



SICKNESS/ILL HEALTH POLICY

Reference No:	HR017
Version:	New Policy
Ratified by:	SL/SWL CCG Governing Bodies
Date ratified:	27/9/2017 (SWL CCG) 28/9/2017 (SL CCG)
Name of originator/author:	Simon Collingwood HR Manager
Name of responsible committee/individual:	Governing Body
Date issued:	27/9/2017
Review date:	27/9/2020
Target audience:	All staff
Distributed via:	Email and Website

**South Lincolnshire CCG
South West Lincolnshire CCG**

CONTENTS

	Page
1. Introduction	3
2. Aims & Purpose	3
3. Roles & Responsibilities	3
3.1 Responsibilities of the Line Manager	3
3.2 Responsibilities of the CCG Absence Administrator	4
3.3 Responsibilities of the Employee	4
3.4 Responsibilities of Occupational Health	4
3.5 Responsibilities of Human Resources	4
4. Notifying Sickness and Absence	5
5. Return to Work Interviews	5
6. General Information	6
6.1 Rehabilitation	6
6.2 Reasonable adjustments	6
7. Short term absence procedure	7
8. Long term absence	9
8.1 Appeals (Long term ill health)	10
8.2 Ill Health Retirements	10
9. Notice Payments	10
Appendix 1 - Absence Procedure Flowchart (short term absence)	11
Appendix 2 - Sick Pay Entitlement	12
Appendix 3 - Return to Work Meeting Record	13

1. INTRODUCTION

The objective of this policy is to ensure robust staff management and support mechanisms are in place to report and monitor all sickness absence, that deal with sickness absence in a fair, consistent and sensitive manner.

This policy applies to the handling of sickness and absence for all staff during both paid and unpaid sickness/absence. Entitlement to occupational sick pay for staff on Agenda for Change terms and conditions of employment is set out at Appendix 3 in accordance with National Terms and Conditions of Employment.

This policy and procedure applies to all employees of South & South West Lincolnshire Clinical Commissioning Groups (CCGs).

2. AIMS AND PURPOSE

The aim of the policy is to:

- Ensure all sickness absence is reported, managed and monitored appropriately
- Minimise impact on service delivery
- Know when to take action
- Ensure a consistent and equitable approach is taken
- Provide guidance to managers who are responsible for managing attendance
- Support the wellbeing of staff who are absent from work.
- Support staff in their return to the workplace.

This policy sets out the principles under which the CCGs will manage attendance at work and minimise absence due to sickness.

3. Roles & Responsibilities

3.1 Responsibilities of The Line Manager

- To maintain contact and communicate regularly with employees who are absent.
- To accurately record, report and monitor attendance and absence of all staff for whom they are responsible.
- To resolve absence problems and support staff to achieve satisfactory levels of attendance.
- To maintain a clear and accurate record of attendance.
- To initiate referrals to Occupational Health.
- To inform all staff of this policy and of any local procedures for notifying sickness.
- To conduct a return to work meeting with all employees as soon as possible after every absence, regardless of the length.
- To inform the CCG absence administrator of any absence in their team.

3.2 Responsibilities of the CCG **Absence Administrator**

- To accurately record the absence of all employees
- To complete and submit to Payroll (currently SBS) a monthly absence return by the 2nd of every month, ensuring that accurate, timely reporting is undertaken to enable the correct sickness payment to be made. To send a copy of the return to the HR team.

3.3 Responsibilities of **the Employee**

- To ensure regular attendance at work.
- To notify their manager of absence in accordance with departmental procedures and inform their manager if they are unable to attend work for whatever reason. This should be prior to (or where this is not possible within one hour of) their expected time on duty or in accordance with local absence reporting arrangements if applicable.
- To submit medical certificates/fit notes from the 8th calendar day of absence.
- To attend occupational health assessments at the request of their manager.
- To communicate regularly with the manager during their absence, including any proposed dates for returning to work.

3.4 Responsibilities of **Occupational Health**

- To provide impartial, expert advice to managers on the fitness of employees to undertake their role.
- To provide health assessments on employees.
- To provide confidential advice on supporting employees to assist in returning to work in a safe and secure manner at the earliest opportunity.

Advice from Occupational Health may include:

- ❖ The impact of a health problem on the staff member's ability to work
- ❖ Likely duration of absence/timescales for improvement
- ❖ Limitations on work activities/conditions
- ❖ Options to assist rehabilitation/continued employment
- ❖ Return to work programmes
- ❖ Advice on Ill health retirement where appropriate.

3.5 Responsibilities of **Human Resources**

- To provide up to date advice to managers on dealing with sickness and absence.
- To ensure accurate monthly absence reports are provided to managers to develop plans for ensuring absence rates are kept to a minimum.
- To provide support and training to managers to help keep absence levels low and to help managers develop appropriate skills to deal sensitively, fairly and reasonably with absence.
- To advise on correspondence and give relevant support at all stages.

4. NOTIFYING SICKNESS AND ABSENCE

It is a condition of employment that staff who are unable to attend work because of illness should notify their manager as soon as possible on their first day of sickness. The default requirement is to report absence verbally to their immediate line manager prior to their expected time on duty (or in exceptional circumstances within one hour of their normal start time). Notification should be by way of a phone call to their manager, or in their absence to the next Senior Manager. Employees must not use text or e-mails or ask colleagues to pass on messages. If the employee is likely to have further absences the line manager must confirm with their employee the frequency for notifying future absences.

Managers *have a responsibility* to ensure their staff *know and understand* the procedures.

Table 1: Certification Requirements

Any single period up to 7 calendar days	Employee must report any sickness to their manager in accordance with the requirements stated in paragraph 4. The manager must notify the CCG sickness administrator of the absence.
If sickness extends beyond 7 continuous days (weekends included)	Provide a doctor's certificate/fit note within 3 working days after the 7 th day of absence and provide a doctor's certificate prior to the expiry of previous certificate if the period of sickness is likely to continue. The manager must notify the CCG sickness administrator of the absence.

Failure to notify or supply a medical certificate will result in pay being withheld. Deliberate misuse of the provisions for sick leave and sick pay will be regarded as misconduct and dealt with as a disciplinary issue.

Staff should not undertake work whilst claiming sick pay from the CCG and not engage in activities inconsistent with the nature of their illness. Similarly, falsely claiming sick pay and/or misuse of sick pay provisions from the CCGs is considered as gross misconduct and the matter may therefore be referred to the Local Counter Fraud Service and be dealt with under the CCGs Disciplinary Procedure.

5. RETURN TO WORK MEETING

The manager must speak with the employee after each period of absence. After the second period of sickness absence in a rolling twelve month period a return to work interview must take place during the first week of their return to work and any periods of subsequent absence thereafter.

As a guide, the meeting should include discussion on the following:

- Checking the employee's absence record and that they have followed the reporting procedures in a rolling twelve month period.

- Ask how the employee is, if they are fit to return, if they require any support.
- Update the employee on events of note that have occurred during their absence
- Consider referral to occupational health if a) either party has concerns about fitness to attend work, or b) either party identifies any risk.
- Possible outcomes of the meeting may include:
 - Referring the individual to Occupational Health for advice and to support the employee.
 - Seeking further HR advice.
 - Advising the employee to contact the staff Employee Assistance Programme.

Managers should make a record of the meeting. The pro-forma at Appendix 3 can be used for this purpose. If during the meeting it has become apparent that the employee has reached a trigger point they should follow the CCGs short term sickness procedure at paragraph 7 below.

6. GENERAL INFORMATION

6.1 Rehabilitation

Where a member of staff is fit to return to work but not on full contractual hours or full range of duties (usually after long term sickness), the manager should consider returning them to work on a phased basis on full contractual pay for a defined period of time (usually up to 4 weeks). This rehabilitation period is to allow an effective, sustained return to work. It should be supported by an agreed and structured programme taking into account the advice of Occupational Health where necessary. As a guide phased returns may be applied as follows:

Week	Percentage of duties to be undertaken
Week 1	25%
Week 2	50%
Week 3	75%
Week 4	100%

The purpose of the phased return is to help the employee acclimatize to their role (usually after a period of long term sickness). If it becomes apparent that the employee is unable to complete a phased return to work then the HR team should be contacted for further advice.

6.2 Reasonable adjustments (Equality Act 2010)

The Equality Act 2010 states that where a disabled employee is unable to fulfil the full requirements of their post, the manager, in consultation with Human Resources and Occupational Health should explore the possibility of reasonable adjustments.

Adjustments to be taken into account may include:

- A phased return to work.
- Later start times/Earlier finish times.
- Possible use of physical, technological or other support to assist the employee.
- An Access to Work referral.
- Redeployment if a vacant post is available which the employee is capable of undertaking.

7.0 SHORT TERM OR INTERMITTENT ABSENCE

The CCGs recognise that from time to time employees will have periods of intermittent or short term absence. However, where employees have short term absence that exceeds the CCGs trigger points as detailed in Table 1 (below) then formal action will be taken under the attendance management procedure for short term absence.

Table 1: Trigger Points can include either episodes or days			
	Episodes	Number of days	Other
Employees working 5 days per week	4 episodes or more in every rolling twelve month period.	9 days or more in every rolling 12 month period	Where the number of absences in a short period warrants immediate attention e.g. 2 episodes in three months.
Employees working less than 5 days per week	3 episodes or more in every rolling twelve month period.	6 days or more in every rolling twelve month period.	

7.1 Formal Attendance Management Procedure (short term absence)

Where an employee's attendance reaches or exceeds the CCG trigger points as confirmed in the return to work interview, the manager will meet with the employee and inform them that the Formal Attendance Management Procedure will be followed. The procedure is as follows and is set out in the flow chart at Appendix 1:

Stage 1

At stage 1 the employee should be written to and it should be confirmed that they are required to attend a formal sickness review meeting. The manager should outline the purpose of the meeting and inform the employee of the right to be represented by their trade union representative or work colleague. They should also indicate a representative from Human Resources will be in attendance where necessary.

The employee should be given five working days' notice of the meeting. The manager should provide the employee with a summary report detailing the absences and copies of the relevant return to work interview forms. The employee should also be given the opportunity to present any relevant information at the meeting. This should be sent to the manager no later than 48 hours before the meeting.

At the end of the meeting the manager must inform the employee in writing of the outcome of the meeting and the consequences of further failure to improve their attendance and that if the expected standards of attendance have not been achieved then the manager will proceed to stage 2 of the procedure.

Stage 2

Following any further periods of sickness absence and where the employee has not demonstrated a significant or sustained improvement in their attendance record the manager will proceed to stage 2.

At stage 2 the employee should be written to and it should be confirmed that they are required to attend a formal sickness review meeting. The manager should outline the purpose of the meeting and inform the employee of the right to be represented by their trade union representative or work colleague. They should also indicate a representative from Human Resources will be in attendance where necessary.

The employee should be given five working days' notice of the meeting. The manager should provide the employee with a summary report detailing the absences and copies of the relevant return to work interview forms. The employee should also be given the opportunity to present any relevant information at the meeting. This should be sent to the manager no later than 48 hours before the meeting.

At the end of the meeting the manager must inform the employee in writing of the outcome of the meeting and the consequences of further failure to improve their attendance and that if the expected standards of attendance have not been achieved then the manager will proceed to stage 3 of the procedure.

Stage 3

Following any further period of sickness absence and where the employee has not demonstrated a significant or sustained improvement in their attendance record a final sickness review meeting should be held. At stage 3 the meeting should be conducted by a Senior Manager (Band 8a and above) and not the manager who made the decision at stage 2 of the process.

At stage 3 the employee should be written to and it should be confirmed that they are required to attend a formal sickness review meeting. The manager should outline the purpose of the meeting and inform the employee of the right to be represented by their trade union representative or work colleague. They should also indicate a representative from Human Resources will be in attendance where necessary. The employee should be made aware that stage 3 is the final stage of the process and that a range of options may be considered including:

- Dismissal from the CCG
- Extension or re-issuing a further target for a significant and sustained improvement in the employee's attendance record.

At the end of the meeting the senior manager must inform the employee in writing of the outcome of the meeting. If the employee is dismissed then they will be entitled to receive pay in lieu of notice (PILON) in accordance with their contract of employment. Paragraph 9 (below) provides further information. If the employee has been given a further

target/timescale to improve their attendance then this must be stated in the correspondence and it should be explained that a further stage 3 review meeting will be scheduled to review the employee's attendance.

Appeals

The employee has the right to appeal at each stage of the Formal Attendance Management Procedure (short term absence). If an employee wishes to appeal then they should do so to the Accountable Officer/Chief Operating Officer within five days of the date of the decision. Appeals received against dismissal will be heard by a panel of two Senior CCG Managers.

8. LONG TERM ABSENCE

Long Term Absence is defined as continuous absence for a period of 14 days or more. Where an employee is absent long term the manager should contact the individual employee to establish a timescale for the absence. If the absence is likely to continue the manager should refer the employee to occupational health for review.

On receipt of occupational health advice, the manager should arrange a meeting with the individual (who may be supported by a colleague or trade union representative). The meeting should discuss the OH advice including any suggestions regarding reasonable adjustments to enable a return to work. Examples of reasonable adjustments are detailed in paragraph 6.2.

If it is determined that there is no reasonable prospect of an individual employee returning to work, this may result in termination of employment on the grounds of ill-health. Before termination of employment is considered the manager should ensure that the following have been considered:

- The overall absence record of the employee.
- Occupational Health advice.
- Consideration of redeployment.
- The likelihood of a return to work in the foreseeable future.
- The needs of the service.

Where termination of employment is considered, on the grounds of ill health, the termination will not take place without the individual being invited to a formal meeting and offered the opportunity to present their viewpoint. The employee should be given five working days' notice of the meeting. The employee should be made aware that termination of their employment is a possibility. The meeting should be chaired by a member of the senior management team.

The line manager recommending termination of employment must put together a management statement of case which recommends the dismissal. The report must contain all considerations and/or attempts to return the employee to work, phased returns, efforts for redeployment, adaptations to the work place and advice from Occupational Health. The employee should also be given the opportunity to present any relevant information at the meeting. This should be sent to the manager no later than 48 hours before the meeting.

The meeting will be chaired by a member of the senior management team. A member of the HR team will be present to provide advice. The Senior Manager should consider the recommendations of the line manager and the views of the employee. After consideration of the facts of the case the senior manager should adjourn the meeting to consider their

decision.

In some cases the facts may be straightforward and a decision can be made relatively quickly. However, in complex cases it may not be appropriate to give an immediate decision. In these cases the employee should be advised accordingly and have the reason for the delay explained to them. When a decision has been reached the senior manager should write to the employee. Normally this should be within five working days of the meeting. However, if this is not possible then it should be agreed with the employee that the decision will be sent as soon as possible. If the employee is dismissed then they will be entitled to receive pay in lieu of notice (PILON) in accordance with their contract of employment. Paragraph 9 (below) provides further information.

8.1 Appeals (Long term ill-health)

An employee has the right to appeal against a decision to terminate their employment on health grounds. If an employee wishes to appeal then they should do so in writing to the Accountable Officer/Chief Operating Officer within five days of the date of the decision. Appeals received against termination of employment on health grounds will be heard by another member of the senior management team.

8.2 Ill Health Retirements

Employees who pay into the NHS Pension scheme may apply for the benefits under the NHSPA current guidelines. Advice can be obtained from the HR Team. Further guidance on ill-health retirement can be found by clicking the following link [Ill Health Retirement](#)

9 Notice Payments

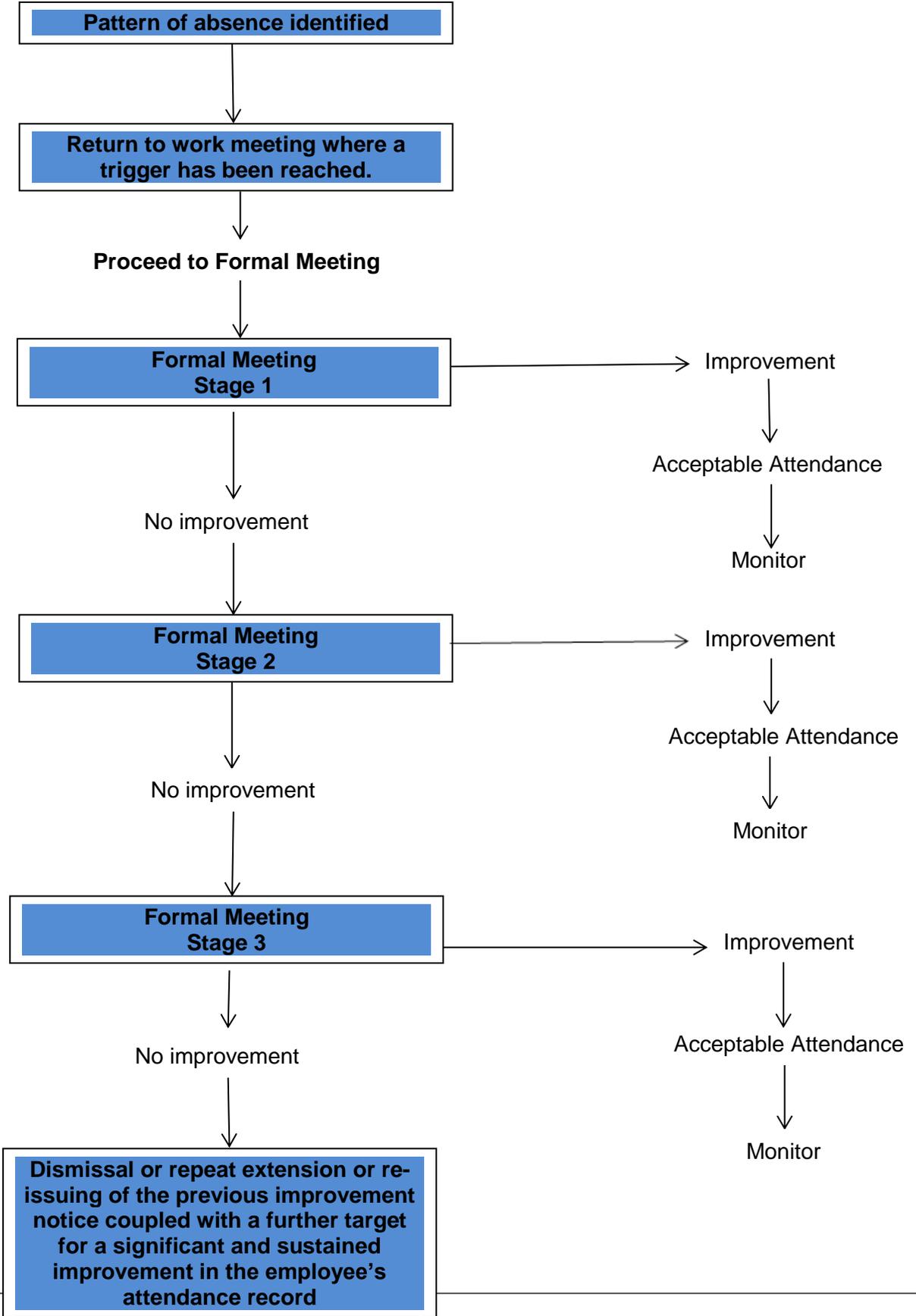
If an employee has their employment terminated by the CCG under this policy then they are entitled to receive pay in lieu of notice. For staff employed under Agenda for Change terms and conditions this equates to one week's pay for each year of completed continuous service (up to a maximum of twelve weeks). In the case of Very Senior Managers the period of notice is six months unless specified otherwise.

Notice payments are normally paid through payroll in accordance with relevant HMRC guidance relating to PILON payments.

**HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT
SEPTEMBER 2017**

APPENDIX 1

Absence Procedure Flowchart short term absence



APPENDIX 2

<u>Sick Pay Entitlements</u>
➤ During the 1st year of service – 1 month's full pay and 2 months half pay
➤ During the 2nd year of service – 2 month's full pay and 2 months half pay
➤ During the 3rd year of service – 4 month's full pay and 4 months half pay
➤ During the 4th and 5th year of service – 5 month's full pay and 5 months half pay
➤ After completing the 5th year of service – 6 month's full pay and 6 months half pay
Sick pay entitlements are in Accordance with Agenda for Change. Payment of sick pay will be dependent upon the employee following the policy guidance for the reporting of absence.

APPENDIX 3

RETURN TO WORK MEETING RECORD

Name			
Date of Absence	From	To	Number of Days
Certified (delete as appropriate)	Yes/No Medical Certificate		
Reason for Absence & Additional Information/Circumstances <i>(NB: unwell or ill are not acceptable)</i>			

	Number of Days	Number of Episodes	Other
Total absence during last 12 months			
Covered by medical certificate			
Self-certified (i.e. absences 7 days or less)			
Additional Information/circumstances surrounding previous episodes			

Return to Work meeting took place on:.....

Meeting Attendees:

Plan/Discussion of how to minimise future occurrences	
--	--

Has this absence triggered formal action under the CCGs Sickness Ill-Health Policy?

Y/N – Delete as applicable. If “yes” please advise employee that you will be moving to the CCGs formal procedure and state the stage of the procedure that is to be invoked.

Signed (Manager)..... Date:.....

Signed (Employee)..... Date:.....
