

Sickness Absence Management Procedure

Ref HR-0021-001-v2

Status: Approved
Document type: Procedure

Table of Contents

1. Purpose	3
2. Related documents	3
3. Sickness Absence Notification	4
3.1. Planned absence	4
3.2. Unplanned absence	4
3.3. Certification of absence	5
3.4. Absence due to an accident at work	5
3.5. Recording of Sickness Absence	6
3.6. Disability Leave	6
3.7. Keeping in touch	6
3.8. Return to work interview(s) – For all absence	7
3.8.1. Discussion at your return to work interview -	7
3.8.2. Key questions your manager will consider at your RTW interview when you reach unsatisfactory levels of attendance (in addition to the above)	8
3.9. Questions that may be included in an Occupational health referral	8
3.10. What you should be aware of at the end of your return to work interview where your levels of absence are of concern	9
4. First formal sickness meeting	9
5. Second formal sickness meeting	10
5.1. What the manager will consider at the 2 nd formal sickness meeting	10
5.2. What the manager may decide at the 2 nd formal sickness meeting	10
6. Final sickness hearing	11
7. Management of long term sickness absence	11
7.1. Long term sickness meeting	12
8. Occupational health reports	13
8.1. Advice received that the employee will recover within a reasonable period of time	13
8.2. Advice received that the employee can return to work but requires a period of rehabilitation in the workplace	13
8.3. Employee continues to be unfit for work but is likely to be able to return at some point in the future	14
8.4. Employee is incapable of undertaking full duties but is considered fit to undertake alternative employment	14
8.5. Advice received that the employee is likely to be permanently incapable of returning to work on the grounds of ill health	14
9. Local case management review mechanisms	15
10. Definitions	15
11. References	16
Appendix 1 – Summary of the Equality Act 2010 in relation to disability	17

1. Purpose

Tees, Esk and Wear Valleys NHS Foundation Trust is committed to making sure it's employment practices are fair and in line with 'best practice' and the Trust's Compact and Values.

Following this procedure will help the Trust to manage sickness absence by:-

- ✓ Adopting a fair and effective approach to the management of sickness absence which takes in consideration any exceptional circumstances present.
 - ✓ Taking all **reasonable** measures to support employees where there are identified concerns.
-

2. Related documents

This procedure describes what you need to do to implement the sickness absence management section of the Human Resources, During Employment Policy.

This procedure must be read in conjunction with:

- ✓ [Special Leave procedure](#)
 - ✓ [Flexible Working procedure](#)
 - ✓ [End of Employment procedure](#)
 - ✓ [Incident Reporting and investigating policy](#)
 - ✓ [Disciplinary procedure](#)
 - ✓ DWP/ACAS 'Managing attendance and employee turnover'
 - ✓ Standard (Universal) [Infection Prevention and Control Policy](#)
 - ✓ [Health and Safety policy](#)
 - ✓ Redeployment process
-

3. Sickness Absence Notification

3.1. Planned absence

- ✓ You **must** inform your line manager immediately if you require a period of planned absence, e.g. attendance at hospital for an operation.

3.2. Unplanned absence

- ✓ You **must** speak to your line manager, or deputy, of your absence;
- ✓ You **must** do this before the time you are due to start work or in line with your departmental protocol, giving as much notice as possible;
- ✓ Your manager(s) **must** make you aware of your responsibilities in relation to reporting sickness absence and what will happen if you fail to follow the correct procedure;
- ✓ Your line manager **must** complete the Sickness Absence Notification form (available on inTouch) in relation to reporting your absence. This **must** be done whilst talking to you; Your line manager **must** then put the Sickness Absence Notification form on your personal file as soon as possible. [Hyperlink](#)



If your line manager **is not** available at the time of notification, you **must** advise the person taking the call:

- ✓ How long you are likely to be absent;
- ✓ How your line manager can contact you i.e. your phone number.
- ✓ Your line manager must then contact you to complete the sickness absence notification form.

- ✓ If you **do not** inform your line manager / deputy of your absence you will be considered to be absent without permission;
- ✓ You will then be put on unpaid leave.



You may then face disciplinary action for breach of procedure and unauthorised absence from work.

- ✓ If you request to take annual leave rather than sickness absence for a brief period of one day or less your line manager may authorise this where service need allows and normally on no more than one occasion every twelve months.

3.3. Certification of absence

Period of absence	Required certification	By when
Day 1 up to and including 7 calendar days.	TEWV self-certification form available on inTouch.	On return to work if off less than 7 days, if in excess within 14 days of first date of absence
8 calendar days or more.	Medical certificate (Fit Note) from doctor.	Send to manager same day as received by doctor



Periods of absence are based on calendar days and include rostered days off i.e. 7 days a week. Your absence ends when you inform your manager that you are fit for work, whether it is a normal working day or not.

- ✓ You **must** get a self-certification form from your manager, [inTouch](#) or the HR department
- ✓ You **must** date and sign the form from the first day of absence and include a clear reason for absence; it **is not** acceptable to put 'unwell' as a reason for absence;
- ✓ Your line manager **must** place the certificate on your personal file as soon as possible;
- ✓ You **must** make sure you have a doctor's appointment arranged before your certificate runs out if you require more than one certificate to cover a period of absence;
- ✓ If your absence **is not** covered by a Fit Note then sick pay **will not** be given;
- ✓ If absence is not covered by the appropriate certificate at the start of a period of absence (in line with the table above) or continually during an episode of sickness, will be classed as being on unauthorised absence which will be unpaid.
- ✓ Your manager will write to you to inform you that your pay has been stopped.



You will be considered to be in breach of your contract of employment and may face disciplinary action.



Where your pay is stopped this will NOT be reimbursed if a retrospective fit note is submitted. Your pay will recommence from the date the fit note is submitted.

3.4. Absence due to an accident at work



Following an accident at work your manager must refer you to Occupational Health as soon as possible where this is appropriate.

- ✓ An early referral will provide you and your manager with support and advice which may help you reduce the overall period of absence;
- ✓ Your manager **must** also complete the Datix Incident Form;
- ✓ Your manager will discuss with Operational HR whether you are eligible for protected enhancements or eligible to apply for NHS injury allowance.

3.5. Recording of Sickness Absence



It is essential managers maintain a record of staff absence for each employee showing accurate details of sickness, including reasons for absence and all other leave. This can be done using ESR, Rostering or a staff absence record card.

- ✓ The line manager must input all sickness absence onto ESR where the manager has access to Manager self-service. If your manager does not have this access a staff variation form will be completed and submitted to the Payroll department;
- ✓ This ensures salaries are paid correctly, including Statutory/Occupational Sick Pay;
- ✓ Managers who use the Roster system must also input sickness absence onto both ESR and Roster.
- ✓ A record of any disability related absence, work related absence or pregnancy related absence must be recorded on ESR. This is recorded in the questions section on ESR within staff absence.
- ✓ All documentation relating to your absence will be held on your personal file.



Staff with diarrhea or who are vomiting must not return to work until 48 hours symptom free, for more information see [Outbreak of Infection procedure](#).

3.6. Disability Leave

- ✓ We recognise that disability and ill health are not the same thing. Disabled staff may, however require time off work to help them manage their disability, e.g. – to attend appointments or consultations or have treatment related to the ongoing management of their disability.
- ✓ For attendance recording and on ESR this will be differentiated from “normal” sickness absence and will be described as Disability Leave and will not count as an episode of sickness absence which would trigger this process.
- ✓ An agreed level of paid disability leave per annum will be negotiated on an individual basis with a disabled member of staff as an expected or tolerated level of leave required to manage their disability effectively. In agreeing this, consideration should be given to patient, service and organizational needs. Advice may also be taken from occupational health and also HR.
- ✓ This provision will be reviewed with the member of staff regularly (at least annually).
- ✓ The application for requesting disability leave is available on InTouch.

3.7. Keeping in touch

- ✓ **You** will have told your line manager how long you think you are going to be off when informing of your absence from work;
- ✓ If you are still unfit to return to work at the end of this period of time, you **must** contact your

line manager to let them know how you are;

- ✓ Your line manager **will make a record of all** telephone conversations on the back of the [Sickness Absence Notification form](#) (available on inTouch).



It is the joint responsibility of you and your line manager to keep in contact with each other; You and your line manager **must** agree how you are going to keep in touch and how often.

- ✓ Information support packs are available for you and will be used when it is identified that you are going to have a long term episode of sickness;
- ✓ It may be appropriate for you to be referred to Occupational Health for an assessment at an early stage, depending on why you are absent and to consider any information provided within a Fit Note that you will have submitted. The line manager will discuss this with the relevant HR representative.

3.8. Return to work interview(s) – For all absence

Your line manager **must**:

- ✓ Arrange to meet with you on your return to work after a period of sickness absence as soon as possible;
- ✓ Complete a [Return to Work form](#) (available on inTouch) during the meeting before adding this to your personal file.
- ✓ If your line manager is not available when you return to work then responsibility for conducting the interview can be delegated to the person in charge, as appropriate.



Some employees may find it difficult to talk about matters relating to their sickness. Managers need to be aware of this and be as sensitive as possible.

3.8.1. Discussion at your return to work interview -

- ✓ The purpose and style of the meeting **must** be positive and be an opportunity to discuss the facts about your absence. Your manager will make it clear that they are not questioning that the reasons for the absence are real, unless they have reasonable grounds for doing so;
- ✓ You must be helped to understand the effect your absence has upon colleagues, service users and the Trust;
- ✓ The discussion should explore the reason for the absence and identify steps to be taken to reduce further absence levels;
- ✓ You should discuss with your manager any issues that may be affecting your attendance e.g. work related issues, personal problems being experienced;
- ✓ It is important to try to gain a full picture of all of the factors that may be contributing to your absence in order that an action plan can be put in place to support you to improve your attendance record if required. This can include a stress assessment.
- ✓ Where it is identified that you are experiencing personal problems, your manager should

consider any practical help that may be available, e.g., different work hours, work pattern etc.



If your line manager identifies a concern about your absence and you have reached the levels of what the trust state are unsatisfactory this will be discussed at your return to work interview and you will be informed that further absence may result in you been required to attend a 1st Formal sickness meeting where a written warning may be issued.

3.8.2.Key questions your manager will consider at your RTW interview when you reach unsatisfactory levels of attendance (in addition to the above)

- ✓ Is there any noticeable pattern to the absence, for example, regular absences on Mondays or Fridays, every Christmas, school holidays etc.
- ✓ What proportion of absence is self-certified or certified by a medical practitioner
- ✓ What reasons have been given for previous absences. Are the causes varied or does there appear to be a linkage between the reasons for absence.
- ✓ What information has been gathered from previous return to work interviews.
- ✓ Are the absences related to a known disability.
- ✓ Are the absences due to an accident at work.
- ✓ You and your manager must try to identify any reasonable steps that could be taken to support the individual to improve their attendance.
- ✓ Where you have had a clear/acceptable record for several years this should be acknowledged and taken into account when deciding on the action to be taken.
- ✓ Likewise where you have had several years of unsatisfactory attendance this should also be discussed and taken into account when deciding on future action. Consideration must be given to disability related, work related and pregnancy related absence. Advice is available from Operational HR.



It is your responsibility to attend work regularly and you should be aware of the impact on others when you are absent.

- ✓ If the absences may be due to an underlying health problem, a referral to the Occupational Health Department must be made using a Referral for Health Assessment form (available on inTouch). It is important that as much information as possible is sent with the referral to help Occupational Health in their assessment.



An accurate record of all discussions must be made using the [Return to Work form](#). A copy of the record must be provided to you and a copy placed on your personal file.

3.9. Questions that may be included in an Occupational health referral

- ✓ The likelihood of the condition/illness recurring;
- ✓ The ability for you to regularly attend work in the future;

- ✓ Whether your condition is regarded as a disability and if so, if there are any reasonable adjustments that can be made to support the you;
- ✓ Whether there are any other support services available to you e.g. staff counseling services, physiotherapy services or external agencies.
- ✓ A copy of the stress assessment **must** be included in cases where the individual is suffering from stress.

3.10. What you should be aware of at the end of your return to work interview where your levels of absence are of concern

- ✓ Failure to maintain your attendance at work will result in a 1st formal sickness meeting being held and normally a written warning being issued at the time it is identified that you have not made a satisfactory improvement.
- ✓ That Sickness absence is monitored at all times for all staff.

4. Management of short term sickness absence - First formal sickness meeting



This meeting will be held when your attendance has not improved to a satisfactory level

- ✓ You will be invited to the meeting and be offered the right to be accompanied by a companion or staffside representative.
- ✓ Your manager will have gathered the necessary evidence before the meeting with you;
- ✓ At the meeting your manager will share the information with you and explain that you have failed to meet the required improvement. Unless there are exceptional circumstances your manager will issue you with a written warning usually for a period of up to twelve months.
- ✓ Notes of the meeting will be taken using the pro forma provided and should be signed by all in attendance and a copy provided to you at the end of the meeting.
- ✓ A letter confirming the outcome of the meeting will be provided to you by your manager, including information about your right to appeal against the decision should a warning have been issued. Appeal timescales and arrangements shall be consistent with the terms of the disciplinary procedure.
- ✓ During the **period** of the warning if there is **no improvement** a 2nd formal sickness meeting will be held and a **Final Written Warning issued** usually for a period of up to twelve months. This meeting will be held with a manager senior to the person who issued the written warning. The meeting can take place when it is identified that your attendance at work **is not** improving; **there is no requirement to wait for the full twelve month period before the 2nd formal sickness meeting is held;**

5. Second formal sickness meeting



This meeting will be held when your attendance has not improved to a satisfactory level

- ✓ A representative from the Operational HR team will be in attendance;
- ✓ You will be invited to the meeting and offered the right to be accompanied at the meeting by a companion or staff side representative.
- ✓ A report will be produced detailing your absence and you will receive a copy of this 7 days prior to the meeting.

5.1. What the manager will consider at the 2nd formal sickness meeting

- ✓ The level of absence and the impact the absences are having on the service provision, colleagues and the Trust;
- ✓ The level of support or adjustments made available to you to improve attendance;
- ✓ Occupational Health advice and recommendations;
- ✓ Whether there has been enough time for any health issues to be reasonably addressed.

5.2. What the manager may decide at the 2nd formal sickness meeting

- ✓ **A Final Written Warning, usually for up to 12 months, may be issued;**
- ✓ Where there is an ongoing health condition, there may be a search for suitable alternative employment within the Trust but only where this is advised by Occupational Health, at which point the individual will enter the redeployment process.
- ✓ Notes of the meeting will be taken using the pro forma provided and should be signed by all in attendance and a copy provided to you at the end of the meeting.
- ✓ A letter confirming the outcome of the meeting will be provided to you by your manager, including information about your right to appeal against the decision should a warning have been issued. Appeal timescales and arrangements shall be consistent with the terms of the disciplinary procedure.
- ✓ During the **period** of the warning if there is **no improvement** a Final sickness hearing will be held where the outcome will usually be dismissal. This meeting will be held with a Head of Service or Deputy/Associate Director. The meeting can take place when it is identified that your attendance at work **is not** improving; **there is no requirement to wait for the full twelve month period before the Final sickness hearing is held;**

6. Final sickness hearing (For both short term and long term absence)



This meeting will be held when your attendance has not improved to a satisfactory level

- ✓ You will be invited to the hearing and offered the right to be accompanied by a companion or staffside representative. HR will be in attendance.
- ✓ The meeting will be led by a Head of Service or Deputy/Associate Director. Before any decision is made, the manager must consider the following:-
- ✓ Has there been a fair review of your attendance record and reasons for absence.
- ✓ Have you had the opportunity to attend the meeting to present your case.
- ✓ Is there documentary evidence available to demonstrate that the procedure has been followed.
- ✓ Have the relevant warnings been issued, where appropriate (warnings may not have been issued in cases of long term absence).

The manager will then decide on the action to be taken, which will normally be dismissal with the appropriate period of notice on the grounds of your inability to attend work on a regular basis and failure to maintain an acceptable level of attendance. You will be given the option of taking payment in lieu of notice.

- ✓ You will be informed of your right to appeal against the decision of the manager should disciplinary action have been taken.



There may be circumstances where an employee incurs long term absence which may also be managed in line with the short term sickness process (for example, 2 long term sickness episodes within a 12 month rolling period or a mix of both long term and short term absence).

7. Management of long term sickness absence process

- ✓ The Trust recognises that long-term absence due to ill health is upsetting for the employee and will ensure that all appropriate support is offered to the individual to bring them back to work where possible.
- ✓ Stress is the single biggest cause of sickness absence in the trust. We work hard to ensure that the working environment is as healthy as possible. We also acknowledge the stress that staff may suffer and the trust offers a number of support mechanisms to assist with this. Further information on stress can be obtained on InTouch : [Hyperlink](#)

The primary aim in dealing with cases of long term absence should be:-

- ✓ To help you return to work, in some capacity, as soon as possible. (This may include a period of rehabilitation on either a phased return to work, temporary reduction in hours, reasonable adjustments);
- ✓ To maintain regular contact.

In line with the reporting of absence you will have contacted your manager to inform them you were unable to attend work. An indication of the likely length of time you are to be absent should have been given by you. As soon as it is identified that the period of absence is likely to be long term i.e. over 4 weeks then a referral should be made at the appropriate time to Occupational Health.

If following this period of time you are still unwell you are required to contact your manager to update on the situation. A record of all telephone conversations **must** be maintained on the reverse of the [Sickness Absence Notification form](#) (available on inTouch).



In order to avoid premature and unnecessary ill health retirements consideration be given to a range of interventions as early as practically possible and at the latest within one month of an employee commencing sick leave.



Supportive options for staff must be discussed for those on sickness absence due to caring for family/relatives. Career break, flexible working, reduced hours are some examples of what is available for staff. Staff also need to be aware if they are unwilling to utilise these options progression to a final sickness review may be appropriate.

7.1. Long term sickness meeting

- ✓ When you are on long term sick leave your manager **must** notify the sickness absence management team who will arrange a meeting with you to discuss your situation and will manage your sickness absence throughout the period.
- ✓ The meeting will usually take place no later than four weeks after the first day of absence where possible, and your line manager is expected to attend the meeting to support you to return to work. The meeting will usually take place on Trust property but in certain circumstances it may be appropriate to agree an alternative venue.
- ✓ Review meetings should take place regularly and take account of Occupational Health information and the individual's sick pay entitlements.
- ✓ You **must** be advised of your right to be accompanied at the meeting by a companion or staff side representative.

The meeting will afford the manager the opportunity to:-

- ✓ Find out how you are progressing;
- ✓ Determine whether further treatment/tests are being undertaken;
- ✓ Find out from you an indication of the possible envisaged length of time you may be absent from work;
- ✓ Discuss the Occupational Health report if available;
- ✓ Discuss previous attendance record

- ✓ Discuss and agree with you arrangements for maintaining regular contact and agree a review date.
- ✓ If you do not appear to be progressing towards a return to work within a reasonable timescale then you should be advised that continued absence could lead to dismissal.

In circumstances where the reason for absence is identified as work related stress advice should be sought from the designated member of the sickness absence management team at the earliest opportunity and consideration given to arranging a meeting with you to discuss the work related issues and to carry out a stress assessment.



An immediate referral to occupational health will be made to assess whether a referral to the Employee Psychology service offered by the trust would be appropriate. There is an expectation that staff will attend this service if this is advised by occupational health.

The HR manager **must** discuss with you their decision to make the referral to occupational health. **This must be done at the earliest appropriate opportunity when an episode of long term sickness absence is identified.** Occupational Health Referral Guidance notes are available on inTouch.

The referral form **must** be fully completed by the HR manager and contain all relevant information. It **must** be sent directly to the Occupational Health service.

8. Occupational health reports

- ✓ On receipt of an Occupational Health report the HR manager and your line manager should consider the content of the report and any recommendations along with other factors such as service need/impact on work colleagues, and a meeting will be arranged.

8.1. Advice received that the employee will recover within a reasonable period of time

In circumstances where your health is improving discussions between the manager and you should take place regarding your return to work and any reasonable adjustments that may be required to support early your return to work.

- ✓ For the purposes of defining a reasonable period of time this will be returning to work within the average length of time for long term sickness within the Trust.

8.2. Advice received that the employee can return to work but requires a period of rehabilitation in the workplace

A graduated return to work may be recommended. This can be agreed as follows:

- ✓ In the majority of cases a graduated return to work will only be considered on the recommendation and support of the Occupational Health Practitioner and shall normally be for no more than a period of four weeks;

- ✓ There is an expectation that accumulated annual leave is utilised as part of a phased return.
- ✓ In cases where a graduated return on full pay is agreed this shall be for no more than four weeks and managers **must** consult the HR Department before any agreement is made;
- ✓ If you have accrued annual leave during a period of long term absence you are entitled to carry forward into the following leave year up to 20 days where you have been prevented by service need from taking it, in accordance with the statutory legislation. If leave is carried forward you will be required to use this for your graduated return to work.
- ✓ It is acknowledged that there may be occasions where a Manager may offer a graduated return if they believe that this would help you to return earlier.

8.3. Employee continues to be unfit for work but may be able to return at some point in the future

- ✓ Your manager will need to consider how long the absence can be sustained within the service. At the long term sickness meeting you must be told that continued absence could lead to the termination of your employment. If you do not improve to a level where you can return to work within a reasonable timeframe, this normally being the expected recovery period advised by occupational health (where this is reasonable), then you must be advised that you will progress to a final sickness hearing (as detailed in section 6).

8.4. Employee is incapable of undertaking full duties but is considered fit to undertake alternative employment

- ✓ In these circumstances a meeting will be convened to discuss the content of the Occupational Health report and advise you about the Trust's Redeployment process which aims to identify suitable alternative employment opportunities for individuals displaced from their posts due to incapability or organisational change. In circumstances where it **is not** possible to identify suitable alternative employment it may be necessary to consider termination of employment. Information on the redeployment process can be found in the Trust Organisational Change Procedure.

8.5. Advice received that the employee is likely to be permanently incapable of returning to work on the grounds of ill health

- ✓ It is acknowledged that the circumstances referred to above can be extremely distressing for you and a meeting will be arranged to fully discuss the details of the Occupational Health report and to consider the next appropriate steps with the procedure;
- ✓ A Final Sickness Absence Hearing will be held to consider your continued employment. The convening of the meeting **must not** be deferred pending the outcome of any application to the Pensions Agency or to allow the exhaustion of sick pay provisions;
- ✓ If you are a member of the NHS pension scheme and an Occupational Health Physician is indicating they will support an application to retire early on the grounds of incapability, support will be offered to you on the completion of the necessary paperwork. It is important

to stress to you that there is no guarantee that an application to the NHS Pension Agency will be successful and any subsequent decision is outside the remit of the Trust;

- ✓ Where a final sickness absence hearing **has not** taken place and your sick pay entitlement has expired then guidance can be found at section 14 of Agenda for Change terms and conditions regarding reinstatement of sick pay. Reinstatement of sick pay when agreed should only continue until the final review meeting has taken place;
- ✓ It is acknowledged that an Occupational Health Report plays an important part in the overall management decision making process. The report is advisory only and other factors need to be considered, which are equally as important, including the impact the period of absence is having on the delivering of the service and the long term prognosis in relation to a likely return to work.



The trust cannot sustain high levels of sickness absence. It may be appropriate to progress to a final sickness hearing if your absence is of such concern even if you have returned to work.

9. Local case management review mechanisms

- ✓ Will operate within Directorates to provide assurance that appropriate monitoring and progress against action plans of both short term and long term absences is being undertaken providing regular reports to Heads of Services, Deputy and Associate Directors and Directors.
- ✓ Long term sickness absence case management is held fortnightly with input from occupational health and the HR sickness absence management team.
- ✓ Short term sickness case management takes place monthly within the HR department.

10. Definitions

Term	Definition
Planned absence	<ul style="list-style-type: none"> • Absence due to planned hospital treatment.
Unplanned absence	<ul style="list-style-type: none"> • Absence due to sudden and unexpected illness.
Short-term absence	<ul style="list-style-type: none"> • Any 1 occurrence of sickness absence lasting between 1 and 27 calendar days.
Frequent absence	<ul style="list-style-type: none"> • When an employee is off enough times to make the manager concerned.
Long-term absence	<ul style="list-style-type: none"> • Any 1 occurrence of sickness absence which lasts for a minimum of 4 weeks. Absence from the 8th calendar day must be covered by a GP fit note.
Episode of sickness	<ul style="list-style-type: none"> • Any period of absence due to sickness, e.g. 1 day, 1 week, 6

	months etc. with no return to work in between.
Unsatisfactory level of absence	<ul style="list-style-type: none"> • 3 episodes or 9 days in a 12 month rolling period and / or general level of absence i.e. a mix of short and long term absence, or patterns of absence that make the manager concerned.
12-month rolling period	<ul style="list-style-type: none"> • The 12-month period immediately before each episode of sickness absence.
Companion	<ul style="list-style-type: none"> • A colleague employed by the Trust or an accredited trade union representative or a friend / family member not acting in a legal capacity.
Employee support officer	<ul style="list-style-type: none"> • Support trust staff with their health and wellbeing needs.
Reasonable adjustments	<ul style="list-style-type: none"> • Adjustments made to working arrangements or physical aspects of the workplace to avoid disabled staff being put at a disadvantage compared to non-disabled staff.
inTouch	<ul style="list-style-type: none"> • The Trust's intranet site.
Sickness absence management team	<ul style="list-style-type: none"> • A team of HR managers who will lead and manage all long term sickness within the trust
Medical certificate (fit note)	<ul style="list-style-type: none"> • Certificate signed by a doctor

11. References

Absence Management Toolkit – Chartered Institute of Personnel and Development, the Health and Safety Executive and ACAS – 2006

Healthy Workplaces Handbook – NHS Employers

ACAS Health and Wellbeing – March 2008

Agenda for Change Terms and Conditions

The Equality Act 2010

DWP / ACAS 'Managing Attendance and Employee Turnover'

Appendix 1 – Summary of the Equality Act 2010 in relation to disability

The Equality Act 2010

The Equality Act 2010 replaced the provisions of the Disability Discrimination Act and embodies the rights of people who have ‘a physical or mental impairment’ that has a ‘substantial’ and ‘long-term adverse effect’ on the ability of an employee to carry out normal day-to-day activities. A ‘long-term effect’ is one that has lasted or is expected to last 12 months.

The Act protects an employee who is disabled according to the above definition from discrimination in all aspects of employment, including recruitment, promotion, transfer, training and dismissal.

Discrimination is defined as the treatment (by an employer) of a disabled person less favourably than others who are not disabled, without justification. It is also discriminatory for an employer to fail to make ‘reasonable adjustments’ to either their premises or their employment arrangements, such as working hours, where a failure to do so would cause a substantial disadvantage to a disabled person, subject to the resources available to the individual employer.

The key issues regarding the handling of short-term absence in respect of an employee who may fall within the definition of a disabled person for the purposes of the Act are:

- Even if an employee hasn’t suffered ‘impairment’ for at least 12 months, they may be regarded as disabled if medical opinion considers their condition is likely to last that long;
- To discriminate, the employer must treat the employee ‘less favourably’ than others who don’t have a disability within the definition of the Act, therefore, the employer must treat all absences in the same way, and demonstrate that no one is treated more or less favourably, whilst keeping a separate record of disability related absence;
- The Trust will meet its obligation to make ‘reasonable adjustments’ to the workplace or working arrangements. Failure to implement such adjustments, if they were likely to improve the individual’s ability to attend work, would usually be discriminatory;
- The only circumstances that permit less favourable treatment occur when the employee genuinely cannot do the job for which they are employed or any other job that might reasonably be offered, or when reasonable adjustments to the workplace are either impracticable or demonstrably beyond the resources available to the Trust.

12. Document control

Date of approval:	April 2015	
Next review date:	30 September 2021	
This document replaces:	HR-0021-001-v1 Sickness Absence Management Procedure	
Lead:	Name	Title
	Sheila Cowan	Head of Operational HR
Members of working party:	Name	Title
	Levi Buckley	Director of Forensic services
	Sheila Cowan	Head of Operational HR
	Lesley Hodge	HR team manager
	Lilian Woods	Ward Manager
	Claire Reynolds	Deputy charge nurse
	Amanda Martin	Union representative
	Kath Dowson	Union representative
This document has been agreed and accepted by: (Director)	Name	Title
	David Levy	Director of HR and OD
This document was approved by:	Name of committee/group	Date
	JCC	6/1/15
This document was ratified by:	Name of committee/group	Date
	EMT	1/4/15
An equality analysis was completed on this document on:	March 2015	
Amendments	May 2015 (v2) – new link to Return to work form Sept 2015 – revised link to new return to work form 10 Apr 2018 – Review date extended to 31 Sep 2018 08 Feb 2019 - Document under review, review date 30 Sept 2018 extended to new review date of 30 April 2019 to allow review work to be done.	

16 Aug 2019 – Review date extended from 30 April 2019 to 31 Oct 2019

04 Oct 2019 - Review date extended from 31 Oct 2019 to 31 Mar 2020

24 Apr 2020 - Review date extended to 31 Sept 2020

09 Dec 2020 – Review date extended to 31 Mar 2021

29 Mar 2021 – Review date extended to 30 Sept 2021

20 Apr 2021 (v2) - Broken hyperlinks fixed for:-

- 3.2 Sickness absence notification form
- 3.3 Self certification form
- 3.7 Sickness absence notification form
- 3.8 Return to work record
- 3.8.2 return to work record
- 7 Sickness absence notification form