

C21 Sickness Absence Policy

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1. Introduction

- 1.1 The Trust is committed to providing a safe and healthy working environment that positively supports the health and well-being of its employees.
- 1.2 Employees are the Trust's most valued resource. This policy seeks to reflect this view through providing a framework that promotes careful and sensitive management of absence arising due to ill-health.
- 1.3 The Trust encourages a healthy approach towards life and expects employees to maintain healthy attendance at work. Inevitably there will be occasions where staff are absent due to illness. In most instances this will be infrequent and for a minimal duration.
- 1.4 Frequent or long-term absence negatively impacts the Trust's ability to plan and deliver services effectively.
- 1.5 This policy outlines the Trust's approach to managing sickness absence in a fair and consistent way; seeking a reasonable balance between the genuine needs of employees, the communities that we service and the operational needs of the Trust.
- 1.6 This policy applies to all employees of the Trust except those within their probation period. Procedures for managing absence for employees in their probation period are detailed in the Probation Policy.

2. Roles and Responsibilities

- 2.1 Each employee has a personal responsibility to take all reasonable measures to ensure their fitness for work and strive for maximum attendance. In instances of sickness absence, employees have a responsibility to:
 - 2.1.1 Inform their line manager of their absence. Where possible, this should be done before the start of the working day and include the reason they are unwell and likely duration of absence.
 - 2.1.2 Report the absence through appropriate notification processes, providing copies of fit notes where applicable.
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- 2.1.3 During the period of absence and where appropriate, maintain reasonable contact with their manager regarding the absence and related matters.
- 2.1.4 Employees are expected to participate fully and constructively in all stages of the absence management process.
- 2.2 Line Managers will manage absence with care and sensitivity. Their specific responsibilities are:
 - 2.2.1 Record and report details of staff work patterns, attendance and absence.
 - 2.2.2 Maintaining reasonable contact with absent staff
 - 2.2.3 Carrying out return to work meetings for staff following any period of sickness absence
 - 2.2.4 Reorganising work arising from absence to meet the operational needs of the Trust
 - 2.2.5 Instructing and implementing absence management procedures; participating fully and constructively in all stages of the process.

3. Principles

- 3.1 A sickness absence is any absence from work because of an illness or injury except any pregnancy related illness.
- 3.2 Employees are expected to make medical appointments outside of working hours where possible. If an appointment is made during working hours, this must be agreed in advance with the line manager
- 3.3 During a period of absence and subject to appropriateness, the Trust expects the employee and their line manager to maintain a reasonable level of communication regarding operational matters.
- 3.4 Absences of 8 calendar days or more will require a fit note from a medical practitioner. Further statements will need to be provided if the absence continues. A Statement of Fitness to Work will state that the employee:
 - Is not fit for work – in this instance they should remain off work
 - May be fit for work – this will typically include a recommend adjustment to support return.

There is no legal obligation to follow any recommendation made by the doctor. However, these would typically be followed where practicable and appropriate, and be given due consideration in consultation with HR and/or Occupational Health.

- 3.5 If staff are fit to work but are on annual leave, they are required to report their recovery to their line manager. They will continue to accrue the statutory amount of annual leave whilst sick.
- 3.6 On return to work following any period of absence, employees should expect to meet with their line manager for a return to work meeting.
- 3.7 In instances where there is a legitimate concern about the employee returning to work, the Trust may request a referral for further information by Occupational Health or a medical practitioner who has been responsible for the employee's care.
- 3.8 The Trust will consider what, if any, reasonable adjustments are possible to support an employee to return to work.
- 3.9 Where relevant, managers will have due regard to the impact of an employee's disability when managing sickness absence.

- 3.10 The Trust reserves the right to omit stages 1 and/or 2 of the absence management processes subject to reasonableness.
- 3.11 In certain circumstances, aspects of this policy may be applied to employees who are in work with ongoing health conditions. This may be necessary where an employee's medical condition renders them unable to perform their core duties or workplace adjustments are no longer sustainable.
- 3.12 Where adjustments are no longer sustainable, the Trust will seek to consider redeployment opportunities prior to making a decision about ongoing employment.
- 3.13 Employees who feel they have not been treated reasonably in relation to the application of this policy should discuss the matter with their line manager in the first instance. If this matter cannot be resolved, HR advice should be sought.
- 3.14 The Trust reserves the right to take disciplinary action if there is abuse of this policy by either party, for example:
- Giving false or misleading information
 - The absence is not genuine or for the reason provided
 - The employee is undertaking inappropriate activities whilst off sick
 - There is no acceptable reason for long term sickness
 - Unreasonable application or interpretation of the policy
- 3.15 At all stages of the formal procedure, an employee has the right to be accompanied by a workplace colleague or trade union official.
- 3.16 In instances where the employee has been managed under the long-term sickness policy and returns to work for a short period of up to 3 months, and the reason for the absence is the same or related to the previous reason, the Trust reserves the right to reconvene the long term absence management procedure at the stage in which this ceased.

4. Short Term Absence Management Procedure

- 4.1 If the following triggers are met, a review will be carried out between the manager and HR to ascertain whether it is appropriate to initiate a formal short-term absence management procedure:
- 3 separate absences in a 6-month period
 - 1 occasion of 8 calendar days or more of continual absence
 - The frequency or pattern of absence causes concern for the manager
- 4.2 If a formal procedure is considered appropriate, this will follow a three-stage process.
- 4.3 Stage 1 - First Written Notice
- 4.3.1. Line Managers will be notified by HR when an employee has triggered the Short-Term procedure. They will be required to meet the employee to hold a Stage 1 meeting.
- 4.3.2 The purpose of this meeting is for there to be a meaningful discussion about the employee's health, absence and support requirements.
- 4.3.3 A first written notice will be issued in writing. This will be live on the employee's record for a period of 12 months from the date of their last absence. During this period attendance will continue to be monitored.
- 4.4 Stage 2 - Final Written Notice

- 4.4.1 If there continues to be concerns with the employee's absence during the Stage 1 monitoring period, the matter may be escalated to Stage 2.
- 4.4.2 The employee and their line manager will meet to discuss the employee's health, ongoing absence concerns and review support arrangements.
- 4.4.3 Following a Stage 2 meeting, a final written notice will be issued and will be live on the employee's record for a period of 12 months from the date of their last absence. Absence will continue to be monitored during the period that the notice is live.

4.5 Stage 3 - Dismissal Hearing

- 4.5.1 If the employee fails to improve their attendance level and a final written notice is live, the manager may refer the employee to a hearing to consider the continuation of their employment.
- 4.5.2 A dismissal hearing will be chaired by a Senior Manager of the Trust with a member of HR present to advise. The line manager will be in attendance to present the employee's absence case.
- 4.5.3 The purpose of a hearing is to consider all circumstances relating to the employee's case and ascertain whether, on the balance of probability, the employee's attendance is sufficiently concerning to warrant dismissal with notice. This will take into account mitigating circumstances.
- 4.5.4 Where possible, the decision from the hearing should be made as soon as possible and no later than 2 working days after the hearing. In all situations the outcome of the hearing should be confirmed in writing within 5 working days.

4.6 The employee has the right to appeal the outcome of a dismissal hearing (see section 6).

5. Long Term Absence Management Procedure

5.1 If an employee has had 28 days of continuous absence, a review will be carried out between the manager and HR to ascertain whether it is appropriate to initiate a formal absence management process. This will give due consideration to this individual circumstance of the absence.

5.2 If a formal procedure is considered appropriate, this will follow a three-stage process.

5.3 Stage 1 - First Review Meeting

5.3.1 If an employee is absent for 28 days or more, their line manager will arrange to conduct a first review meeting no later than the 6th week of absence

5.3.2 The purpose of a Stage 1 meeting is to engage in a meaningful discussion with the employee; exploring the reasons for their absence and identifying any support mechanisms that could aid their return to work.

5.3.3 If an employee is unable to perform the duties of their role due to ill health, they will be referred to Occupational Health for an assessment.

5.4 Stage 2 - Interim Review Meeting

5.4.1 A Stage 2 meeting is required if it appears that the employee is unlikely to return to work within 28 days of the Stage 1 meeting taking place. This should take place within 3 months of the start of the employee's absence.

5.4.2 The purpose of this meeting is to review the progress of the employee's health and support mechanisms that could aid their return to work. This will include reviewing medical advice including that on GP fit notes and Occupational Health reports as appropriate.

5.5 Stage 3 - Final Review Meeting

5.5.1 A final review meeting will take place if it becomes apparent that the employee is unlikely to return to work at all or within a reasonable timescale. In this instance a final review meeting will take place within 6 months of the absence commencing.

5.5.2 Where dismissal is a possible outcome, a final review meeting will be chaired by a Senior Manager of the Trust with a member of HR present to advise. The line manager will be in attendance to present the employee's absence case.

5.5.3 The purpose of the review meeting is to consider all circumstances relating to the employee's case, identify if all reasonable measures have been exhausted to support them back to work, and make a decision about their future employment. Possible outcomes are:

- Agreed return to work within a reasonable timescale
- Redeployment
- Ill health retirement
- Dismissal

5.5.4 Where possible, the decision from the hearing should be made as soon as possible and no later than 2 working days after the hearing. In all situations the outcome of the hearing should be confirmed in writing within 5 working days.

5.6 The employee has the right to appeal the outcome of a dismissal hearing (see section 6).

6. Appeal

6.1 Employees are able to appeal the outcome of a Stage 3 process; this applies to both the short term and long term procedures. The appeal must be sent to the HR Director within 5 working days of the employee receiving their outcome letter, and should clearly state the grounds for appeal.

6.2 The decision will be reviewed in good time. A hearing may be required depending on the complexity of the appeal. In this instance, the appeal will be heard by 3 Trustees of the Trust. The employee should be given 10 working days' notice and will have the right to be accompanied by a union representative or workplace colleague.

6.3 The outcome to the appeal will be confirmed within 5 working days of receipt. This outcome is final.

7. Policy Status and Review

Written by	HR Manager		
Owner	HR Director		
Version	V2/2019	Status	Approved
Equality Impact Assessment	Initial Impact Assessment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Full Impact Assessment	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Consultation date	09/10/2018 – 31/10/2018		
Approval date	18/03/2019 - Technical correction 14/11/2018 - Remuneration & HR Committee		
Review date	13/11/2021		
Comments	This applies to all employees of the Trust, superseding the different policies previously in place in East Sussex and West Sussex.		