

Attendance Policy

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CONSULTATION SCHEDULE

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Staff Engagement Group	Internal	December 2018
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Caroline Lawrence	Head of HR CCGs	February 2019
Lisa Kelly	HR Business Partner, CSU	January 2019

RATIFICATION SCHEDULE

Name of Committee approving Policy	Date
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Governing Bodies	See front sheet

VERSION CONTROL

Version	Version/Description of amendments	Date	Author/amended by
South Staffs v.4	<ul style="list-style-type: none"> • Insertion of information which clarifies authority and responsibilities of the CCGs, employee, managers, the CCGs' HR provider and Occupational Health. Previous policy contains limited information. • Clarification around the notification procedure to report absence from work and the timeframes employees are expected to adhere to when reporting absence • Change to procedural timeframes in relation to notifying employees of formal absence meetings to allow more flexibility • Change to right to representation; removal of permission to allow employees to bring friends not acting in a legal capacity to formal meetings. • Clarification of monitoring periods, attendance improvement targets during monitoring periods and the processes to follow during monitoring periods. • Clarification around phased return timeframes • Insertion of information relating to ill health retirement and injury allowance • Clarification of processes to follow relating to sickness during annual leave and taking annual leave during periods of long term absence 	1.05.17	Alison Gooding, MLCSU HR
Pan Staffs V.5	Policy to become pan Staffordshire policy Role of Occupational Health outlined Section on Stress related illness and Terminal Illness added	15.01.19	Staff Engagement Group

Impact Assessments – available on request

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1. Introduction

Cannock Chase CCG, East Staffordshire CCG, North Staffordshire CCG, South East Staffordshire and Seisdon Peninsula CCG and Stafford and Surrounds CCG and Stoke on Trent CCG (the CCGs) 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 CCGs 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 CCGs' Equal Opportunities Policy.

2. Scope

This Policy applies to all CCG Employees.

3. Policy Statement

- 3.1. The CCGs recognise the importance of a positive approach to the management of sickness absence to enable it to operate effectively. The CCGs are committed to providing the necessary support to employees for them to attend work regularly and to ensure that all employees are treated in a consistent, fair and sympathetic manner.
- 3.2. The CCGs recognise that a level of absence due to sickness does occur and is inevitable but aims to minimise the level and promote a healthy workplace.
- 3.3. The CCGs' 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.
- 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 trigger points.
- 3.6. The employee may be referred to Occupational Health to enable a report to be prepared for the CCGs. The CCGs may consider making reasonable adjustments to the particular job to accommodate the employee's short term or long term requirements and consider offering alternative employment or 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 sympathetically 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 refer to Occupational Health as soon as possible and undertake 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 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.

5. Medical Appointments – Family & special leave policy
Routine requested appointments i.e. GP, Dentist should be arranged outside of working hours, where this is not possible they should be arranged in advance and at a time convenient to ensure sufficient staffing cover . Requests will be dealt with in accordance to the Family & Special 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 CCGs

- 6.1.1. Ensure through the management structure that staff are appropriately trained for the positions they hold.
- 6.1.2. Ensure policy is monitored and reviewed.
- 6.1.3. Ensure Policy is communicated to managers and staff.

6.2. Responsibilities of HR (Commissioning Support Provider)

- 6.2.1. The CCGs' Commissioning Support Provider will provide initial training and on-going support in the application of this Policy.
- 6.2.2. The CCGs' Commissioning Support Provider will provide reports and analysis of employee's sickness absence in line with agreed reporting schedules.
- 6.2.3. A HR Representative will be present at all formal meetings from Stage 2 onwards and may be present at formal Stage 1 meetings as necessary.

6.3. Responsibilities of Managers

- 6.3.1. Managers will ensure that this policy is applied fairly to all employees.
- 6.3.2. Managers will support their employees to have regular attendance at work and will monitor attendance accurately and report as required.
- 6.3.3. It is the responsibility of all Managers to ensure that accurate information on all sickness absence for every employee is given to the CCGs' Commissioning Support Provider, and that return to work interviews are conducted after each episode of sickness absence and these interviews are conducted in a supportive environment.
- 6.3.4. Managers will ensure that an adequate risk assessment is undertaken where appropriate in conjunction with Occupational Health to facilitate an employee's return to work in a safe environment.

6.4. Responsibilities of Employees

- 6.4.1. All employees have the responsibility to follow the notification procedures in all cases.
- 6.4.2. All employees have a responsibility to inform their Manager of any condition or illness which may affect their ability to do their job safely.
- 6.4.3. All employees must maintain regular contact as mutually agreed with their Manager during any period of sickness absence.

- 6.4.4. Employees must 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. Employees must not use sickness absence to cover other 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. Family & special leave 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. Employees who are on sick leave must not undertake other activities which may be detrimental to their recovery and subsequent return to work. 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. Employees must not undertake any employment elsewhere whilst on sick leave without explicit agreement from the CCGs. Any breaches of this may result in disciplinary action.

6.5. *Responsibilities of Occupational Health*

6.5.1. 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
- Assess the effect of an illness on an employee's ability to do the job and reasonable adjustments that could be made
- Advise on the potential for recurrence of the illness
- Engage in case conferences where necessary

6.5.2. Occupational Health have a responsibility 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. Occupational Health will advise Managers on possible or suitable alternative or modified work activities either temporarily or permanently.

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

6.5.5. Occupational Health will follow all legislation concerning access to medical reports/records on behalf of the CCGs.

7. **Notification Procedure**

7.1. Except in emergency circumstances or unless previously agreed, all absence from work must be notified to the CCGs through the employee's Manager as early as possible and no later than one hour after their usual start time. Absence that has not been notified according to the sickness absence reporting procedure will 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 line managers to let them know they will be absent for work. Wherever possible contact should be made with their line manager via a telephone call.

7.3. Contact should 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 line manager they should expect to be contacted by their line 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 are recorded on Easy 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 then 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 shift they are due to work on the day then this should be recorded as a full day absence

7.4.3. Became unwell over the course of the day and have worked over half of the day before going home this should not be counted as a day of absence: only if they continue to be unwell the following day should the absence begin

7.4.4. The line manager should however keep a record of part day absences and monitor them for any patterns and seek 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 days on any one occasion. On calculating length of sick leave intervening Saturdays, Sundays and public holidays count. For absences of up to 7 days employees must complete a self-certification form (Appendix 1).

8.2. When returning to work employees are required to notify their Manager of fitness to return and to attend a 'return to work' interview with their Manager to complete a 'Return to Work Form', (Appendix 2), agreeing the absence details and any action to be taken if appropriate. Any statement made and recorded on this Return to Work Form must be true and accurate. Any details given which are subsequently found to have been 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. It may be appropriate in certain circumstances for this interview to be conducted over the telephone, however where ever possible, the interview should be conducted face to face.

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 loss of payment as any absences not covered by current self-certificates and/or medical certificates may be treated as unauthorised absence and will be unpaid.

8.5. An employee who fails to comply with notification or certification procedures or who otherwise abuses the CCGs' rules on sickness absence will be dealt with under the CCGs' Disciplinary Policy.

9. Sick Pay

9.1. Occupational Sick Pay

- 9.1.1. Provided employees comply with the notification and certification procedures above, the CCGs will pay Occupational Sick Pay during periods of absence due to sickness 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 on 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 CCGs reserve the right to withhold payment of Occupational Sick Pay where, an employee has been found in breach of these procedures under the CCGs' disciplinary procedure where abuse of the scheme is suspected.
- 9.2. Statutory Sick Pay
 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 following procedure for all formal meetings within this policy should 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 where ever possible should take place at the workplace. If an employee is too unwell to attend a meeting at the workplace, then another mutually suitable venue for the meeting including the employee's home address, can be agreed between the manager and employee. A Human Resources representative should be in attendance if the meeting takes place outside of the workplace. A final Stage 3 meeting will always take place at the workplace.
- Whilst absent from work employees must make themselves available to attend meetings unless they have prior expressed permission. Failure to attend meetings without good reason may be treated as misconduct and a decision on an employees' situation taken in their absence. If an employee or their support is unable to attend at the time specified, the employee should immediately inform their line manager who will seek to agree an alternative time.
- A meeting may 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 CCGs.
- 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 on behalf of the employee.

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 CCGs, together with monitoring where necessary.
- 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 who 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 rise 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 the 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.

11.2. Discussions during a first formal meeting may include:

- Reasons and frequency for absence
- Likelihood of further absences
- Consideration whether advice is required from Occupational Health
- Consideration as to whether there is an underlying health condition
- Consideration what measures or support could be used to improve health and/or attendance
- Making the employee aware that their absence record is giving cause for concern.

- 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 CCGs 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.

During the monitoring period managers should meet informally with an employee, ideally on 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 Human Resources.

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, 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 Human Resources 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 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 employees' health/circumstances
 - Consideration of ability to remain in post in view of both the employee's capabilities and the service need, 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 timescale for review and or further meetings.

12.3. At this 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 Human Resources 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 set improvement targets within the specified monitoring period, the process will be escalated to Stage 3 of the CCGs' Absence 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 capability.

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 8.1 and 8.1.1. 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 employees 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 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 employees' 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 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. 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 content 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 8.1 and 8.1.1. A representative from Human Resources 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 reasons for absence and ultimately how the Manager can support the employee back to work. Arrangements should be made for a further meeting 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 as appropriate.
- 15.4. As long term absence progresses, if all 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 capability. The format for a Stage 3 meeting is set out in Section 8.4.
- 15.5. It may be necessary for the Manager to continue to refer the employee to Occupational Health in order to gain continuing Occupational Health advice for appropriate management of a particular case.
- 15.6. A meeting between the employee, Manager and Occupational Health may be arranged if thought helpful.
- 15.7. Throughout a period of long-term sickness, Managers will ensure that they maintain regular contact with employees via telephone or letter. Employees on long term sick leave must be kept informed of any department 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. Decisions will 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 CCGs will support staff in a phased return to work following a prolonged period of ill-health, where the Occupational Health Team advise that a phased return is likely to aid rehabilitation and a 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 or to be encouraged to work from home 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 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 phased return, the employee remains unfit to resume full contractual hours and duties, Managers may use their discretion, subject to the needs of the service to agree a further period of reduced hours, with the employee being paid 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 about the employee's continuing to progress to full hours/duties within this further period, 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 redeployment register is held by the CCGs' Commissioning Support Provider.
- 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 return to their 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 CCG whilst in a sickness absence monitoring period, this 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. 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 to the retirement benefits you have earned to date paid without any actuarial reduction for early payment. This level of benefit is payable if you are:

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

Tier 2: is entitlement to the retirement benefits you have earned to date enhanced by two thirds of your prospective membership up to reaching your normal retirement age. This level of benefit is payable to you only if you are a scheme member accepted by our medical advisers as permanently incapable of both doing your current NHS job AND permanently incapable of regular employment of like duration to your NHS job, taking into account of your:

- 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 get 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 CCGs'/departmental procedures and no later than the fourth continuous day of illness; and

b) Provide a statement by a qualified medical practitioner; the statement should cover the period of the illness and 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 CCGs will reimburse the cost of such letters. In addition, the CCGs 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. If an employee is dissatisfied about the application of any aspect of this policy, they may pursue a case under the CCGs' Grievance Policy and Procedure.

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.

23. Monitoring

23.1. The CCGs will have responsibility to monitor the effectiveness of this policy and review it every three years in conjunction with Human Resources and Trade Union 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:								National Insurance Number			

EMPLOYMENT DETAILS

Job Title:											
Team:											
Assignment Number:										-	

DATE OF ABSENCE

Date you became unfit for work	TIME am/pm	DAY	DATE	MONTH	YEAR
Night workers only Your last shift began	TIME am/pm	DAY	DATE	MONTH	YEAR
Date you expect to return to work (if known)	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?	YES / NO
If yes,	
Date and time of accident?	
Whom did you notify?	

Has an Accident Report Form been completed?	YES / NO
Did you fall ill abroad?	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	

