy within the monitoring period, progress will be made to Stage 2.

16. STAGE 2: FURTHER SICKNESS ABSENCE MEETING

- 16.1 If further trigger points are reached within the monitoring period, a Stage 2 review will be conducted. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure outlined in the policy.
- 16.2 The purposes of further meeting(s) may include:
 - 16.2.1 Discussing the reasons for and impact of ongoing absence(s)
 - 16.2.2 Determining how long the absence is likely to last and any support that can be identified to facilitate a return to work
 - 16.2.3 Discussing the likelihood of further absences
 - 16.2.4 Considering medical advice and whether further advice is required
 - 16.2.5 Considering any adjustments that can reasonably be made to facilitate a return to work
 - 16.2.6 Considering possible redeployment opportunities and whether any adjustments can reasonably be made on return from long term sick leave, agreeing a phased return to work and a programme of activity
 - 16.2.7 Discussing the possibility of redeployment if appropriate
 - 16.2.8 Agreeing a way forward, the action that will be taken and a time-scale for review, and/or whether further meeting(s) is required. This may, depending on steps already taken, include advising that dismissal may be an approaching option
- 16.4 Details of the meeting and any agreed outcomes will be confirmed in writing and a copy will be held on the personal file. One outcome of the review meeting will be that a failure to improve attendance may result in progression to Stage 3.
- 16.5 Managers will continue to monitor absence and if a further trigger is reached within the 12 month monitoring period a Stage 3 meeting will be convened

17 STAGE 3: FINAL SICKNESS ABSENCE MEETING

- 17.1 Where sickness absence continues a meeting under the third stage of the sickness absence procedure will be convened. Arrangements for this meeting will follow the same process as Stages 1 and 2.

This meeting will be arranged in accordance with the CCG's procedures, ensuring that the person making a decision to terminate a contract of employment is supported by Human Resources and has the delegated authority to do this.

- 17.2 The purposes of the meeting will be:

17.2.1 To review the meetings that have taken place and matters discussed

17.2.2 To consider any further matters that an employee may wish to raise

17.2.3 To consider whether there is a reasonable likelihood of achieving the required level of attendance in a reasonable time

17.2.4 To explore whether there are any alternatives to termination of employment

- 17.3 If notice of termination is issued, it will be subject to notice or payment in lieu of notice in line with statutory notice legislation.

19. APPEALS

- 19.1 All staff have a right to appeal a decision to dismiss.

- 19.2 An appeal should be made in writing, stating the full grounds of appeal, to the CCG Accountable Officer within 5 working days of the date on which the decision was sent to you.

- 19.3 Following a written appeal a hearing will take place and the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 7 days of the appeal meeting. There will be no further right of appeal.

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

20. MONITORING AND REVIEW OF THE POLICY

- 20.1 This policy is reviewed in consultation with recognised trade union representatives. Recommendations for any amendments to this policy from

managers, employees and staff representatives should be discussed with Human Resources to feed into the review process.

- 20.2 This policy will be monitored to ensure that it remains relevant and recognises best practice and case law.

Appendix 1

Equality Impact Assessment



Absence

M... ..

Appendix 2

Return to Work Meetings

Return to Work meetings should be conducted on each occasion that an individual returns from sickness absence, within 2 days of a return to work or as soon as is practicable possible.

According to circumstances, the nature of the discussion may include:

- Whether the individual is fit to return to work
- The nature of the ill health
- Whether the sickness absence is related to a disability
- Whether the sickness absence is related to an on-going health matter
- The likelihood of any recurrence
- Whether support from the Occupational Health Department or any other support (e.g. staff counselling) may be appropriate
- A review of the attendance record of the individual to establish whether their ill health has met sickness triggers and to advise of any further action that will take place.

Following the meeting, a Return to Work form will be completed, signed by the manager and the member of staff and placed on the personal file.

RETURN TO WORK FROM SICKNESS ABSENCE MEETING

Employees Name:							
Personal Assignment Number:							
Function							
Site							

Date(s) of absence							
From:							
To:							
Total number of days absent	Working Days				Calendar Days		
Reason for absence							

Triggers	
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Trigger	Stage 1 = 16 calendar days, 4 occasions or a pattern in 12 months
Points	Stage 2 = 16 calendar days, 4 occasions or a pattern in 12 months
	Stage 3 = 16 calendar days, 4 occasions or a pattern in 12 months

Has the employee triggered?	YES	NO					
If YES, which Stage	Stage 1 <input type="checkbox"/>	Stage 2 <input type="checkbox"/>					
	Stage 3 <input type="checkbox"/>						
Self-Certificate Received:							
Medical Certificate Received:							
Comments/Points discussed:							

<p>If a trigger has been met then please complete the following paperwork as per the Absence Management Policy and return to:</p>

Stage 1	Form 1 – Stage One Management of Absence Meeting Invite Letter Outcome Letter Occupational Health Referral
Stage 2	Form 2 – Stage Two Management of Absence Meeting Invite Letter Outcome Letter Occupational Health Referral
Stage 3	Form 3 – Stage Three Management of Absence Meeting Invite Letter Outcome Letter

Follow up actions agreed		
Referral to Occupational Health?	YES	NO

An Occupational Health referral can be made at any stage to support the employee

Interview conducted by	
Position	
Signed	

Date:

This is a correct record of the meeting

Employee Signature	
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Date:

Appendix 3

SICKNESS ABSENCE - SELF CERTIFICATE FORM

This form should be completed if you are off sick for periods of one to seven CALENDAR DAYS (including days off) and must be received by your Line Manager within seven days of your first day of sickness. (Department of Social Security form S.C.1 should not be used).

If your sickness continues beyond the SEVENTH calendar day you should also obtain a medical certificate (GP Fit Note) from your Doctor and submit it to your Departmental Head immediately.

** If you are unable to complete this form yourself ask someone else to complete and sign it on your behalf.

Surname _____ First Name _____

Home Address _____

Assignment Number

--	--	--	--	--	--	--	--

 Band _____

Function _____ Site _____

Time you became unfit for work: _____ Time

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 am/pm

Date you became unfit for work: _____ Date

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The reason for my absence was (state any illness symptoms or describe injury or other incapacity)

I expect to resume work on (if known) date

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PLEASE TAKE CARE WHEN COMPLETING THE FOLLOWING

1 Was your injury due to an accident at work? YES NO
NB. See NOTE 6 over page.

2 Was your injury due to a road traffic accident or another accident involving a third party? YES NO
NB. See NOTE 7 over page.

3 Please indicate if you have received any of the following State Benefits within the last 8 weeks
Sickness Benefit Invalidity Benefit Maternity Allowance
Unemployment Benefit Non-Contributory Invalidity Benefit

4 Did you visit a doctor during this period of absence? YES NO

I DECLARE THAT THE INFORMATION GIVEN IS CORRECT

Signed _____ Date

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**Signature of Authorised Person _____ Date

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WARNING – Disciplinary action will be taken against anyone knowingly making a false statement

NOTES RE STATUTORY SICK PAY (S.S.P.)

- 1 For the first twenty eight weeks of sickness, payment will normally be paid by the CCG and no claim will need to be made from the Department of Social Security (DSS).
- 2 You will be notified prior to your last week’s payment of SSP as to how further claims can be made from the DSS.
- 3 If you are not entitled to SSP, you will be notified by the Payroll Services Department as to how to claim benefits from the DSS.

WHAT TO DO IF YOU ARE ABSENT THROUGH SICKNESS OR INJURY

- 4 The brief rules covering notification of absence due to sickness are as follows:

DAY 1 You **MUST** notify your Head of Department in advance of the time you would be expected to start work. If you are unable to do this you must contact your Head of Department on day one of your normal start time.

DAY 4 If you have not already done so you **MUST** complete a Self-Certification Form and submit it within SEVEN days of your first day of sickness to your Head of Department.

DAY 7 If your sickness continues beyond the **SEVENTH** day you **MUST** also obtain a Medical Certificate and submit it to your Head of Department immediately.
If your sickness continues, certificates **MUST** be submitted at regular intervals and run concurrently.

- 5 Failure to notify absence in line with these rules will result in the loss of Occupational Sick Pay. It may also affect the payment of Statutory Sick Pay

If your sickness is due to an accident at work you must:

- 6
 - a. Register your accident in your Hospital / Departmental “Accident Report Book” and
 - b. Contact your local DSS to obtain the Form BI 95 in order for you to register the accident as an INDUSTRIAL INJURY.

7 It is important, in the interest of both the CCG and yourself that you clearly indicate if your absence is due to an accident involving a third party for the following reasons:

- a. The CCG will make salary / wage payments as usual while you are absent. However under the terms and conditions of your employment, these payments will be classed as an “advance”. These payments will be made provided you sign an undertaking to REPAY such “advances” should you be successful in claiming damages from the third party.

The Payroll Services Department will forward all relevant documentation to assist you with the above procedure.

- b. As a result of repaying the “advances” this period of absence will not be used in any future calculations of your Occupational Sick Pay entitlement

Appendix 4

Flowchart of Sickness Absence

