

# ABSENCE MANAGEMENT POLICY AND PROCEDURE

CPRCCG HR01

<b>Version:</b>	002
<b>Ratified by:</b>	RemCom
<b>Date Ratified:</b>	10.02.17
<b>Name of originator/author</b>	NEL CSU HR Department
<b>Date Issued:</b>	01 February 2017
<b>Review Date:</b>	31 January 2020
<b>Target Audience:</b>	CCG staff

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## **Policy**

### **1 Introduction**

- 1.1. This policy covers short-term sickness absences from work, which are defined as frequent and persistent days off lasting up to one week. This type of absence is likely both to undermine the individual's own performance and be disruptive to colleagues and the CCG as a whole.
- 1.2. This policy also covers long-term sickness absence, defined as three consecutive weeks or more covered by a medical certificate, prolonged illness or disability.
- 1.3. The CCG aims to encourage all its employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work for short periods due to sickness. The CCG recognises that most employees will occasionally have genuine and 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 does have a major impact on the quality of the service we provide and places colleagues and managers under additional pressure. Ultimately, if there is no resolution to the sickness problem, formal processes may be instigated and any resulting dismissal is likely to be based on the grounds of capability. The details of the procedure are covered later in this policy and procedure document.
- 1.4. 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 CCG's Disciplinary Procedure.

### **2 Equality Impact Assessment**

- 2.1 This document has been assessed for equality impact. This policy is applicable to all employees of the CCG and in applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and

civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

### **3 The Role of the CCG**

3.1 Under this policy, the CCG 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 CCG 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 the 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 medical information from Medical practitioners, and other relevant legislation.

### **4 Managers' Responsibilities**

4.1 The control and management of absenteeism is a management function. Each manager is responsible for managing absenteeism for the staff 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 to the management of the policy;
- Apply the principles of the Absence Management Policy and Procedure fairly and sensitively;

- Communicate appropriately with absent staff;
- Deal with any actions in a timely manner, balancing the needs of the individual with those of the service;
- Maintain accurate records of all absences and reasons for absence;
- Hold return to work interviews after each individual episode of sickness absence;
- Maintain an appropriate level of confidentiality at all times;
- Attend any CCG training provided on policy updates;
- Identify a 'nominated deputy' for staff to report sickness absence to during periods of annual leave/out of the office/non-working time and communicate this to staff;
- Identify early warning signs at work that might prevent sickness (i.e. stress, incidents at work).

## **5 Employees' Responsibilities**

5.1 All employees are expected to demonstrate a commitment to the CCG 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 understand 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;
- Co-operate fully in the use of these procedures;
- Attend an appointment with a CCG nominated medical practitioner where appropriate;
- Attend review meetings with Management when discussing periods of absence or planning return to work, reasonable adjustments or alternative employment.

## **6 The Role of Trade Unions**

- 6.1 This policy has been drawn up in consultation with the Trade Unions and as such the Trade Union representatives will:
- Support the fair and equitable application of this policy and represent their members at any stage of formal procedure\* if requested to do so
  - Support appropriate efforts for a successful return to work for those employees who have been absent due to sickness
  - In the spirit of joint-working, participate in training programmes associated with this policy.

\*an employee who is subject to formal processes related to sickness absence, where a formal warning or termination of contract may be an outcome of the meeting has the right to be accompanied by their Trade Union Representative or a work colleague and will always be advised of this right.

## **7 The Role of the Occupational Health Department**

- 7.1 Where an employee's attendance falls short of the acceptable levels or where a line manager has concerns about an individual's health while at work, the employee may be referred to the Occupational Health Department to assess their capability to undertake their duties and to determine if there are any underlying medical factors which prevent their regular attendance at work. Occupational Health will work with the line manager and employee in looking at a recommended course of action with a view to getting that individual back to work at the earliest opportunity.
- 7.2 Without an independent medical assessment, managers may not be able to make an informed decision about an individual's ability to do their job, and may be forced to act on what information is available.

## 8 Sick Pay Entitlements

8.1 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) months' 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 and over	6 (six) months' full pay and 6 (six) months' half pay

8.2 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.

8.3 In certain circumstances, where sick pay entitlement has been exhausted, for staff with 5 years or more of reckonable service, before a final review meeting for long term absence has taken place, or where final review does not take place within 12 months of the start of their sickness absence, sick pay will be reinstated at half pay and will continue until the final review meeting has taken place. This provision will not apply where a review is delayed due to reasons other than those caused by the employer.

8.4 After investigation, consultation and consideration of other alternative posts, and where there is no reasonable prospect of the employee returning to work, the CCG can proceed to terminate employment before the employee has reached the end of the contractual paid sick absence period.

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

- Occupational Sick Pay – paid directly by the CCG and either:
    - Statutory Sick Pay – which is also paid directly by the CCG, or (if not entitled to receive SSP),
    - Employment and Support Allowance – for those who are not eligible for SSP, this must be claimed direct from 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.
- 8.6 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.
- 8.7 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).
- 8.8 The CCG reserves the right to withhold or seek to reclaim Occupational Sick Pay where it has been proved to have been claimed fraudulently.

## **9 Sick Pay, Incremental Progression and Pay Gateways**

- 9.1 It is imperative that anyone absent from work through sickness is not disadvantaged and that their pay reviews are not delayed unnecessarily. Where a gateway 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. Where performance has not reached the required standard 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 individual is able to demonstrate the required standard, the pay review should be backdated to their original review date.

## 10 Annual Leave and Sickness

### Sickness or Injury While on Holiday

10.1 Where an employee falls sick or is injured while on holiday, the CCG may allow the employee to transfer to sick leave and take replacement holiday at a later time.

10.2 Where the employee fulfils all of the below conditions, the CCG will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury:

- The total period of incapacity must be fully certificated by a qualified medical practitioner (where it exceeds seven days).
- The employee must contact the CCG (by telephone if possible) as soon as he/she knows that there will be a period of incapacity during a holiday.
- The employee must submit a written request no later than 10 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.
- Where the employee is overseas when he/she falls 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

10.3 If an employee is ill or is injured before the start of a period of planned holiday, the CCG may agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the CCG's normal policy on sickness absence.

10.4 The employee must submit a written request to postpone the planned holiday and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit, to take the holiday.

### Replacement Holiday Dates

10.5 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.

10.6 Employees should endeavour to take any replacement holiday within the same holiday year as the days lost as a result of sickness or injury. In the event that part or all of the holiday is lost due to incapacity towards the end of the CCG's 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.

### Accruing and Taking Holiday while off Sick

10.7 While on sick leave, employees will continue to accrue annual leave during sick leave subject to the details below:

10.8 Contractual holiday entitlement over and above the minimum statutory holiday entitlement provided for by the Working Time Regulations 1998 will not accrue during any paid or unpaid period of sick leave once an employee has been continuously absent for a period of 6 months.

10.9 For the purpose of calculating the period of continuous absence, the CCG may disregard a return to work that is less than ten working days.

10.10 An employee on long-term sick leave can apply to take his/her accrued holiday entitlement before the end of the holiday year in which it is accrued.

10.11 Annual Leave accrued, but which the individual has not been able to take during the current leave year due to their sickness absence may be carried forward, but should be used by the end of the following leave year. A maximum of 20 days may be carried forward in this way (pro rata for part time staff)

10.12 An employee is required to acquire the approval of all holiday dates in accordance with the CCG's normal policy. At the CCG's discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable CCG policy.

10.13 If the employment is terminated before an employee returns from sick leave, he/she will receive a payment in lieu of any accrued but untaken holiday entitlement (including any carry forward as detailed above).

## 11 'Access to Work' Scheme

11.1 'Access to Work' through the local jobcentre plus, can provide the CCG 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 adaptations 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>.

## 12 Other Types of Sickness Absence

### Sickness and Pregnancy

- 12.1 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 at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later. Absence prior to the last four weeks before the expected week of childbirth, supported by a GP Fit-Note, or a self-certificate, will be treated as sickness absence in accordance with normal leave provisions.
- 12.2 Odd days of pregnancy-related illness during the 4 weeks prior to the expected week of Childbirth may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified to the employer.

### Medical or Dental Appointments

- 12.3 Staff 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, staff should arrange these at the beginning or at the end of the working day to minimise disruption to the service. Where this is not possible, a combination of annual leave, unpaid leave or alternatively making up the time, will need to be negotiated with the line manager and will be subject to the needs of the service at that time.
- 12.4 It is not anticipated that employees will require more than two routine dental appointments per year. Where a member of staff is required to attend on-going hospital 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 CCG will endeavour to

provide as much flexibility and support to employees within the service constraints. Staff should refer to the special leave policy for further information.

### Absence due to an Accident or Injury

- 12.5 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 CCG will be recoverable from such a settlement. This does not apply to compensations payments awarded by the Criminal Injuries Compensation Authority.
- 12.6 Sick Pay may not be payable for an absence caused by an accident due to active participation in a dangerous sporting event or where contributable negligence is proved.
- 12.7 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 CCG's Incident Form. Further details on the NHS Injury Benefits Scheme can be found on the following website: [www.injurybenefit.nhsbsa.nhs.uk](http://www.injurybenefit.nhsbsa.nhs.uk)

### Cosmetic Surgery

- 12.8 Employees may be entitled to sick pay for cosmetic surgery where it is deemed necessary for medical reasons and the CCG will retain the right to ask for written confirmation from a medically qualified consultant that this is the case. In other cases, staff will need to take paid annual leave or apply for unpaid leave.

## 13 Other Absence (not sickness)

### Unauthorised Absence

- 13.1 If a member of staff 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. This initial contact should be by telephone or by letter. If there are exceptional circumstances and serious concern for the well-being of the member of staff, a visit in person may be necessary. The line manager should bear in mind

personal/domestic situations and should be particularly anxious to contact those who live alone or who are known to have difficult circumstances.

13.2 If the line manager is unable to make contact with the member of staff then the HR team should be advised.

13.3 If a member of staff returns from unauthorised absence, an investigatory interview should be carried out by the line manager to establish 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, the situation may be treated as misconduct and in some cases where the unexplained absence is prolonged or persistent; this may result in dismissal from the CCG in line with the CCG's disciplinary procedures.

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

### Temporary Domestic Problem

13.5 Where absences arise from a temporary domestic or similar problems, the Manager should discuss the situation with the employee. This is not a sickness absence and should not be treated as such. The CCG has other leave provisions in place which may help the employee temporarily manage their situation. The Special Leave Policy should be referred to.

If attendance in these situations does not improve the Manager should inform the employee what improvement in attendance is expected and will warn them of the likelihood of formal disciplinary processes being invoked if these are not met.

## Procedure

### 14 Sickness Reporting Procedure for Staff

#### On-going Sickness Absence

14.1 If you are sick and unable to attend work, you should notify your manager at the earliest opportunity and no later than 30 minutes after the normal work

commencement time. This should be personal contact between you and your manager or, only if he/she is not available, the person in charge of the team or department at the time. You must make the call personally and the only exception is where this is clearly not possible, for example if you have been admitted to hospital.

14.2 When reporting absence you 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 your GP, and if so, the date of the appointment

14.3 Where possible the manager should be advised of any outstanding work that may require urgent attention during the period of absence.

#### While off Sick

14.4 Keep your manager informed of your progress on a regular basis. The frequency will depend on your particular circumstances and you should discuss this with your line manager.

14.5 Tell your manager if you plan to be away from home, for example, to recuperate, and leave a contact number where you can be reached.

14.6 Obtain a GP or hospital medical certificate for periods of sickness of more than seven calendar days and send it, and any subsequent certificates, to your manager as soon as possible. Failure to do so may result in your pay being stopped.

14.7 Inform your manager if you plan to undertake any activity that could impact on your recovery or bring into question the legitimacy of your sickness.

14.8 Respond to any requests for further information whilst off sick, within a reasonable time frame.

14.9 Provide a doctor's certificate or "fit note" for a period of sickness absence not exceeding seven days if the CCG specifically requests it. In these circumstances, the CCG will reimburse the employee for the cost of obtaining a certificate if it has to be obtained privately.

### Preparing to Return

14.9 When you are nearly ready to return to work, you should phone your manager or, if he/she is not available, the person in charge of the team or department at the time:

- To tell them if you have been in contact with any infectious diseases;
- To tell them when you will be returning to work.

14.10 When you are returning to work from a long term sick period your manager should complete a staff change form and forward this to HR to ensure both HR and payroll records are updated.

### On Return to Work

14.11 As soon as you return to work you should:

- Report to your line manager or, if he/she is not available, the person in charge of the team or department at the time;
- Complete a self-certificate form for all periods of sickness absence, irrespective of its duration; and
- Arrange to see your manager (at the earliest opportunity if he/she is not available on the day you return) and complete the return to work form. Any GP or hospital medical certificates should be attached;
- Co-operate with your employer with regard to the possible implementation of any adjustments to job duties, hours or working conditions, resulting from recommendations made by your doctor, notwithstanding the fact that the advice on a "fit note" is not binding on the employer.

### Other Activities whilst on Sick Leave

14.12 Whilst off sick from work the employee has the responsibility to help their own recovery, therefore the CCG would not expect any employee who is off sick to:

- Undertake any employment, whether paid or unpaid. (If the CCG suspects that an employee continues, or commences, paid work with another employer whilst on sickness absence the Disciplinary Policy will be invoked and ultimately employment may be terminated. Where an individual usually undertakes employment for more than one employee,

with the CCG's knowledge, he/she must inform the CCG of their intention to continue to work for the other employer;

- 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.

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 CCG's Disciplinary Procedure.

## **15 Formal Triggers and Management of Short-term Sickness Absence**

### **Bradford Formula**

- a. Managers have to consider at what point occasional absence starts to become problematic. Trigger points are a useful guide to help managers establish when there is a need to arrange an Absence Review Meeting. The CCG has adopted a formal approach to 'Trigger' by using the Bradford formula. The Bradford score system is a method of recording and setting trigger points for action. It provides an individual score for employees, which measures irregularity of attendance. The formula is as follows:

$$S \times S \times D = \text{Bradford Score}$$

(where S = Spells of Absence, and D = Days absent)

- b. For those employees scoring 108 or more in a 52 week period, this will trigger a formal absence review. This is based on an average of 3 spells in the year, and 12 days sickness absence per employee, per annum.
- c. Trigger points are intended to provide a guide for managers on handling recurrent absence; however managers will need to treat each individual case on its own merits. For example, if there is good reason to believe that a specific instance of absence is not legitimate then it may be appropriate to start investigatory or even disciplinary action immediately, regardless of the employee's previous absence record. However if the reasons for absence are

legitimate and known to be temporary (for example an employee with a problematic but short-term medical condition), it may be appropriate to defer any action until the specific issue is resolved.

### Management of Short-term Sickness Absence

- d. 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. This will be retained on the individual's personal file.
- e. Absence should be fully and promptly investigated through return to work interviews where the employee will be given an opportunity to discuss the reasons for their absence.
- f. Payroll should be notified of the employee's absence and appropriate forms should be completed when sickness absence starts and when the employee returns to work.
- g. If a manager has sufficient reason to conclude that an employee's on-going absence is causing a concern or where the employee has reached the 'trigger point' then they may be asked to attend a Formal Absence Review Meeting. Employees should be informed of the consequences of continuing unsatisfactory attendance, i.e. that he/she may eventually be dismissed
- h. The employee must be given five working days' notice, of any formal sickness review meeting; and will be invited to the meeting in writing. The employee has the right to be represented at the meetings by their Trade Union Representative or a work colleague, but not by a person acting in a legal capacity.
- i. The manager may contact HR prior to a review meeting, upon request, HR may attend the meeting to support the manager and employee.

### First Formal Review

- j. The first formal review meeting is set to discuss the absence in more detail including underlying issues or problems and to check whether the employee's absences are in any way work related. During the meeting, the manager should set attendance targets for the employee and warn them of the potential consequences of their attendance not improving, such as a disciplinary hearing and even a dismissal. At this stage the manager may refer the individual to

Occupational Health or an appropriate Medical Adviser, if not already done so, to provide a medical assessment and general advice on their capability to undertake their role. Attendance targets should be agreed and any immediate support should be discussed.

### Second Formal Review

- k. The purpose of the second meeting will be to review attendance since the first meeting and check if the attendance targets set have been met. This meeting can also provide opportunity to discuss the advice given by the the Medical Adviser, if applicable, and to agree any further measures that could be implemented in order to support the employee in sustaining acceptable attendance levels. If necessary a third review meeting should be scheduled and further attendance targets should be set.
- l. Timeframes between meetings should be long enough for there to be a period of time to assess attendance, but not so long as to consider each review meeting a separate process.

### Third Formal Review

- m. The third review meeting serves to review attendance during the monitored period of time. Where attempts to improve an employee's attendance record have failed, following formal absence review meetings, implementation of any supportive measures and setting of attendance targets, the manager may seek to terminate the contract or issue a formal warning. This will require a formal Contractual Review Hearing, which would be arranged under the CCG's Disciplinary Policy and Procedure.

### Contractual Review Hearing

- n. During the hearing, evidence of on-going absence will be presented to the Panel by the employee's manager. The employee will have the right to be accompanied by a colleague or a union representative and will be given the opportunity to present their case and put forward any mitigating circumstances related to their sickness absence. The panel will make a decision in relation to the formal sanction; one of the possible outcomes could be a dismissal on grounds of capability due to sickness.

## 16 Management of Long-term Sickness Absence

- a. Where an employee is absent for a prolonged period of time or recurrent periods of time with a serious health problem, the procedure that is adopted should allow for the following:
- On-going consultation with the employee;
  - Appropriate investigation of the medical facts;
  - Exploration of all available options;
  - Consideration of whether the individual falls within the Equality Act, and if so, what steps should be taken in line with the Equality Act, including, reasonable adjustment to the work /work environment, planned return to work etc.;
  - Consideration of whether alternative employment or ill health retirement should be pursued.
- b. The employee and their manager should work together to decide on the best way forward, to ensure this can be achieved:
- The employee must maintain on-going contact with their line manager throughout their absence. It will be down to the manager and individual to agree the appropriate frequency of this contact;
  - After 21 days of absence, and if referral has not already been made, the manager should refer the individual to Occupational Health for a medical assessment;
  - Following this meeting and issue of their report, a meeting should be arranged with the individual to discuss the details and implications of their medical report and to consider their progress;
  - Where recovery looks likely, and an early return to work seems probable, the manager should review the situation at regular intervals. As a guide this should be every 2-3 weeks;
  - Where recovery looks unlikely, further medical evidence may be required and if this is the case, a further meeting with the individual should be arranged to discuss the options available. These may include the following:
    - The employee will be fit to work in the near future;

- The employee is unfit to perform their current duties but may be capable of other work. In this case alternative employment should be considered for a period of 3 months maximum;
- If the condition falls within the scope of the Equality Act (2010), then there is a legal requirement for the CCG to look at reasonable adjustments, which may include an alternative role, with lighter or different duties or considering more flexible working arrangements such as part-time working. There is no onus on the CCG to create a new job for an individual. Employees who fall under the Equality Act may still be dismissed on the grounds of capability due to ill health, but the processes leading to dismissal must be fair and be deemed justifiable;
- Where an employee is unable to return to work and there is no suitable alternative work, or where reasonable adjustments cannot be made, the employee will either be:
  - Recommended for retirement on the grounds of ill-health following a medical opinion being sought and in accordance with the terms of the NHS Pension Scheme. The decision on whether such retirement is approved lies solely with the NHS Pensions Agency, and pursuing this option is the employee's choice. Only those employees who have a minimum of 2 years superannuation service and who are considered to be permanently unfit to undertake their duties are eligible to apply for ill-health retirement. A medical report will be a key consideration in the decision as to whether or not an application for ill-health retirement is supported;
  - Dismissed on the grounds of capability due to ill health. In such circumstances, the employee will be kept fully informed if their employment is at risk and appropriate notice will be given;
- c. Particular sensitivity will be necessary when dealing with individuals who have been diagnosed or are suspected of having a terminal illness. In such cases, the manager, in conjunction with the most senior manager has the discretion to extend the period of sick leave beyond the individual's entitlement. In such circumstances, the above procedure may not be entirely appropriate and each case should be considered sensitively and worked through compassionately with the individual and/or their family as appropriate;

- d. In the case of long term sickness absence, where termination of employment on the grounds of ill-health is considered, managers should ensure that the following has been undertaken:
- A meeting has taken place with the employee, with the opportunity for consultation and consideration of full and recent medical reports in line with this policy. This final review meeting should take place before the individual goes onto no pay. Any delay by the CCG in holding this meeting may result in further sick pay being reinstated at half pay rates until the meeting is held. This will not be the case if the delay is caused by reasons other than those caused by the CCG;
  - The employee has been advised that continued absence may result in termination of employment based on grounds of ill-health;
  - The possibility of alternative work within the CCG has been considered, and timeframe for exploring this has expired.

### Redeployment

- e. Potential redeployment options may be explored by the CCG, 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 that are not feasible for a small CCG to implement.
- f. 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 would be entitled to be accompanied by a work colleague or Trade Union representative.
  - The medical capability of the individual will be discussed and recommendations put forward regarding their suitability to continue within their existing role
  - Suitable alternative posts will be considered for the individual based on their capabilities
  - Where an alternative is identified, a full risk assessment should be carried out to assess the suitability of the post for the individual.

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- 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 individual in a medical redeployment situation. This trial period will be 4 weeks.
  - 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 CCG will consider moving to dismissal on the grounds of ill-health (see disciplinary processes).
- g. 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. The CCG will investigate other options for a reasonable amount of time and each case will be considered on its own merits.