

Nene Clinical Commissioning Group

SICKNESS ABSENCE POLICY

NENE CCG: HR27

Version:	4
Ratified by:	CCG Governing Body
Date ratified:	1 October 2013
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Name of responsible committee/individual:	CCG Corporate Services
Date of issue:	February 2014
Review date:	January 2016
Target audience:	All Staff

ASSISTANCE WITH THE APPLICATION OF THIS POLICY AND UPDATES

This policy has been prepared so as to reflect the law as at 1 June 2013. The policy will require periodic review to reflect subsequent changes to the law. Changes to employment law have generally been made on 1 February, 1 April and 1 October in any given year.

For advice and assistance in relation to the application of this policy and to obtain updates please contact:

Your line manager in the first instance or Corporate Services, Nene CCG, Francis Crick House, Summerhouse Road, Northampton, NN3 6BF.

VERSION CONTROL SHEET

Version No.	Date	Who	Status	Comment
1	16.07.13	Stephen Wright	Draft	
2	21.08.13	Julie Fitzpatrick	Draft	
3	30.12.13	Julie Fitzpatrick	Final	Post Union Consultation
4	03.02.14	Julie Fitzpatrick	Final	Post equality review

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INTRODUCTION AND PURPOSE OF POLICY & PROCEDURE

- 1.1 This Sickness Absence Policy sets out the Clinical Commissioning Group's ("CCG") procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 The CCG wishes to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time. The CCG may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

2. SCOPE OF POLICY

- 2.1 This policy covers all employees at all levels and grades, including senior managers, officers, directors, employees, trainees, homeworkers, part-time and fixed-term employees and self-employed contractors.
- 2.2 The CCG recognises its own responsibilities for ensuring that the Workplace is a healthy and safe place to be. The CCG will conform to The Health and Safety at Work Act 1974, the Data Protection Act 1998, the Equality Act 2010 and other relevant legislation and good practice guidelines.

3. RESPONSIBILITIES

- 3.1 The CCG will be responsible for ensuring that this policy is implemented and systems are in place for the monitoring of sickness absence.
- 3.2 Managers will be responsible for the management of employees' sickness absence.

4. SICKNESS ABSENCE REPORTING PROCEDURE

- 4.1 If an employee is taken ill or injured while at work they should report this to their line manager to be given permission to leave work.

- 4.2 If an employee cannot attend work because they are ill or injured they must contact via telephone or text their line manager as early as possible and no later than 30 minutes after the time when they are normally expected to start work. The following details should be provided:
- (a) The nature of their illness or injury.
 - (b) The expected length of their absence from work.
 - (c) Contact details.
 - (d) Any outstanding or urgent work that requires attention.
- 4.3 Line Managers should ensure that:
- (a) Any sickness absence that is notified to them is recorded
 - (b) Arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).
- 4.4 Employees should expect to be contacted during their absence by their line manager who will want to enquire after their health and be advised, if possible, as to their expected return date
- 4.5 If an employee falls sick during a period of annual leave either in this country or overseas, and the period of incapacity seriously interrupts the period of leave, then they may count the absence as sick leave provided they:
- Notify their line manager at the earliest opportunity and no later than the 4th continuous day of illness and
 - Provide a statement by a qualified medical practitioner: the statement should cover the period of the illness and the nature of the illness.

For information, a serious interruption of annual leave would be deemed as four or more days of continuous illness.

5. EVIDENCE OF INCAPACITY

- 5.1 For sickness absence up to seven calendar days employees must complete a self-certification form which is available from the Corporate Services.
- 5.2 For absence of more than seven calendar days employees must obtain a certificate from their doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. This should be forwarded to their line manager as soon as possible. If employees' absence continues, further medical certificates must be provided to cover the whole period of absence.
- 5.3 If an employee's doctor provides a certificate stating that they "may be fit for work" they should inform their line manager immediately. The CCG will discuss

with the employee any additional measures that may be needed to facilitate their return to work, taking account of their doctor's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, the employee will remain on sick leave and the CCG will set a date to review the situation.

6. UNAUTHORISED ABSENCE

- 6.1 Cases of unauthorised absence will be dealt with under the CCG's Disciplinary Policy.
- 6.2 Absence that has not been notified in accordance with the terms of this policy will be treated as unauthorised absence.
- 6.3 If employees do not report for work and have not contacted their line manager to explain the reason for their absence, their line manager will try to contact them, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

7. KEEPING IN CONTACT DURING SICKNESS ABSENCE

- 7.1 When employees are absent on sick leave they should expect to be contacted from time to time by their line manager to discuss their wellbeing, expected length of continued absence from work and any work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum. The nature of the contact will be agreed with employees.
- 7.2 If employees have any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact their line manager and/or Human Resources representative at any time.

8. MEDICAL EXAMINATIONS

- 8.1 The CCG may, at any time in operating this policy, ask an employee to consent to a medical examination by its Occupational Health Department and/or a doctor nominated by it, at its expense. The CCG may also seek an employee's consent to contact their GP for information on the employee's fitness for work.
- 8.2 The employee's informed and written consent will be obtained by the CCG before contact is made with these physicians, in accordance with the Access to Medical Reports Act 1988.

9. RETURN-TO-WORK INTERVIEWS

- 9.1 On their return to work, employees will be required to attend a return to work meeting with their line manager to discuss their absence. If the employee has been absent with a highly sensitive condition he/she may ask for a manager of the same gender to manage the absence. The meeting is separate to an absence review meeting and will take place at an agreed time and in a private place.
- 9.2 A return-to-work interview enables the CCG to confirm the details of the employee's absence. It also gives the employee the opportunity to raise any concerns or questions they may have, and to bring any relevant matters to the CCG's attention.
- 9.3 Where an employee's doctor has provided a certificate stating that they "may be fit for work" the CCG will hold a return-to-work interview to discuss any additional measures that may be needed to facilitate the employee's return to work, taking account of their doctor's advice.

10. RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE

- 10.1 The CCG is committed to helping employees return to work from long-term sickness absence. Long term sickness absence is absence which is longer than 4 weeks, in any 12 month period. As part of the CCG's sickness absence meetings procedure, the CCG will, where appropriate and possible, support returns to work by:
- (a) Obtaining medical advice through Occupational Health referral;
 - (b) Making reasonable adjustments to the workplace, working practices and working hours;
 - (c) Considering redeployment; and/or
 - (d) Agreeing a return to work programme with everyone affected.

11. SICKNESS ABSENCE MEETINGS PROCEDURE

- 11.1 The CCG may apply this procedure whenever it considers it necessary, including, for example, if an employee:
- (a) Has been absent due to illness on a 3 occasions over 3 months;
 - (b) Has discussed matters at a return to work interview that require investigation; and/or
 - (c) Has been absent for more than 10 days within any 3 month period (pro rate for part time staff)

- 11.2 Unless it is impractical to do so, the CCG will give the employee 7 days written notice of the date, time and place of a sickness absence meeting. The CCG will put any concerns about the employee's sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for the employee to consider this information before a meeting will be provided.
- 11.3 The meeting will be conducted by their line manager and will normally be attended by a Human Resources representative. Employees may bring a companion with them to the meeting (see paragraph 12 below).
- 11.4 Employees must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If employees or their companion are unable to attend at the time specified they should immediately inform their line manager who will seek to agree an alternative time.
- 11.5 A meeting may be adjourned if the employees' line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 11.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to employees in writing within 5 working days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
- 11.7 If, at any time, employees' line managers consider that they have taken or are taking sickness absence when they are not unwell, they may refer matters to be dealt with under the CCG's Disciplinary Policy.

12. RIGHT TO BE ACCOMPANIED AT MEETINGS

- 12.1 Employees may be accompanied to meetings by either a trade union representative or a colleague. Their identity must be confirmed to the line manager or Human Resources representative conducting the meeting, in good time before it takes place.
- 12.2 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 12.3 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. Companions

should not normally work at another site, unless no-one reasonably suitable is available at the site at which the employee works.

- 12.4 The CCG may at its discretion, permit a companion who is not a colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.
- 12.5 A companion may make representations, ask questions, and sum up an employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.

13. STAGE 1: FIRST SICKNESS ABSENCE MEETING

- 13.1 This will follow the procedure set out above in relation to the arrangements for and right to be accompanied at sickness absence meetings.
- 13.2 The purposes of a first sickness absence meeting may include:
- (a) Discussing the reasons for absence.
 - (b) Where an employee is on long-term sickness absence, determining how long the absence is likely to last.
 - (c) Where an employee has been absent on a number of occasions, determining the likelihood of further absences.
 - (d) Considering whether medical advice is required.
 - (e) Considering what, if any, measures might improve the employee's health and/or attendance.
 - (f) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.

14. STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S)

- 14.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out above in relation to the arrangements for and right to be accompanied at sickness absence meetings.
- 14.2 The purposes of further meeting(s) may include:
- (a) Discussing the reasons for and impact of the employee's ongoing absence(s).
 - (b) Where the employee is on long-term sickness absence, discussing how long their absence is likely to last.

- (c) Where the employee has been absent on a number of occasions, discussing the likelihood of further absences.
- (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- (e) Considering the employee's ability to return to/remain in their job in view of both of their capabilities and the CCG's business needs and any adjustments that can reasonably be made to their job to enable them to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee.
- (g) Where the employee is able to return from long-term sick leave, whether to their job or a redeployed job, agreeing a return to work programme.
- (h) If it is considered that the employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which they should be considered.
- (i) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning that the employee is at risk of dismissal.

15. STAGE 3: FINAL SICKNESS ABSENCE MEETING

15.1 Where an employee has been warned that they are at risk of dismissal, the CCG may invite them to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out above in relation to the arrangements for and right to be accompanied at sickness absence meetings.

15.2 The purposes of the meeting will be:

- (a) To review the meetings that have taken place and matters discussed with the employee.
- (b) Where the employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards the employee's possible return to work or opportunities for return or redeployment.
- (c) To consider any further matters that the employee wishes to raise.
- (d) To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time.
- (e) To consider the possible termination of the employee's employment.

15.3 There is no requirement to create a post for an employee in such a situation.

15.4 Termination will normally be with full notice or payment in lieu of notice.

16. APPEALS

16.1 An employee may appeal against the outcome of any stage of this procedure and may bring a companion to an appeal meeting.

16.2 An appeal should be made in writing, stating the full grounds of appeal, to the employee's line manager within 5 working days of the date on which the decision was sent to them.

16.3 Unless it is not practicable, the employee will be given written notice of an appeal meeting within one week of their appeal. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

16.4 An employee will be provided with written details of any new information which comes to light before an appeal meeting. An employee will also be given a reasonable opportunity to consider this information before the meeting.

16.5 Where practicable, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting.

16.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

16.7 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 7 days of the appeal meeting. There will be no further right of appeal.

16.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

16.9 If the employee is a member of the NHS pension scheme, they may be eligible for ill-health benefit. This requires an application to be made by the employee, and the decision to award is based upon specific rules as set by the Pensions Agency. The details of these are on the their web site at the following address www.pensions.gov.uk It is important that the Pensions Agency is notified of any impending retirement as soon as is reasonably practical, otherwise pension payments may be delayed. The success of an application for a pension, and the CCG decision to dismiss are not related.

17. SICK PAY

- 17.1 Entitlement to sick pay made by the CCG depends upon the length of recognised and continuous NHS service;
- During first year of service – one month at full and two months at half pay
 - During the second year of service – two months full and two months at half pay
 - During the third year of service – four months full and four months half pay
 - During the fourth and fifth years of service – five months full pay and five months half pay
 - After five years service – six months full pay and six months half pay
- 17.2 Discussion may also take place between the manager and a Human Resources representative to determine: -
- Whether the employee's contractual sick pay should be extended
 - The possibility of granting of unpaid leave for a specified period (see Special Leave Policy)
 - The arrangements that will be necessary to cover the work of the sick employee.
- 17.3 Sick pay entitlement for GPs will be in line with their individual practice agreements
- 17.4 An employee who is absent as a result of an accident is not entitled to sick pay if damages are received from a third party. Employers will advance to an employee a sum not exceeding the amount of sick pay payable under this scheme, providing the employee repays the full amount of sickness allowance to the employer, when damages are received.

18. SUPPORT FOR STAFF

- 18.1 Access to Occupational Health Services
- Staff may self refer to Occupational Health for advice and support. In such circumstances this is a confidential matter between the member of staff and the Occupational Health department.

19. MONITORING OF POLICY

- 19.1 The policy will be monitored through regular performance reports.

20. DUE REGARD

This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) if the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and to foster good relations.

21. EQUALITY STATEMENT

Nene Clinical Commissioning Group (CCG) aims to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

In carrying out its functions, Nene CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Nene CCG is responsible, including policy development, review and implementation.

22. IMPLEMENTATION AND DISSEMINATION OF THE DOCUMENT

22.1 The document will be made available to all staff employed by the CCG.