Sickness Absence Management Policy

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Procedural Document Group

APPROVED BY:
Negotiation and Consultation Group

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All employees

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POLICY CATEGORY:
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<table>
<thead>
<tr>
<th>Date</th>
<th>Ver. No</th>
<th>Details</th>
<th>Review date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apr 03</td>
<td>1</td>
<td>New policy</td>
<td>Apr 07</td>
</tr>
<tr>
<td>Apr 07</td>
<td>2</td>
<td>Policy updated following review</td>
<td>Jun 12</td>
</tr>
<tr>
<td>Jun 12</td>
<td>3</td>
<td>Policy rewritten to reflect new strategy to managing sickness absence</td>
<td>Oct 15</td>
</tr>
<tr>
<td>Apr 14</td>
<td>4</td>
<td>Amended to reflect new guidance regarding Temporary Injury Allowance</td>
<td>Apr 16</td>
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1 Introduction

Good attendance from staff is undoubtedly an essential ingredient of organisational success and pivotal to the reliability of our services, along with the quality of care provided to patients and service users. Southend University Hospital NHS Foundation Trust therefore seeks to manage sickness of staff in accordance with the principles and framework set out in this policy.

2 Purpose

The purpose of this policy is to set out a fair and consistent approach to the management of sickness that recognises how staff wellbeing is essential to the provision of quality patient care and services and helps people to achieve and maintain good attendance within a reasonable amount of time via positive intervention.

3 Definitions

<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action statement</td>
<td>A brief statement summarising what the manager intends to do about a sickness issue.</td>
</tr>
<tr>
<td>Appropriate contact</td>
<td>Contact that conveys meaningful information between the employee and manager in a timely fashion without the need for prompting.</td>
</tr>
<tr>
<td>Employment Prospects Advice Note</td>
<td>A section contained in the letter issued to the employee by the manager following a sickness review meeting:</td>
</tr>
<tr>
<td></td>
<td>Explaining the need for there to be a sustained improvement in the amount of time that the employee is away from work because of sickness in order to maintain their employment in the long term.</td>
</tr>
<tr>
<td></td>
<td>Containing information about what is going to happen to help the employee successfully continue their employment.</td>
</tr>
<tr>
<td>HR</td>
<td>The Human Resources Operations team.</td>
</tr>
<tr>
<td>Intervention point</td>
<td>The point where the manager should take action.</td>
</tr>
<tr>
<td>Long term sickness</td>
<td>A period of sickness that is known to last or has lasted for more than four consecutive weeks.</td>
</tr>
<tr>
<td>Manager</td>
<td>Person(s) most relevant in the circumstances at that time, typically the day-to-day line manager or supervisor.</td>
</tr>
<tr>
<td>Sickness</td>
<td>A period of ill health where the employee makes appropriate contact with the manager citing their own impairment as a reason for not being able to carry out their normal work.</td>
</tr>
<tr>
<td>The Trust</td>
<td>Southend University Hospital NHS Foundation Trust.</td>
</tr>
<tr>
<td>TIA</td>
<td>Temporary Injury Allowance.</td>
</tr>
</tbody>
</table>

4 Duties

4.1 Duties within the Trust (Committees)
Duties are:

- Business Unit Monthly Performance Meeting – to monitor staff sickness levels within the Business Unit.

- Business Unit Monthly Board Meeting – to monitor the effectiveness of sickness management within the Business Unit.

### 4.2 Duties of Individuals within the Trust

Duties are:

- The Chief Executive – to ensure that the Trust has appropriate arrangements in place to manage staff sickness.

- Business Unit Directors and Associate Business Unit Directors – to manage staff sickness levels within their Business Unit and deliver the Trust’s staff wellbeing and service reliability agendas.

- Managers – to implement the principles outlined in Section 5 of this document and maintain their own development to be able to manage staff sickness appropriately.

- Human Resources – to provide management advice to the Trust regarding the application of this policy and to review this policy as appropriate.

- Occupational Health – to lead the Trust’s staff wellbeing and healthy lifestyle agenda and provide management advice to the Trust regarding health matters.

- All employees – to familiarise themselves with the principles set out in this policy.

### 5 Main Procedure

#### 5.1 Key Principles

The Trust expectation is that all staff will help meet the purpose set out in Section 2 of this policy by adopting the principles shown in this section when dealing with sickness.

Managers will implement the principles shown in this section by following the framework for day-to-day management of sickness in Section 6 of this policy.

#### 5.2 Visibility

Managers are expected to know which sickness records warrant intervention (see Section 5.3) by keeping up-to-date and accurate local records.

In order to achieve visibility that effective management of sickness is taking place, the Trust will measure engagement (see Section 5.4). In particular, the Trust will measure how many sickness records warrant intervention (see Section 5.3); against the number
of sickness records where the manager has put an appropriate action statement in place (see Section 3).

5.3 Intervening when it matters

The intervention points for managers to review sickness records are:

- When a person is experiencing a period of sickness that is known to last or has lasted for more than four consecutive weeks.

- When a person has experienced four episodes of sickness within a rolling 12 month period.

5.4 Engagement between managers, employees and HR

The Trust recognises that staff are likely to feel generally supported regarding their wellbeing, and sickness is more likely to resolve than not, when managers take proportionate decisions having engaged employees’ in meaningful discussion.

Managers are therefore expected to use the engagement tools set out in the framework shown in Section 6 of this policy – telephone conversations, return to work discussions, sickness discussions and sickness reviews – to obtain the information needed to take good quality management decisions (‘the action statement’) that are sensitive to employees’ personal circumstances.

The Trust expectation is that both managers and employees will pay attention to and make reasonable efforts to engage each other in discussions about sickness when an intervention point is reached (see Section 5.2).

Where the manager is unsure what action to take, further advice should be sought from HR.

5.5 Equality

The Trust is committed to providing equality of opportunity for all members of staff and will consider the impact of equality issues, for example disability, on sickness records by making adjustments where appropriate (see Section 8 ‘Considering Adjustments’ for more details).
### 5.6 Framework for day-to-day management of sickness

<table>
<thead>
<tr>
<th>When an employee is unwell</th>
<th>Positive intervention and prevention</th>
<th>If sickness does not improve</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact (Appendix A)</strong></td>
<td><strong>Manager identifies areas for improvement</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriate regular contact with manager.</td>
<td>Manager has visibility of which sickness records warrant intervention (see Section 5.2).</td>
<td></td>
</tr>
<tr>
<td>Are you taking steps to get better?</td>
<td>Manager regularly reviews case(s) with HR.</td>
<td></td>
</tr>
<tr>
<td>When might you be back?</td>
<td>Manager writes action statement(s), takes agreed action(s) (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>What can we do to help?</td>
<td><strong>Manager discusses situation with employee</strong></td>
<td></td>
</tr>
<tr>
<td>Could you work with adjustments?</td>
<td>Sickness record is X episodes/days.</td>
<td></td>
</tr>
<tr>
<td>Could you do alternative duties?</td>
<td>What are the reasons/patterns?</td>
<td></td>
</tr>
<tr>
<td>Discussion documented (Appendix B).</td>
<td>What positive interventions are taking place or planned to manage or resolve the problem?</td>
<td></td>
</tr>
<tr>
<td>Manager identifies areas for improvement</td>
<td>Could Occupational Health help?</td>
<td></td>
</tr>
<tr>
<td>Manager decides action statement (Appendix C).</td>
<td>Could temporary or permanent adjustments help?</td>
<td></td>
</tr>
<tr>
<td><strong>Return to work discussion (Appendix D)</strong></td>
<td><strong>Sickness review cycle</strong></td>
<td></td>
</tr>
<tr>
<td>Welcome back.</td>
<td>Write to the employee using Appendix G.</td>
<td></td>
</tr>
<tr>
<td>How are you now?</td>
<td>Employee is welcome to be accompanied.</td>
<td></td>
</tr>
<tr>
<td>What happened?</td>
<td>Sickness record is X episodes/days.</td>
<td></td>
</tr>
<tr>
<td>Consider previous sickness record.</td>
<td>Explain the impact of sickness on services.</td>
<td></td>
</tr>
<tr>
<td>Any ongoing treatment or adjustments?</td>
<td>Have we got up-to-date health advice?</td>
<td></td>
</tr>
<tr>
<td>Discussion documented (Appendix E).</td>
<td>What indicators are there that the situation might change?</td>
<td></td>
</tr>
<tr>
<td>Review certificates (Appendix F).</td>
<td>Are the positive interventions working?</td>
<td></td>
</tr>
<tr>
<td>What are the reasons/patterns?</td>
<td>Is fresh sickness occurring?</td>
<td></td>
</tr>
<tr>
<td>What positive interventions are taking place or planned to manage or resolve the problem?</td>
<td>How long is it reasonable to wait for change?</td>
<td></td>
</tr>
<tr>
<td>Could Occupational Health help?</td>
<td>What else can we do to help?</td>
<td></td>
</tr>
<tr>
<td>Could temporary or permanent adjustments help?</td>
<td>Adjourn to make a decision if you need to.</td>
<td></td>
</tr>
<tr>
<td><strong>Range of possible outcomes</strong></td>
<td><strong>Set a date to review progress.</strong></td>
<td></td>
</tr>
<tr>
<td>Employee/manager will take agreed actions.</td>
<td>Employee/manager will take agreed actions.</td>
<td></td>
</tr>
<tr>
<td>If we need to see an improvement in order to maintain the employment – tell the employee via an Employment Prospects Advice Note.</td>
<td>If we need to see an improvement in order to maintain the employment – tell the employee via an Employment Prospects Advice Note.</td>
<td></td>
</tr>
<tr>
<td>Serve notice of intention to end employment(^\text{1})</td>
<td>Serve notice of intention to end employment(^\text{1})</td>
<td></td>
</tr>
<tr>
<td>Does ill health retirement apply?</td>
<td>Does ill health retirement apply?</td>
<td></td>
</tr>
<tr>
<td>Outcome documented/shared (Appendix I).</td>
<td>(^\text{1})See Section 7.3</td>
<td></td>
</tr>
<tr>
<td>Appendices found in 'PP11 [T3] Sickness Absence Template Documents’ on Staffnet</td>
<td><strong>Outcome documented/shared (Appendix I).</strong></td>
<td></td>
</tr>
</tbody>
</table>
5.7 Framework commentary- Return to work interviews

Upon returning to work following any period of absence because of sickness the manager will hold a return to work discussion to welcome the employee back to work, explore what happened, any ongoing treatment or adjustments (see Section 8 ‘Considering Adjustments’ for more details) and the employee’s previous sickness record. The return to work interview should take place in a setting that is sensitive to the circumstances of the individual and affords appropriate confidentiality and discretion.

5.8 The sickness review cycle

The sickness review cycle is underpinned by the concept of good quality engagement between managers and employees (see Section 5.3) that results in managers taking proportionate decisions that are sensitive to employees’ personal circumstances.

Managers may invite a member of the HR team to attend sickness review meetings in order to provide employment relations advice. Employees are welcome to be accompanied by a Trade Union representative or work colleague.

Where a manager has attempted to positively intervene and observes at a sickness review that the work impact of an employee’s sickness has not resolved, the manager may issue an Employment Prospects Advice Note.

An Employment Prospects Advice Note is a section contained in the letter issued to the employee by the manager following a sickness review meeting. The Note should explain the need for there to be a sustained improvement in the amount of time that the employee is away from work because of sickness in order to maintain their employment in the long term; and contain information about what is going to happen to help the employee successfully continue their employment. An example can be found in PP11 [T3] Sickness Absence Template Documents Appendix I.

There are no set rules about the number of Employment Prospects Advice Notes an employee should be given, or how much time should be allowed to achieve acceptable attendance. The manager is responsible for determining how to proceed, having considered the engagement that has taken place, the individual circumstances and whether the employee is meeting the desired outcomes from each review.

5.9 Serving notice (ending the employment) because of capability (persistent sickness)

The Trust will not serve notice of intention to end employment because of capability (persistent sickness) without first providing advice on how to avoid such a scenario (via an Employment Prospects Advice Note) and providing an adequate opportunity for attendance to improve.

If a manager has already issued an Employment Prospects Advice Note and concludes following a sickness review that the work impact of an employee’s sickness has not satisfactorily resolved over a reasonable amount of time, and it has not been possible to identify or agree upon any reasonable adjustments that will help, the Trust
may then serve notice of intention to end the employment because of capability (persistent sickness).

A manager who chairs a sickness review that may result in the employee being served notice of intention to end their employment must hold authority to serve notice. Typically, this will be the Executive, Associate or Business Unit Director, or a manager reporting directly to those posts who has been given delegated authority.

A note taker must be present at sickness reviews where the manager may serve notice of intention to end the employment. The manager is responsible for organising the presence of a note taker from their own departmental resources. A copy of the notes should be sent to the employee with the outcome letter from the review.

Employees who have been served notice of the Trust’s intention to end their employment for reasons relating to capability (persistent sickness) have the right to appeal the decision by writing, clearly stating their reasons, to the Director of Human Resources within 14 days of receiving the outcome letter.

5.10 Employees who are unable to attend sickness reviews

In the event that the employee cannot or does not attend a sickness review, the manager and employee may propose alternative ways of proceeding depending on the circumstances. These could be but are not limited to:

- A home visit.
- A telephone discussion.
- Postponing the review to an alternative time.
- Proceeding with the review in the employee’s absence.
- The employee may ask a representative to attend on their behalf.
- The employee may submit a written statement regarding their circumstances.

5.11 Considering adjustments

The Trust will consider making reasonable adjustments where it is clear that doing so will help an employee to return to work or maintain good attendance. Adjustments can be made on a temporary or permanent basis and may include but are not limited to adjustments to the work environment, location, equipment, format of information, duties, hours or providing reasonable training and redeployment.

5.12 Alternative duties

In some cases it will be possible for a person to undertake meaningful work by carrying out alternative duties to their normal job when they would otherwise have been absent because of sickness. The Trust recognises the mutual short term benefits of alternative duties and expects managers and employees to explore this where appropriate.

5.13 Redeployment assistance

Employees who cannot return to their normal job within a reasonable amount of time because of sickness are encouraged to actively seek redeployment and apply for any
vacancies that they consider to be suitable. Job vacancies at this Trust and in the NHS in general can be viewed at www.jobs.nhs.uk.

The Recruitment Team are able to offer the following specialist services to help employees secure suitable alternative employment and this can be accessed via a referral from the manager.

- Help preparing a curriculum vitae.
- Guidance on how to search for vacancies.
- Guidance on preparing for interviews.
- Guidance on how to access reasonable training and adjustments.
- Priority consideration for any internal vacancies.

When considering redeployment, managers are expected to review the job vacancies list with the employee and discuss any potentially suitable alternative opportunities for employment by job title and person specification to aid the employee’s decision about whether to apply.

5.14 The Equality Act 2010

The Equality Act 2010 protects employees from unfavourable treatment related to a disability or other protected characteristics (see the Equal Opportunities in Employment Policy PP-03 for full details). Accordingly, a medical condition that is recurrent and long term may, depending on its effect, be classed as a disability.

The Trust retains the services of an Equality and Diversity Manager who can advise on specific queries and can be contacted via the internal telephone and email directory.

5.15 Disability

In order to meet the definition of disability set out in section six of the Equality Act 2010 a person must be able to show that he or she meets the following four requirements:

- The person has an impairment that is either mental or physical.
- The impairment affects the person’s ability to carry out normal day-to-day activities.
- The adverse effect is substantial.
- The adverse effect is long term e.g. has lasted or will last for at least 12 months.

When a member of staff shows that they meet these four requirements the Trust has a legal duty to make reasonable adjustments, in order to help reduce any disadvantage that the member of staff might otherwise experience.

Progressive conditions such as multiple sclerosis or cancer are covered by the Equality Act 2010, whereas conditions such as addiction to alcohol (or any other substance) and seasonal allergic rhinitis (hay fever) are not.

Where appropriate and in agreement with staff, the Trust may seek guidance from external parties such as the Royal National Institute of Blind People or the Department for Work and Pensions Access to Work Scheme, which helps disabled people
maintain employment by providing practical advice regarding communication skills, coaching, workplace adjustments and mobility or travel issues. An Access to Work Advisor can be contacted via your local Job Centre Plus office.

5.16 Occupational Health services

The Trust retains an Occupational Health department which may be utilised as appropriate to:

- Give professional advice on the management of individual health problems.
- Facilitate fast track access to health services where appropriate (see Section 5).
- Provide a pre-employment and night health assessment service on a selective basis as necessary.
- Support the management of needlestick/sharps/contamination injuries.
- Substance misuse advice and access to specialist recovery services.
- Stress management advice, counselling and access to specialist mental health services.
- Smoking cessation and weight management.
- Lifestyle screening.
- Flu immunisations.

5.17 Appropriate contact when absent because of sickness

When sickness occurs and an absence from work is expected employees should personally contact their manager as soon as possible, with the aim of ensuring that information reaches the department in good time and minimises disruption to services. If the day-to-day line manager is unavailable the employee should endeavour to contact an alternative appropriate person. If the absence is expected to continue, the manager and employee should discuss what would be an appropriate time to speak again and consider a suitable method and frequency for future contact.

5.18 Payment during absence because of sickness

The Trust offers Occupational Sick Pay benefits to employees who are absent because of sickness in accordance with the relevant terms and conditions of service.

Employees should review their own terms and conditions of service document for details of their entitlement to sick pay.

Employees may also be entitled to receive Statutory Sick Pay subject to government rules. Statutory Sick Pay is not payable in addition to Occupational Sick Pay however where entitlement arises payment will be made via the Trust payroll.

5.19 Temporary Injury Allowance

A Temporary Injury Allowance (TIA) is available to staff who are absent because of sickness with reduced pay or no pay because of an injury or disease wholly or mainly attributable to their employment. The Allowance typically tops up the employee’s income to 85% of the average they were receiving before their pay was reduced as a result of the injury or disease.
For full terms, eligibility criteria and details on how to apply, staff on Local Terms and Conditions should refer to the TIA Guidance document available from Staffnet. Staff on national terms and conditions should refer to the guidance found in the NHS Terms and Conditions of Service Handbook available from the NHS Employers website.

5.20 Sickness certificates

**Self-Certificates** (see Appendix F)

Employees taking a period of absence of up to seven consecutive days because of sickness must complete a self-certification form upon returning to work.

**Certification by a doctor**

Employees taking a period of absence because of sickness that lasts for more than seven consecutive days (including non-working periods) must obtain a medical certificate and submit this to their day-to-day line manager or supervisor in good time.

5.21 Timely submission

Failure to provide a certificate in a timely fashion or providing an incomplete certificate may result in ineligibility for Statutory Sick Pay, the withholding of Occupational Sick Pay and/or disciplinary action.

5.22 Holiday entitlement and sickness

Please refer to the Trust’s Planned Leave Policy (PP-33, available from Staffnet).

5.23 Fraudulent sick leave

Where the Trust has evidence or reasonable grounds to suspect that an employee has fraudulently taken sick leave, details must be referred to the Assistant Director of Finance or the Trust’s Local Counter Fraud Specialist (see Staffnet for further details). Depending on the circumstances, it may be necessary for a formal investigation to be conducted by the Local Counter Fraud Service which could lead to criminal action and/or disciplinary action against the employee.

6 Monitoring compliance

<table>
<thead>
<tr>
<th>Aspect of compliance or effectiveness being monitored</th>
<th>Monitoring Methods</th>
<th>Individual department responsible for the monitoring</th>
<th>Frequency of the monitoring activity</th>
<th>Group / Committee / forum which will receive the findings / monitoring report</th>
<th>Committee / individual responsible for ensuring the actions are completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of staff sickness within the past month and</td>
<td>The sickness trend across the past month and</td>
<td>Business Unit</td>
<td>Monthly</td>
<td>Business Unit Monthly Performance</td>
<td>Business Unit Monthly Performance</td>
</tr>
<tr>
<td>Business Unit</td>
<td>12 months.</td>
<td>Meeting</td>
<td>Meeting</td>
<td></td>
<td></td>
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<tr>
<td>---------------</td>
<td>------------</td>
<td>---------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The split between long term and short term sickness.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The number of days lost to sickness per full time equivalent employee.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Effectiveness of sickness management within the Business Unit

<table>
<thead>
<tr>
<th>Number of sickness records that warrant intervention.</th>
<th>Number of sickness records where the manager has put an appropriate action statement in place.</th>
<th>Business Unit departments</th>
<th>Monthly Board Meeting</th>
<th>Business Unit Monthly Board Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>The sickness trend across the past month and 12 months.</td>
<td>The split between long term and short term sickness.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The number of days lost to sickness per full time equivalent employee.</td>
<td></td>
<td></td>
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</tbody>
</table>

### Associated Documents

This policy is linked to the following documents:

- Equal Opportunities in Employment Policy (PP-03).
- Fast Tracking of Trust Employees by Occupational Health Service (OH-15).
- Fraud Policy (CM-77).
- Healthy Lifestyle Policy (OH-07).
8 Equality Impact Assessment

This policy has been the subject of an Equality Impact Assessment. The output of the assessment demonstrates that no one as a consequence of this policy is placed at a disadvantage over others.

9 References