

# Procedure for the Management of Sickness Absence

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## Procedure Checklist

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## **1.0 INTRODUCTION**

1.1 The following procedures are set out in support of the Southern Health & Social Care Trust (hereafter referred to as the Trust) Management of Sickness Absence Policy.

1.2 The Trust's Procedure for the Management of Sickness Absence is in 5 sections and covers:

### **SECTION A:**

General Principles for the Management of Sickness Absence

### **SECTION B:**

A Guide for Employees

### **SECTION C:**

A Guide for Managers

### **SECTION D:**

Trust Sickness Absence Management Procedures

### **SECTION E:**

Manager's Toolkit

1.3 This procedure establishes clear processes for how the Southern Health and Social Care Trust will monitor and control employee attendance at work and provides information on the support processes in place within the Trust for staff who are ill.

1.4 This procedure applies to all managers and staff within the Trust. Failure to follow these procedures may result in disciplinary action.

1.5 This procedure should be read in conjunction with the following documents:

- Southern Health and Social Care Trust Sickness Absence Policy
- Interim Variation to the Procedure for the Management of Sickness Absence November 2021
- Staff Health & Wellbeing Policy
- Managing Stress in the Workplace Policy
- Managing Stress in the Workplace – A Toolkit for Managers and Employee's
- Reasonable Adjustment Guidelines for Managers
- Policy and Procedure on Managing Substance Misuse at Work
- Work Life Balance Policy
- Time Off Work Policy

# SECTION A

## General Principles for the Management of Sickness Absence

### **2.0 GENERAL PRINCIPLES**

- 2.1 This document outlines the roles, responsibilities and procedural steps required to effectively manage sickness absence.
- 2.2 The Policy and Procedure applies to all staff.
- 2.3 Regular and reliable attendance at work is a principle of any employment contract and is essential for the delivery of a quality service. The Trust accepts however that most employees will unfortunately have sickness absence at some time during their employment. Attendance and sickness absence must therefore be managed effectively, sympathetically and sensitively, while bearing in mind the impact on service delivery and on the workloads of other staff.
- 2.4 Managers will be expected to monitor and manage staff's work attendance. This is a recognised and accepted part of any manager's responsibilities. When work attendance is affected by sickness absence related issues the situation demands sensitive, consistent handling if a manager is to fulfil this particular function effectively.
- 2.5 Staff will be afforded the right of accompaniment by a work colleague for support or to be represented by a Trade Union representative at all meetings regarding the management of sickness absence
- 2.6 Sickness absence is not an extension of the annual leave provisions, an alternative to special or unpaid leave or an entitlement to a certain number of days paid absence per year. Family friendly and discretionary leave arrangements are available to assist in dealing with issues such as a break down in childcare, bereavement or carer's responsibilities which can be found within the Trust's Work Life Balance Policy and Time Off Work Policy.
- 2.7 The purpose of sickness absence is to facilitate the member of staff's full and proper recovery from an illness or injury. This could include activities which are part of an agreed programme of rehabilitation.
- 2.8 Absences of more than 7 days duration will require to be medically certified by a General Practitioner (GP). Altering or causing to have altered any details on the medical statement may be regarded as a disciplinary matter.
- 2.9 It is the personal responsibility of each individual to ensure that they do not in any way extend the period of absence by taking part in activities that may hinder their recovery or delay their return to work.

- 2.10 Activities that would not normally be considered appropriate and consistent during a period of sickness absence would include:
- a) Participating in a sport, hobby, social or other activity which could aggravate the illness or injury or which could delay recovery
  - b) Taking holidays not based on medical advice
  - c) Undertaking other employment, whether paid or not
  - d) Engaging in any activities that would be detrimental to the recovery from illness or injury.
- \*This is not an exhaustive list.
- If it is established that an individual is/has engaged in any such activity, this may be deemed a disciplinary matter.
- 2.11 Where there is suspicion, or reported incidents, of possible abuse of the sick pay scheme the Trust will investigate such allegations and take appropriate action.
- 2.12 A staff member's entitlement to sick pay will be withheld if they:
- a) do not adhere to the required absence reporting procedures.
  - b) do not provide the required certification in a timely manner.
  - c) fail to attend and / or co-operate with a management referral to the Occupational Health Department or a outcome from Occupational Health.
  - d) do not maintain contact with their line manager during their absence or fail to provide contact telephone details.
  - e) give the Trust inaccurate or misleading information about the absence
  - f) fail to attend scheduled meetings with line management and / or Human Resources.
  - g) fail to comply with any aspect of this Policy or Procedure.
- 2.13 In the event that an individual reports sick after they have commenced their scheduled duties, the day on which this happens will not usually be counted as the first day of absence. However, where management consider that this is being abused, they should refer the matter to the Trust's Occupational Health Department for advice. Based on this advice, a decision should be made as to whether or not to include the partial day as an episode of sickness. If the partial day is included, this will be counted as the first day of absence.
- 2.14 The Trust considers satisfactory attendance as a key criterion when considering an individual for an appointment or promotion. A satisfactory attendance history is a requirement of appointment to any post within the Trust. In particular, any individual who is subject to a 'live' Formal or Final Warning issued in accordance with this Procedure will not be eligible to be appointed in any selection for promotion. This does not preclude staff affected by organisational change being considered for alternative roles at their same band.

### **3.0 SICKNESS ABSENCE CATEGORIES**

3.1 The Trust will make a distinction between two categories of absence:

- Unsatisfactory attendance
- Unsustainable absence

3.2 For the purposes of this procedure, the following definitions are made:

#### **3.2.1 Unsatisfactory attendance**

Unsatisfactory attendance is defined as high levels of short term absence that results in the issue of formal sanctions. This type of absence incurs costs in terms of contractual sick pay, increased overtime payments, lower standards of service, disrupted workflow and lower morale. Long term absences that breach the triggers are not included in this definition.

#### **3.2.2 Unsustainable absence**

The Trust recognises that during the course of employment some staff may experience debilitating health conditions that will impact on their ability to attend work and on the activities that can be undertaken whilst at work. The Trust is committed to supporting staff wherever possible, however the extent of the assistance that can be provided will be determined primarily by the ability of the Trust to deliver an effective and efficient service.

Unsustainable absence is:

- (i) Long term absence where there is no reasonable prospect that an individual will be well enough to return to work and where no reasonable adjustments can be made to assist the individual in returning to work;  
OR
- (ii) A series of recurring shorter term absences attributable to a specific condition and where no reasonable adjustments can be made to assist the individual to provide regular and effective attendance at work.

### **4.0 SICKNESS ABSENCE TRIGGERS**

4.1 **Triggers** are the levels above which a review of an individual's absence record will be undertaken and which may lead to action being taken. These are:

- a) Three episodes of sickness absence of any length in any rolling twelve month period  
OR
- b) Two episodes of sickness totalling more than 2 working weeks in any rolling twelve month period  
OR
- c) Any recognisable pattern of absence

- 4.2 Sanctions which may be issued to an individual under these Procedures when a breach of the triggers is identified, are:

### **Warnings**

An Informal, Formal and / or Final Warning may be issued by an Attendance Management Panel (AMP) when it has been determined that an individual's level of attendance is unacceptable. In the event of a failure to improve, the ultimate sanction may be dismissal.

- 4.3 Where it is identified that an individual's absence level is becoming unsustainable, an AMP may issue a caution to that individual explaining that their absence level cannot be sustained. A caution is not a formal sanction but rather is to provide early notification of the potential of termination of the employment contract due to ill health.

### **Notification of Unsustainable Absence**

A First, and / or Second Notification may be issued by an Attendance Management Panel when it has been determined that an individual's level of absence is unsustainable. Rehabilitation, adjustments / modifications or redeployment may be required.

- 4.4 In cases where absence is related to a disability or is pregnancy-related, relevant

legislation will guide the management of these absences.

- 4.5 This procedure is designed to help managers deal with both types of absence effectively and confidently. It also clearly outlines to staff what their responsibilities are in relation to sickness absence from work.

## **SECTION B**

### **A Guide for Employees**

#### **5.0 ROLES AND RESPONSIBILITIES OF EMPLOYEES**

As an employee of the Trust, you have a responsibility to attend for work and perform the duties of your post unless you have an authorised absence e.g. sickness absence, annual leave, parental leave etc. You should not attend work if you are unwell or unfit, if in doing so would affect your health or the health of others.

##### **Specific Responsibilities:**

As a Trust staff member you must:

- be aware of and adhere to the Trust's Sickness Absence Policy and Procedure.
- be aware of who to contact if you are going to be absent from work.
- personally inform your manager of your sickness absence, providing the reason for your absence and if possible the anticipated length of absence, as well as details of any work which may urgently need covered.
- keep in touch with your manager during the period of your absence to keep them informed of your progress and agree times and frequency of communications.
- attend any meetings scheduled by your line manager during your period of absence.
- immediately inform your manager if you believe your sickness absence is work related e.g. as a result of an accident or incident at work.
- adhere to the reporting and certification process.
- co-operate fully with the return to work interview process.
- comply with your managers request to attend the Trust's Occupational Health Service.
- be responsible for your own health and well-being and adhere to reasonable adjustments recommended to maintain your health and well-being.

#### **6.0 REPORTING TO YOUR MANAGER IF YOU ARE SICK**

- 6.1 If you are ill and unable to report for work you must notify your line manager or in their absence another manager / person in charge as early as possible on the first day of absence. In the instance of staff involved in direct patient care, as much advance notice as possible should be given before the start of a shift. In all other cases this should be no later than 1 hour after their normal starting time on that day.

- 6.2 You must report personally to your manager. You must telephone your manager directly and ensure you have spoken with them, reports by e-mail, text or any other means is not acceptable. Other persons should only make the call on your behalf in exceptional circumstances e.g. hospitalisation. Your personal notification will allow your manager to check duties which may need to be reallocated or completed within a timeframe. There may be occasions when your line manager is unavailable. If you are unable to initially speak to your line manager, it is acceptable to leave a message. However you must ensure you continue to make contact until such a time as you have spoken with them.
- 6.3 If your absence is attributable to an accident where damages are sought from a third party, you must inform your manager who should in turn inform the Litigation Department, Bernish House, 1st Floor, Daisy Hill Hospital.
- 6.4 On reporting sick you should indicate the reason and expected duration of your absence. If you fail to notify your line manager of your illness (whether as a result of an accident or otherwise) this will result in the withholding of sick pay.

## **7.0 CERTIFICATION**

- 7.1 You are required to submit the following certification as appropriate:

<b>Day/s of Sickness</b>	<b>Certification Required</b>
Day 1 – 3	No certification required
Day 4	Self certification – to be dated from the 1st day of sickness
Day 8	Medical certificate from your doctor i.e. Fit Note

The above certificates relate to the 4th and 8th day of sickness and **not** the 4th or 8th working day, i.e. weekends/days off are included. Failure to submit the appropriate certification within the time limits specified may result in sick pay being withheld.

- 7.2 You must keep in regular contact with your manager, informing them prior to the expiry of your sick certificate of the current state of your health and whether you are fit to return to work. If a new certificate is required, this must be forwarded to your manager within 3 working days of the expiry of the original sick certificate.
- 7.3 If you fail to submit a medical certificate (Fit Note), your manager will telephone you to ascertain the reason for the missing certificate. If you fail to provide an acceptable reason for not providing a Fit Note, your pay will be withheld.
- 7.4 It should be noted that continued failure to be absent from work without appropriate certification will be deemed as unauthorised absence and in this respect will be managed in accordance with the Trust's Disciplinary Procedure.

- 7.5 It should be noted in all circumstances, particularly where a staff member has obtained a medical certificate from their GP, they may only return to work once they are fit to do so. If your manager has concerns about your fitness for duty, they may delay a return to work pending advice from Occupational Health. In such circumstances special leave with pay will be given pending this advice.

## **8.0 SICKNESS DURING HOLIDAYS**

- 8.1 If your illness covers a period of pre-arranged annual leave then your leave will normally be reinstated. You must formally notify your manager on your first day of sickness. Appropriate certification will be required for any period of sickness in these instances.
- 8.2 Staff will not be entitled to an additional day off if sick on a statutory holiday.

## **9.0 KEEPING IN TOUCH DURING SICKNESS ABSENCE**

- 9.1 The onus is on you to keep in touch with your manager during your absence to ensure your manager is updated on your progress and knows when you are likely to return to work.
- 9.2 Throughout any period of absence, your manager is permitted to contact you to seek feedback on progress and offer support or discuss relevant work matters, where appropriate. You should agree with your manager how frequent that contact should be.
- 9.3 During any period of sickness absence, you must not be involved in any activity which could bring into question the genuineness of your illness.
- 9.4 You should be aware that taking a holiday whilst on sick leave may call into question the genuineness of your illness. If however, as part of your recuperation you intend to take a holiday, you must notify your line manager in advance giving details of location and dates. If you fail to notify your manager your sick pay will be withheld and you may be subject to disciplinary action.

## **10.0 RECORDING AND MONITORING ABSENTEEISM**

- 10.1 Your manager will record and monitor your level and pattern of sickness absence. The reasons for your absence will also be recorded.
- 10.2 The Human Resources Department will also regularly monitor your absence and ensure appropriate management action is taken when absence levels become unacceptable or unsustainable.
- 10.3 In the event that you report sick after you have commenced your scheduled duties, the day on which this happens will not usually be counted as the first day of absence. However, where management consider that this is being abused, they will refer the matter to the Trust's Occupational Health Department

for advice. Based on this advice, a decision will be made as to whether or not to include the partial day as an episode of sickness. If the partial day is included, this will be counted as the first day of absence.

## **11.0 ATTENDANCE AT OCCUPATIONAL HEALTH**

- 11.1 When you are off work sick, some absences will require your line manager to refer you immediately to the Trust's Occupational Health Department. Others will require a referral after 4 weeks of absence. You are expected to attend all appointments with Occupational Health as these are to provide you with any necessary support and to provide your manager with the necessary information to manage your absence.
- 11.2 Failure to attend an Occupational Health appointment will result in your entitlement to pay being withheld and it will only be reinstated once you have attended, unless there is an exceptional reason for your non-attendance.

## **12.0 RETURNING TO WORK**

- 12.1 Following each absence from work due to sickness, your line manager will conduct a 'Return to Work' discussion. This will involve discussing with you, the reasons for your absence, ensuring you are fully fit for work and considering any support or adjustments that may be required to facilitate your return.
- 12.2 Where there is concern about your level / pattern of absence, your manager will discuss with you the required improvements and how the concern will be monitored and managed in the future. If your level / pattern of absence is concerning, your manager will manage it in line with Process 1 – Section 3. Manager's Toolkit.
- 12.3 The discussion should normally be undertaken on the day of your return or as soon as practicably possible thereafter. Your manager will complete the form in the Manager's Toolkit.
- 12.4 Ideally, the return to work discussion should take place via a face to face meeting. However, it is recognised that due to managers and staff being geographically dispersed, it will not always be feasible to meet. In these circumstances, a telephone conversation may be appropriate on return from absence, with arrangements made for a follow up meeting where this is considered necessary, particularly if absence triggers have been breached.
- 12.5 The Return to Work proforma should be completed irrespective of whether the discussion takes place in person or over the telephone. All discussions should take place in a confidential setting.

## **13.0 STAFF WITH A DISABILITY**

- 13.1 If the nature your illness means that you are considered a disabled person under the Disability Discrimination Act 1995 (DDA) and Disability Discrimination (Amendment Northern Ireland) Regulations 2004, consideration will be given to

any reasonable adjustments required to facilitate you within the workplace. Advice will always be sought from the Occupational Health Department in such circumstances.

#### **14.0 PROBATIONARY / CONFIRMATION OF APPOINTMENT**

14.1 If your absence, during a probationary period, gives concern, your manager will notify you of this at the earliest opportunity. Your manager may refer you to the Trust's Occupational Health Department for advice about any underlying issues contributing to your illness.

14.2 Generally:

- Two absences during a probationary period you will be verbally advised of the concern.
- Three absences during a probationary period your probationary period will be extended.
- Four absences during initial or extended probationary period, it is likely you will not be confirmed in post.

14.3 Concerns about absence during your probationary period will be managed in accordance with the Trust's Probationary Period Guidelines.

#### **15.0 INJURY ALLOWANCE**

15.1 Injury Allowance is payable if you have sustained an injury or contracted a disease which is wholly or mainly attributable to your HSC employment, resulting in a temporary reduction in earnings ability of 15% or more.

## SECTION C

### A Guide for Managers

#### 16.0 **ROLES AND RESPONSIBILITIES OF MANAGERS**

You have a responsibility to monitor the attendance of all staff who report to you and to effectively deal with any absence issues in accordance with the Trust's Management of Sickness Absence Procedures.

##### **Specific Responsibilities:**

As a Trust manager you must:

- ensure that your staff are aware of and comply with the Trust's Management of Sickness Absence Procedures.
- arrange the receipt and retention of all medical certificates provided by staff members.
- ensure that all sickness absence is properly and promptly recorded on the Trust's electronic eRoster and HRPTS.
- ensure that all staff sickness absence records are regularly reviewed and appropriate action is taken as necessary in accordance with this procedure.
- ensure all staff returning from sick leave attend a 'Return to Work' meeting.
- ensure staff members are made fully aware of the reasons for any referral to the Trust's Occupational Health service.
- distinguish between reported sickness and unauthorised absence where no acceptable explanation is provided for their absence. Unauthorised absence should be managed under the Trust's Disciplinary Procedures.
- consult staff members affected by a disability about reasonable adjustments to support and improve their attendance at work. Advice and guidance should be sought from the Trust's Human Resources Department and Occupational Health service.
- ensure that staff are made aware of the provisions of the Trust's Work Life Balance Policy and Time Off Work Policy as required.
- encourage staff to participate in any Trust Health and Well Being initiatives as appropriate.
- implement the Trust's Policy and Toolkit for Managing Stress in the Workplace as appropriate. A Stress Toolkit should be completed with each staff member reporting any type of stress or anxiety and this should be forwarded with a referral to Occupational Health.
- keep records as required by this procedure.
- ensure the confidentiality of all information you obtain during the course of the management of sickness absence.

## **17.0 SICKNESS ABSENCE REPORTING**

- 17.1 If a staff member is ill and unable to report for work they are required to notify you as their line manager (or in your absence another manager / person in charge) as early as possible on the first day of absence. In the instance of staff involved in direct patient care, as much advance notice as possible should be given before the start of a shift. In all other cases this should be no later than 1 hour after their normal starting time on that day.
- 17.2 The staff member must report personally to you or in your absence, another designated person in charge. Other persons should only make the call on their behalf in exceptional circumstances e.g. hospitalisation. When a staff member reports sick to you, you should seek to establish the reason for the absence, any urgent work which requires to be reallocated during their absence and the likely duration of the absence. It is not acceptable for a staff member to report sick via text, e-mail or any other means. They must ensure they speak to you to report their illness.
- 17.3 If the absence is attributable to an accident where damages are sought from a third party, the staff member must inform you and you must then inform the Litigation Department, Bernish House, 1st Floor, Daisy Hill Hospital.
- 17.4 On reporting sick the staff member should indicate the reason and expected duration of their absence. If a staff member fails to notify you that they are ill and does not attend for work, you should in the first instance attempt to make contact with the staff member to establish the reason for their non-attendance at work. You should attempt to establish if the reason for the absence is illness or some other reason. If a staff member fails to notify you of their illness (whether as a result of an accident or otherwise) you should take advice from the Trust's Employee Relations Department about the withholding of sick pay.
- 17.5 If a staff member fails to report into work and does not contact you, this should be deemed as unauthorised absence. You should not record the individual as sick unless they notify you that they are ill. In the event of unauthorised absence, you should manage this under the Trust's Disciplinary Procedures. Unauthorised absence will result in the withholding of pay. This should only be done once advice has been sought from the Trust's Employee Relations Department.

## **18.0 CERTIFICATION**

- 18.1 Staff members are required to submit the following certification as appropriate:

<b>Day/s of Sickness</b>	<b>Certification Required</b>
Day 1 – 3	No certification required
Day 4	Self certification – to be dated from the 1st day of sickness
Day 8	Medical certificate from your doctor i.e. Fit Note

The above certificates relate to the 4th and 8th day of sickness and **not** the 4th or 8th working day, i.e. weekends/days off are included. Failure to submit the appropriate certification within the time limits specified may result in sick pay being withheld.

- 18.2 Staff members must keep in regular contact with you to inform you, prior to the expiry of their certificate, of the current state of their health and whether they are fit to return to work. If a new certificate is required, this must be forwarded to you within 3 working days of the expiry of the original certificate.
- 18.3 Each time a Self Certification or a medical certificate (Fit Note) is submitted, these should be retained by the manager at the work location.
- 18.4 If a medical certificate (Fit Note) indicates that a staff member is fit for work subject to adjustments being made to their job role or location, you should consider what adjustments are recommended by the GP. If you are able to accommodate the recommended adjustments short term, you should contact the staff member to discuss and ensure their return to work. If you have difficulty accommodating the recommendations you should discuss this with the Employee Relations Department. Where adjustments cannot be made, the staff member should remain off work sick until such a time as they are fit to return to their role without the required adjustments.
- 18.5 In the event that a member of staff fails to submit a Fit Note you should adopt the following procedure:
- Contact the staff member by telephone to ascertain the reason for the missing certificate.
  - You must then decide if the reason given by the staff member is acceptable. If it is considered that it is not an acceptable reason you should decide whether or not the staff member's pay should be stopped. If a decision is taken to stop pay, you must advise the staff member immediately and follow this up in writing.
  - It should be noted that continued failure to be absent from work without appropriate certification will be deemed as unauthorised absence and in this respect will be managed in accordance with the Trust's Disciplinary Procedure.
- 18.6 It should be noted in all circumstances, particularly where a staff member has obtained a Fit Note from their GP, they may only return to work once they are fit to do so. If you have concerns about fitness for duty, you may delay a return to work pending advice from Occupational Health. In such circumstances special leave with pay will be given pending this advice.

## **19.0 SICKNESS DURING HOLIDAYS**

- 19.1 If a staff member's illness covers a period of pre-arranged annual leave then you should normally reinstate this leave. The staff member must formally notify

you on their first day of sickness. Appropriate certification will be required for any period of sickness in these instances.

19.2 Staff will not be entitled to an additional day off if sick on a statutory holiday.

## **20.0 KEEPING IN TOUCH DURING SICKNESS ABSENCE**

20.1 The onus is on the staff member to keep in touch with you during their absence to ensure you are updated on their progress and can establish when they are likely to return to work. If a staff member does not maintain contact with you regularly during their absence, you should make contact with the staff member, where appropriate. This contact should be regular but not excessive and you should ensure that you adopt a sensitive approach ensuring the staff member is made fully aware of all supports available to them.

20.2 Staff members should not be involved in any activity which could bring into question the genuineness of their illness. If you become aware of a staff member engaging in such an activity, you should seek advice from the Employee Department on the appropriate management of the concern.

20.3 If a staff member wishes to take a holiday whilst on sick leave they must notify you of their intention to do so. They should provide you with the location and dates of the holiday. Taking account of the reason for the illness, if you feel it is appropriate to approve you should advise the staff member. Approval should not be unreasonably withheld. If you have concerns and feels it calls into question the genuineness of the illness, you should refer the matter to the Trust's Occupational Health Department for advice. If a staff member fails to notify that they are taking a holiday whilst off sick or if a staff member fails to comply with the advice from Occupational Health, consideration should be given to withholding their sick pay and the instigation of disciplinary action. This should be done once advice has been sought from the Trust's Employee Relations Department.

## **21.0 RECORDING AND MONITORING ABSENTEEISM**

21.1 You are required to record and monitor all staff members, level and pattern of sickness absence within your department / area. The reasons for their absence should also be recorded.

21.3 In the event that an individual reports sick after they have commenced their scheduled duties, the day on which this happens will not usually be counted as the first day of absence. However, where you consider that this is being abused, you should seek advice from the Trust's Occupational Health department. Based on this advice, a decision should be made as to whether or not to include the partial day as an episode of sickness. If the partial day is included, this will be counted as the first day of absence.

## **22.0 REFERRAL TO OCCUPATIONAL HEALTH**

- 22.1 There will be occasions when you are required to refer a staff member to Occupational Health for assessment. You should do this in line with Process 3 in Section 4. The referral to Occupational Health should be discussed with the staff member.
- 22.2 You must notify staff of their appointment date to attend Occupational Health and document this.
- 22.3 If a staff member fails to attend their Occupational Health appointment, you will be notified by OH. You are required to make contact with the staff member to determine the reason for their non-attendance.
- 22.4 Unless there is an exceptional reason for their non-attendance, the staff member's pay should be withheld until a further appointment is notified to them and they attend the next appointment. You should document this decision in writing to the staff member and notify the Employee Relations department.

## **23.0 RETURNING TO WORK**

- 23.1 Following each absence from work due to sickness, you are required to conduct a 'Return to Work' discussion with your staff member. This discussion should therefore have both a welfare and a managerial perspective. This will involve discussing with the staff member, the reasons for their absence, ensuring they are fully fit for work and to consider any support or adjustments that may be required to facilitate their return.
- 23.2 You should normally conduct this discussion with the staff member on the day of their return or as soon as practicably possible thereafter. This discussion will involve only you as the manager and the staff member.
- 23.3 The discussion should be informal however you should keep a record of the meeting.
- 23.4 Ideally, the return to work discussion should take place via a face to face meeting. However, it is recognised that due to managers and staff being geographically dispersed, it will not always be feasible to meet. In these circumstances, a telephone conversation may be appropriate on return from absence, with arrangements made for a follow up meeting where this is considered necessary, particularly if absence triggers have been breached.
- 23.5 In all instances you should welcome the staff member back to work, provide an update on work related issues and re-assure the staff member that their contribution has been missed.
- 23.6 Depending on the reason for the absence, you should discuss with the staff member any on-going difficulties, work situations or medical conditions which may result in further absence.

- 23.7 Full and careful consideration must be given of any reasonable adjustments that have been identified by the Occupational Health Department in conjunction with the Employee Relations Department must also be discussed. You must ensure that action in relation to reasonable adjustments is given priority and implemented as quickly as possible.
- 23.8 Where a staff member's sickness record is concerning, you should make them aware of this, discuss the improvement required and advise that continued poor attendance may lead to action being taken in accordance with these Procedures.
- 23.9 If during the return to work discussion, you have any concerns about the staff member's fitness, you should seek immediate advice from the Trust's Occupational Health Department. Following this advice, you may have to delay the staff member's return to work. In such circumstances special leave with pay should be given pending advice.

#### **24.0 STAFF WITH A DISABILITY**

- 24.1 When managing sickness absence, you need to be mindful of employment legislation that may be relevant, namely the Disability Discrimination Act 1995 and Disability Discrimination (Amendment Northern Ireland) Regulations 2004.
- 24.2 Under this legislation, if the nature of the ill health means that a person is classed as a disabled person, consideration should be given to reasonable adjustments in consultation with the staff member.
- 24.3 Expert assessment and advice should normally be sought from Occupational Health in conjunction with the Employee Relations Department. Reasonable adjustments may be varied and examples could include:
- Allocating elements of the disabled persons duties to another person in exchange for other duties which they are able to undertake
  - Altering working hours
  - Acquiring or modifying equipment
  - Re-deployment (with training if necessary)

#### **25.0 PROBATIONARY / CONFIRMATION OF APPOINTMENT**

- 25.1 Where absence during a probationary period, gives concern, you should notify the staff member of this at the earliest opportunity. You should ascertain if there are any underlying issues contributing to the staff members absence and if necessary, refer them to the Occupational Health Department for advice.
- 25.2 You should inform the staff member at the earliest opportunity that continued concern about their absence during their probationary period may lead to you not confirming them in post.

25.3 Further guidance is available within the Trust's 'Management of Probationary Periods Guidelines'.

## **26.0 INJURY ALLOWANCE**

26.1 Injury Allowance is payable if a staff member has sustained an injury or contracted a disease which is wholly or mainly attributable to their HSC employment, resulting in a temporary reduction in earnings ability of 15% or more.

# SECTION D

## MANAGEMENT OF ABSENCE

### Process 1

#### **27.0 MANAGEMENT OF UNACCEPTABLE ATTENDANCE**

**PLEASE REFER TO THE INTERIM VARIATION TO THE PROCEDURE FOR THE MANAGEMENT OF SICKNESS ABSENCE NOVEMBER 2021**

It is the responsibility of all line managers to monitor and review staff sickness absence and to manage it accordingly. Managers must be alert to levels or patterns of absence which are likely to breach the triggers as set out below and ensure they bring this to the attention of staff as soon as possible.

- 27.1 A review of all sickness absence episodes will be conducted on a monthly basis by managers and the Human Resources Department to identify individuals who have reached the triggers as set out below.
- 27.2 **Triggers** are the levels above which a review of an individual's absence record will be undertaken and which may lead to action being taken. These are:
- a) Three episodes of sickness absence of any length in any rolling twelve month period
  - OR
  - b) Two episodes of sickness totalling more than 2 working weeks in any rolling twelve month period
  - OR
  - c) Any recognisable pattern of absence
- 27.3 In considering each absence during the review, a manager with support from HR, will assess all information and where there is sufficient information on record to suggest that the some or all of the absences require no further action, they will record this on their employee file for future reference.
- 27.4 If action is required, the manager with support from HR, will determine whether further action is required. If further action is required, the manager with support from HR if required will meet with the staff member to take the relevant action. The staff member will be notified of the trigger breach and the reason for a meeting.
- 27.5 The manager and HR Advisor will determine whether the absence record should be regarded as unsatisfactory. In doing so they should fully consider the impact of the individual's absence on the efficiency and effectiveness of the service within their area.
- 27.6 Staff members will have the right of accompaniment / representation during all stages of the process by a work colleague or a Trade Union representative.

27.7 The decision of the manager and HR Advisor, including any sanction, will be documented in each case to the staff member.

### **28.0 Stage 1 – INFORMAL WARNING**

28.1 In considering the records, the manager and HR Advisor may determine that no sanction is required but the record will be subject to on-going review. The reason for this determination will be documented and notified to the individual staff member.

28.2 When a determination has been made that an individual's record is unsatisfactory and a trigger has been breached, the manager and HR Advisor will issue a sanction. For a first identified breach of the triggers, this will be an Informal Warning. This warning will remain on the individual's record for 12 months.

28.3 At Stage 1, a staff member will be invited to attend a meeting during which they can make representations.

28.4 A staff member can appeal the decision to issue an Informal Warning by writing to the Head of Employee Relations within 7 days of the warning being issued. Appeals will only be considered on the basis of:

- a) a clear and identified procedural error.
- b) new information previously unknown to the manager.

28.5 The appeal will usually be considered by a senior HR representative. An appeal will usually be considered on the basis of the staff member's written submission only.

### **29.0 Stage 2a – FORMAL WARNING**

29.1 If, following an Informal Warning, there is a further episode of absence, the manager and HR Advisor will review for further consideration. The manager must contact the individual in writing advising that a further review is underway. They must also advise the individual that they are required to attend a meeting, for consideration of issuing a Formal Warning. The notification must state the time and location of the meeting, inform the member of staff of the right to be accompanied, and must also be copied to the Attendance Management Team.

29.2 The staff member will have an opportunity at this meeting to state their case before a determination will be made.

29.3 It is expected that line managers, staff and representatives prioritise their attendance at the meeting.

- 29.4 If a Formal Warning is issued, absence will be formally monitored for a period of 1 year from the date of the warning. Any further absences will be referred immediately for further determination.
- 29.5 A staff member can appeal the decision to issue a Formal Warning by writing to the Director of Human Resources within 7 days of the warning being issued. Appeals will only be considered on the basis of:
- a) a clear and identified procedural error.
  - b) new information previously unknown to the manager.
- 29.7 The appeal will usually be considered by a senior HR representative. An appeal will usually be considered on the basis of the staff member's written submission only.

### **30.0 Stage 2b – FINAL WARNING**

- 30.1 If following the issue of a Formal Warning, there is a further episode of absence, the matter will be referred to an AMP for a determination. The manager must contact the individual in writing advising that a referral to an AMP has been made. They must also advise the individual that they are required to attend a meeting, with the view of issuing a Final Warning. The notification must state the time and location of the meeting, inform the member of staff of the right to be accompanied, and must also be copied to the Attendance Management Team.
- 30.2 The manager will share all the relevant information with the AMP and staff member prior to the meeting. The manager will be in attendance at the meeting to provide information to the AMP as required.
- 30.3 The staff member will have an opportunity at this meeting to state their case to the AMP before a determination will be made by the panel.
- 30.4 If the staff member does not attend the meeting, it will proceed in their absence and a determination given by the AMP unless there is an exceptional reason why they could not attend. It is expected that line managers, staff and representatives prioritise their attendance at the meeting.
- 30.5 If a Final Warning is issued, absence will be formally monitored for a period of 2 years from the date of the warning. Any further absences will be referred immediately to an AMP for a further determination.
- 30.6 A staff member can appeal the decision to issue a Final Warning by writing to the Director of Human Resources within 7 days of the warning being issued. Appeals will only be considered on the basis of:
- a) a clear and identified procedural error.
  - b) new information previously unknown to the line manager or AMP.

30.7 The appeal will usually be considered by a senior HR representative. An appeal will usually be considered on the basis of the staff member's written submission only.

### **31.0 Stage 3 – TERMINATION**

31.1 If following the issue of a Final Warning, there is a further episode of absence, the matter will be referred back to an AMP for a determination. They must also advise the individual that they are required to attend a meeting, with the view of dismissal. The notification must state the time and location of the meeting, inform the member of staff of the right to be accompanied, and must also be copied to the Attendance Management Team.

31.2 Where the AMP determines that there has not been sufficient improvement in the level of absence, they may dismiss the member of staff by giving the member the appropriate notice period.

31.3 A member of staff will have the right to appeal a decision to terminate their contract of employment. Appeals must be made in writing to the Director of Human Resources within 7 days of the warning being issued stating their grounds for appeal.

31.4 The appeal will usually be considered by a panel comprised of a senior manager from the relevant Directorate and a senior Human Resources Representative. The staff member will be invited to attend the appeal and present their case in person to the panel.

31.5 The decision of the appeal panel is final.

## **Process 2**

### **32.0 MANAGEMENT OF UNSUSTAINABLE ABSENCE**

- 32.1 In assessing and managing unsustainable absence, the Trust will use the triggers identified in these Procedures.
- 32.2 Long term sickness absence refers to any absence in excess of 28 consecutive days.
- 32.3 Referrals to Occupational Health must be made in accordance with Process 3.
- 32.4 Regular contact with the individual should be maintained regardless of the reason for absence to ensure the staff member is fully supported.
- 32.5 Attendance Management Panels will be responsible for determining the most appropriate management action in instances of unsustainable absence.
- 32.6 Staff members will have the right of accompaniment / representation during all stages of the process by a work colleague or a Trade Union representative.
- 32.7 Unsustainable absence is:
- a) Long term absence where there is no reasonable prospect that an individual will be well enough to return to work and where no reasonable adjustments can be made to assist the individual in returning to work;  
OR
  - b) A series of recurring shorter term absences attributable to a specific condition and where no reasonable adjustments can be made to assist the individual to provide regular and effective attendance at work.

### **33.0 CASE REVIEWS**

- 33.1 Long term absence where there is no reasonable prospect that an individual will be well enough to return to work and where no adjustments can be made to assist the individual in returning to work will be managed through formal case reviews.
- 33.2 An initial case review should be held when a member of staff has been absent from work for more than 28 consecutive days. This should take place as soon as possible after the 28th day of absence but no later than 3 months after the first day of absence.
- 33.3 A Human Resources representative will conduct the case review. The case review may include appropriate personnel who meet to discuss the absence and related supportive measures, or it may be paper based.
- 33.4 Case reviews should be documented and placed on the member of staff's personal file including any action required. A note of the case review must also be shared with the staff member.

- 33.5 Case reviews should normally be held thereafter when the staff member has been absent for 6 months, 8 months and 10 months, until the member of staff has returned to work or has left the service.
- 33.6 A final determination on the case must be made no later than 12 months after the absence began. 33.7 A decision to terminate the contract of employment on the grounds of ill health will be taken immediately following a determination by Occupational Health that there is no prospect of an individual returning to work due to ill health.

#### **34.0 ILL HEALTH RETIREMENT / PENSION**

- 34.1 In some instances, a staff member may be deemed to be unfit for work within the Trust due to their health. This will usually be following a determination from Occupational Health and where all other alternatives have been exhausted.
- 34.2 An individual may, in these circumstances, be able to apply for an ill-health pension through the HSC Superannuation Scheme.
- 34.3 This is applicable where an employee is a member of the HSC Superannuation Scheme, has paid their contributions for a minimum of 2 years and is under 60 years (1995 scheme) or under 65 years (2008 scheme) or under 67 years (2015 scheme).
- 34.4 However, there may be cases where Occupational Health do not support an application for ill-health retirement but it is the staff members right to apply if they so wish.
- 34.5 The line manager and a HR Advisor will arrange to meet the staff member (where possible) before applying for their pension, to provide support and guidance in relation to applying for ill health pension and to inform the employee about the implications of applying for ill-health retirement.
- 34.6 If a staff member wishes to apply, they should notify the HR Advisor of this in writing. The HR Department and the Trusts Pay and Conditions Department will co-ordinate the process and liaise with the manager and the employee.
- 34.7 If a staff member applies for an ill–health pension and is unsuccessful the Trust will consider any alternative roles available at that point in time. If no alternative is available or if the individual remains unfit to return to work, the Trust will terminate the contract of employment on ill-health grounds. The staff member will be paid the appropriate notice and the individual will be notified of their right of appeal and details of how to do this under the Health and Social Care Superannuation Scheme.
- 34.8 Unfortunately at times, a staff member may find that they have a life limiting illness. The Employee Relations department should be notified of this immediately. In such instances, an application for an ill-health pension will be given priority.

### **35.0 NOTIFICATIONS OF UNSUSTAINABLE ABSENCE**

35.1 Unsustainable absence can be a series of recurring shorter term absences attributable to a specific condition and where no reasonable adjustments can be made to assist the individual to provide regular and effective attendance at work.

#### **35.2 Stage 1 – 1st NOTIFICATION**

An AMP will consider the sustainability of an individual absence in line with the triggers identified in the Procedures. Following an AMP determination of unsustainable absence, the line manager will contact the individual in writing advising that their absence has been deemed unsustainable. They must also advise the individual that they are required to attend a meeting with the AMP to discuss the record and to consider ways of assisting the individual to provide regular and reliable attendance at work. They must also advise of the time and location of the meeting, inform the staff member of the right to be accompanied, and must also be copied to the Attendance Management Team. A first notification will be issued to the individual.

35.3 The line manager will share all the relevant information with the AMP and staff member prior to the meeting. The line manager will be in attendance at the meeting to provide information to the AMP on actions taken to date.

35.4 If the staff member does not attend the meeting, it will proceed in their absence and a notification will be issued in writing unless there is an exceptional reason why they could not attend. It is expected that line managers, staff and representatives prioritise their attendance at the meeting.

35.5 Once a first notification has been issued, the absence record will be formally monitored on-going. Any further absences will be referred immediately to an AMP for further consideration.

#### **35.6 Stage 2 - 2nd NOTIFICATION**

If following the issue of a First Notification, there is a further episode of absence, the matter will be referred back to an AMP for further consideration. The line manager will contact the individual in writing advising that their absence has been deemed unsustainable. They must also advise the individual that they are required to attend a meeting, with the AMP to discuss the record and to consider further ways of assisting the individual to provide regular and reliable attendance at work. They must advise of the time and location of the meeting, inform the staff member of the right to be accompanied, and must also be copied to the Attendance Management Team. A second notification will be issued to the individual.

35.7 The line manager will share all the relevant information with the AMP and staff member prior to the meeting. The line manager will be in attendance at the meeting to provide information to the AMP on actions taken to date.

35.8 If the staff member does not attend the meeting, it will proceed in their absence and a notification will be issued in writing unless there is an exceptional reason why they could not attend. It is expected that line managers, staff and representatives prioritise their attendance at the meeting.

35.9 Once a second notification has been issued, the absence record will be formally monitored on-going. Any further absences will be referred immediately to an AMP for further consideration.

### **36.0 Stage 3 – TERMINATION**

36.1 If following the issue of a second notification, there is a further episode/s of absence, the matter will be referred back to an AMP for a determination. It is likely that consideration will be given to terminating the contract of employment on the grounds of ill health. The line manager must notify the individual that they are required to attend a further meeting, with the view of terminating the employment contract. The individual must be advised of the time, location and purpose of the meeting as well as of the right to be accompanied.

36.2 Where the AMP is of the view that the level of absence is unsustainable they may terminate the employment contract on the grounds of ill health by giving the staff member the appropriate notice period.

36.3 A member of staff will have the right to appeal a decision to terminate their contract of employment. Appeals must be made in writing to the Director of Human Resources within 7 days of the warning being issued stating their grounds for appeal.

36.4 The appeal will usually be considered by a panel comprised of a senior manager from the relevant Directorate and a senior Human Resources Representative. The staff member will be invited to attend the appeal and present their case in person to the panel.

36.5 The decision of the appeal panel is final.

36.6 At all stages of the process, the AMP should consider if any adjustments to an individual's role is required or if an alternative position through redeployment could assist with an improvement in the level of absence.

## Process 3

### REFERRALS TO OCCUPATIONAL HEALTH (OH) DEPARTMENT

#### 37.0 REFERRALS

37.1 A manager can refer a member of staff to Occupational Health (OH) at any time during their employment in order to provide support, guidance and advice, to both the member of staff and the manager. You should use the form in the Managers Toolkit to make a referral.

37.2 A referral should normally be instigated:

- on receipt of a medical certificate for 4 weeks absence or
- after 4 weeks of the absence commencing

An immediate referral must be made when the absence is due to:

- Stress/anxiety - either perceived work related or home stress/anxiety
- Musculoskeletal problems
- Sick leave following maternity leave
- Work related injury/accident at work

The line manager should also immediately notify the Employee Relations Department if an absence is due to any of the above.

37.3 The manager should complete the Occupational Health Referral Form, ensuring that they give as much information to Occupational Health as possible to ensure that the OH Doctor/Nurse can make an informed decision based on all the facts.

Please refer to guidance sheet at the back of OH Referral Form for examples of questions to ask. In addition, it would be beneficial to include the following:-

- any discussions with the employee regarding their reasons for absence
- any support, adjustments, training/development etc. that have already been facilitated to ensure satisfactory attendance at work
- details of any considerations that you have/could facilitate to try to improve attendance
- impact on department/service/other staff.
- attendance record

37.4 The details of the referral should be shared with the member of staff before their appointment. This can be done via the telephone or at a meeting. All information should be in writing to the Occupational Health Department. Only in exceptional circumstances will information be taken by telephone but must be followed up with a referral. The line manager should notify the staff member in writing of the date for the appointment.

- 37.5 Following the member of staff's appointment with the Occupational Health Department a confidential report will be provided to the staff member, the line manager and copied to the Employee Relations Department. The manager should contact the member of staff to discuss the outcome of their appointment and offer any support or assistance if appropriate.
- 37.6 If further clarification on the content of the report is required, the line manager can contact the OH Practitioner directly. It is advised that the manager should update OH of any additional information prior to review appointments i.e. agreement on phased return, adjusted duties etc. This should assist in ensuring an early return to work, if possible. If a review is required, OH will notify the manager who will be required to confirm with the member of staff in writing.
- 37.7 If a staff member fails to attend an OH appointment, their pay should be withheld until a further appointment is attended, unless an exceptional reason for non-attendance is provided.

### **38.0 OCCUPATIONAL HEALTH ASSESSMENTS**

The Occupational Health Department may recommend a course of action which could include:

- 38.1 **REHABILITATION** - Occupational Health may recommend that a member of staff is fit to return to their substantive post but under rehabilitation arrangements. Under rehabilitation, an individual could be offered various measures to help ease them back to work e.g.

- Reduced hours
- Restricted or alternative duties within their own department or another department
- Access to specific treatment interventions such as Physiotherapy

The Occupational Health Department will recommend the length of time for the rehabilitation period. Managers are encouraged to be supportive of the rehabilitation period and will be expected to determine actual arrangements with staff members in accordance with the recommendations from Occupational Health.

In circumstances where Occupational Health advise that an employee returning from long-term sickness absence should return on a rehabilitation programme involving reduced hours, the employee should receive their normal full pay for up to a maximum of 6 weeks following the return to work, based on contracted hours.

Annual leave may be used to reduce the working week for a further period, however this will be at the discretion of the line manager. There may be instances where a return from sick leave is close to the end of the annual leave year and a member of staff has the majority of their annual leave owing, the line

manager should consider if it is appropriate for this to be used before a return to work, or to further facilitate a shortened working week.

- 38.2 **PERMANENT ADJUSTMENTS / MODIFICATIONS** - Where the Occupational Health report advises that an employee is fit to return to their current post, and if the manager is able to accommodate modifications to the post, the manager should initially consider if these are practical / possible. Where necessary, a Risk Assessment can be undertaken. At all times, managers need to consider the requirements of Disability Discrimination legislation.

The manager should meet with the member of staff to discuss the Occupational Health Report along with an Employee Relations Advisor, and explore what modifications would be practical. If modifications are possible, then these should be in place before the member of staff returns to work.

If the outcome is that it is not reasonable to accommodate the recommended modifications, the manager should explore with the member of staff whether they wish to be considered for redeployment. Occupational Health opinion will require to be sought on the employee's suitability for redeployment.

- 38.3 **REDEPLOYMENT** - There may be occasions where Occupational Health recommends redeployment as a means of ensuring an individual remains in work. Advice should be sought from the Employee Relations department and a meeting will be held with the staff member and their manager. The details of any discussion should be followed up in writing.

In certain circumstances Occupational Health may recommend a temporary period of redeployment to facilitate an employee's return to the workplace.