Absence Management Policy

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## Introduction

The Integrated Care Board aims to encourage all its employees to maximise their attendance at work whilst recognising that employees will, from time to time, be unable to come to work for short periods due to sickness. The ICB recognises that most employees will occasionally have acceptable reasons to be absent from work through either ill health or an injury. Equally however, due regard must be given to the business needs. Sickness absence can have a major impact on the quality of the service we provide and place colleagues and managers under additional pressure. Ultimately, if there is no resolution, it may be necessary to follow appropriate process to terminate the contract of employment and dismiss the employee.

## Purpose / Policy Statement

Under this policy, the ICB commits to ensuring that:

* + It fulfils its duty of care towards its employees.
	+ It promotes a culture that encourages attendance at work.
	+ All policies, rules and procedures concerning absence are communicated clearly to all employees and reviewed in a timely manner in line with both changing needs of the ICB and any changes to legislation.
	+ Managers apply the procedures fairly and consistently.
	+ Cases falling within the remit of the Equality Act (2010) are readily identified and supported.
	+ Records of absence are held for all employees and levels of absence are monitored to indicate where further action may be needed.
	+ Where appropriate advice and guidance may be sought, regarding employee’s medical issues from Occupational Health Department or another appropriate external Medical Adviser.
	+ It complies with health and safety requirements, including the reporting of injuries and dangerous occurrences (RIDDOR), the Equality Act (2010), Access to Medical Reports Act 1988, when requesting information from medical practices, and other relevant legislation.

## Scope

This policy applies to all ICB employees engaged on Agenda for Change Terms and Conditions of Service, including those on Very Senior Manager (VSM) contracts of employment.

## Definitions

* **Period of sickness absence** - any continuous period of sickness absence, of whatever length, during which the employee does not work.
* **Short-term sickness absence** – sickness absences from work lasting less than 28 calendar days.
* **Long term sickness absence** - 28 calendar days or more of continuous sickness absence
* **Occupational Sick Pay (OSP)** – pay during sickness absence as set out in the Contract of Employment and Agenda for Change terms and conditions of service.
* **Statutory Sick Pay (SSP)** – is the minimum amount of money that an employer must pay to an eligible employee who is unable to work because of illness.

## Roles and Responsibilities

### Integrated Care Board

* + 1. The ICB Board is accountable and responsible for ensuring that the ICB has effective processes for the management of absence in accordance with relevant legislation and best practice guidance.

### Chief Executive

* + 1. The Chief Executive is accountable for the policy and procedure being in place to ensure fair and equitable approach to sickness absence and pay for employees.

### Policy Authors

* + 1. Policy authors are responsible for ensuring that this document is updated when any changes are made to the NHS Agenda for Change Terms and Conditions for Service for sickness absence/pay.

### Executive Chief People Officer

* + 1. The Chief People Officer oversees the implementation of this policy and is responsible for ensuring that managers take action to meet the organisation’s obligations to ensure equity and consistency.

### Line Managers

* + 1. The management of absenteeism is a management function. Each manager is responsible for managing absenteeism for the employees that are accountable to them and for treating employees who are ill in a sensitive, fair and consistent manner. Managers have a responsibility to:
	+ Ensure that they are familiar with the Absence Management Policy and their obligations in relation of the management of the policy.
	+ Apply the principles of the Absence Management Policy and Procedure fairly, consistently, and sensitively.
	+ Communicate considerately with absent employees. Set time aside to talk to them about any support they need ensuring appropriate records are kept.
	+ Deal with any actions in a timely manner when managing absence at work, balancing the needs of the employees with those of the service.
	+ Maintain accurate records of all absences and reasons for absence; ensuring that absence is recorded on ESR Supervisor Self-Service in a timely and accurate manner and all copies of documents are scanned by email to HR (mseicb-me.essexhr-inbox@nhs.net), in accordance with the procedure for recording sickness absence (see Appendix C).
	+ Hold return to work interviews after each individual episode of sickness and complete the return-to-work Interview form in a timely manner. (Available on Connect HR forms).
	+ Identify where trigger points have been met and hold sickness review meetings in a timely manner
	+ Maintain confidentiality at all times.
	+ Attend any ICB training provided on policy updates.
	+ Identify a ‘nominated deputy’ for employees to report sickness absence to during periods of annual leave/out of the office/non-working time and communicate this to employees.
	+ Identify early warning signs at work that might prevent sickness (i.e. stress, incidents at work). Taking appropriate action such as completing a Stress Risk Assessment or supporting a WRAP (Wellness recovery action Plan) (Available on Connect HR Forms)
	+ Make reasonable adjustments where an individual’s sickness absence may be attributable to disability.
	+ To follow the guidance in this policy regarding all sickness absences recognising sickness that may be due to pregnancy or a maternity-related condition and gender transition have specific guidance to be referred to and followed if appropriate.
	+ Identify where a discernible pattern of an individual’s absence is giving cause for concern (e.g., patterns of absence on specific days of the week or directly before/after annual leave) and take next steps in accordance with this policy.

### All Staff

* + 1. All employees are expected to demonstrate a commitment to the ICB and discharge the obligations of their contract by regular attendance at work. Therefore, all employees have a duty to:
* Ensure that they have read and fully understood the provisions of this policy.
* Take reasonable steps to keep themselves in a good standard of general health in order that they can effectively carry out their role
* Ensure regular attendance at work.
* Communicate appropriately with their manager when absent from work. Guidance as to appropriate frequency is outlined within this policy.
* Co-operate fully in the use of these procedures, including the procedure for recording sickness absence as set out in Appendix C.
* Attend an appointment with an ICB nominated medical practitioner (e.g., Occupational Health) where appropriate.
* Attend review meetings with management when discussing periods of absence or planning return to work, reasonable adjustments or alternative employment.
* Notify their manager if their sickness absence is due to disability, pregnancy or a maternity-related condition, or gender transition.
* In cases of Norovirus, diarrhoea and/or vomiting, abstain from returning to the workplace until they have been symptom free for 48 hours (ie.48 hours has elapsed since the last episode of vomiting/diarrhoea).
	+ 1. Employees unreasonably failing to discharge their responsibilities under this policy may lose their entitlement to occupational sick pay and/or be subject to disciplinary action in accordance with the provisions of the ICB’s Disciplinary Policy.

## General Principles

The management of sickness absence is to ensure appropriate support is provided to an employee during periods of absence. Maintaining contact and reviewing absence on a regular basis assists this process to be undertaken.

The reason for absence should be identified at first contact and if the absence is not due to sickness (i.e., the employee is fit to attend work), then other leave may be appropriate e.g. under the Special Leave Policy.

Managers need to ensure they record an employee’s sickness absence on ESR Supervisor Self-Service in a timely and accurate manner i.e., day one of sickness absence, only ending the period of absence when the employee actually returns to work.

Fit notes can be certified and issued by nurses, occupational therapists, pharmacists and physiotherapists in addition to doctors. Copies of all Fit Notes and forms should be emailed to HR for retention in the employee’s personal file (mseicb-me.essexhr-inbox@nhs.net)

Where an employee fails to engage with their line manager and/or HR representative in respect of both short-term and long-term sickness absence the ICB reserves the right to hold a contractual review in the form of a hearing (with or without their attendance). The ICB will invite the employee to attend a contractual review meeting which would be based on the information they have on the individual’s sickness absence to date and make a decision on which sanction to invoke on that basis. The outcome of the contractual review would be communicated to the employee in writing. The employee has the right to appeal against sanctions imposed in line with this policy.

The employee has the right to be accompanied by a trade union representative or current work colleague to any formal Sickness Review meetings held under this policy. However, there is no right to be accompanied or represented by a person acting in a legal capacity.

The employee has the right to appeal against any formal warnings issued, up to and including dismissal, under the formal processes of the Absence Management Policy.

The ICB reserves the right to pass on any cancellation charges to the employee that are issued by Occupational Health as a result of non-attendance if the required 48 hours’ notice is not received.

If an employee has reached a ‘trigger point’ then they would be asked to attend a Formal Absence Review Meeting. The employee must be given five working days’ notice, of any Formal Absence Review meeting; and will be invited to the meeting in writing.

The manager may contact HR prior to a Formal Review and, upon request, HR may attend the meeting to advise on process.

This policy is formulated on the assumption that, if the ICB suspects there to be misconduct, the disciplinary procedure will apply. For example, the ICB may take disciplinary action if there is evidence that:

* + absence is not genuine or not for the reason provided;
	+ the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation; or
	+ the correct sickness absence reporting procedure has not been followed and/or evidence requested has not been presented.

## Sick Pay Entitlement

Depending on the employee’s length of service within the NHS, employees who are absent from work through illness will receive pay up to the following limits:

|  |  |
| --- | --- |
| **Service\*** | **Entitlement** |
| Up to 1 year | 1 (one) month’s full pay, 2 (two) months’ half pay |
| 1 – 2 years | 2 (two) months’ full pay. 2 (two) months’ half pay |
| 2 - 3 years | 4 (four) months’ full pay, 4 (four) months’ half pay |
| 3 – 5 years | 5 (five) months’ full pay, 5 (five) months’ half pay |
| 5 years+ | 6 (six) months’ full pay and 6 (six) months’ half pay |

Statutory Sick Pay (SSP) is payable for up to 28 weeks of absence through sickness, in any tax year, as long as there is a gap of 8 weeks between one 28 week period and the next. Payments are made at fixed rates, based on your average earnings in the 8 weeks prior to the commencement of sickness, as long as these are above the lower earnings limit to qualify for SSP.

In cases of long-term absence, should the manager fail to undertake a Contractual Review Meeting before half pay expires; a claim for reinstatement of half sick pay can be made by the employee after 12 months of continuous sickness absence in the following circumstances:

* + Employees with more than 5 years reckonable service – sick pay will be reinstated if sick pay entitlement is exhausted before a Contractual Review Meeting for long term absence, has taken place.
	+ Employees with less than 5 years reckonable service – sick pay will be reinstated if sick pay entitlement is exhausted and a Contractual Review does not take place within 12 months of the start of their sickness absence.

Reinstatement of sick pay should continue until the contractual review meeting has taken place but is not retrospective for any period of zero pay in the preceding 12 months of continuous absence.

Reinstatement of half pay will only apply where the failure to undertake the Contractual Review Meeting is due to the delay of the employer.

After investigation, consultation and consideration of other roles/posts, and where there is no foreseeable date (usually within the next 3 to 6 months) of the employee returning to work, the ICB can proceed to terminate employment before the employee has reached the end of the contractual paid sick absence period.

The pay received during sickness absence is made up of the following:

* + Occupational Sick Pay – paid directly by the ICB and either:
	+ Statutory Sick Pay – which is also paid directly by the ICB, or (if not entitled to receive SSP) or,
	+ Employment and Support Allowance – for those who are not eligible for SSP, this must be claimed direct from the local Jobcentre Plus. The Payroll Department will send form SSP1 to those employees not eligible for SSP in order for them to claim this benefit.

SSP is not paid to those who earn less than the lower earnings limit. When an entitlement to SSP is exhausted an employee may also be eligible to transfer to Employment and Support Allowance.

Sick pay, which is made up of Occupational Sick Pay including SSP, will not exceed an employee’s normal gross pay. Occupational Sick pay and SSP are subject to deductions of tax and National Insurance contributions.

Half pay is made up of half normal full pay, as outlined above, and SSP as long as the sum payable does not exceed the employee’s normal pay. (Where an individual’s half pay and SSP would exceed this limit, the Occupational Sick Pay would be adjusted accordingly).

The ICB reserves the right to withhold or seek to reclaim Occupational Sick Pay where it has been proved to have been claimed fraudulently. Failure to declare accurate and truthful information to Managers and upon the declaration of Return to Work form may lead to disciplinary action and result in matters being referred to the Local Counter Fraud Specialist for Criminal investigation. If you have a suspicion of fraud, bribery, or corruption as the ICB, or need fraud related advice, please contact HR department who will be able to support you with the reporting or contact directly <https://cfa.nhs.uk/reportfraud>

If the employee is not compliant with the sickness absence policy, this could result in the withdrawal of Occupational Sick Pay until the issue is resolved.

## Reporting Absence Procedure

### Reporting Procedure – Upon Becoming Sick

* + 1. If an employee is sick and unable to attend work, they should notify their manager at the earliest opportunity and no later than 30 minutes after their normal work commencement time.
		2. Contact should be made by telephone (texting is not acceptable) between the employee and their manager, or if they are not available, the person in charge of the team or department at the time. The employee must make the call personally and the only exception is where this is clearly not possible, for example if they have been admitted to hospital.
		3. When reporting an absence, the employee must give the following information:
	+ The reason for the absence (if known).
	+ The expected length of absence (if known).
	+ Whether a visit will be made to their GP, and if so, the date of the appointment.
	+ Agreed next point of contact (no later than two working days from reporting absence)
		1. Where possible the manager should be advised of any outstanding work that may require urgent attention during the period of absence.
		2. A record should be created when an employee phones in to report that they are unable to come to work due to sickness. This includes recording
* When the call was made,
* The stated reason for the absence,
* Whether they plan to visit their GP, and
* How long the employee expects to be absent.
* When the employee will next be in contact

This will be retained on the individual’s personal file.

### Reporting Procedure – Whilst off Sick

* + 1. The employee should:
	+ Keep their manager informed of their progress on a regular basis, at least twice in each seven-day period, unless due to their particular circumstances a frequency is agreed with their line manager. Where a line manager is also absent, the manager should identify a ‘nominated deputy’ to continue contact with the employee.
	+ Inform their manager if they plan to be away from home, for example, to recuperate, and leave a contact number where they can be reached.
	+ Obtain a ‘Statement of Fitness to Work’ from their GP or hospital medical certificate for periods of sickness of more than seven calendar days and send this plus any subsequent certificates, to their manager as soon as possible. Failure to do so may result in the employee’s pay being stopped.
	+ Inform their manager if they plan to undertake any activity that could perceive to impact on their recovery.
	+ Respond to any requests for further information whilst off sick, within a reasonable time frame.
	+ Provide a ’Statement of Fitness to Work’ for a period of sickness absence not exceeding seven days if the ICB specifically requests it. In these circumstances, the ICB will reimburse the employee for the cost of obtaining a certificate if it has to be obtained privately.
	+ Ensure that their next of kin or emergency contact details are kept up to date on ESR Self Service.

### Reporting Procedure – On Preparing to Return

* + 1. When the employee is nearly ready to return to work, they should phone their manager or, if they are not available, the person in charge of the team or department at the time to inform them:
	+ Whether they have been in contact with any infectious diseases and in cases of Norovirus, diarrhoea and/or vomiting, that they have been symptom free for a period of no less than 48 hours if returning to a workplace
	+ When they will be returning to work.
		1. When an employee is returning to work from a period of sickness absence their manager may refer to Occupational Health advice gained during their time off sick to aid and support their return to work.

### Reporting Procedure - on Return to Work

* + 1. As soon as the employee returns to work, they should:
	+ Report to their line manager or, if they are not available, the person in charge of the team or department at the time.
	+ Complete a self-certification form (available on the ICB intranet HR Forms) for periods of sickness absence 7 calendar days or less for all periods of sickness absence, irrespective of its duration; and provide any fit notes and medical certificates for periods of sickness absence over 7 days (including weekends). Failure to do so may result in the employee’s pay being withheld until the required certificates are received.
	+ Arrange to see their manager (at the earliest opportunity if they are not available on the day the employee returns) so that the line manager can conduct a return-to-work interview and complete the required Return to Work form (available on the ICB’s intranet HR Forms). The return-to-work interview should include discussion of support required.
	+ Cooperate with the employer with regards to the possible implementation of any reasonable adjustments to job duties, hours or working conditions, resulting from recommendations made on a ‘may be fit for work’ Fit Note or an Occupational Health report, notwithstanding the fact that the advice on a "fit note" recommendations is not binding on the employer.

### Other Activities whilst on Sick Leave

* + 1. Whilst off sick from work the employee has the responsibility to help their own recovery, therefore the ICB would not expect any employee who is off sick to:
	+ Undertake any employment, whether paid or unpaid. (If the ICB suspects that an employee continues, or commences, paid work with another employer whilst on sickness absence, they may be subject to disciplinary action and referral to NHS Fraud Team. A referral to the Counter Fraud Team may result in a criminal investigation and lead to a prosecution).
	+ Where an employee usually undertakes employment for more than one employer, with the ICB knowledge, they must seek permission from the ICB if it is their intention to continue to work for the other employer. Permission will only be granted in exceptional circumstances and on production of medical evidence which reflects that the continuation of working will not exacerbate recovery.
	+ Undertake any activities that a medical practitioner has advised against or that would jeopardise or delay recovery.
	+ Travel within or outside of the UK on holiday where a medical practitioner had deemed them medically unfit to do so.
		1. Employees unreasonably failing to discharge their responsibilities under this policy may lose their entitlement to occupational sick pay and/or be subject to disciplinary action or the fraud process may be instigated, in accordance with the provisions of the ICB Disciplinary Policy.

## Return to Work Meetings

Return to Work meetings are to take place after every occasion of sickness absence from work, regardless of the length of absence. The Return to Work form should be completed during the meeting and signed.

Absence should be reviewed in a return to work interview where the employee will be given an opportunity to discuss the reasons for their absence and support required.

Managers should identify if a trigger point has been reached and confirm that a formal meeting will be arranged with appropriate notice.

During a return-to-work interview after long-term sickness absence, the manager should discuss:

* + the arrangements for the employee's return to work
	+ any reasonable adjustments recommended by a GP fit note or Occupational Health report.
	+ what work the employee will be doing on their return to work, including an outline of work during the employee's first week back.
	+ any medical issues of which the employer is not already aware, such as any updated guidance from the employee's doctor.
	+ what arrangements will be put in place to monitor the employee's progress; and
	+ to whom the employee should report if they have any difficulties with the arrangements.
	+ Any changes in systems/processes or decisions made during the employee’s absence regarding working practices. This may include changes relating to team members, structures etc.

At the end of the meeting, the line manager and employee should agree their next meeting to monitor the employee's progress. Ideally a return to work interview should be undertaken on the first day back at work or at least within the first week of a return. If there is a phased return and discussions have already taken place, then a meeting should take place to formally mark the return to work.

## Trigger Points

### Short Term Trigger Points

* + 1. The ICB has established the following trigger points to help managers identify where absence levels are of concern and a meeting is required to consider action:
	+ An employee’s absence due to ill health reaches a total of 10 working days during a rolling 12-month period (pro rata for part-time employees) \*, or
	+ An employee has been absent due to sickness on four separate occasions within a rolling 12-month period, or
		1. Part time employees’ ready reckoner \*

|  |  |
| --- | --- |
| ***Days worked per week*** | ***Trigger point in 12 month rolling period*** |
|  1 | 2 days |
|  2 | 4 days |
|  3 | 6 days |
|  4  |  8 days |
|  5 part time days |  10 days |

* + 1. Trigger points are to identify support and discuss absence. Upon reaching a trigger, a meeting to review absence must take place and appropriate support is identified and offered. The trigger points should be used as a guide as individual circumstances should be considered e.g. where an employee is likely to fall within the remit of the Equality Act 2010, extending triggers points as an outcome such as extended by 50% as a ‘reasonable adjustment’.
		2. Managers should already be aware of the levels of absence in their teams and wellbeing should be discussed during monthly one-to-one meetings with the employee and a record made of the discussion in the notes of the meeting.
		3. If there is a good reason to believe that specific instances of sickness absence are not legitimate, then this should be addressed in a timely manner. It may be appropriate to start investigatory or even disciplinary action.
		4. If an employee who is being managed under the Short-Term Absence Procedure commences on long-term sickness absence, the management of their absence will be transferred to the Long-Term Absence Procedure.

### Long Term Trigger Point

* + 1. The ICB defines long-term absence as 28 or more calendar days continuous absence.

## Management of Short-Term Absence

### Short Term Absence – Stage 1 Meeting

* + 1. The Stage 1 meeting is a formal meeting to discuss the absences in more detail including any underlying health issues or concerns.
		2. The employee must be given at least 5 working days’ notice of a stage 1 sickness review meeting and should be invited in writing. The employee has the right to be accompanied at the meetings by a Trade Union Representative or current work colleague. If the employee and/or the individual accompanying them, is not available to attend on the date proposed, the ICB will endeavour to offer an alternative reasonable date within 10 working days of the original date wherever possible. Note: This meeting will normally only be re-arranged once, except in exceptional circumstances. Upon request, a member of the HR Team may attend the meeting to advise on process.
		3. The meeting must include discussion about the employee’s general health/well-being including any long-term medical conditions (including mental health) or current workload/work environment that may be impacting on well-being.
		4. At this stage the manager may refer the employee to Occupational Health, if not already done so, to provide a medical assessment and general advice on their capability to undertake their role. It may also be necessary to ask the employee to seek advice from their GP regarding treatment.
		5. During the meeting, the manager should confirm attendance targets and the review period as set out in Appendix B. Targets may be amended taking into account individual circumstances. The employee should be advised of the requirement to sustain regular attendance at work in the future and that reaching further triggers is likely to result in progression to the next stage(s) of the ICB’s Absence Policy.
		6. Should the employee report that they are experiencing stress related symptoms. A stress risk assessment should be conducted. The Stress Management Policy may also be referred to. Occupational Health advice may be sought as appropriate.
		7. After the meeting, the line manager should set out in writing what has been discussed during the Stage 1 meeting. The letter should be provided to the employee within 5 working days of the meeting and should state support available to help the employee improve their attendance and the trigger points set, along with the next stage if triggers are met, and confirm if the employee has been given a First Written Warning. The letter should also confirm that failure to sustain regular attendance at work and reaching the triggers set could ultimately lead to dismissal.
		8. If an Occupational Health report is received, the manager should arrange to meet with the employee to discuss the contents. Agreement will need to be reached on any ‘reasonable adjustments’ that are recommended. The manager should set out the discussion and the agreement in writing after this meeting.
		9. Line managers should continue to monitor sickness absence during the review period and any further occasions of absence should be recorded. If appropriate, any medical advice obtained as an outcome from a Formal Review, should also be discussed and a written record made.
		10. In all instances, if a target is reached or exceeded before the end of the 12-month monitoring period a meeting will occur, progression through the policy and to the next stage may occur.
		11. Where attendance levels have improved during the 12-month review period, and progression to the next stage is not required, an informal meeting should be arranged to confirm this to the individual, with the outcome confirmed in writing. Attendance levels should be discussed regularly during 1:1 meetings as part of the Health and Wellbeing/Support conversation.

### Short Term Absence – Stage 2 Meeting

* + 1. Where the targets set at the Stage 1 meeting have been reached or exceeded within the review period, a Stage 2 meeting may be held, to confirm progression through the policy and to set further targets for improved attendance (as detailed in **Appendix B**).
		2. The Stage 2 meeting is a formal meeting to discuss the absences in more detail including any underlying health issues or concerns.
		3. The employee must be given at least 5 working days’ notice of a stage 2 sickness review meeting and should be invited in writing. The employee has the right to be accompanied at the meetings by a Trade Union Representative or current work colleague. If the employee and/or the individual accompanying them, is not available to attend on the date proposed, the ICB will endeavour to offer an alternative reasonable date within 10 working days of the original date wherever possible. Note: This meeting will normally only be re-arranged once, except in exceptional circumstances. Upon request, a member of the HR Team may attend the meeting to advise on process.
		4. After the meeting, the line manager should set out in writing what has been discussed during the Stage 2 meeting. The letter should be provided to the employee within 5 working days of the meeting and should state support available to help the employee improve their attendance and the trigger points set, along with the next stage if triggers are met, and confirm if the employee has been given a Final Written Warning.
		5. The meeting must include discussion about the employee’s general health/well-being including any long-term medical conditions (including mental health) or current workload/work environment that may be impacting on well-being.
		6. At this stage the manager may refer the employee to Occupational Health, if not already done so, to provide a medical assessment and general advice on their capability to undertake their role. It may also be necessary to ask the employee to seek advice from their GP regarding treatment.
		7. During the meeting, the manager should confirm attendance targets, and the review period as set out in Appendix B. Targets may be amended taking into account individual circumstances. The employee should be advised of the requirement to sustain regular attendance at work in the future and that reaching further triggers is likely to result in progression to the next stage(s) of the ICB’s Absence Policy.
		8. Should the employee report that they are experiencing stress related symptoms a stress risk assessment should be conducted. The Stress Management Policy may also be referred to. Occupational Health advice may be sought as appropriate.
		9. After the meeting, the line manager should set out in writing what has been discussed during the Stage 2 meeting. The letter should be provided to the employee within 5 working days of the meeting and should state support available to help the employee improve their attendance and the trigger points set, along with the next stage if triggers are met, and confirm if the employee has been given a Final Written Warning. The letter should also confirm that failure to sustain regular attendance at work and reaching the triggers set could ultimately lead to dismissal.
		10. If an Occupational Health report is received, the manager should arrange to meet with the employee to discuss the contents. Agreement will need to be reached on any ‘reasonable adjustments’ that are recommended. The manager should set out the discussion and the agreement in writing after this meeting.
		11. Line managers should continue to monitor sickness absence during the review period and any further occasions of absence should be recorded. If appropriate, any medical advice obtained as an outcome from a Formal Review, should also be discussed and a written record made.
		12. In all instances, if a target is reached or exceeded before the end of the 12-month monitoring period a meeting will occur, progression through the policy and to the next stage may occur.
		13. Attendance levels should be discussed regularly during 1:1 meetings as part of the Health and Wellbeing/Support conversation.

### Short Term Absence – Right of Appeal

* + 1. At all stages of this procedure where a formal warning has been issued, employees have the right of appeal.
		2. This can be exercised where an employee feels that application of the procedure has not been carried out in line with the process documented within the policy.
		3. Any appeal should be submitted in writing to the next line of management within 10 working days of the meeting and should clearly state the grounds for appeal.

### Short Term Absence – Contractual Review

* + 1. Where the targets set at the Stage 2 meeting have been reached or exceeded within a 12-month period, or less, a Contractual review may be held. Refer to section regarding Contractual Review.

## Management of Long-Term Absence

### General

* + 1. The primary aim of managing long-term absence is supporting the employee and aiding a return to work at the earliest reasonable point.
		2. It is important that regular contact is maintained between the employee and their manager during periods of long-term absence. This contact can help the employee to feel connected to and supported by the ICB and may speed-up their return to work.

Once the employee is on long-term sickness absence (i.e., once the employee has reached 28 days' continuous absence or it is clear that they will be doing so) managers should contact the employee to agree the method and frequency of contact. Contact should be on a regular basis and usually a minimum once a week. Where a line manager is also absent, the manager should identify a ‘nominated deputy’ to continue contact with the employee.

* + 1. Sensitivity will be necessary when dealing with employees who have been diagnosed or are suspected of having a terminal illness. In such cases, the manager, in conjunction with the most Executive Director, has the discretion to extend the period of sick leave beyond the individual’s entitlement. In such circumstances, the procedure(s) within this policy may not be entirely appropriate and each case should be considered sensitively and worked through compassionately with the employee and/or their family as appropriate.
		2. In some cases, managers may consider as to whether the formal process below needs to commence e.g., if an employee has undergone a planned surgery with a clear recovery plan and has an estimated associated return to work date. Managers should liaise with a member of the HR Team in such cases as the formal process is in place to ensure the principles in relation to keeping in touch and providing support should still be applied.

### Long Term Sickness Review Meeting

* + 1. Once an employee has been absent for 28 calendar days, a Formal Review meeting should be arranged.
		2. At this stage, an Occupational Health referral may be considered.
		3. The employee’s manager should contact the employee to agree a date, time and location for the meeting to take place. If the employee does not respond to efforts made to contact them or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement. The meeting may be agreed via teams or a face to face meeting.
		4. Should the employee's condition necessitate a face to face meeting venue that is away from the employee's place of work, an alternative location should be agreed. This could be the employee's home (if the employee is comfortable with this) or, a venue, near the employee's home.
		5. Once the date, time and location of the meeting have been agreed, the line manager should write to the employee inviting them to the Formal Review, giving at least 5 working days' notice. Upon request, a member of the HR Team may attend the meeting to advise on process. The letter should explain to the employee the purpose of the meeting and advise the employee that they can be accompanied by a Trade Union Representative or current work colleague. If the employee and/or the individual accompanying them, is not available to attend on the date proposed, the ICB will endeavour to offer an alternative reasonable date within 10 working days of the original date wherever possible. Note: This meeting will normally only be re-arranged once, except in exceptional circumstances.
		6. The main purposes of the meeting are to:
	+ establish how the employee is doing and the likely length of their absence (bearing in mind the advice in the employee's fit note or medical report).
	+ discuss with the employee what reasonable steps can be taken to assist them in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).
	+ explain to the employee their sick pay entitlement.
	+ confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).
		1. After the meeting, the line manager will set out in writing what has been discussed. The letter, which should be provided to the employee within 5 working days of the meeting and confirm details of any support or reasonable adjustments that have been agreed to hopefully facilitate a return to work for the employee.

### Further Review Meetings

* + 1. Once the employee is absent for 3 months, or as soon as it is confirmed that they will be absent for 3 months (for example, a fit note has signed the employee off for that period), a further Formal Review meeting should be arranged.
		2. As a guide, Formal Sickness Reviews should subsequently take place every 2 months until the employee returns to work or they have reached 11 months' long-term sickness absence, at which point a Contractual Review will need to be arranged (see below). There may be cases where different intervals are agreed due to the particular circumstances of the case. However, the principle of meeting regularly should always apply.
		3. The process for arranging the meeting should be the same as set-out above.
		4. The main purposes of any Further Review meetings will be to:-
	+ receive an update on the employee’s health and the prognosis of a possible return to work in the foreseeable future (bearing in mind the advice in the employee's fit note or medical report).
	+ discuss with the employee any recently received medical advice and any additional support or reasonable adjustments which may assist them in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations); if it appears that the employee will be unable to return to work in any capacity, in the foreseeable future, then options will need to be discussed and these include ill health retirement or the progression to a Contractual Review where the possible outcome may be dismissal on the grounds of ill health capability.
	+ provide an update to the employee regarding their sick pay entitlement.
	+ confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).
		1. The manager will need to confirm the details and outcomes to the employee, in writing, within 5 working days of the meeting taking place.

### Ongoing Support

* + 1. Managers should continue to support employees who have returned from any spells of long-term sickness absence. This can be achieved, for example, through discussions at regular one-to-one meetings.
		2. Ongoing conversations and reviews of any existing or new support arrangements should help to minimise the likelihood of any further long-term spells of absence.

### Redeployment

* + 1. Potential redeployment options may be explored by the ICB at any stage of the long-term absence process where a manager receives confirmation, following a medical assessment, that an employee will not be able to return to their job in the foreseeable future or where significant adjustments to the current role are required. The following steps should be followed in these cases:
	+ A meeting should be arranged with the individual, the line manager and a member of the HR team. The employee is entitled to be accompanied by a work colleague or Trade Union representative.
	+ The medical capability of the employee will be discussed, and recommendations put forward regarding their suitability to continue within their existing role.
	+ Any alternative posts available within the ICB will be considered for the employee based on their capabilities.
	+ If an alternative is identified, a full risk assessment should be carried out to assess the suitability of the post for the individual.
	+ Confirmation may be sought from a Medical Adviser as to the suitability of the role proposed.
	+ A trial period will always be offered to the employee in a medical redeployment situation. This trial period will be 4 weeks and weekly review meetings should be held to monitor the trial period.
	+ If the trial period is successful in terms of attendance and performance, the employee will be formally redeployed to this new post.
	+ If the trial period is unsuccessful, a further period of 4 weeks where redeployment will be sought will be entered.
	+ Only a maximum of 2 redeployments or two trial periods will be considered before the ICB will consider moving to dismissal on the grounds of ill-health capability.
		1. If, after a thorough search for alternative work, no suitable work is available then it may be necessary to consider termination of the employee’s contract of employment.
		2. The ICB may investigate other options for a reasonable amount of time and each case will be considered on its own merits.

## Contractual Review

* + 1. The Contractual Review meeting, in the form of a hearing, will be held at which all details regarding the absence history and any other relevant information will be presented to a ‘Panel’ who will in turn reach a decision over next steps.
		2. During the Contractual Review Meeting, evidence of absences will be presented to the Panel by the employee’s manager.
		3. The employee will have the right to be accompanied by a Trades Union Representative or current work colleague and will be given the opportunity to present their case and put forward any mitigating circumstances related to their sickness absences. However, there is no right to be accompanied or represented by a person acting in a legal capacity.
		4. The panel will make a decision in relation to the formal sanction; a possible outcome is the termination of employment on the grounds of unsatisfactory attendance due to ill health capability.

### Contractual Review Meeting

* + 1. A Contractual Review meeting will be arranged when: -
	+ it is clear from medical advice that the employee is unable to return to their role or an identified redeployment role in the foreseeable future.
	+ all reasonable steps to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been exhausted; or
	+ the possibility of dismissal (including ill-health retirement) has been discussed with the employee; or
	+ when an employee has had a 11-month continuous absence period, or as soon as it is confirmed that the continuous absence period will last for at least 11 months (for example, a fit note has signed the employee off for a period that will take them beyond 12 months' continuous absence).
	+ In the case of short-term absences, this will be where the targets set at the Stage 2 meeting have been reached or exceeded within a 12-month period, or sooner.
	+ An employee fails to engage with their line manager and/or HR representative in respect of either short-term or long-term sickness absence.
		1. A Contractual Review meeting at which all details regarding the absence history and any other relevant information will be presented to a ‘panel’ who will in turn reach a decision.
		2. The process for arranging the meeting should be the same as set-out above. The letter inviting the employee to the Contractual Review meeting should advise the employee that a possible outcome of the meeting is that they may be dismissed by reason of capability (ill health).

### Contractual Review Meeting – Procedure

* + 1. The meeting will be chaired by a senior manager not previously involved in the employee’s sickness absence management but usually from within the same Directorate where possible. A member of the HR department should also be present to provide HR advice/support to the Chair of the panel.
		2. At the meeting, the senior manager and HR representative will consider all the circumstances of the employee's case, including:
	+ the length of the employee's absence and the likely length of future absence.
	+ the most recent medical advice on the employee's condition.
	+ if applicable, the possibility of ill-health retirement.
	+ what reasonable adjustments and support have been considered to date.
	+ the effect and impact of the employee's continued absence on their colleagues and department; and
	+ any mitigation presented by the employee and/or their representative.
		1. When the Senior Manager has considered all the information presented and is satisfied that the requirements under the ICB’s Absence Management Policy has been fulfilled, they will communicate the outcome of the Contractual Review Meeting to the employee. This may be done at the end of the meeting, or via telephone, if the employee has been unable to attend in person.
		2. In all cases, the outcome will be confirmed in writing within 5 working days from the date of the Contractual Review.
		3. A likely outcome may be the dismissal of the employee on grounds of capability (ill health). Depending on the evidence presented, other outcomes may be, for example, a further review by Occupational Health, return to work with additional reasonable adjustments, a further period of time to seek redeployment. In exceptional circumstances, for example if new medical information is presented, the Senior Manager may adjourn the Contractual Review to enable a further review period with a duration to be agreed.

### Right of Appeal

* + 1. Employees have the right of appeal following the outcome of a Contractual Review. This should be exercised where individuals feel that application of the procedure has not been carried out in line with the process documented within the policy.
		2. Details of how to appeal and who this should be addressed to, should be included in the outcome letter.
		3. Any appeal should be submitted in writing to the next line of management within 10 working days and should clearly state the grounds for appeal.
		4. The appeal will be heard by a senior manager who has had no previous involvement in the case but is from the same Directorate where possible.

## Phased Return to Work

If a phased return is recommended by a GP or Occupational Health, the ICB will consider this and either accommodate or suggest an alternative phased return. If an alternative phased return could not be agreed then the employee is considered not fit for work and should follow the Absence Management Policy. The reason that a phased return is not accommodated should be confirmed in writing.

Phased returns should be no longer than 4-6 weeks. During this period of phased return, the employee will be paid for their normal hours of work.

Once the possibility of a phased return to work has been raised, the employee's line manager should invite the employee to a meeting to discuss the advice received and the possibility of a phased return to work. The meeting should include details of what the phased return working pattern will consist of and an agreement as to how frequently these arrangements will be reviewed.

Where, in exceptional circumstances, a phased return is agreed beyond the medically recommended timescales, an employee can either use annual leave, or request a temporary (or permanent) reduction in hours via the Flexible Working Policy and process.

Details of the phased return to work programme, including days and hours to be worked, should be confirmed in writing.

Where an employee wishes to take annual leave during a phased return to work, this must be booked at their normal contractual hours as full pay is in place during this period.

## Sickness Absence and Pay Progression

It is imperative that anyone absent from work through sickness is not disadvantaged and that their pay reviews are not delayed unnecessarily. Where a pay step review is due to take place during sick leave, the review should be undertaken as soon as possible in order not to disadvantage the individual. If the pay step review cannot be conducted prior to the pay step date, the pay step point should be automatically applied in the individual’s absence.

Upon the employee’s return to work following sickness absence, the line manager should confirm the pay step progression to the employee. The line manager and employee should agree any outstanding actions related to the pay step progression requirements.

Where there is a formal capability process underway and the commencement of sick leave prevents further development to reach the required standard, a delayed review date will be mutually agreed with the individual. This delay should allow sufficient time following an employee’s return to work to enable them to develop to the required standard. If at this review, the employee is able to demonstrate the required standard, the pay review should be backdated to their original review date.

## Sickness and Annual Leave

### Sickness or Injury while on Holiday

* + 1. Where an employee falls sick or is injured while on holiday, the ICB may allow the employee to transfer to sickness absence and take replacement holiday at a later time.
		2. Where the employee fulfils all of the below conditions, the ICB will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury:
		3. The total period of incapacity must be fully certificated by a qualified medical practitioner (where it exceeds seven days, or if the employee is overseas when they fall ill or are injured (see section 16.1.5)).

The employee must contact the ICB (by telephone if possible) as soon as they know that there will be a period of incapacity during a holiday.

* + 1. The employee must submit a written request to their line manager no later than 10 working days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time. Any period of sickness absence must then be treated in accordance with the ICB policy on sickness absence.
		2. Where the employee is overseas when they fall ill or is injured, evidence must be produced that the employee was ill by way of either a medical certificate, or proof of a claim on an insurance policy for medical treatment received at the overseas location.

### Sickness or Injury shortly before a period of Planned Holiday

* + 1. If an employee is ill or is injured before the start of a period of planned holiday, the ICB may agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence must then be treated in accordance with the ICB policy on sickness absence.
		2. The employee must produce a letter from their doctor confirming that they are unfit to take the holiday. The employee must submit a written request to postpone the planned holiday, and this must be accompanied by a letter from their doctor confirming that they are unfit, or is still likely to be unfit, to take the holiday.

### Replacement Holiday Dates

* + 1. Where it is agreed that an employee can take replacement holiday leave at a later time, the employee should nominate replacement holiday dates as soon as possible, with the dates being subject to the agreement of the employee's line manager in the usual way.
		2. Employees should endeavour to take any replacement holiday within the same holiday year as the days lost as a result of sickness or injury.
		3. In the event that part or all of the holiday is lost due to incapacity towards the end of the ICB holiday year and there is insufficient time left during that year for the replacement holiday leave to be taken, the employee will be permitted to carry over the replacement holiday to the next holiday year. However, this leave should be taken as early in the new holiday year as possible i.e., within two months.

### Accruing and taking Sickness or Injury while on Holiday

* + 1. While on sick leave, employees will continue to accrue contractual annual leave during sick leave. For the purpose of calculating the period of continuous absence, the ICB may disregard a return to work that is less than ten working days.
		2. An employee on long-term sickness absence who has been unable to take their holidays within the annual leave year due to sickness, will be permitted to carry over maximum 5 days (pro-rata). If however the full statutory annual leave entitlement has not been taken in the leave year additional leave beyond 5 days may be carried over to permit up to the statutory annual leave entitlement amount. (Under the Working Time Regulations 1998 - statutory annual leave entitlement equates to 28 days (this includes bank holidays which is taken as falls), pro-rata for part-time hours). Any statutory annual leave carried over should be taken as soon as possible after the start of the new annual leave year.
		3. The ICB will allow an employee to take their holiday entitlement while on sick leave. An employee is required to acquire the approval of all holiday dates in accordance with the ICB policy. At the ICB entire discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable ICB policy.
		4. If the employment is terminated before an employee returns from sick leave, they will receive a payment in lieu of any accrued, but untaken contractual holiday entitlement for the holiday year in which the employment is terminated, and statutory holiday entitlement from any previous annual leave year (in cases where the long term absence has spanned more than one annual leave year).

### Sickness and Bank Holidays

* + 1. As stated in the NHS Agenda for Change terms and conditions of Service, employees will not be entitled to an additional day off if sick on a bank holiday.

## Disability Related Absences

Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, the manager may refer the employee to Occupational Health department. This includes where the employee states that they are suffering from stress.

Managers should remember that the ICB is under a duty to make reasonable adjustments for disabled employees. The legal definition of a "disability" is wide, and managers should seek further guidance from the HR Team.

Where the absence is wholly or partly for a disability-related reason, the trigger points referred to in this policy may need to be modified (increased) to take proper account of the employee's disability, and other adjustments to the procedures set out in this policy may need to be made. If in doubt, the manager should contact the HR for clarification.

If an employee states that their sickness absence is related to a disability, the line manager should record this on ESR when logging sickness absence.

## Access to Work Scheme

‘Access to Work’ is a government initiative which can provide support to individuals in work who have a disability or health condition. The scheme can provide the ICB and employees with advice and support in situations where their health or disability affects the way they do all or part of their job. Work assessments can be undertaken, and funding may be made towards specialised equipment or adaptation to premises in order to enable employees to continue to undertake their job. More information on Access to Work can be found on their website: <https://www.gov.uk/access-to-work/overview>

## Sickness and Pregnancy

Pregnant employees who are off work because of pregnancy-related ill health must abide by the ICB absence reporting procedure. For example, a pregnant employee is subject to the usual notification and evidence requirements and should be asked to attend a return-to-work interview when returning to work.

However, any sickness absence by a pregnant employee for a pregnancy-related reason should not be taken into account when considering the need for formal action under the ICB sickness absence management procedure due to a trigger being reached.

If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence on the day after the first day of absence from work. Individual days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working till the maternity leave start date previously notified to the employer

Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sickness absence in accordance with normal leave provisions.

## Transgender Employees who are Transitioning

The ICB has a duty under s.16 of the Equality Act 2010, not to treat the employee less favourably in relation to an absence that is because of their transition.

The employee and employer should discuss what time off is likely to be required and when, if known. The employee may require time off for medical or other treatment. Time off for these purposes should be treated no less favourably than time off for illness or other medical appointments.

Some employees may wish to take a period of leave before returning to work in their affirmed gender. The employee and employer will need to agree whether this is to be part of the employee's annual leave entitlement or some form of special leave.

The employee may contact the HR team for support before or during or after transition. A referral to Occupational Health can be requested.

Further support can be accommodated in the form of either a union representative or a work colleague attending informal meetings regarding disclosure and discussion regarding transition.

## Medical or Dental Appointments

Employees should always provide the maximum notice to their line manager when making a request to attend routine medical or dental appointments. Employees are expected wherever possible to make these appointments outside of their normal working hours. Where this is not possible, and where agreed with the line manager, employees should endeavour to arrange these to take place at the beginning or at the end of the working day to minimise disruption to the service. Consideration should also be given to supporting the individual’s request on an ad hoc basis, under the provisions outlined in the ICB’s Hybrid Working Policy. If this is not possible, then a request for annual or unpaid leave should be made with agreement subject to line manager’s approval and the needs of the service.

It is not anticipated that employees will require more than two routine dental appointments per year.

Where an employee is required to attend on-going medical or dental appointments on a frequent basis, a full discussion should take place with the line manager in advance of any treatment starting, to agree the most appropriate way for this time to be treated. The ICB will endeavour to provide as much flexibility and support to employees within the service constraints.

Employees should refer to the Special Leave Policy for further information.

## Absence due to Accident or Injury

An employee who is absent from work as a result of an accident outside working hours will be entitled to sick pay. However, if compensation for loss of earnings is received from a third party, any such payments made by the ICB, will be recoverable from such a settlement. This does not apply to compensations payments awarded by the Criminal Injuries Compensation Authority.

Occupational Sick Pay may not be payable for an absence caused by an accident due to active participation in a dangerous sporting event or where contributory negligence is proved.

The NHS Injury Benefits Scheme provides benefits for any NHS employee who as a result of an injury, disease or condition caused by their employment, is on certified sick leave with reduced pay, or no pay. To qualify for injury benefits, the condition must be work-related. Employees need to ensure that they record all accidents however minor, by completing the ICB Incident Form. Further details on the NHS Injury Benefits Scheme can be found on the following website: <https://www.nhsbsa.nhs.uk/about-injury-benefits-scheme>

## Cosmetic Surgery

Employees may be entitled to sick pay for cosmetic surgery where it is deemed necessary for medical reasons and the ICB will retain the right to ask for written confirmation from a medically qualified consultant that this is the case.

In other cases, employees will need to take paid annual leave or apply for unpaid leave. Refer to the Annual Leave and/or Special Leave Policy as appropriate.

## Unauthorised Absence

If an employee does not turn up for work and makes no contact, it is the line manager’s responsibility to try to establish contact with that individual. Initially, this will be by telephone.

If there are exceptional circumstances and serious concern for the well-being of the employee, a home visit in person may be necessary. The line manager should bear in mind personal/domestic situations and should be particularly aware to contact those who live alone or who are known to have difficult circumstances.

If the line manager is unable to make contact with the employee, the HR team should be advised and the next of kin contacted. Where appropriate, the relevant authorities should be contacted e.g., police to gain access to property.

Where it is found that the employee has been unable to follow the reporting procedure e.g. due to urgent admission to hospital or accident (themselves or a dependent), the appropriate leave should be recorded on ESR.

If there is no response from the employee, or their next of kin, further attempts at contact should be by telephone, email and letter. All attempts should be recorded with date, time and method of contact.

If an employee returns from unauthorised absence, the line manager should speak to the individual, in private, as soon as possible. This will be a two-way discussion aimed at establishing the reason for absence. Employees may have a justifiable reason for being off without notifying their line manager and managers should take any mitigating circumstances into account when dealing with such situations. In some cases where there is no justifiable reason for the absence(s), the situation may be treated as misconduct. The meeting will be adjourned and the employee advised that an investigation will be instigated under the formal stages of the ICB’s Disciplinary Policy. This may result in dismissal from the ICB.

The ICB also reserves the right to withhold pay where there is no justifiable reason or mitigating circumstances for the unauthorised absence from work.

## Monitoring Compliance

The HR Team will be responsible for monitoring that this procedure is followed and may be consulted at any stage through the process to offer advice to those involved.

Monitoring information will be published and reported as appropriate.

Should the monitoring uncover any shortfalls in the implementation of the policy, the HR team will work with the relevant management team to draw up an action plan for improvement. This action plan may include, for example:

* + Training for line managers
	+ A risk assessment

It is also anticipated that any issues in respect of the implementation of the policy may be identified as a result of staff exercising their right of appeal.

## Staff Training

No essential (including mandatory) learning and development requirements have been identified for any staff groups, in order to fulfil the requirements stated within this policy.

Guidance can be sought from Human Resources team.

## Arrangements For Review

This policy will be reviewed no less frequently than every two years. An earlier review will be carried out in the event of any relevant changes in legislation, national or local policy/guidance, organisational change or other circumstances which mean the policy needs to be reviewed.

If only minor changes are required, the sponsoring Committee has authority to make these changes without referral to the Integrated Care Board. If more significant or substantial changes are required, the policy will need to be ratified by the relevant committee before final approval by the Integrated Care Board.

## Associated Policies, Guidance and Documents

#### [Associated Policies](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2)

* Disciplinary Policy
* Special Leave Policy
* Annual Leave Policy
* Hybrid Working Policy
* Flexible Working Policy
* Stress Management Policy
* Menopause at Work Policy

## References

* NHS Terms and Conditions of Service - any reference is to the latest edition.

## Equality Impact Assessment

The EIA has identified no equality issues with this policy.

The EIA has been included as **Appendix A**.

## Appendix A - Equality Impact Assessment

**INITIAL INFORMATION**

|  |  |
| --- | --- |
| **Name of policy:** Absence Management **Version number (if relevant):** 4.0 | **Directorate/Service**: People Services  |
| **Assessor’s Name and Job Title:** Julia Atigla, HR Business Partner  | **Date:** 24th September 2024 |

|  |
| --- |
| **OUTCOMES** |
| *Briefly describe the aim of the policy and state the intended outcomes for staff*  |
| The ICB aims to encourage all its employees to maximise their attendance at work whilst recognising that employees will, from time to time, be unable to come to work for periods due to sickness. This policy outlines the procedures which will apply in the case of short term and long term absences.  |
| **EVIDENCE** |
| *What data / information have you used to assess how this policy might impact on protected groups?* |
| The ICB monitors the composition of its workforce under the nine protected equality characteristics and reports on this annually. This information helps the ICB to assess the potential impact of its policies upon staff. |
| *Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?*  |
| Relevant Trade Unions were previously consulted on the current policy and only amendments have been made during the review to clarify procedure. |

**ANALYSIS OF IMPACT ON EQUALITY**

The Public Sector Equality Duty requires us to **eliminate** discrimination, **advance** equality of opportunity and **foster** good relations with protected groups. Consider how this policy / service will achieve these aims.

N.B. In some cases it is legal to treat people differently (objective justification).

* ***Positive outcome*** *– the policy/service eliminates discrimination, advances equality of opportunity and fosters good relations with protected groups*
* ***Negative outcome*** *–**protected group(s) could be disadvantaged or discriminated against*
* ***Neutral outcome*** *–**there is no effect currently on protected groups*

Please tick to show if outcome is likely to be positive, negative or neutral. Consider direct and indirect discrimination, harassment and victimisation.

| ProtectedGroup | Positiveoutcome | Negativeoutcome | Neutraloutcome | Reason(s) for outcome |
| --- | --- | --- | --- | --- |
| Age |  |  | x |  |
| Disability(Physical and Mental/Learning) | x |  |  | Reasonable adjustments to be made re disability  |
| Religion or belief |  |  | x |  |
| Sex (Gender) | x |  | ~~x~~ | Reasonable adjustments to be made re menopause |
| Sexual Orientation |  |  | x |  |
| Transgender / Gender Reassignment | x |  |  | No less favourable treatment for transition.  |
| Race and ethnicity |  |  | x |  |
| Pregnancy and maternity (including breastfeeding mothers) | x |  |  | Absence due to pregnancy is not counted towards trigger points.  |
| Marriage or Civil Partnership |  |  | x |  |

|  |
| --- |
| **MONITORING OUTCOMES** |
| Monitoring is an ongoing process to check outcomes. It is different from a formal review which takes place at pre-agreed intervals. |
| *What methods will you use to monitor outcomes on protected groups?* |
| It is anticipated that any issues in respect of the implementation of the policy will be identified as a result of staff exercising their right of appeal.  |

|  |
| --- |
| **REVIEW** |
| *How often will you review this policy / service?*  |
| To be reviewed no less frequently than every two years. An earlier review will be carried out if there are any significant changes in legislation, policy or good practice. |
| *If a review process is not in place, what plans do you have to establish one?* |
| N/A |

## Appendix B – Short Term Sickness Absence

|  | **Period of Absence** | **Improvement Target** | **Action** | **Decision** |
| --- | --- | --- | --- | --- |
| **Stage 1 meeting** | If an employee meets the trigger of 10 working days’ absence or 4 separate occasions in a rolling 12-month period or an unacceptable pattern of absence. | During the 12 months following the Stage 1 meeting, if the employee has a further 4 occasions or 10 days of sickness absence, they will progress to Stage 2. | Line Manager to monitor sickness absence and review the outcome of any medical assessments obtained as part of the Stage 1 meeting. Any further episodes to be recorded and discussed within Return to Work interviews. If target is exceeded a Stage 2 meeting should be arranged. Progression to next stage to be made as soon as target is reached/exceeded. | Outcome of Stage 1 confirmed in writing, copy kept on HR file.First Warning may be issued.Right of Appeal |
| **Stage 2 meeting** | If employee has had a further 4 instances or 10 working days of sickness absence during the 12-month monitoring period set at Stage 1 meeting. | During the 12 months following Stage 2 meeting if the employee has a further 4 occasions or 10 days of sickness absence, they will progress to a Contractual Review | Line Manager to monitor sickness absence and review the outcome of any further medical assessments that may be obtained as part of the Stage 2 Meeting. Any further episodes to be recorded and discussed within Return to Work interviews. Also consider alternatives necessary such as reasonable adjustments. Progression to next stage to be made as soon as target is reached/exceeded. | Outcome of Stage 2 confirmed in writing, copy kept on HR file.Final Warning may be issued.Right of appeal  |
| **Contractual Review** | If employee has had a further 4 instances, or 10 days of sickness absence during the 12 month monitoring period set at Stage 2 meeting | If the employee has not met the improvement targets issued dependent on circumstances, line manager may progress to contractual review.  | Contractual review hearing arranged for employee As potential outcome may be dismissal, arrangements must be made for an appropriate panel to hear the ‘case’ | Decision in writing, copy kept on HR file.Formal Outcome of Contractual ReviewRight of appeal |

Appendix C – Procedure for recording sickness absence

