

Sickness Absence Support Policy

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Document Type	Policy
Scope	All Staff Employed by the Trust
Restrictions	None

VERSION CONTROL/REVIEW AND AMENDMENT LOG

Version No	Date	Description of change
0.1	Dec 22	Initial Issue – replacing Sickness Policy
0.2	Mar 22	Amendments made through Working Groups
0.3	June 23	Amendments made through Policy group consultation
0.4	22 June 23	Amendments made through consultation with a variety of stakeholders
0.5	July 23	Amendments made through consultation with a variety of stakeholders
0.6	Aug 23	Amendments made through consultation with a variety of stakeholders
0.7	Sept 23	Amendments made through consultation with a variety of stakeholders
0.8	Nov 23	Amendments made through Policy Group Consultation
1.0	Dec 23	Agreed at Partnership Forum
1.1	May 24	Changes made to clause 6.7 as per agreement at Partnership Forum regarding need for fit note from day one if off sick during annual leave.
1.2	Oct 24	Added clause on sickness prior to birth and time off due to miscarriage.
1.3	Mar 25	Updated to reflect change in absence recording process from Empactis to ESR.

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ENGAGEMENT AND CONSULTATION

Key Individuals/Groups Involved in Developing this Document

Role/Description
JPR, HR Policy Group Subcommittee
The Disability and Long Term Conditions Staff Network
The People and Culture Committee
A working group of volunteered Trust Managers and Supervisors
The Medical Directors Office
The Operational HR Team

Circulated to the following for consultation

Date	Role/Designation
Various	See Above

Evidence Base
<p>List any national guidelines, legislation or standards relating to this subject area</p> <p>Equality Act 2010</p>

EQUALITY IMPACT ASSESSMENT SUMMARY

Directorate:	Area:
Policy/Project Summary: Sickness Absence Support Policy	
What are you seeking to achieve with this work? <i>What has prompted this change?</i> <i>What are the intended outcomes of this work?</i>	To create a Sickness Absence Policy which allows employees to be managed appropriately whilst supported
Who will be affected by it and why? <i>(e.g. Public, patients, service users, staff, etc.)</i>	Staff
Information	
What information is available about the current situation to assist decision making? <i>Sickness Absence Figures for the Trust</i> <i>NHS Terms and Conditions</i> <i>Sickness Absence Toolkit, NHS Employers</i> <i>Guidelines on prevention and management of sickness absence, The NHS Staff Council Working Group</i>	

Impact Analysis			
<p>Based on the information available, an assessment of the current situation and the changes being proposed is there the possibility of a differential impact (positive or negative) on the groups listed below? <i>(Enter Y/N against each characteristic and a rationale with evidence)</i></p>			
	Y/N		Y/N
Disability	Y	Gender Reassignment & Transgender	N
Gender/Sex	N	Religion or Belief	N
Race	N	Pregnancy and Maternity	N
Age	Y	Marriage & Civil Partnerships:	N
Sexual Orientation	N	Carers	N
<p><u>Rationale for Answers Above:</u> <i>(Explain for each characteristic, why it is considered that there may or may not be an impact)</i></p> <p>Disability – The policy allows for staff with a disability and long term condition to have that condition taken into account and actively promotes reviewing reasonable adjustments.</p> <p>Age – Older people are more likely to have longer periods of absence or long term conditions (Labour Force Survey from the Office of National Statistics).</p>			
<p><u>Summary of Actions Planned as a Result of the Assessment</u></p> <p>N/A – the changes to this new policy are seen as positive to staff with protected characteristics detailed above</p>			
<p><u>Assessed By</u></p> <p>JPF Policy Group Subcommittee</p>			

1. Policy Statement

The Mid Yorkshire Teaching NHS Trust (the Trust) recognises the considerable contribution and commitment from our employees and wishes to support staff to deliver the best quality service every day. The Trust is committed to creating and supporting a healthy and caring working environment which enables staff to deliver this service. Part of that commitment is supporting staff who are absent from work due to sickness.

This policy sets out how the Trust will support staff members when they are absent from work due to sickness, the responsibilities of our staff and leaders, and how absence will be reported, recorded and monitored.

2. Objectives

Through this policy, the Trust aims to ensure all staff members are supported in a fair and compassionate manner reflective of our values. This is underpinned by sound decision making based on consistent principles, but which enable outcomes relevant to the individual circumstances when absent from work due to sickness. By treating employees fairly, with compassion and in an unbiased manner, the Trust aims to support employees to maintain a sustainable level of attendance.

In line with the Equality Act (2010), the Trust is committed to its duty not to discriminate against those with a disability and to consider reasonable adjustments which, subject to the needs of the service, will help employees overcome any disadvantage resulting from a disability. This may include reasonable adjustments to the procedures described in this policy and via the Reasonable Adjustment Guidance.

3. Definitions

For the purposes of this policy the following definitions apply:

- Short term sickness absence - frequent and separate occurrences of absence which may or may not be related.
- Long term sickness absence - an absence lasting 28 days or more.

- Disability - A disability is defined in the Equality Act (2010) as a physical or mental impairment that has a 'substantial' and 'long term' negative effect on a person's normal daily activities. 'Substantial' is defined as more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed. 'Long-term' means 12 months or more. People with cancer, HIV and multiple sclerosis are protected effectively from the point of diagnosis.
- Reasonable adjustments – a reasonable step taken to prevent a person suffering a substantial disadvantage relating to their disability or long term condition, compared with people who are not disabled. Please see the Reasonable Adjustment Guidance.

4. Scope

This policy covers all staff employed by the Trust.

5. Roles and Responsibilities

The role of an employee is to:

- Report all sickness absences by calling their designated absence contact number at the onset of their absence and for any extension to absence, in line with the Trust's reporting procedures.
- Keep their manager informed and updated with regards to their absence including periods of annual leave during the absence and any changes to their expected return date.
- Notify their manager of their return date in advance and meet with their manager on their return to work for a return to work meeting.
- Discuss any change in their health, which may affect their ability to undertake their duties effectively and enable the Trust to make reasonable adjustments where appropriate.
- Attend any Occupational Health and Wellbeing Service (OH&WbS) appointments as appropriate and engage in any other reasonable interventions.

- Declare any secondary employment and to declare if they will be continuing to work for the secondary employer when absent from the Trust.

The role of Managers is to:

- Maintain, monitor and review individual sickness records and take action to support employees as appropriate.
- Carry out return to work meetings in a timely manner, preferably on the same day the employee returns to work.
- Complete the electronic return to work form, enter the return to work date on ESR and close the absence down on ESR within the timelines outlined in the process map on the Knowledge Hub.
- Conduct and appropriately record meetings in line with this policy.
- Refer employee to OH&WbS as and when appropriate.
- Seek advice and support, if required, from the HR Team regarding meetings with employees.
- Seek advice from the HR Team if an individual's level of sickness is of concern and they believe they have exhausted all opportunities to support and taken into consideration all reasonable adjustments.
- Ensure all team members are aware of the Sickness Absence Support Policy, reporting procedures, and that managers/supervisors have appropriate access to report their absence.
- Ensure all staff are aware of the Trust's wellbeing initiatives.

The role of the Occupational Health and Wellbeing Service Team is to:

- Give impartial, professional advice to managers and staff about the effects of illness, disability and/or treatment, on an employee's fitness to work, adjustments to their role, work patterns or work environment.
- Provide confidential advice to employees who have concerns about their health, signposting to further support as appropriate.
- Review cases with a view to expediting appointments both within the Trust and in other NHS organisations, as appropriate and within their sphere of influence.

The role of the HR Team is to:

- Provide specialist information, training, support and advice to managers on managing individual cases of sickness absence.
- Attend meetings in complex cases or to support and develop the line manager, as appropriate.
- Attend any Health Capability Assessment meetings held.
- Provide regular sickness absence reports for managers, directors, and the Trust Board.
- Provide managers with training on self-accessing a suite of absence reports, guidance documents and videos.
- Monitor any emerging themes in the Trust, taking appropriate action with key stakeholders.

6. Policy Detail

6.1 Sickness Absence Reporting

The Trust uses ESR as the tool for manager/supervisors to record and monitor the sickness absence of all employees. Managers should make themselves aware of the guidance for reporting sickness absence and their departmental arrangements and make sure these are highlighted to all employees in their local inductions.

All sickness absence should be notified in line with the guidance detailed on the Trust's knowledge Hub page or local reporting procedures and staff members are responsible for following the process when unable to attend work due to sickness absence.

Whilst off sick it is the responsibility of the employee and their line manager to maintain an appropriate level of contact, dependent on the individual circumstances for the absence.

In line with Statutory Sick Pay guidance, and the Trust's recording systems, absence is recorded in calendar days from the date of the first day of absence until the day the staff member is fit to return to work (regardless of the first day back at work).

6.2 Certificates

Self-certificates:

For absences of 7 calendar days or less, self-certification is completed as part of a return to work interview.

Fit Notes (Medical Certificates):

For absences over 7 calendar days, medical certificates must be sent to the manager, i.e. from a Healthcare Practitioner a Statement of Fitness for Work (Med 3) or in the case of hospitalisation an in-patient certificate (Med 10).

If the illness continues, subsequent certificates should be submitted immediately on the expiry of the previous one.

6.3 Pay whilst off sick

Payment whilst off sick is in line with government guidelines of Statutory Sick Pay (SSP) and the appropriate Terms and conditions for Occupational Sick Pay.

Staff members not eligible for SSP or who are approaching 28 weeks SSP will be notified by the Payroll Department and may apply for State Sickness Benefit from the local Department of Work and Pensions as per their individual circumstances.

Staff members approaching half pay or no pay in accordance with the NHS Occupational Sick Pay Scheme will be notified of this by their line manager who will have been emailed by the Payroll Department .

6.4 Sickness during work

If an employee becomes unwell whilst at work they must notify their line manager or nominated person before leaving the site.

Where the employee is still unwell the following calendar day, their sickness absence should be notified in line with the guidance detailed on the Trust's Knowledge Hub page or local reporting procedures and staff members are responsible for following the process when unable to attend work due to sickness absence.

If an employee arrives at work and is clearly unwell and unable to carry out their normal duties, the line manager must use their discretion to ascertain whether the employee should be sent home. In general, if an employee is unable to complete at least half of their normal working time they should record their absence starting from the day they became unwell.

6.5 Injury Allowance

Injury Allowance is a top up payment to sick pay to 85 per cent of pay.

Employees are eligible to apply for Injury allowance if they are on authorised sickness absence with reduced pay or no pay due to an injury, disease or other health condition that is wholly or mainly attributable to their NHS Employment.

An application can be submitted via an Injury Allowance Claim form, available on the Knowledge Hub with further details of the scheme being available on the NHS Employers website.

6.6 Sickness on a bank holiday

Employees will not be entitled to an additional day off if sick on a statutory (public/bank) holiday.

6.7 Sickness during Annual Leave

If sickness occurs during annual leave, and an employee wishes their annual leave to be recorded as sickness, the employee must follow the normal sickness absence reporting procedures.

When an employee is sick during a period of booked annual leave and subsequently recovers, they can end their period of sick leave and return to taking the remainder of their annual leave so long as appropriate reporting procedures have been followed (i.e. the employee has called to advise they are no longer sick and will be resuming their annual leave).

If a staff member becomes sick whilst on holiday abroad and is unable to return to work as planned, they will be asked to provide evidence of their inability to travel on the scheduled return date and a medical certificate. Staff members may be asked to provide an English translation if the medical certificate is in any other language.

6.8 Return to Work Meetings

The return to work interview is an essential one-to-one meeting between the staff member and their line manager or the person responsible for managing sickness absence within the department. This takes place after each absence, regardless of the length of absence.

Whenever practicable, return to work interviews are undertaken face to face on the day the staff member returns or as soon as practically possible thereafter with an understanding of how the length of the delay can impact on how supportive the meeting is.

Return to work meetings should be conducted and recorded via the electronic form provided on the Manager Dashboard in ESR and in line with the Trust's guidance, available on the Knowledge Hub and the ESR Manager Dashboard. The return to work date and absence end date should also be recorded by the manager/supervisor on the individual's absence record within ESR

Manager/Supervisor Self-Service within the timeframes set out in the process map on the Knowledge Hub. This formally closes their absence down on ESR, something which, if not done in the required timeframe, may impact upon the employee's salary.

6.9 Time Off to Attend Medical and Psychological Therapy

Staff members requiring time off to attend GP, Dentist or other similar types of appointments should, wherever possible, arrange appointments outside of normal working hours. Where appointments can only be made during working hours, they should either be made at the beginning or end of the working day/shift wherever possible (confirmation of the appointment should be produced where available). Dependent upon the circumstances, the manager will use their discretion as to whether this time will be paid or taken as annual leave, unpaid leave or alternatively the staff member will be able to make the time back.

Paid time off for hospital or psychological therapy appointments (through the OH&WbS team), the Employee Assistance Programme, the NHS Talking Therapies or a secondary care mental health services), along with a reasonable amount of travel time, will be given on production of appointment confirmation. When considering travel time to hospital appointments, the manager should consider whether large amounts of travel is the individual's choice or needed for the type of appointment along with the regularity of these appointments.

6.10 Time Off to Attend Pregnancy Related Appointments

For details of time off for in vitro fertilization (IVF), antenatal care and other pregnancy related appointments please refer to the Maternity, Adoption, New Parent Support, Shared Parental Leave and Parental Leave Policy and Guidance.

6.11 Sickness Prior to Childbirth

Staff members who are off work ill or become ill with a pregnancy related illness during the last 4 weeks before the EWC (36th week of pregnancy), maternity leave will normally commence at the beginning of the 4th week before the EWC.

Odd days of pregnancy-related illness during this period may be disregarded to continue working until the notified maternity leave start date.

Sickness absence (not pregnancy related) prior to the last 4 weeks before the EWC shall be treated as sick leave in accordance with the Sickness Absence Support Policy.

6.12 Time off work due to Miscarriage

Any staff member who suffers the loss of a baby is entitled to paid time off, further details of which can be found in the Special Leave Policy and the Maternity, Adoption, Paternity, Shared Parental Leave Policy and Guidance.

6.13 Support following the diagnosis of a Terminal Illness

A terminal illness is a condition that cannot be cured or adequately treated and there is a reasonable expectation that the patient will die within a relatively short period of time. Usually, but not always, they are progressive diseases such as cancer or advanced heart disease.

Where an employee is diagnosed with a terminal illness/medical condition, the action trigger points in this procedure will not apply. The employee will be supported in line with the Trust's values; sympathetically, with respect and dignity. Any medical referrals will only be to assist with the employee's wellbeing and the options available will be discussed at the appropriate time, considering individual circumstances.

To support in these circumstances the manager should contact the HR department for advice as soon as they are aware that the employee's conditions is terminal.

6.14 Right to be accompanied

Other than in the Initial Attendance Support Meeting, employees are entitled to be accompanied by a trade union representative or another person of their choice (agreed in advance), not acting in a legal capacity to all meetings conducted under this policy.

6.15 Rehabilitation Back into Work

A phased return may enable an employee to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period through a variety of different adjustments as agreed between the manager, the employee and (if appropriate) OH&WbS/appropriate clinician.

A paid phased return would normally be no longer than 4 weeks with any extension to this being assessed in exceptional circumstances, with the support and advice from HR and OH&WbS.

Prolonged changes to duties and responsibilities past 6 weeks should be assessed as either a permanent or temporary change to the employee's terms and conditions with support under the Agile Working Policy, Flexible Working Policy and Reasonable Adjustment Guidance.

6.16 Therapeutic Visits to the Workplace

A therapeutic visit to the workplace, whilst the employee is still off work under the guidance of their fit note may be beneficial to support the employee in deciding if they are fit enough to return to work (with or without a phased return as per section 6.14).

This visit is purely voluntary, must be agreed with the line manager and have the agreement of our OH&WbS department. It can come in any form that is agreed by all parties.

If, at the end of the visit, the employee decides that they are not ready to return to work, the manager should continue to support the employee in their absence, under the Long Term Sickness Absence Procedure.

6.17 Cosmetic Surgery

Cosmetic surgery and recovery period for medical or psychological reasons will be classified as sickness absence. Annual leave should be taken in all other circumstances.

6.18 Medical Suspension

In exceptional circumstances, where the Trust has or is seeking medical evidence with regards to fitness to practice, an employee may be suspended with full pay on medical grounds. This should only occur where there is deemed to be a risk to the employee, colleagues, patients or visitors.

The authority to medically suspend will normally rest with one of the following people:

- Deputy Director of Workforce and Organisational Development.
- Associate Director of Workforce and Organisational Development.
- Assistant Director of Workforce and Organisational Development.

There may be occasions however when the designated person in charge on site may medically suspend, e.g. during shift working or at a remote geographical location, this would be for the safe operation of the service and this would be the Senior Manager On-Call (SMOC). Any decision made should be referred to the HR department at the next opportunity.

In addition, there may be circumstances where an individual cannot attend work for Infection, prevention and control reasons. In this circumstance medical suspension will apply subject to a discussion between the manager and employee. If there are any concerns regarding this decision guidance can be sought from our OH&WbS and/or HR department.

6.19 Secondary Employment whilst off sick

Whilst off sick, an employee must not undertake any work either for their own business or for a secondary employer unless it has been agreed with their line manager and with the advice of HR in advance.

6.20 Absence Review Procedure

Sickness absence falls broadly into 2 categories:

- Long Term Sickness Absence (an episode of 28 calendar days or more).

- Short Term Sickness Absence (multiple episodes of absence of 28 days or less and/or patterns of multiple absences of any length).

This policy provides for the employee's manager, to exercise discretion in determining the application of the policy according to an employee's individual circumstances. This does not mean that the employee's manager can decide not to apply the policy, but it does mean that judgement can be exercised within the various stages of the policy.

Discretion is the application of judgement. It is not possible to set out prescriptively in a policy document how discretion should be applied across the Trust as each case will be considered on its own merits. To enable decision making, which is appropriate to the individual circumstances, it is expected that the following factors will be consistently taken into consideration:

- The employee's overall attendance pattern.
- The impact on the employee's health or attendance of any current treatments.
- Investigations or Occupational Health assessments.
- The extent to which allowing further time within the process is judged likely to make a material difference to the employee's ability to attend work.
- The impact upon the service.

6.20.1 Long Term Sickness Absence Procedure

Long term sickness is frequently a difficult experience for the staff member and should be handled sensitively, fairly and on an individual basis.

After 28 calendar days of absence, if the employee is not due to return back to work within a further 14 calendar days, the regular informal contact between the employee and line manager should change to regular Long Term Sickness Review Meetings.

The line manager will arrange, conduct and record the Long Term Sickness Review Meeting with the staff member in line with the Trust's guidance, available on the Knowledge Hub. Home visits or virtual meetings may be appropriate if the staff member is unable to attend the meeting at work and should be arranged in advance with the staff member. The Long Term Sickness Review Meetings will be held approximately once a month but can be flexible to suit the needs of the case and the employee. As a minimum they should be held every 2 months unless in agreement with the HR department and in exceptional circumstance. HR can also attend the meeting if the manager feels that this support is needed due to the complexity of the case or the manager's familiarity with the policy.

The objectives of the Long Term Sickness Review Meetings are to assist recovery and facilitate a return to work wherever practicable. If, after exploring reasonable adjustments and redeployment opportunities, gaining advice from our OH&WbS department, a return to work is assessed as being unlikely in the foreseeable future, the manager should contact the HR Department for further support, advice and guidance.

The manager should always contact the HR Department for advice if the absence reaches 6 months, even if opportunities for a return to work are still being explored.

If, after reviewing the case with HR, it is believed that all practicable means to facilitate a return to work have been exhausted, a Health Capability Assessment Meeting should be arranged (see section 6.18.3). The staff member should also be advised of any options which they may have in relation to ill-health retirement.

A potential outcome following a Health Capability Assessment Meeting could be the termination of employment on the grounds of ill health capability.

If the employee is able to return to work (with or without reasonable adjustments), the manager should consider whether ongoing support under the

Short Term Sickness Absence Procedure would be appropriate, considering frequency and patterns of previous absences. However, this should not be an automatic occurrence just because the employee has reached the short-term trigger threshold of 12 calendar days.

6.20.2 Short Term Sickness Absence Procedure

The Trust recognises there will be periods of time when staff members are unable to attend work due to ill health and, by taking time off work, it can support staff to recover quicker and to stop the spread of infectious diseases which could impact upon colleagues and patients' health. However, regular periods of sickness can have a serious impact on the Trust's ability to give good patient care and can put pressure on colleagues covering absences.

The Trust wants to support employee's health and wellbeing when experiencing frequent periods of short term sickness but recognises that more formal support may be needed and this should be implemented when an employee triggers, in a retrospective rolling 12 month period:

- 3 occasions of absence.
- And/or
- 12 calendar days.

In addition to the above, where monitoring identifies that recurring patterns of absence are emerging over time, the manager may decide to address this by instigating or continuing the Short Term Sickness Absence Procedure if they deem this support to be the most appropriate. This would include several prolonged periods of absence where the employee has returned back to work but has been unable to maintain their attendance or several occasions of repeated patterns of intermittent absences.

Attendance Support Meeting

Where an employee triggers more formal support by triggering the Short Term Sickness Absence Procedure, the line manager will arrange, conduct and

record the Attendance Support Meeting with the staff member in line with the Trust's guidance, available on the Knowledge Hub.

The objective of the Attendance Support Meeting is to allow the manager and employee to discuss the reasons for absence and to explore options to support the employee in improving their health, wellbeing and attendance levels.

To monitor the effectiveness of this support the manager should review attendance levels over a period of 6 months, making it clear to the employee that a further meeting will take place if absences continue, in order that further support can be explored.

The Manager should make clear the level of attendance which the Trust would find acceptable within that 6 month period. This would normally be no more than 2 periods of absence totaling no more than 5 calendar days however, as a reasonable adjustment due to an underlying health condition, this can be amended and the manager should refer to the Reasonable Adjustment Guidance and seek support from HR in this situation.

Attendance Support Review Meeting

If the employee's attendance has not improved to the level fixed at the Attendance Support meeting, the line manager will arrange, conduct and record the Attendance Support Review Meeting with the staff member in line with the Trust's guidance, available on the Knowledge Hub. HR can also attend the meeting if the manager feels that this support is needed due to the complexity of the case or the manager's familiarity with the policy.

The manager should ask the employee if they are happy for all correspondence to be sent to their union representative as soon as they are made aware of their choice to be supported. Once permission is received, the manager should make sure all correspondence is sent to both the employee and their representative in a timely manner.

The objective of the Attendance Support Review Meeting is to continue dialogue between the manager and employee regarding the reasons for absence and to explore options to support the employee in improving their health, wellbeing and attendance levels. The effectiveness of the support should again be reviewed via the employee's attendance levels over a period of 6 months.

The Manager should make clear the level of attendance which the Trust would find acceptable within that 6 month period. This would normally be no more than 2 periods of absence totaling no more than 5 calendar days however, as a reasonable adjustment due to an underlying health condition, this can be amended and the manager should seek support from HR in this situation.

This pattern of meetings should continue between the manager and employee (with their representative if applicable) until the manager believes they have explored all options on how to support the employee in improving their attendance levels to that which are deemed as sustainable by the Trust – allowing opportunity and time for the employee to show this. The level of attendance deemed as sustainable should have been detailed clearly.

If, after exploring all reasonable support, the employee has been unable to improve their attendance levels as made clear in the Attendance Support Review Meetings, the manager should contact the Human Resources (HR) Department for further support, advice and guidance.

If, after reviewing the case with HR, it is believed that all practicable means to improve attendance has been exhausted a Health Capability Assessment Meeting should be arranged (see section 6.18.3). This should only be done if the employee has had a minimum of 3 Attendance Support Review Meetings and are in receipt of a report from OH&WbS, dated within the previous 6 weeks. The staff member should also be advised of any options which they may have in relation to ill-health retirement if applicable.

A potential outcome following a Health Capability Assessment Meeting could be the termination of employment on the grounds of ill health capability.

6.20.3 Health Capability Assessment Meetings

A Health Capability Assessment Meeting will be arranged for any staff where either:

- they have been supported through the Short Term sickness process and it is believed that all practicable means to improve attendance has been exhausted **and** the employee has had a minimum of 3 Attendance Support Review Meetings with at least 1 referral to OH&WbS.

Or

- the employee has been supported through the Long Term Sickness Process and it is believed that all practicable means to facilitate a return to work have been exhausted.

The Health Capability Assessment Meeting will be arranged by the HR Representative and should be chaired by a manager with the authority to dismiss (see Health Capability Assessment Meeting – Authority to Dismiss guidance). The HR Representative will be responsible for taking the notes of the meeting and will support the chairing manager in making their decision. The line manager should also attend to present details of all the support they have given to the employee along with the employee and their representative (if applicable). If the employee is not well enough to attend they may ask for the meeting to go ahead virtually, via telephone conference or they may ask for their union representative to attend in their absence. They may also submit any evidence for submission via a letter to the chair.

The purpose of the Health Capability Assessment Meeting is to allow the chair to determine if:

- all practicable means to improve attendance has been exhausted.

Or

- all practicable means to facilitate a return to work has been exhausted.

Practical means that should have been considered may include but is not limited to temporary and/or permanent:

- Reasonable adjustments.
- Flexible working.
- Change in hours.
- Redeployment.
- Phased returns to work.

After reviewing all of the information provided, the Chair can make the decision to dismiss on the grounds of capability. If the Chair does not feel that all options have been exhausted they can refer the support of the individual back to the line manager, giving appropriate recommendations.

6.20.4 Appeal

Every employee has the right to appeal against the outcome of any Attendance Support Review Meeting or Health Capability Assessment Meeting. They can do this within 21 days of the meeting by emailing Midyorks.humanresources@nhs.net, marking the subject of the email as an appeal and outlining the grounds of the appeal. Wherever possible, the employee should also confirm the name of any individual who they may want to accompany them, i.e. their trade union representative.

The Appeals process should mirror that outlined in the Trust's Disciplinary Process and should be chaired by an appropriate manager as per the Health Capability Assessment Meeting – Authority to Dismiss guidance

7. Implementation and dissemination

This policy will, following ratification by the Trust Board, be disseminated to employees via the Trust intranet. Access to the policy will be provided for employees without access to the Trust intranet.

The Workforce Directorate will provide advice and training, as required, to employees and managers on this policy.

8. Monitoring Compliance, Audit and Review

The Director of Workforce and Organisational Development is responsible for overseeing implementation and monitoring compliance with this policy and procedure and will report to the Board when it is used.

The Partnership Forum will review the effectiveness of this policy annually.

9. References

Agenda for Change Terms and Conditions of Employment

10. Associated Documentation

Transgender Policy

Maternity Policy

A4C Terms and Conditions

Medical and Dental Terms and Conditions

Return to Work Interview Form

Return to Work Interview Guidance

Long Term Sickness Review Meeting Form

Long Term Sickness Review Meeting Outcome Letter Template

Attendance Support Meeting Form

Attendance Support Meeting Guidance

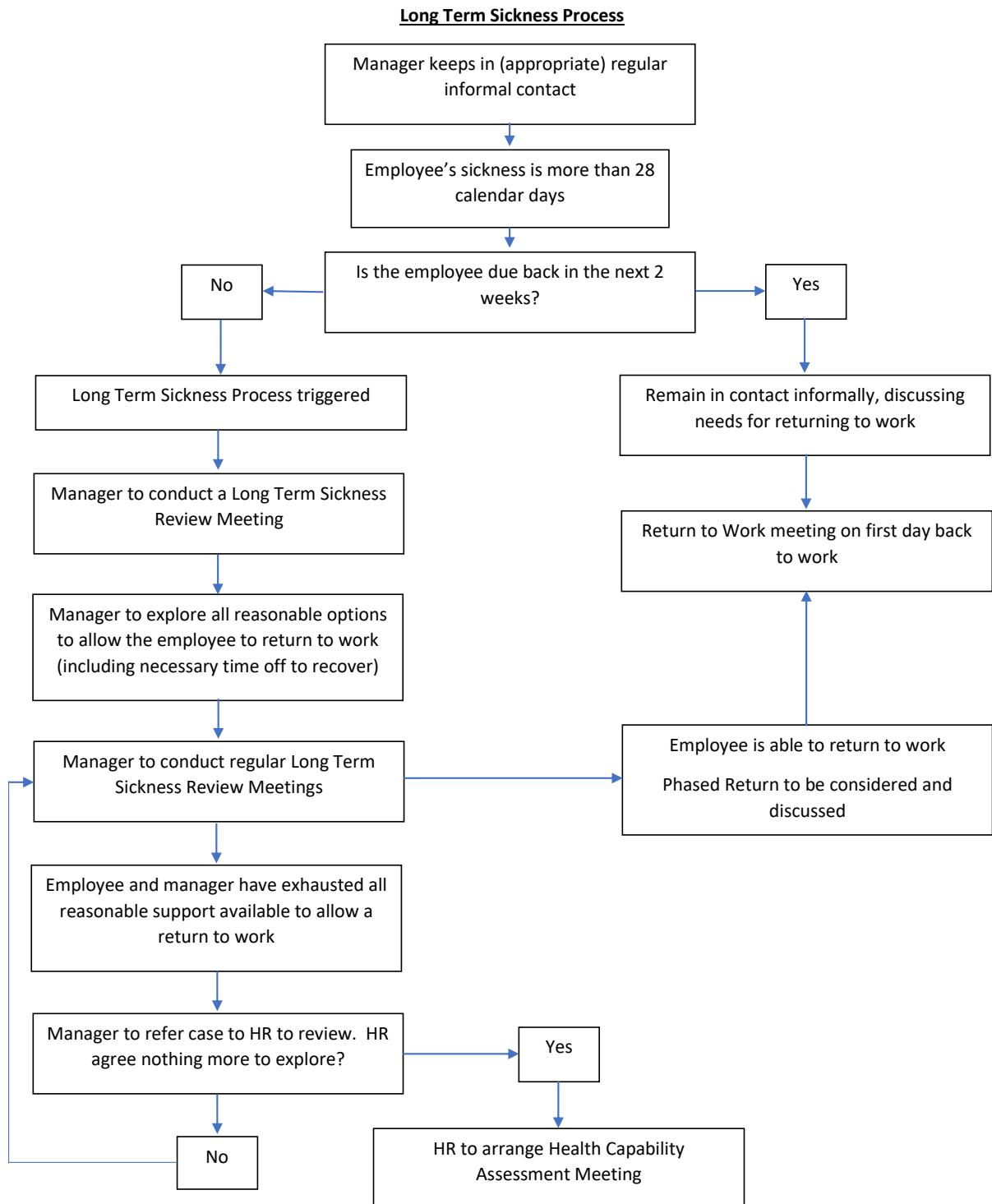
Attendance Support Review Meeting Form

Attendance Support Review Meeting Guidance

Attendance Support Review Meeting Invite Letter Template

Health Capability Assessment Meeting Authority to Dismiss Guidance

Appendix A



Appendix B

