

Attendance Management Policy

Unique Identifier:	CORP/POL/011				
Version Number:	11.2				
Type of Update / Status:	Ratified with Minor / No Technical Changes				
Division and Department:	Workforce and Organisational Development Human Resources,				
Author / Originator and Job Title:	Lauren Newton, Human Resources (HR) Manager				
Replaces:	CORP/POL/011, Version 11.1, Attendance Management Policy				
Description of amendments:	Discontinue the EASE service				
Approved by:	Joint Negotiating Consultative Committee (JNCC)				
Approved Date:	28/07/2022				
Issue Date:	23/08/2022				
Review Date from Date of Approval:	1 Year <input type="checkbox"/>	2 Years <input type="checkbox"/>	3 Years <input checked="" type="checkbox"/> 28/07/2025	4 Years <input type="checkbox"/>	5 Years <input type="checkbox"/>

Version Control Sheet			
This must be completed and form part of the document appendices each time the document is updated and approved			
Date dd/mm/yy	Version	Author	Reason for changes
11/01/21	10	Natalie Fishwick, Human Resources (HR) Manager	Section 4.11, addition to paragraph with regard to Agenda for Change
15/02/21	10.1		Front page typographical error rectified Section 3.5.4 updated to 4.11
20/10/21	10.2	Lauren Newton, Human	Bullet point added to Section 4.10.1 Short Term Absence/Episodes of absence as the first bullet point due to error

Version Control Sheet			
10/05/22	11	Resources (HR) Advisor	Complete Re-write Removal of formal sanctions, change in monitoring tool, replaced return to work interviews with welcome back to work discussions, included sickness at work/part day changes, included planned surgery and cosmetic surgery guidance, included information on EASE, included conduct whilst on sick leave, included extreme sports and dangerous activities, included dismissal by mutual consent.
16/08/22	11.1		Appendix 1 update – typographical error to page 19.
23/08/22	11.2		Discontinue the EASE Service

Consultation / Acknowledgements with Stakeholders		
Name	Designation	Date Response Received
Maggy Heaton	Staff Side Chair	10/05/22
Vicki Higgins	Head of Human Resources Interim	10/05/22
HR Policy Forum	Policy Forum Group	21/07/22

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1 Introduction

The Trust values the contribution made by our employees and recognises that a high level of attendance at work by all employees is a vital factor in the efficient operation of our services. The Trust recognises the importance of early supportive interventions which are essential to support employees.

The purpose of this policy is to:

- Give you a clear understanding of Managing Attendance and your role in this.
- Explain the procedure to be followed when employees are unable to attend work.
- Explain the procedure for monitoring and reviewing attendance.
- Provide a supportive framework and procedure to ensure that employee's individual circumstances and needs are considered.

Our aims are to:

- Maintain safe levels of care to our patients.
- Encourage sustainable improvement in individual attendance.
- Treat employees fairly and consistently.
- Support employee wellbeing and promote a culture of high attendance amongst employees.
- Comply with legislation and best practice for managing attendance.
- Deal with matters promptly.
- Allow employees to put their case forward and listen to their views.
- Support employees who are suffering from long-term ill-health so they can return to work as soon as possible.
- Fulfil our duty of care to all employees who have a current health condition.

2 Target Audience

This policy applies to all staff employed by Blackpool Teaching Hospitals NHS Foundation Trust.

3 Definitions and Abbreviations

GP	General Practitioner
HR	Human Resources
MSK	Musculoskeletal
OH	Occupational Health
PILON	Payment in Lieu of Notice

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4 Responsibilities (Ownership and Accountability)

4.1 Trust Executive Board

The role of the Trust Executive Board is to:

- Determine the impact of sickness absence on service delivery and Trust strategic objectives
- Determine the strategic direction for managing attendance
- Consider requests for funding for back-filling business critical roles.

4.2 Manager Responsibilities

- The primary responsibility for the management of attendance rests with managers. The rationale for this approach is that our managers should “know their employees” and be familiar with the issues surrounding the attendance profile and needs of their employees.
- The manager in “knowing their employee”, has the discretion that when reviewing their health and wellbeing following an episode of sickness absence, they will consider as to whether the employee progresses through the procedure. The decision will be determined, and rationale recorded as part of the Welcome back to work discussion
- Managers are responsible for ensuring that employees are aware of the range of health and wellbeing support that is available to them in and out of the workplace. In addition, managers should make employees aware that support or advice may be available through trade union representatives if required.
- Managers must consider the opportunities to return employees to work safely and at the earliest opportunity through the supportive mechanisms such as Phased Return and Temporary Redeployment / and Reasonable / Tailored Adjustments.
- Managers are responsible for creating an environment, which is conducive to health and wellbeing, and in which a low sickness absence record and regular attendance at work is expected.
- The manager is responsible for addressing employee sickness absence and managing it in accordance with this policy and associated How to Procedures.

4.3 Employee Responsibilities

- Employees are responsible for their own health and wellbeing.
- Employees should take up all reasonable opportunities to maximise and protect their own health and wellbeing.
- Employees should seek medical advice and treatment as soon as possible to support their own health and wellbeing.
- Employees have a responsibility to attend Occupational Health appointments and sickness absence related meetings when requested to do so.

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- Employees have the responsibility for keeping in touch regularly with their manager when unwell.
- Employees must consider whether there are any reasonable / tailored adjustments that may help them to remain in work or return to work at the earliest opportunity.
- Employees have a responsibility to maximise attendance at work in line with their own contract of employment.
- Employees have a duty to care for and support colleagues in doing the jobs they have agreed.

4.4 Trade Union Representative

It is the role of Trade Union Representatives to:

- Support the individual member and their organisation in minimising absence from work caused by sickness.
- Provide their members with advice on all aspects of the policy.
- Ensure an appropriate trade union representative is available at all levels of the procedure should their member wish to be accompanied and to ensure that meetings can occur in a timely manner.
- Work closely with managers and other groups to make the policy effective at organisational level, including being aware of all relevant legislation.
- Maintain their competence in the application of the policy and in supporting their member through absence due to sickness.
- Work with their individual member, the manager, and Occupational Health to facilitate a return to work as soon as possible following a period of sickness.

4.5 Human Resources Team

The HR Team will:

- Advise and support managers and employees in accordance with local policies & procedures, following good HR practice and employment legislation
- In conjunction with OH, provide necessary inputs to support managers/employees with absence issues
- Provide relevant and timely absence data and trends.

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4.6 Occupational Health Team

The OH team will:

- Provide impartial advice to employee and manager in relation to health issues impacting on the individual's work or vice versa
- Advise and support managers and employees in accordance with local policies and procedures, following good OH practice and relevant legislation
- In conjunction with Managers and HR attend attendance management 'case conferences' to support managers in particular to seek to establish likely dates for return to work and also issues around managing the return to work e.g., a phased return and/or any reasonable adjustments that might be considered
- Take a pro-active approach in health promotion activities and prevention of ill health in the workplace

5 Policy

The Trust is committed to promoting a positive attendance culture in partnership with our employees to promote the values of a fair and consistent approach to monitoring, managing, and improving attendance levels.

Short term absence for the purpose of this policy is defined as less than 28 calendar days (4 weeks).

Long term absence for the purpose of this policy is defined as 28 calendar days or more.

5.1 Key Principles:

- Regular, punctual attendance is expected of every employee and the Trust asks that each employee takes responsibility for achieving and maintaining good attendance.
- The Trust will consider any relevant medical advice from Occupational Health on how to get employees back to work, for example; flexible hours, or adjusted duties.
- The Trust reserves the right to review an employee's level of attendance throughout their employment and may take this into consideration when making decisions at the Final Formal Attendance Review Hearing.
- The Trust reserves the right to authorise a medical suspension where there are concerns about an employee's health, safety, or well-being at work.
- The Trust respects the confidentiality of all information relating to an employee's sickness. This policy is compliant with all data protection legislation and the Access to Medical Records Act 1988 (1).
- Absences for Control of Infection reasons: There are some circumstances where either the Infection Prevention Team and/or Occupational Health will ask a member of staff to stay off work to prevent potential infection risk to patients and other employees. In these cases, the absence should still be documented on the employee's sickness record however consideration should be made in line with CORP/POL/116 - Infection Prevention Policy (2).

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- Employees must not work for another employer, work in a self-employed capacity or in private practice without permission whilst off sick from the Trust.
- This policy is not designed to be used to manage poor performance unless the underlying case of the poor performance is identified as relating to an individual's health condition.
- It is important that all employees fully comply with the Attendance Management policy as failure to do so may result in employees forfeiting their eligibility to occupational and/or statutory sick pay and could instigate a referral to the Trust's Counter Fraud Specialist. This referral (3) can be completed via [Pages - Counter Fraud \(xfyldecoast.nhs.uk\)](https://xfyldecoast.nhs.uk/Pages-Counter-Fraud)

5.2 Reporting Absence

On the first day of absence all employees must speak to their line manager, or nominated deputy, as soon as possible, to allow the line manager (nominated deputy) time to arrange cover. Every effort must be made to contact the line manager (nominated deputy) in the first instance.

Texting, e-mailing or leaving a message via a colleague is not acceptable. Additionally, employees on a training course, study leave or attending college must contact the line manager (nominated deputy). Medical staff are to telephone their department via the Divisional Rota Co-ordinator as soon as it is clear they are unable to work indicating the reason for absence and the likely duration of absence if possible.

This must be before the shift starts and ideally no later than one hour before the shift is due to commence.

The Trust would like employees to explain;

- The nature of the illness, and in particular if it is likely to impact on service delivery or patient care e.g., infectious disease. Confidentiality can be maintained if disclosing to a nominate deputy.
- How long it is anticipated that the employee will be absent from work for.
- If employees are absent from work and do not contact their line manager by the required time the line manager will attempt to contact them.

5.3 Sickness at Work / Part Day absence

If an employee becomes unwell whilst at work, they should report their illness in person to their line manager. If the manager sends the employee home, they will then record the number of hours worked on E-roster, part day absences will not trigger as a period of absence.

The part day of absence will be recorded and documented for monitoring purposes and a welcome back to work discussion form completed. If the employee continues to be unwell the following day, the absence should be recorded on E-roster from this date (the first full day of absence).

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5.4 Certification

Employees must produce appropriate certificates as soon as possible for all sickness absences:

- Sickness absence up to and including 7 calendar days or 5 working days must be covered by a Self-Certificate.
- Sickness absence which exceeds 7 calendar days must be covered by a 'Statement of Fitness for Work' from a Doctor (4).

A Self Certificate can be obtained from OneHR (5; 6) or by request from the line manager.

- Initial and subsequent Statement of Fitness for Work, must be sent to the line manager within 3 working days of the date that the statement was issued.
- Statements of Fitness for Work must cover an employee's absence from the 8th calendar day onwards.

If an employee fails to provide a Statement of Fitness for Work the absence may be considered as unauthorised and consideration may be given to withholding occupational and/or statutory sick pay.

NB: New legislation provides the opportunity for registered nurses, occupational therapists, pharmacists and physiotherapists to sign a fit note and be responsible for that episode of care. Accordingly, Nurses, occupational therapists, pharmacists, and physiotherapists can now certify and issue fit notes. However, a fit note will not be acceptable if the signatory is a colleague, family member or friend.

5.5 Keeping in Touch during periods of absence

It is important that employees maintain regular contact with their line manager whilst they are absent from work. Please refer to Section 5.6.1 on Early Interventions that can support an employee with their health and wellbeing and possibly shorten the length of their absence. The frequency of contact should be agreed between the employee and the line manager.

Employees must contact their line manager if:

- There are any changes to a diagnosis.
- The anticipated length of absence changes.
- The Statement of Fitness for Work is due to expire.
- Another Statement of Fitness for Work is issued.
- They know the date they will be returning to work.

Consideration may be given to withholding occupational and/or statutory sick pay if an employee fails to maintain regular contact with their line manager (nominated deputy).

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5.6 Occupational Health

Employees may be referred for an Occupational Health assessment in the following situations:

- Where the employee has a long-term condition or disability requiring further support.
- Long term or continuing absence.
- Persistent and/or short-term absence.
- Where any further concerns are identified.
- If an illness is identified as work related.
- If an employee requires additional support and/or adjustments in order to maintain their attendance at work.

Employees must be aware that they may be required to discuss any health-related reports with the relevant internal personnel or Doctor. Occupational Health will explain this further during their appointment and obtain consent for this information to be shared.

5.7 Welcome Back to Work Discussion

It is expected that employees provide as much notice as possible of an intended date of return to work to their line manager (nominated deputy), this is to ensure support measures if required are put in place prior to agreed return to work date.

Depending on the nature and duration of the absence the line manager may request the employee attends Occupational Health prior to returning to work.

When an employee returns to work the line manager will conduct a welcome back to work discussion within 2 working days to discuss the following;

- **Welcome back** – setting an atmosphere that is friendly, open, and understanding in regard to the employee and their wellbeing.
- **Absence discussion** – to fully understand that the employee is fit to return to work, the reason for and cause of absence, looking at their attendance record and highlighting any reoccurrences in absence. Discussion around any GP or healthcare professional advice or guidance, and outline whether any support can be provided. This may include a referral to Occupational Health or engagement with the Employee Assistance Programme. Any recommendation will be considered in light of service delivery and further advice may be sought from Occupational Health and HR.
- **Responsibility to attend work** – to remind the employee of any previous absences and expectations going forward.
- **Move on** – to support the employee with any work that can be picked up, discuss work that has been completed and introduce the employee back into work.

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The Welcome Back to Work Discussion form (6) can be found on OneHR, completed documentation should be kept in the employee's personal file.

5.8 Sickness and Annual Leave

If an employee is sick during planned annual leave and wishes to retain their pre-booked annual leave, then they must notify the line manager (nominated deputy) on the first day of their sickness absence. The sickness absence must still be recorded, and the employee must submit the documentation required under the certification section 3.4 of this policy.

Employee's will continue to accrue annual leave whilst absent. This excludes Bank Holidays.

If employees have been off long-term and are unable to take their annual leave by the end of the annual leave year, they will be able to carry over the remainder of the entitlement based on a calculation of the statutory amount of 20 days (pro-rata for part-time workers).

Managers must complete the appropriate electronic exception request form at the end of the financial year requesting carry over of annual leave. This must not include bank holidays. The calculation for the 20-day rule is:

Contracted hours ÷ 5 x 20 = e.g., 37.5 ÷ 5 x 20 = 150 hours

If an employee wishes to benefit from taking a holiday whilst off sick, the Trust requires you to notify your line manager. Once this notification is received, your manager will consider the following factors as to whether your time should be recorded as Sickness Absence (to support and aid your recovery) or as annual leave and accordingly deducted from your leave entitlement. This needs to be a reasonable decision on a case-by-case basis considering the following factors:

- The individual's physical and mental health, and reason for sickness absence
- The nature of the holiday and if it will be beneficial to the individual's recovery
- Any advice from the individual's GP or Occupational Health

For consistency and fairness, managers are encouraged to speak to the Workforce Advisory Team if they are unsure whether to agree a request or not.

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5.9 Working Additional Hours

Where an employee is working additional hours via bench or agency, and their absence level is an unacceptable level or a sickness pattern is identified, the employee may be prevented from undertaking this additional work for a minimum period of 4 weeks. This is to ensure that any additional work does not exacerbate health problems.

If the secondary employer has no connection to the Trust and the 4-week break, cannot be enacted then, in extreme cases, the Trust may consider if occupational sick pay should be withheld.

5.10 Sick Pay Entitlement

Please refer to the NHS Terms and Conditions of Service Staff Handbook (7) for details of sick pay entitlement.

5.11 Planned Surgery

Where an employee provides notice of surgery, line managers will make a referral to Occupational Health when a return-to-work date has been identified. This will provide an opportunity for the employee to discuss any concerns and to seek advice on adjustments to their job, which may be incorporated, into their welcome back to work plan.

An employee would not progress through the short-term process due to absences of planned surgery.

5.11.1 Cosmetic Surgery

Unless for a medical reason confirmed in a medical report, any absence taken for the purposes of cosmetic surgery cannot be taken as time off as sickness absence and should be covered by annual or unpaid leave. This must be agreed in advance with the line manager.

5.12 Monitoring and Review Absence: Short Term Absence

The Trust has a responsibility to all staff and as such must be able to monitor absences.

Monitoring attendance is intended to make sure that all employees are supported and treated fairly and consistently. This monitoring is a simple tool to assist managers in keeping track of the frequency of an employee's absences and to highlight at the earliest stage, when management intervention is necessary.

5.13 Monitoring and Review Absence: Long Term Absence

If an employee has a continued period of absence which is for more than 28 calendar days, it will be considered as a Long-Term Absence.

The line manager will proactively and positively manage the long-term absence with the primary aim of supporting the employee and facilitating a return to work as soon as possible.

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The line manager will arrange a well-being meeting to discuss;

- Additional support the Trust may be able to provide.
- The possibility of returning to work.
- Help and support to facilitate a return to work.
- Temporary relocation to another area if unable to perform own role.
- Departmental / Trust communications to keep the employee included with any updates or changes which may have taken place.

Wellbeing Meetings will be held on a regular basis for example every month. Employees have the right to be represented by an accredited Trade Union representative or workplace colleague at the meeting. Once an employee has been absent for 12 weeks, a HR representative will be in attendance.

It is important that employees attend both Wellbeing Meetings and Occupational Health appointments as failure to do so could result in the withdrawal of Occupational Sick Pay.

If a return-to-work date has been identified, consideration may be given for the employee to have a phased return to work. In these circumstances, this must be agreed by either Occupational Health or HR. The phased return to work plan can be found on OneHR (6).

If the above points have been actioned/considered but the employee has still not returned to work / is unable to return to work in a reasonable time period, a Stage 3 – Capability Review Hearing (6) should be considered.

5.14 Absence Procedures – Short Term and Long Term

- Short Term Absence Procedure – please refer to appendix 1.
- Long Term Absence Procedure – please refer to appendix 2.

An affiliated union representative or colleague may support you at any stage of this policy.

5.15 Training

The Trust's Attendance Management Policy is to promote an 'attendance culture' and provides a framework for managers and employees in which to apply a fair and consistent approach to monitoring, managing and improving attendance levels.

All managers and leaders are expected to attend the training provided by the Workforce Advisory Team in relation to the effective management of sickness absence. The sessions are held on a regular basis throughout the year and can be accessed via the OneHR portal or the Workforce Advisory Team.

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5.16 Unauthorised Absence

Failure to follow the correct reporting arrangements as stated in this policy will, other than in exceptional circumstances, be treated as unauthorised absence. Occupational sick pay may not be paid and only in exceptional circumstances will backdated GP Certificates be accepted. This may also result in disciplinary action for employees who persistently fail to follow the correct reporting procedure.

5.16.1 Action on first day of unauthorised absence

On the first day of the employee's unauthorised absence, the line manager will attempt to contact them, making a note of the means used (telephone or email) and keeping a record of the time. If the manager is unable to contact the employee, they may attempt to contact the employee's next of kin or listed emergency contact. The line manager must then inform the Payroll Department that pay is to be withheld until further notice. In extreme circumstances where the employee is unattainable due to being involved in medical emergency and their next of kin are unavailable, consideration will be given for reinstatement of pay.

5.16.2 Action on second day of unauthorised absence

On the second day of the employee's unauthorised absence, if the manager has again been unable to contact the employee or the employee's next of kin, the manager should contact the Workforce Advisory Service to discuss the circumstances and whether the matter should be escalated to Safeguarding or the Police. The manager will write to the employee detailing their absence and the attempts that have been made to contact them. The letter will state that no satisfactory explanation for the absence has been received, their pay has been withheld and it is required that the employee makes contact with the manager as soon as possible, but no later than three days after the date of the letter. The letter will advise the employee that, if they fail to make contact by the given deadline, the Trust will invoke the disciplinary procedure (8; 9).

5.16.3 Further action after the deadline

If, following the deadline, the employee has still not contacted the manager; the manager will send the employee a letter inviting them to attend a disciplinary hearing to explain their unauthorised absence. The letter should advise the employee that the lack of an adequate explanation may result in formal action under the Trust's Disciplinary Policy (8; 9).

5.16.4 Disciplinary action as a result of unauthorised absence

If the manager makes contact with the employee and/or the employee returns to work, the manager should conduct an immediate investigation into the reasons for their absence and their lack of contact with the Trust.

If the manager is satisfied with the explanation for the employee's absence and lack of contact with the Trust, the manager can conduct a welcome back to work discussion and document the conversation as a recorded conversation. Pay will be reinstated from the employee's return to work date.

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If the employee is unable to provide a satisfactory explanation for their unauthorised absence and lack of contact with the Trust, the manager would invoke the Trust's Disciplinary Policy (8; 9). In these cases, pay will not be reinstated.

5.17 Conduct Whilst on Sick Leave

It is expected that the employee will do their utmost to facilitate a speedy return to fitness and to work. The Trust would not normally expect an employee who is absent from work due to sickness or injury to:

- Participate in any sports, hobbies or other activities which are in any way inconsistent with their illness or injuries, or which aggravate the illness or delay recovery.
- Undertake any other employment, whether paid or unpaid when off sick and claiming Occupational Sick Pay.
- Engage in any activity, which is inconsistent with the nature of the illness or injury.

A breach of any of the above may be deemed as gross misconduct and subject to the Trust's Disciplinary Policy (8; 9).

5.18 Extreme Dangerous Activities

Where employees undertake extremely dangerous or high-risk activities, the Trust will not be held responsible and occupational sick pay may be withheld.

5.19 Appeals

Employees have the right of appeal against any formal sanction or dismissal issued at the Final Formal Hearing outlined in Appendix 1 and Appendix 2. The appeal must be submitted in writing to the Head of HR within 10 working days of the decision being communicated.

5.20 Dismissal by Mutual Consent

There may be some instances where the nature of the employee's illness is such that they do not believe there is any prospect of them returning to work within a reasonable timeframe; they do not wish to proceed with a formal hearing or are too unwell to do so. In such circumstances they may wish to consent to the Trust dismissing them on the grounds of capability - ill health. If this is the case the possibility of giving consent to dismiss them should be discussed with the employee at one of the wellbeing meetings where HR are in attendance. The employee should be satisfied that the Trust has taken all reasonable action to support them to return to work, and potential alternatives explored then dismissal by mutual consent may be considered.

If the employee wishes to proceed with dismissal by mutual consent, this discussion must be detailed and documented in a letter making it clear that the employee will be dismissed on the grounds of capability ill health and the date of dismissal confirmed. The employee can retract their consent at any point leading up to the confirmed date of dismissal. If the employee retracts their consent to be dismissed the manager will prepare to progress to

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the next stage of the long-term sickness process. The employee will still have the right to appeal the decision.

Should the employee not wish to be dismissed from employment, but does not want to attend a formal hearing, they retain the right to resign from their post. Employees when considering this option need to be aware that they will have their notice period and any outstanding annual leave paid as Payment in Lieu of Notice (PILON) and this will not be pensionable.

The manager will need to obtain written confirmation from someone in their reporting line at Band 8b or higher with delegated authority to dismiss in these circumstances with advice sought from the Workforce Business Partner.

5.21 Countering Fraudulent Activity

The Trust has a zero tolerance to allegations of fraudulent activity. Any suspicions of fraudulent activity will be referred (3) to the Trust's Counter Fraud Specialist via [Pages - Counter Fraud \(xfyldecoast.nhs.uk\)](http://Pages-Counter-Fraud(xfyldecoast.nhs.uk)) for detailed information gathering. Should such an investigation find reasonable grounds to suspect an offence has been committed, further action will be taken, in accordance with the Trust's Counter Fraud and Corruption policy and the Trust's Standard Business Conduct Policy (10).

Further advice can be obtained from the Trust's Counter Fraud Specialist.

6 References and Associated Documents

1. **Crown.** Access to Medical Reports Act 1988. [Online] 1988. [Cited: 11 08 2022.] <https://www.legislation.gov.uk/ukpga/1988/28/contents>.
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Appendix 1: Short Term Absence Procedure

Informal Counselling Attendance Review

An employee will be placed on Informal Counselling of the short-term absence procedure where they have the following:

- 4 episodes of sickness in the previous 12 months or
- 9 days or more of sickness in the previous 12 months (pro-rata)
- Any other pattern of absence (e.g., regular 'certain' days 'Mondays' / one week each year during half-term / particular shifts/regular significant periods).

An affiliated union representative or colleague may support you at any stage of this policy.

The line manager will hold an informal meeting with the employee, the aim of which is to ascertain if any additional support is required to help the employee maintain their attendance. A wellbeing action plan should be discussed and formulated with the employee.

A record of the conversation, including any plans agreed to assist in maintaining attendance at work will be confirmed in writing and a copy will be sent to the employee's email address and if required sent to their home address. At this meeting, the employee will be placed on Informal Counselling of the procedure with a review period of 12 months.

Where informal counselling has been achieved and the employee has no further episodes of absence for 12 months, this will be acknowledged and no further action necessary. However, further absences may result in proceeding to the Initial Attendance Meeting.

Initial Attendance Review

If during the 12-month review period following the Informal Counselling, an employee has the following further absences, they may be placed on the Initial Attendance Review of the short-term absence procedure:

- 2 further episodes of sickness or
- 5 further working days or more of sickness (pro-rata)

An affiliated union representative or colleague may support you at any stage of this policy.

The line manager will hold a meeting with the employee, the aim of which is to support them to improve their attendance and the wellbeing action plan should be reviewed, replaced, amended, or extended to ensure the employee has every opportunity to improve their attendance levels.

The line manager will consider the employee's absence on a case-by-case basis and determine whether it is appropriate to use their discretion to keep them at the Informal stage of the policy.

A record of the conversation, including any plans made and targets set to support the employee in improving their attendance at work, must be confirmed in writing and a copy will be sent to the employee's email address and if required sent to their home address.

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At this meeting, the employee may be placed on the initial first formal attendance review of the procedure with a review period of 12 months.

Where the Initial Attendance Review has been achieved and the employee has no further episodes of absence during the review period, they will not progress any further in the policy. However, further absences may result in proceeding to the Second Attendance Review.

Second Attendance Review

If during the 12-month review period following the initial attendance review, an employee has **any further absences**, they may be placed on the Second Attendance Review of the short term absence procedure.

An affiliated union representative or colleague may support you at any stage of this policy.

A more senior manager will hold a meeting with the employee, the aim of which is to support them to improve their attendance and the wellbeing action plan should be reviewed, replaced, amended or extended to ensure the employee has every opportunity to improve their attendance levels.

The manager will consider the employee's absence on a case-by-case basis and whether it is appropriate to use their discretion to keep them at the Initial Attendance Review of the policy.

A record of the conversation, including any plans made and targets set to support the employee in improving their attendance at work, must be confirmed in writing and a copy will be sent to the employee's email address and if required sent to their home address. At this meeting, the employee may be placed on the Second Attendance Review of the procedure with a review period of 12 months.

Where the Second Attendance Review has been achieved and the employee has no further episodes of absence during the review period, they will not progress any further in the policy. However, further absences may result in proceeding to the Final Formal Attendance Review Hearing.

Final Formal Attendance Review Hearing (triggered)

If in the 12-month review period following the Second Attendance Review, an employee has a further absence, they will be asked to attend a final meeting to consider their absence record and the future of their contract of employment. Employee's will be given a minimum 10 days' notice of the hearing in writing.

Present at the hearing will be the chair of the panel, (this would be a senior manager Band 8B and above), HR support, the employee's line manager, HR support and an affiliated trade union representative or colleague. A note taker may also be present at the hearing.

The chair of the panel will consider all the information and facts regarding the absence, the opinion of Occupational Health and the support the Trust has provided to the employee. All the facts of the case and possible outcomes will be fully considered in a fair and unbiased manner. Where appropriate and dependant on the facts of the case

Appendix 1: Short Term Absence Procedure

the discussion will include consideration of what / if any reasonable adjustments can be made to sustain attendance.

It is possible that an employee may be dismissed at this stage of the process if they are unable to maintain reasonable attendance.

In the event of an employee being dismissed they will be paid in lieu of their contractual notice as well as any outstanding annual leave accrued up to the last date of employment. All benefits under the contract will come to an end on the date of termination. The employee will be notified of the outcome of the hearing in writing within 7 working days. The manager will write to the employee detailing the content and outcome of the meeting and provide details of their right of appeal in accordance with the Disciplinary and Appeals procedure (8; 9).

Appendix 2: Long Term Absence Procedure

Monitoring during Long Term Sickness

During wellbeing meetings consideration should be given as to whether a return-to-work date has been identified:

- On or around 24 weeks – if the absence persists and no return-to-work date has been identified then the case will be reviewed to determine the most appropriate course of action in regards to the employee's sickness absence. A decision will be made whether to progress to a Final Formal Attendance Review Hearing (Capability).

In cases where the employee returns to work following their long-term period of absence, the absence will be monitored in line with the Short-Term Absence Procedure process. Should the employee have no further episodes of absence for 12 months, there will be no further action.

Final Formal Attendance Review Hearing (Capability)

Employees will be given 10 days' notice of the hearing in writing. The purpose of the hearing will be to consider the employee's absence record and whether they are capable of maintaining reasonable attendance in the future.

Present at the hearing will be the chair of the panel, (this would be a senior manager Band 8B and above), HR support, the employee's line manager, HR support, and affiliated trade union representative or colleague. A note taker may also be present at the hearing.

The chair of the panel will consider all the information and facts regarding the absence, the opinion of Occupational Health and the support the Trust has provided to the employee. All the facts of the case and possible outcomes will be fully considered in a fair and unbiased manner. Where appropriate and dependant on the facts of the case the discussion will include consideration of what / if any reasonable adjustments can be made to facilitate a return to work and to maintain attendance.

It is possible that an employee may be dismissed at this stage of the process on the grounds that they are not capable of performing their role on the grounds of ill-health.

In cases where the employee has applied for Ill Health retirement and/or if they agree that termination of employment is appropriate, they, or their representative, can submit their request in writing for consideration of termination of employment on the grounds of ill health without their attendance at a Final Attendance Review Hearing.

- Where the employee is suffering from a terminal illness there are a variety of options open to the line manager and/or employee. The Trust would aim, as far as possible, to give the employee's interest immediate attention and would try to provide the most financial beneficial result for the employee and/or their relatives. Employees will be supported throughout their terminal illness, should they decide to remain in work.
- Special pension arrangements are available to NHS Pension members who are terminally ill. Line managers should liaise with Human Resources or the Trust's Pensions Lead for guidance in individual cases. An Ill-Health retirement application should be considered if terminal illness is confirmed.

Appendix 2: Long Term Absence Procedure

In the event of an employee being dismissed they will be paid in lieu of their contractual notice as well as outstanding annual leave accrued up to the last date of employment. All benefits under the contract will come to an end on the date of termination. The employee will be notified of the outcome of the hearing in writing within 7 working days. This written notification will include details of the reason for termination and provide details of their right of appeal.

Appendix 3: Ill Health Retirement

Ill health retirement will be considered if in the opinion of the Occupational Health service the employee meets the criteria for applying for ill health retirement and where the employee meets the NHS Pension Scheme length of service criteria (11).

Where ill health retirement is an option, the application process for ill health retirement will run concurrently with the notice period to terminate an employee's contract of employment unless where employment has been terminated with pay in lieu of notice.

In cases of employees in the 1995 scheme with special class status who are aged 55-60, termination of employment may be deferred following the result of their ill health retirement application. If their ill health retirement application is unsuccessful this deferral will enable them to apply for special class status retirement whilst still in employment.

In cases where employees have been given a terminal diagnosis with less than 12 months to live and wish to explore their pension options (including commutation), termination of employment will be deferred until the pension outcome is known.

If the employee has a terminal illness and wishes to remain in work, support will be given by the Trust to facilitate this, where possible.

Whether the employee is suffering from a terminal illness or has a long-term condition which affects their ability to perform their role or a suitable alternative, the Trust can offer a variety of options which will be explored with their line manager and the employee, HR and an affiliated union representative may also be present should support be required. The Trust would aim, as far as possible, to give the employee's interest immediate attention and would try to provide the most financial beneficial result for the employee and/or their relatives.

Should the employee request Ill Health Retirement or agree that termination of employment is appropriate they, (or their representative), can submit a request in writing for consideration of termination of employment on the grounds of ill health without their attendance at a Formal Attendance Review Hearing.

In the event of an employee contract is terminated they will be paid in lieu of their contractual notice as well as outstanding annual leave accrued up to the last date of employment. All benefits under the contract will come to an end on the date of termination. The employee will be notified of the outcome of the hearing in writing within 7 working days. This written notification will include details of the reason for termination and provide details of their right of appeal.

In the event of an employee being dismissed they will be paid in lieu of their contractual notice as well as outstanding annual leave accrued up to the last date of employment. All benefits under the contract will come to an end on the date of termination. The employee will be notified of the outcome of the hearing in writing within 7 working days. This written notification will include details of the reason for termination and provide details of their right of appeal.

Appendix 4: Equality Impact Assessment Form					
Department	Workforce and OD	Service or Policy	CORP/POL/011	Date Completed:	21/07/22
GROUPS TO BE CONSIDERED					
Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED					
Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE		IMPACT		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	This document is to promote an attendance culture to ensure a high quality of service, maintain safe levels of care to our patients and treat staff fairly and consistently. The target audience is all staff across the organisation. The policy develop to support current legalisation and NHS Terms and Conditions.	No action required at this time, but future review might see a change that will require action. Raise awareness of legalisation and entitlements.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	There is no identified impact on community safety/crime or community cohesion.	N/A	N/A	N/A	
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	Currently there is no evidence that shows who should benefit does not.	No action required at this time, but future review might see a change that will require action. Raise awareness of legalisation and entitlements.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No negative impact has been identified in relation to any geographical or sub group of the population.	No action required at this time, but future review might see a change that will require action.	No impact identified at this time but might change at a future review.	No negative impact identified at this time.	
How does the service, leaflet or policy/ development promote equality and diversity?	Provides a framework for managers and staff in which to apply a fair and consistent approach to monitoring, managing and improving attendance levels. The policy complies with employment legislation. Specifically, it allows for manager discretion in line with the requirement to make reasonable adjustments for those with a Disability.	Ensure compliance with the policy through regular monitoring of trigger points.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	This policy values the contribution made by employees and recognises that a high level of attendance at work is a vital factor in the efficient operation of our services, support patient safety, work plans and contribute to high morale	No action required at this time, but future review might see a change that will require action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	The Trust is reflective of the community it serves. The Trust employs people from disadvantaged groups i.e. those who have a disability/learning disability/low social economic status	To continue monitoring staff across all protected characteristics and comparing with the local demographic figures from the Council and ONS.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	This policy does not have any direct impact on the development to improve economic social conditions in deprived areas/use brown field sites/improve public spaces etc,	To continue monitoring this policy to ensure any review takes into account any changes re points i ii iii.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development promote equity of lifelong learning?	No it doesn't.	N/A	N/A	N/A	

Appendix 4: Equality Impact Assessment Form.				
Does the service, leaflet or policy/development encourage healthy lifestyles and reduce risks to health?	Yes, to ensure appropriate support is offered to employees.	No action required at this time, but future review might see a change that will require action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the service, leaflet or policy/development impact on transport? What are the implications of this?	No it doesn't.	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	No it doesn't.	N/A	N/A	N/A
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	No particular group has been identified as having an impact as a result of this policy, whether adverse/negative.	Continue to review the policy in line with legalisation.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the policy/development promote access to services and facilities for any group in particular?	No it doesn't.	No action required at this time but future reviews might see a change which requires action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the service, leaflet or policy/development impact on the environment <ul style="list-style-type: none"> During development At implementation? 	No it doesn't.	No action required at this time but future reviews might see a change which requires action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
ACTION:				
Please identify if you are now required to carry out a Full Equality Analysis			No	(Please delete as appropriate)
Name of Author:	Lauren Newton		Date Signed:	10/05/22
Signature of Author:				
Name of Lead Person:	Jayne Taylor		Date Signed:	10/05/22
Signature of Lead Person:				
Name of Manager:	Vicki Higgins		Date Signed:	10/05/22
Signature of Manager				