

# How to Apply for Extension to Sick Pay

Agenda for Change section 14.10 does allow Employers some discretion as follows:

- Where there is the expectation of return to work in the short term and an extension would materially support a return and/or assist recovery, particular consideration should be given to those staff without full sick pay entitlements
- In any other circumstance the employer deems reasonable

## Considerations

In determining if there is an opportunity to provide additional provision, the Trust needs to set out some key principles and arrangements for approval to ensure that application and approval is fair, equitable and not subject to abuse.

Any extension beyond the normal sick pay arrangements will remain discretionary and will not be a contractual right. Contractual provisions are those explained within section 14 of Agenda for Change.

In considering additional support beyond the normal sick pay arrangements, it is essential that the Trust are able to do so fairly and equitably.

## When should it be considered?

Extension to sick pay should be used where there is evidence that failure to do so may result in genuine hardship and where this could have a detrimental impact on the employee's ability to recover. There should be evidence that all normal financial avenues have been explored including the approved use of accrued annual leave and welfare benefits.

It should be evident to decision makers that extending sick pay provision would have a positive impact on the person's recovery and aid their ability to focus on ultimately a return to work.

Alternatively it could be used in those difficult situations where there is a terminal diagnosis and where it is more beneficial for the employee to die in service.

## Application Process

### Who could make a request for an extension to sick pay?

In order to ensure that this process is robust and auditable it is best if the employee is supported in making an application. Making an application may be made as a result of recognition by those supporting the employee that there are financial issues, or it could be made by the employee themselves when they find themselves in a difficult position from which they feel the Trust may be able to help.

In order to ensure there is sufficient information for an informed decision to be made, it is recognised that the following identified groups may be able to drive forward the necessary collation of documentation/evidence to make an application:

- HR colleagues actively involved in the support of the employee
- Line Managers actively involved in the support of the employee

- Occupational Health practitioners involved in the support of the employee
- Trade Union or work colleagues actively involved in the support of the employee
- Lead Cancer Nurse and end of life care actively involved in the support of the employee
- Pensions Manager
- The employee themselves

## How to apply?

Requests should be made via letter or summary so that there is a clear audit trail and supporting evidence (where applicable/appropriate) must be provided.

## Decision making

### What would be taken into account in order to make a decision?

Whilst it is not possible to pre-empt every situation it is likely that extensions to sick pay would be considered in the following circumstances:

- Staff with a diagnosis of serious/life limiting/life threatening medical conditions such as Cancer, heart conditions, Stroke, HIV/AIDS and conditions that cause serious disability without necessarily being life threatening
- Conditions that fall under the Equality Act 2010
- Staff without full sick pay entitlement due to length of service
- Previous excellent attendance record (with absence in the previous 12 months only being related to the current condition)
- Where extension can be proven to aid recovery
- Where there is a gap between pay ending and pension starting
- Where there is a delay to treatment beyond the employees control but where such treatment would provide an opportunity for full recovery or return to stability such that the employee could return to work

### Who would they apply to?

In the first instance requests should be made to the Deputy Director of Workforce or their nominated deputy, who can approve extension periods up to and including a period of 3 months, which can be at either full or half pay as agreed.

Where the Deputy Director does not support the request the matter can be referred to the Operational Director or Executive Director of HR for consideration.

### Further extension requests

In exceptional circumstances extensions beyond 3 months would be considered but such applications would need to explain why the 3 months intervention had not been adequate to reach a resolution (that being either a return to work or retirement plan).

Requests should also include details of the length of a further extension. Such requests would go to the Operational Director or Executive Director of HR for consideration.