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Belfast Health and Social Care Trust
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Policy Code: BHSCT/HR/PS (02) 2026

Title:	**Regional Management of Sickness Absence Policy & Procedure**			
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If ***Directorate-specific** please list the name and date of the local Committee/Group that policy was approved			Does this policy have Workforce implications? **Y**	
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01/08/17	**V3**	[redacted]	**Review & update reflect changes in best practice and recent employment legislation**
09/09/2013	**V2**		**3 Review & update reflect changes in best practice and recent employment legislation**
01/07/2010	**V1**		**Final version issued**

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1.0 INTRODUCTION / SUMMARY OF POLICY

1.1 Background

This policy has been developed in accordance with the Regional Framework for the Management of Attendance and reviewed to ensure alignment with best practice, as well as compliance with current employment and equality legislation.

1.2 Purpose

The Trust is committed to managing absence in a fair, consistent, and proactive manner by providing clear and effective guidance on the management and monitoring of attendance. We recognise that the health and wellbeing of our workforce are essential to the organisation's success. The Management of Sickness Absence Policy reflects the HSC values of openness and honesty, compassion, excellence and working together when managing absence.

1.3 Objectives

To ensure consistency of approach in this area. To enable staff to take personal responsibility for achieving and maintaining good attendance at work.

2.0 SCOPE OF THE POLICY

The Management of Sickness Absence Policy applies to all permanent and temporary staff (without exception)

3.0 ROLES AND RESPONSIBILITIES

The roles and responsibilities of Senior Executive Team, Employees, Managers, Human Resources, Occupational Health and Trade Unions are clearly outlined within the policy.

4.0 KEY POLICY PRINCIPLES

4.1 Definitions

This policy has been developed in accordance with the Regional Framework for the Management of Attendance and reviewed to ensure alignment with best practice, as well as compliance with current employment and equality legislation.

4.2 Key Policy Statement(s)

To provide employees and managers with guidance and support on managing sickness absence from work.

4.3 Policy Principles

This Policy is designed to provide a framework for all Belfast Health & Social Care Trust (BHSCT) to ensure that where sickness absence does occur, it is managed in a fair, prompt, and compassionate manner based on the individual circumstances of each employee. BHSCT is committed to provide necessary and appropriate supports to help employees sustain regular and effective attendance at work, thus helping ensure that patients and service users get the best possible quality of care.

5.0 IMPLEMENTATION OF POLICY

5.1 Dissemination

This policy and procedure is required to be implemented by all Directorates.
All staff affected by or managing organisational change will be required to comply with this policy and procedure.

Issue to 4th level and above for dissemination to all Trust Staff.

5.2 Resources

The New Regional Management of Sickness Absence Policy will be posted on to the Trust's Internet "the Loop" making it available to all staff. Training will be provided via the HR Managers Toolkit and Information and Awareness sessions can be arranged, as necessary. Also, training will be available for all Trust staff via HSC learn.

5.3 Exceptions

No area with the BHSCT is exempt as this policy applies to all staff and employees ***including those under external contract by subcontractors***

6.0 MONITORING

This policy complies with legislative requirements and good practice.

7.0 EVIDENCE BASE/REFERENCES

Regional absence Framework and current employment and equality legislation and best practice

8.0 CONSULTATION PROCESS

This policy has been subject to consultation with Trade Unions and jointly agreed by Trade Unions and approved by the TJNCF

9. *NURSING AND MIDWIFERY STUDENTS*

Nursing and/or Midwifery students on pre-registration education programmes, approved under relevant 2018/2019 NMC education standards, must be given the opportunity to have experience of and become proficient in ***(insert name of policy related practice/skill)****, where required by the student's programme. This experience must be under the appropriate supervision of a registered nurse, registered midwife or registered health and social care professional who is adequately experienced in this skill and who will be accountable for determining the required level of direct or indirect supervision and responsible for signing/countersigning documentation.*

Direct and indirect supervision

- *Direct supervision means that the supervising registered nurse, registered midwife or registered health and social care professional is actually present and works alongside the student when they are undertaking a delegated role or activity.*
- *Indirect supervision occurs when the registered nurse, registered midwife or registered health and social care professional does not directly observe the student undertaking a delegated role or activity. (NIPEC, 2020)*

This policy has been developed in accordance with the above statement.

10.0 APPENDICES

Workplace Adjustment Plan
HSC Disability and Reasonable Adjustment Toolkit

11.0 *EQUALITY SCREENING*

Under Section 75 of the Northern Ireland Act 1998 the Trust has a legal responsibility to undertake an equality screening of all policies. To fulfil this duty an equality screening template must be completed by the policy author.

To complete an equality screening use this template: (LINK)

For support with completion of the template go to: **Equality Screening Toolkit**

For any queries and/or to obtain approval contact the Planning and Equality Team contact: equalityscreenings@belfasttrust.hscni.net or 028 95 048734

Equality Screenings are public documents and previously completed documents can be viewed at Equality and Human Rights Screening | Belfast Health & Social Care Trust (hscni.net)

12.0 STATUTORY RURAL IMPACT ASSESSMENT DUTIES

*The Trust has a legal responsibility to have '**due regard**' to rural needs when developing, adopting, implementing, or revising policies, and when designing and delivering public services. For more information go to Rural Needs Duties*

*To satisfy this '**due regard duty**' Trust staff must consider the impact of any policy, proposal, or decision on the social and economic needs of people who live in a rural community. For Belfast Trust, this is particularly so when the policy/proposal/decision impacts regional services.*

Please tick the box to indicate that you have paid 'due regard' to the social and economic needs of the rural community when developing, adopting, implementing, or revising policies, strategies, and plans and when designing and delivering public services and that a rural impact assessment is not required. ☒

OR

Please complete a Rural Needs Impact Assessment Template if there is an impact on the social and economic needs of people who live in a rural community.

Please go to the: Rural Impact Assessments Toolkit for HSC NI to find out how to undertake a rural impact assessment.

Contact Estella.Dorrian@belfasttrust.hscni.net for further advice.

13.0 STATUTORY EQUALITY DUTIES – MAKING REASONABLE ADJUSTMENTS AND INFORMATION ACCESSIBLE

Under the Disability Discrimination Act 1995 (as amended) the Trust has a statutory duty to **make reasonable adjustments** in respect of disabled patients/service users/carers/visitors. This includes making all communication (in person, by phone, via email) and any information provided (in writing, verbally) accessible using alternative formats. The aim of the reasonable adjustment duty is to reduce or remove any barrier a person with a disability faces when accessing or using goods, facilities, and services. This is a non-delegable duty.

Accessible/ Alternative formats can include, for example, information translated into Easy Read format or into Audio format - when a patient/service user/carer/visitor has a learning disability or is visually impaired.

In addition, if a patient/service user/carer/visitor does not speak English as their first language or has poor English, the Trust has a statutory duty **to provide an interpreter** and to **translate written information**. This facilitates informed consent, better understanding, and greater independence.

For information, advice and guidance about these duties contact the Trust Planning and Equality Team equality.team@belfasttrust.hscni.net

Please tick the box to indicate that you have developed the policy in in accordance with the Trust's legal equality duties and that all staff will make reasonable adjustments and information accessible as appropriate. ☒

SIGNATORIES

(Policy – Guidance should be signed off by the author of the policy and the identified responsible Director).

[redacted]

Date: _25.02.26_____

Policy Author

[redacted]

Date: 25-02-2026

Director

Belfast Health and
Social Care Trust

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MANAGEMENT OF SICKNESS ABSENCE

POLICY & PROCEDURE



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1.0 Introduction

Belfast Health & Social Care Trust (BHSCT) is committed to providing safe, effective, and high-quality service to patients and service users, and recognises its duty to support the employees delivering that service by providing a working environment that is conducive to positive health and wellbeing.

There are many reasons why someone may experience a decline / deterioration in their physical, mental, or emotional health during their working lives. BHSCT is committed to providing a range of health & wellbeing initiatives, resources, and services, to support all staff to be well at work, and to return to work as soon as feasible where a period of absence is required.

This Policy is aimed at providing a framework for all HSCNI organisations to ensure that where sickness absence does occur, it is managed in a fair, prompt, and compassionate manner based on the individual circumstances of each employee. BHSCT is committed to provide necessary and appropriate supports to help employees sustain regular and effective attendance at work, thus helping ensure that patients and service users get the best possible quality of care.

2.0 Best Practice Principles

All HSC Organisations are committed to applying the following set of principles to support the promotion of attendance and management of absence: -

2.1 Compassionate Support

It is extremely important that employees feel able to raise and discuss any concerns they have regarding their health and wellbeing, and to seek relevant supports. It is essential that when doing so they are treated with compassion, dignity, and respect, and that all details pertaining to their health, and/or the circumstances relating to it, are treated in the strictest of confidence.

2.2 HSC Values

The BHSCT is committed to our HSC values of openness and honesty, compassion, excellence and working together when managing absence.

2.3 Collective Leadership

Leadership at all levels is needed for the development and maintenance of healthy working environments and the effective management of absence.

2.4 Early Intervention

Early interventions are key to preventing absence from occurring in the first place where possible and/or to supporting a timely return to work following absence. BHSCT employees should seek to identify and address the underlying causes of sickness absence and implement targeted support interventions and health promotion techniques to improve health and wellbeing.

When absence does occur line managers should make contact early to put in place the necessary support mechanisms and to plan for a return to work at the earliest possible point.

2.5 Equality & Fairness

This Policy will be applied in adherence with all relevant Employment & Equality Legislation, with particular consideration given to the responsibilities outlined within the Disability Discrimination Act.

3.0 Policy Scope

This Policy applies to all those employed within Belfast Health & Social Care Trust.

4.0 Roles & Responsibilities

4.1 BHSCT Employees

Have a responsibility to provide regular and effective attendance at work in line with their contract of employment.

Have a responsibility to maintain, maximise, and protect their own health and wellbeing.

Ensure they have read and adhere fully to the requirements of this Policy & Procedure, including: -

- Maintain regular contact with their line manager throughout the period of their absence (Please also see section 5.3.2). It is an employee's responsibility to ensure they notify their employer of any change to their contact details at any stage during their employment.

- Highlight to their manager, at the earliest possible opportunity, any concerns they have about their ability to carry out any part of their role fully as a result of a health issue.

- Participate fully in any interventions identified to support them to remain in or return to work.

- Refrain from any activity (such as domestic, social and sporting) during sickness absence which may delay their recovery or be likely to raise doubts about their reason for absence. However, this does not apply to any activity which may aid their recovery, as may have been recommended by occupational health.

- Discuss with their manager the appropriateness of undertaking secondary employment or role (paid / unpaid / self-employment) when absent on sick leave. Claiming sick pay whilst working elsewhere may be potentially fraudulent (refer to Section 5.6).

- Attend all scheduled Occupational Health appointments unless otherwise agreed with management (please refer to section 5.7.5). Proactively engage and avail of the support of their line manager at all stages of the Policy & Procedure. Where there is any concern regarding fitness to avail of supports offered then advice will be sought from Occupational Health. Where any required support is not forthcoming in a timely way from the direct line manager, the employee should escalate this to their manager's line manager.

4.2 Line Managers

4.2.1 Should ensure they have read and adhere to the requirements of this Policy in order to manage an employee's sickness absence, and provide support to employees, in a timely, confidential, and fair

manner. Managers should be mindful that any delays in managing / supporting an employee could financially impact them.

4.2.2 Through fostering professional working relationships and encouraging open and honest communication with their employees, managers should promote a work environment which is conducive to positive employee health and wellbeing.

4.2.3 Establish at an early stage if there are any work-related factors causing / contributing to an employee's absence and address / support the resolution of those issues.

4.2.4 Establish at an early stage if the employee has any personal stressors contributing to their absence and explore all support available to the employee via alternative employment processes e.g., flexible working. Also provide opportunities with employees to discuss at an early stage any disability or long-term health condition that may be impacting on their work or ability to provide regular and effective attendance.

4.2.5 Pro-actively take all reasonable steps to ensure early identification and management of factors in the workplace that have the potential to cause employee sickness absence.

4.2.6 Ensure that employees are aware of, and comply with, their responsibilities regarding their attendance at work, as well as the support and advice available to them both in and out of the workplace, particularly regarding their health and wellbeing.

4.2.7 Record absence in a timely manner, ensuring the period of absence is recorded on the relevant Rostering/HR system and appropriate documentation is retained confidentially locally, in adherence with Information Governance requirements.

4.2.8 Ensure that accurate records and an effective audit trail is kept and maintained of all actions taken under this Policy & Procedure.

4.2.9 Maintain regular contact with employees during their absence and take all steps feasible to support them in returning to work as soon as possible (Please also see section 5.3.4)

4.2.10 Seek advice as required from the Trust's Human Resources and Occupational Health Departments as well as completing timely Occupational Health referrals as appropriate.

4.2.11 Seek opportunities to return employees to work safely and as soon as possible through the appropriate support mechanisms available such as phased return and workplace adjustments.

4.2.12 Consider advice and recommendations from Occupational Health e.g., workplace adjustments or rehabilitative return to work programmes and take appropriate action in a timely manner where considered reasonable, based on individual and service needs. Where these cannot be accommodated in the current role, seek further advice from Occupational Health and HR.

4.2.13 Ensure that any workplace adjustments are kept under regular review and amended as appropriate to support the employee in maintaining attendance at work (Please see Section 5.8). Managers should also ensure that accurate and confidential records are maintained of all review discussions within the Workplace Adjustment Plan.

4.2.14 Ensure that return to work meetings are conducted on each occasion that an employee has a period of absence to review and agree any actions that could facilitate an improvement in the employee's attendance at work in future.

4.2.15 All Managers should ensure they complete the Attendance Management Training and mandatory Making a Difference Equality Training for Managers.

4.3 Human Resources

4.3.1 To work in partnership with all key stakeholders to support employees and managers at all levels in the application of this policy and associated procedures.

4.3.2 Provide Directors, Senior Management, and their Trust's Board with regular meaningful statistics to monitor and support the reduction of absence.

4.3.3 Provide specialist advice and guidance to employees and managers on overall absence levels and complex absence cases.

4.3.4 Participate in meetings with employees, managers, and Trade Unions to review and progress complex absence cases, as necessary.

4.3.5 Assist in the development of targeted support interventions to improve Health and Wellbeing and reduce absence levels with appropriate

partners, for example, provisions outlined within the Regional Health & Wellbeing Framework.

4.3.6 Develop and deliver training sessions for managers on all aspects of attendance management.

4.3.7 Monitor the application of this Policy and Procedure to ensure it is applied equitably and fairly.

4.4 Trade Unions

4.4.1 Provide advice and support to their members.

4.4.2 Promote Health & Wellbeing courses and initiatives where appropriate, provided by the Trust or their Trade Union

4.4.3 Accompany their members as requested to meetings arranged under Section 6 of this policy.

4.4.4 Support the implementation of this policy and participate in its regular review.

4.4.5 Participate in initiatives and work in partnership with management to reduce the Trust's absence levels in line with this Policy and Procedure.

4.5 Senior Executive Team

4.5.1 Provide leadership and oversight in managing sickness absence, including setting the tone / culture of support for employees' health and wellbeing and promoting a healthy working environment.

4.5.2 Regularly monitor sickness absence levels and trends throughout the Trust to identify any emerging trends / concerns that may require targeted interventions.

4.5.3 Ensure the appropriate allocation of resources and support mechanisms to enable the effective management of sickness absence throughout the Trust.

4.5.4 Lead by example by ensuring full compliance with Policy & Procedure when managing sickness absence and by seeking assurance of the effective implementation of the Policy & Procedure within area(s) of responsibility.

5.0 Guidance on the Management of Absence

5.1 Notification of Sickness Absence

5.1.1 Employees must notify their line manager/Clinical Lead or appropriate manager as early as possible before the scheduled commencement of duty on the first day of absence. Early notification is particularly important for employees working any shift pattern when alternative cover needs to be arranged.

5.1.2 Employees are required to personally, if possible, notify their line manager of their absence, via telephone. Email, text message or third-party contact should not be used, except in circumstances where a person's condition is such that this personal contact is not possible (e.g. where someone is hospitalised) or where every effort to contact the Line Manager via telephone has not been successful. During the initial contact call, employees will be expected to advise their manager of the following:

- the reason for their absence.
- the estimated duration of the absence.
- agree frequency of contact during the absence.
- plans to contact their GP/Medical Practitioner, as appropriate.
- confirmation of their contact details.

5.1.3 Where it is advised by the employee that their reason for absence is stress related, managers must seek to establish whether the cause of stress is related to work, due to personal circumstances, or a combination of both.

Where it is identified that the stress relates to interpersonal conflict within the workplace then managers should refer to the Conflict, Bullying & Harassment Policy and seek further advice from HR where necessary. Employees and managers should also apply the guidance on establishing contact arrangements at para.5.3.2 below.

If the stress is work-related but not involving conflict, managers should arrange to complete the **Stress Toolkit/Stress Assessment** with the employee as soon as possible, and normally no later than two working weeks, to identify and address / help resolve the work-related stressors.

If the stress is due to personal stressors, managers should signpost them to the relevant available support, and discuss other available employment policies that may support their return to work e.g. Flexible working.

In all instances managers should be as supportive as possible based on the information provided and seek advice from Occupational Health/HR, as necessary.

5.1.4 The manager must advise the employee of the importance of maintaining regular contact and agree, at the outset of the absence, how frequent this should be taking into account the circumstances of the sickness.

5.1.5 If an employee calls in late (i.e. after the time at which they would have normally been expected to attend work), without a satisfactory reason, their absence may be considered as unauthorised and may be addressed as a conduct issue under the Disciplinary Policy & Procedure. Managers should contact HR for advice where necessary. However, managers should be mindful of the need to establish the facts surrounding the employee calling in late before taking action.

5.2 Certification of Sickness Absence

5.2.1 It is essential that certification is provided in a timely manner in accordance with the timescales below. Any gaps in the provision of Fit Notes may result in occupational sick pay being withheld and may be addressed under the Disciplinary Policy & Procedure. It is essential however that no employee should have their pay deducted until management have taken all reasonable steps to establish the facts regarding the reasons for non/late submission of certification. Managers must seek guidance from HR where this is being considered.

Calendar Days	Certification Required
Days 1-3	No certification required – self report to Line Manager that you are not fit to attend work and the reason for your absence.
Days 4-7	Self-certification required. *A self-certificate must be submitted within 7 calendar days, dated from the first day of absence.*
8 days or more	Statement of fitness to work from an approved medical practitioner required. More commonly known as a 'sick line' or 'Fit Note.' *Where the absence continues repeated certificates will be required to cover the full duration of absence.* *If Fit Note is obtained from day one, a self-certificate will not be required.*

5.2.2 A Fit Note will be provided by a relevant registered medical practitioner with the most relevant recent knowledge of the employee's health, reason for absence and prognosis for return-to-work. Those registered practitioners

who can provide a Fit note are those directly involved in the provision of care to the employee and will include for example (Please note this list is not exhaustive and may updated in line with relevant guidelines): -

- GP
- Nurse
- Physiotherapist
- Occupational Therapist
- Pharmacist

5.2.3 The Fit Note will advise if an employee is unfit for work, the reason for or condition causing the absence, as well as the duration of the sickness absence. Whilst an employee may be unfit for the full remit of their duties, the fit note may advise of duties that they may be fit to undertake in the interim and consideration should be given by the manager, with the appropriate advice from Occupational Health, as to whether or not their role can be adjusted to accommodate this (Please refer to section 5.8). If the absence is ongoing, the manager may refer the employee to Occupational Health as per the timescales set out in Section 5.7. Employees are required to attend Occupational Health appointments in accordance with their contract of employment and should be consulted on the basis for the referral (please refer to section 5.7.3).

5.2.4 Please note, employees no longer require a 'signing off' line from the relevant registered medical practitioner. There may be occasions when an employee feels fit to return to work before the end of the period detailed on the Fit Note. To facilitate a return on such occasion the employee should discuss this with their manager. If there are no health and safety concerns or contrary advice from Occupational Health then the employee can return to work before the Fit Note expires, where their manager agrees.

5.2.5 There may be occasions when the opinion of OH and the GP/Medical practitioner involved will differ, for example, where the OH report states that the employee is fit for work however the GP/Medical practitioner disagrees and provides a further Fit Note (or vice versa). In these situations, the manager should contact the employee immediately and discuss what may have changed since the employee last attended OH. The final advice regarding fitness for work will be taken from OH rather than the employees' GP/medical practitioner. Similarly, if the GP/Medical practitioner recommends any workplace adjustments upon the employee's return to work, advice should be sought from HR/OH where those adjustments cannot be facilitated or do not appear to be reasonable.

5.3 Maintaining Contact and Communication during Sickness Absence

5.3.1 Maintaining regular two-way contact is important to ensure an employee feels supported during their absence and avoids them becoming disconnected from work during their absence. Keeping in touch regularly is also important for building and maintaining an employee's confidence to return, monitoring their recovery, and understanding what work adjustments may need to be considered. Managers should keep in touch and agree with the employee when and how frequent telephone or face-to-face catch ups should be and in what format. A compassionate, understanding, sensitive, and supportive approach should be taken by the manager in all cases. If for any reason it is not suitable to maintain contact via phone or in person, then an alternative method should be agreed that would be appropriate in the circumstances.

5.3.2 It is recognised that relationships with managers can influence how regular

contact is viewed from an employee's perspective, particularly when there is an interpersonal conflict element to the absence. Where an employee's absence is due to working relationship issues with their direct line manager then it is essential that they contact their manager's Line Manager to advise of this at the outset of their absence and to agree alternative contact arrangements whilst the issues of conflict are being resolved. Where a Line Manager becomes aware that an employee's absence is due to working relationship issues with them, they should notify their direct line manager as soon as possible so that they can arrange to maintain contact with the employee whilst the issues of conflict are being resolved.

5.3.3 If it is short term absence, then regular contact to enable service planning is recommended. For a longer period of absence, weekly contact is usual within the first 28 calendar days, and beyond that appropriate regular contact should be agreed between manager and employee.

5.3.4 If the absence continues beyond 28 calendar days, managers and employees should continue to maintain regular contact throughout the absence, with employees keeping their manager updated on any changes relating to their health and wellbeing. In most circumstances every 3 weeks would be reasonable but it is at the discretion of the manager to agree with the employee. It is expected that this contact will be two-way.

5.3.5 During contact calls, managers should check in on the employee's wellbeing as follows: -

- Ask how they are feeling and for an update on their wellbeing.
- Signpost to appropriate support resources and services, e.g., Employee Assistance Programme, Counselling, Health and Wellbeing Support Resources, Recovery Colleges etc. This may also include advice and support from the voluntary sector or from the employee's trade union where relevant.
- Enquire about any medical advice and support the employee is receiving, and to check if they require any further support.
- Be proactive in considering and discussing with the employee any adjustments that may support recovery and help the employee return to work (Please also see section 5.7.2)

5.3.6 Where absence relates to work-related stress then arrangements should be made within the first two weeks of absence to complete the Stress Toolkit/Stress Assessment with the employee.

5.3.7 It is important that the manager maintains a confidential written record of the dates of contact and a summary of the discussions that take place. They must also ensure that the absence continues to be extended on the relevant Rostering and HR Systems. Where no return-to-work date has been established, and the employee continues to be unwell, a management referral to Occupational Health should be undertaken (Please refer to section 5.7). Managers should ensure that employees are consulted in preparing the management referral and that a copy of the referral is shared with the employee in a timely fashion in advance of any occupational health appointment that may be arranged (see para.5.2.3 above).

5.3.8 Please note that the contact outlined in this section is informal contact between the employee and their manager and is over and above any formal contact referred to within Section 6 - Supporting Attendance Procedure.

5.3.9 An employees continued failure to maintain or respond to contact from their manager during periods of absence may result in sick pay being withheld and the issue being addressed under the Disciplinary Policy & Procedure. However, an employee must be made aware in writing in advance of any potential deduction of sick pay. Efforts must be made to contact the employee, and they must be permitted a reasonable time to respond before these actions are undertaken. Further to para.5.2.1 above, guidance should be sought from HR where this is being considered.

5.4 Absence not treated as Sickness Absence

5.4.1 Cosmetic / Personal Choice Surgery

Where an employee chooses to undergo treatment where there is no medical or clinical necessity (e.g., 'cosmetic' surgery/aesthetic surgery) then annual leave, TOIL, or unpaid leave, must be requested and approved in advance by the Line Manager, as per normal procedure.

Time off to receive cosmetic surgery treatment that relates to a medical or psychological condition which is supported by a medical certificate may be treated as sick leave. Managers should seek advice from Occupational Health and/or HR where necessary.

5.4.2 Caring Responsibilities

Sickness absence is not an extension of the annual leave provisions or an alternative to the many flexible working options available. Family friendly and discretionary leave arrangements are available to assist in dealing with issues such as a break down in childcare, a dependent being unwell, or other carer's responsibilities, and can be found within the Trust's Flexible Working and Time Off Work Policies.

5.4.3 Time off for Medical Appointments

Where possible, employees should try and arrange medical appointments outside of working hours, however where this is not possible then agreement should be reached with their Line Manager for reasonable time off to attend. **Line managers must follow local policies and procedures were agreed regarding special leave and time off for medical appointments.**

Line Managers should be supportive about time off for medical appointments, where they can be, as an employee's attendance at medical appointments can be conducive to improving overall wellbeing and attendance at work. Line Managers should also be mindful that some types of medical appointments are difficult to re-arrange.

Attendance at regular appointments may be referenced by the employee and included in their Workplace Adjustment Plan. Managers should be mindful that staff with disabilities may require support to attend frequent appointments, such as where they have a new or worsening condition, or where their condition is ongoing or chronic.

Whilst an individual is entitled to reasonable time off, within the guidelines given above, managers must ensure they discuss with the employee what constitutes reasonable time off, depending upon their individual circumstances.

5.5 Annual Leave

5.5.1 When an employee falls sick during annual leave, they will normally be required to report that illness in line with normal absence notification procedures and produce absence certification (Please refer to Section 5.1.1). The employee will be deemed to have been on sickness absence rather than annual leave from the date they have reported they are sick to their Line Manager, and any unused annual leave will be reinstated for use at a later time. Annual leave cannot normally be reinstated at a later date.

5.5.2 It is not appropriate for an employee to use annual leave to mask frequent periods of sickness absence to avoid reaching review prompts. Where there is a reason to believe that this is occurring, annual leave requests may not be approved by the Line Manager. The Line Manager will, however discuss the circumstances underlying such requests with the staff member and, where appropriate, refer to any alternative appropriate policy e.g. Flexible Working, Safe Leave policies.

5.5.3 If due to a period of long-term sickness absence, an employee has been unable to take their leave entitlement within the leave year, they will be entitled to carry forward the balance of their statutory minimum entitlement (Please see Guidance on Carry Over of Leave Following Absence).

5.5.4 Employees are expected to maintain regular contact and be available to attend attendance related meetings, including Occupational Health Appointments, during periods of sickness. If, however, an employee wishes to take a period of annual leave whilst on sickness absence then there will be no requirement for the employee to maintain contact or attend meetings during that period of annual leave, provided prior approval for the annual leave has been given. Approval should be sought through normal leave request arrangements with the approved leave being deducted from the employee's annual leave entitlement.

Depending on the reason for absence the Manager may need to seek further advice from Occupational Health prior to approval to ensure that going on the holiday would not delay or impede the employee's recovery and / or return to work. Like any period of annual leave, any request should be submitted as far in advance as possible, this will allow advice to be taken from Occupational Health, where necessary.

5.5.5 If an employee wishes to take a period of annual leave during an episode of sick leave, and return to sick leave following annual leave, then the episode of absence shall be treated as continuous for consideration of review prompts, i.e. will not be considered as two separate periods of absence.

5.5.6 An employee's entitlement to annual leave will continue to accrue throughout all periods of sickness absence, including any period/s of no pay.

5.6 Secondary / Alternative Employment

Employees have a duty to facilitate their recovery and return to work as soon as possible.

When an employee undertakes other paid or unpaid work, they must consider how continuing this work during their sickness absence will impact their recovery and ability to return to work.

Should an employee wish to consider undertaking other work during sickness absence, including work in a self-employed capacity, they should seek approval from their manager prior to commencement of that work. The Line Manager may need to seek advice from Occupational Health as to the impact that work may have on the employee's recovery, therefore it is essential that sufficient time is allowed for that advice to be sought prior to committing to undertake any paid/unpaid work.

Employees should be aware that undertaking secondary employment during sickness absence without prior approval from their manager may be considered as an abuse of sick pay provisions and therefore potentially fraudulent. Such cases may be referred to HSC Counter Fraud Unit and be screened as a conduct issue under the Disciplinary Procedure.

5.7 Occupational Health

Managers can support employees by listening to their needs and raising awareness of the additional support avenues that are available to help them to maintain their health and wellbeing. Occupational Health (OH) is one of the main avenues of support.

5.7.1 The Role of Occupational Health

OH is a specialist service, which offers impartial and confidential advice, treatment and support to employees and managers on general health issues,

work-related health issues, working with a disability, medical redeployment, or application for ill-health retirement. They will also advise on fitness for work, timescales for recovery, and recommend adjustments to support attendance at work.

It is the manager's decision as to whether any adjustments recommended by OH are operationally feasible, reasonably practicable and safe for the employee, colleagues, patients, and the Trust. Managers should in the first instance discuss with HR and /or OH any suggested adjustments they feel cannot be reasonably accommodated and then comprehensively record this, clearly identifying the reasons why such adjustments cannot be made. The manager should then seek the views of the employee, and their trade union representative where they wish to be accompanied by them, on the feasibility of adjustments before reaching final decisions on what adjustments may be possible. The final decisions should be communicated to the employee as soon as possible. At all times, managers should be conscious of the obligations to make reasonable adjustments for employees with a disability and to promote equality of opportunity for all staff.

Consent and confidentiality are key priorities for OH Professionals. They must seek the employees' informed consent for an assessment and to provide a report to their manager and/or HR following a consultation.

On receipt of a Management Referral, OH will review the information contained and following triage, if an appointment is required, one will be issued with the most appropriate OH Professional.

Self-Referrals may be considered in exceptional circumstances if an employee requires advice on health issues whilst still in work. In such instances, managers should assist employees if requested, as far as it is reasonably and practicable to do so, with the referral process.

5.7.2 When to Refer to Occupational Health

A manager can refer an employee that is still at work to proactively support them to remain fit to continue to attend work. A manager can also refer an employee who is absent from work but importantly, not every period of sickness requires a referral. A manager can contact OH prior to making a referral for advice if they are unsure if a referral is required.

In some circumstances it may be appropriate to make an early referral to OH, once a manager becomes aware of the absence. Early referrals are typically made in the following circumstances:

- RIDDOR reportable Injury at Work.

- Musculoskeletal Injury / Exacerbation of Musculoskeletal Conditions, where absence is likely to be greater than 2 weeks.
- Any absence following maternity leave.
- Where an employee has received a diagnosis of a life limiting condition they may benefit from early referral for support, but timing should be sensitively considered.
- Where an employee has a disability or long-term health condition and management or employee would benefit from additional guidance or advice and support.
- Where an employee has indicated that the reason for absence is due to work-related stress. When dealing with instances of work-related stress, the manager should meet with the employee in the first instance to assess the reasons for stress (or the next Line Manager where the stress relates to workplace conflict with the direct Line Manager), to provide support and to attempt to resolve the matter as soon as practically possible. Any actions agreed through completion of the Stress Toolkit/Stress Assessment should be progressed before a referral to Occupational Health is submitted. If, however, stressors still remain, and a referral is required then the toolkit/assessment details should be included with the OH referral form.
- Non work-related stress where exploration of other supports available has not resulted in a return to work.

OH referrals should also typically be considered in the following circumstances: -

- Where an employee has been absent for more than 28 calendar days and there is no clear return to work date.
- Where advice is required on workplace adjustments for employees who have chronic or recurring underlying health conditions. Managers can also facilitate workplace adjustments to support employees without the need to refer to OH.
- Where a Review Prompt has been met and guidance is required as to whether there is an underlying health condition that may be impacting on regular and reliable attendance.
- Where health issues are potentially impacting on performance.
- When an employee advises they are unfit to engage in a management process for health reasons e.g. disciplinary investigation.
- When an employee is considering an application for ill-health retirement.

In all cases the manager should exercise judgment in the appropriate timing of OH referrals, based on individual circumstances and discussions with the employee. Routine planned operations do not usually require an OH

assessment unless there are complications or concerns about the employee's ability to return to work.

When termination of employment contract is being considered on health grounds, related OH reports should be reviewed, and the advice considered. A recent report advising on fitness in the foreseeable future and/or ability to render reliable attendance should be obtained to inform that review. Where the employee believes that the most recent OH report is not reflective of their current health status, they should be permitted to request an updated OH report before consideration of termination of employment on health grounds.

5.7.3 How to Refer to Occupational Health

The manager should complete the referral using the locally agreed process ensuring they complete all sections and detail all relevant information. Occupational Health can only provide advice based on the information presented by referring managers in the referral form. Managers are therefore more likely to receive clear advice in reports if quality information is included in the referral. Incomplete referrals will be returned to the referring manager therefore, it is vital that the following is included in the referral: -

- **Employee Personal Details:** Provide all the demographic details to include the employee's personal mobile and personal email address (these details are essential for arranging the appointment).
- **Reason for referral:** Provide as much background information as possible including details of absence or nature of a medical condition and how it is impacting the employee in work.
  - **Questions:** Specify the questions you would like OH to address and ensure the questions are medical related. The following are example questions that OH can address for managers: -
  - Is the employee fit to attend work and undertake their full duties, if not when is the employee likely to be fit to return?
  - What workplace adjustments and support can be put in place to support recovery and a return to the workplace?
  - Does the employee have an underlying health condition that is impacting their attendance?
  - Is the Disability Discrimination Act likely to apply?
- **Sickness Absence Record:** Provide the absence record for the past 2 years to include working days lost and reasons for absence. Any identified patterns of absence should be highlighted.
- **Previous Referrals:** Provide details of any relevant pre-existing OH recommendations and if the recommendations were implemented.
- **Confirmation:** This includes confirming that the form has been discussed with the employee.

Management referrals should always be discussed with the employee before the referral is made so the employee is fully aware of the reasons for the referral and understands the importance of attending for the appointment. A copy of the referral should be given to the employee in a timely fashion prior to the OH appointment or the employee made aware of the content if it is not possible to provide a physical copy. If the employee has not been made aware of the content of the referral in advance of the appointment, then this will be discussed with them by the Occupational Health Practitioner and their consent sought to proceeding with the appointment.
All employees are required to attend OH, if requested, in line with their contract of employment.

5.7.4 Occupational Health Report

Following the OH assessment a report will be completed and sent to the employee, and with the employee's consent, the referring manager. The OH Professional will confirm employee consent at the time of the assessment for the release of the report, and to whom.

OH, reports assist managers to manage attendance by providing advice on the likely cause of illness and absence, rehabilitative return to work programmes, fitness to attend meetings, medical redeployment and / or application for ill health retirement.

The OH Professional may in some circumstances recommend health related workplace adjustments. It is ultimately the responsibility of the referring manager to assess if these are reasonable (please refer to section 5.8 for further information on workplace adjustments and 5.7.1 regarding involvement of employees and trade union representatives in this process where appropriate).

Under the General Medical Council (GMC) guidance, the employee has the right to view the report before it is sent to the manager and / or HR. Employees will be advised of the content of the OH report prior to the end of their appointment and will be offered the opportunity to contact OH within 2-3 working days regarding queries with the report or to withhold consent for the report to be released. The employee can only request that factual inaccuracies in the report are corrected or recommendations based on factual inaccuracies.

An employee has the right to withhold consent to release the report. In this instance, the OH Professional will inform the manager that consent has been

withdrawn to release the report. If consent is not provided, the manager should seek advice from HR and in some circumstances take next steps without medical guidance based on the information they already hold.

If the employee does not wish to see their report prior to its release to the manager and / or HR, they will receive a copy at the same time. Once released, the receiving manager must not share the report with any other parties, including replacement managers of the referring service and / or HR without the employee's consent.

The following table details advice typically included in OH Reports, dependent on the questions asked. Associated example management action required is also detailed.

OH Recommendation	**Employee / Manager Action Required**
Employee fit to return to work	Pending release of the report from OH, the employee should notify their manager of their fitness to return to work on the day of their appointment with OH. Manager should agree a return-to-work date and make arrangements to conduct the return-to-work meeting.
Employee fit to return with Workplace adjustments	Manager should contact employee to agree a return to-work date, implement reasonable adjustments, and seek HR/OH advice should they require.
Employee currently unfit for work but likely to be fit in the future.	OH may review some employees within a specified timescale and provide another report for review or refer to another OH specialist. If no review planned, then another OH referral may be required if the employee continues to be unwell.

Employee currently unfit and unlikely to be fit in the future even with workplace adjustments	Manager should contact HR for advice. Alternative options will need to be considered such as Redeployment to a suitable alternative role, application for Ill health Retirement (Please see section 5.11) / cessation of contract by HR on health grounds (Please see section 6).

5.7.5 Failure to attend Occupational Health

If an employee is unable to attend OH, for example, if the appointment clashes with another medical appointment/counselling session, they must contact their Line Manager in good time to provide a reason for this and to agree if it is possible to reschedule. This should be considered separately to circumstances in which the employee has not consented to proceed with an OH appointment on the basis that the content of the referral has not been shared with them in advance, as outlined above in 5.7.3.

It is essential that OH resources are utilised appropriately, therefore if the manager agrees that it is necessary to reschedule the appointment then they should notify Occupational Health in advance of the previously scheduled appointment so that this can be offered to someone else and request a new appointment time. When confirming the rescheduled appointment with the staff member the manager should stress the importance of attending that appointment.

Failure of an employee to attend their OH appointment, without prior notice, will be classified as a Did Not Attend (DNA) and the manager will be notified by OH. If an employee fails to attend two consecutive appointments or has a pattern of non-attendance without notification / reasonable explanation, the manager should seek further advice from HR.

5.8 Workplace Adjustments

5.8.1 Any employee living with an underlying health condition resulting in frequent short-term or long-term absence may require support to maximise their attendance at work and/or assist them to meet the requirements of their role. Employees have a responsibility towards their own health and wellbeing and should raise any issues of concern regarding the impact their health condition(s) is having on their ability to carry out their role/maintain regular attendance with their line manager at the earliest opportunity.

5.8.2 Some employees may have a disability as defined in the Disability Discrimination Act 1995 (DDA). Such employees have protection under this legislation which includes a right not to be discriminated against, harassed, or victimised by reason of their disability. In addition, the employer has a duty to make reasonable adjustments by reason of their disability to remove disadvantages faced by a person with a disability and enable them to carry out the duties of the job.

In Northern Ireland, around 1 in 5 people live have a disability. The Disability Discrimination Act 1995 (DDA) defines a person as having a disability if they have: *'a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'*

It is important to note that only a Court or Tribunal can determine if an employee meets the definition of having a disability as outlined above. As such, and in order to avoid discrimination, managers are encouraged not to attempt to make a judgement as to whether a particular individual falls within the statutory definition of disability, but to instead focus on enabling each employee to meet the requirements of their role on a case-by-case basis. In particular, managers should be mindful of their responsibility to support employees who declare or advise of a condition which may satisfy the legal definition of disability.

Employers should be mindful of their additional duties to promote equality of opportunity for staff under section 75 of the Northern Ireland Act 1998.

5.8.3 Aside from the statutory requirement on employers to make reasonable adjustments, it is also good practice to consider a workplace adjustment for any employee who experiences a barrier or difficulty at work. For this reason, we refer to workplace adjustments as the steps taken to remove, reduce or prevent the obstacles employees may face. Employees, and where the employee requests, their trade union representatives should be engaged with by managers in considering workplace adjustments.

5.8.4 Identifying Workplace Adjustments

Both line managers and employees have a responsibility to help identify and implement workplace adjustments. Additional support can also be sought from a range of internal stakeholders including HR and OH.

Managers should be alert to the need to consider workplace adjustments for all employees being managed through the Attendance Management Policy. Managers should also be alert to signs and symptoms that could reasonably

lead them to suspect that an employee may have a disability, which they have not disclosed, or which has not yet been diagnosed.

There are a range of additional supports for employees with a disability which a manager is likely to find useful in identifying and implementing workplace adjustments. Further information is available within the . To support employees, workplace adjustments should be considered and where possible implemented at the earliest opportunity to help an employee remain in work, sustain acceptable attendance, or to aid a return to work during a period of absence.

An employee being managed under this Policy can expect: -

- A conversation with their manager, carried out in advance of any decisions being taken which will impact on them.
- For the matter to be dealt with in a timely, person centred, confidential, and sensitive way.
- All possible options and recommendations of workplace adjustments to be considered.
- Implementation of the identified appropriate options, where they are reasonable and proportionate.
- Regular reviews
- Where required, seek guidance from a disability organisation.

Workplace adjustments should be agreed in advance and implemented in a timely fashion. It may be necessary for a manager to make more than one adjustment to meet the needs of the employee.

5.8.5 Types of Workplace Adjustments

Adjustments are a change to a physical feature, environment or working arrangements to make sure that employees can do their job without being at a disadvantage compared to others. In many cases, small workplace adjustments can make a big difference to enable employees who are managing health conditions to remain in work and live healthy and productive lives.

Whether it is practical or reasonable for a workplace adjustment to be implemented will depend on a number of factors including the needs and capabilities of the employee, their role, the effectiveness of the adjustment, and the needs of the service.

It is important to remember that what is reasonable for one person in a particular role and department might not be reasonable for someone else

even if they have the same medical diagnosis. This is because health conditions can impact us differently and each adjustment needs to be considered on an individual basis to ensure it is suitable for the employee, their job role and sustainable for the department/Trust.

Any agreed adjustments should be reviewed as frequently as is reasonably considered necessary and, in any event, at least annually to ensure they remain effective as individual circumstances may change over time. Where it has not been possible to identify workplace adjustments to support the employee to return to their own post, alternative posts should be considered. Please refer to the Section 5.9 - Medical Redeployment.

5.8.6 The Workplace Adjustment Plan

To assist with the implementation of adjustments the Trust has in place a Workplace Adjustment Plan. This Plan has been created to support employee wellbeing, reduce levels of absence, and ensure employees are supported through the provision of workplace adjustments where appropriate.

The plan can be used by any employee with a disability or long-term health condition which has an impact on their ability to carry out their day-to-day duties/role.

The plan acts as a live document about agreed changes in the workplace. It means that when an employee changes role or manager, there is a record of what has been agreed.

Further detail on types of workplace adjustments can also be found in the HSC Disability and Reasonable Adjustment Toolkit.

5.8.7 Phased Return to Work recommended by Occupational Health

When an employee's return to work is foreseeable OH may, on a case-by case basis (depending on an employee's individual medical / health circumstances), recommend a phased approach to returning to work, to support an employee's early return. Any recommendation involving a phased return to work will be discussed and agreed with the individual employee at the time of the OH consultation and detailed in the OH professional's report.

Based on their clinical judgement, OH's recommendation for a phased return means that for a set period of time an employee may return to work on reduced hours and / or partial duties. Phased returns are considered to be a supportive measure, as they are intended to rehabilitate an employee back

into the workplace, build up their fitness and help sustain their ongoing attendance at work.

When a phased return to work has been recommended by OH an employee will receive payment for their normal contracted hours during the period of the phased return and for a period of time not exceeding 6 weeks. If the employee wishes to lengthen their phased return beyond that which has been recommended by Occupational Health, or beyond the maximum 6-week period, in order to do so they will be required to use their annual leave and / or unpaid leave in agreement with their line manager.

5.8.8 Phased Return to Work not recommended by Occupational Health

A phased return to work, which is not a recommendation of Occupational Health, but has been requested by an employee to support their return to work following a period of absence may be facilitated using annual leave and/or unpaid leave. The request will be subject to discussion and agreement between the employee and their manager, and approval will depend upon the needs of the employee balanced with the requirements of the service.

It is important that during the phased return the employee and their manager review their workload to ensure it is proportionate to the hours being worked.

5.9 Medical Redeployment

Where an employee is not able to return to, or continue in, their post on health grounds, Occupational Health will consider and make recommendations on whether the employee should be considered for medical redeployment. Medical redeployment may be on a permanent or temporary basis depending on the circumstances of the case.

Medical redeployment should always be considered as a means of retaining the employee within the workforce.

5.9.1 Temporary Medical redeployment

Temporary medical redeployment may be suitable for employees who are fit to return to work in some capacity but need a period of rehabilitation before resuming the full duties of their substantive post and where a phased return is not appropriate to their circumstances.

A temporary redeployment means an employee returns to work in a different role / with a change of duties for an agreed period of time. This may / may not include a reduction in the employee's hours of work. Managers must engage

with employees and their trade union representative, where appropriate, before any temporary medical redeployments are put in place.

Where an employee is temporarily redeployed into an alternative role, they will receive payment for the hours they work in accordance with the agreed terms and conditions of the post they have been temporarily redeployed into, for the full duration of their temporary redeployment.

Temporary medical redeployment may also be sought while permanent medical redeployment is being identified.

5.9.2 Permanent Medical Redeployment

This may be appropriate where Occupational Health have advised that the employee is no longer able to perform their substantive role due to a health condition. However, they may have the potential of sustaining a return to work and/or continuing work in a different role in which their health condition will not be a limitation, or which can be adjusted more easily to accommodate the condition.

Where alternative employment is being sought for an employee who is found permanently unable to return to their post due to a health issue, a search will take place for suitable alternative vacancies across the Trust.

Recruiting managers of any identified vacant posts will need to consider the implementation of workplace adjustments to support the employee. This may include the waiving of particular criteria and experience requirements where the provision of a reasonable period of training, induction, and support, would be considered a reasonable workplace adjustment, to enable the employee to perform the range of duties of the new post.

Occupational Health will provide advice on adjustments required to suitable alternative roles to which the employee is fit to be medically redeployed.

HR, Occupational Health, and managers will work in partnership, on a case by-case basis, to identify suitable redeployments and ensure timely, appropriate, and reasonable workplace adjustments are made in consultation with the employee and their trade union representative, where applicable. Additional support may also be sought from external sources including disability organisations and the Department of Communities Workable NI or Access to Work Scheme.

An employee cannot unreasonably refuse an offer of alternative employment where it is considered suitable by Occupational Health and where the recommended workplace adjustments can be accommodated.

All reasonable efforts will be made to secure alternative employment at the same level and hours, however, where this cannot be accommodated the pay, terms and conditions of the new role will apply. Managers should record in writing the efforts undertaken to secure alternative employment at the same level and hours and ensure that the employee and their trade union representative, where applicable, have been engaged with fully in this process. It should be ensured that any short-term protection measures available are in place.

It is the responsibility of all managers within the Trust to support the medical redeployment process by giving due consideration to redeployment cases presented to them.

In the case where a suitable post is identified, a site visit will be arranged as soon as practically possible with a view to commencing a four week trial period.

Where there is more than one employee being considered for the identified post on the grounds of medical redeployment a competitive interview will take place.

It is expected that a search for suitable medical redeployment should not normally exceed 8 weeks from the point when it was agreed that the search would begin. However, this timescale may be extended where doing so would facilitate a suitable medical redeployment taking place, or where there are particular conditions causing redeployment options to be temporarily reduced, such as when recruitment slows around public holiday periods. This timescale may also be extended, where necessary, by way of a reasonable adjustment to facilitate the continued employment of a person with a disability.

5.9.3 Where alternative employment cannot be found

The Trust will endeavour to meet the needs of the employee to assist them to remain in employment. However, if suitable alternative options cannot be found or agreed normally within 8 weeks, with consideration having been given to extending this timescale as set out above, consideration may then be given to ill health retirement or cessation of the employment contract.

In these circumstances, it is vital that all searches for suitable alternative roles have been carried out. The Line Manager should retain an audit trail of all

roles considered, including any reason why the role was ultimately deemed unsuitable.

In all cases, managers should note that the employee remains the responsibility of their Directorate until a final decision is implemented.

5.9.4 Review of Medical redeployment

Where employees have been medically redeployed, the suitability of the redeployment must be formally reviewed after 4 weeks between the new manager and the employee. The purpose of the 4-week review period is to enable both the new manager and the employee to assess the suitability of the redeployment and the employee's ability to carry out the duties of the post. There may be occasions where the trial period may be extended, this should be agreed between the manager and employee, with advice from HR if necessary.

Whilst the redeployment will not be overturned based on the employee not liking the new post, there may be occasions when redeployment is unsuccessful. It is envisaged that this should be exceptional, and, in such cases, advice should be sought from Occupational Health and a decision taken to pursue a further redeployment or consider ill-health retirement or to end the employment contract.

5.10 Returning to Work

It is hoped through ongoing support that employees will recover and be fit to return to work as soon as possible. Employees have a responsibility to ensure they notify and agree with their line manager the date on which they are returning from an episode of sickness absence.

It is important to note that if an employee does not agree / notify their manager of their return-to-work date they may continue to be recorded as being on sick leave and paid in line with that. This is particularly important if the return to work falls on either an annual leave or rostered day off.

5.10.1 Return to Work Meeting

It is recognised that returning to work after a period of absence can be difficult for an employee. It is therefore important that the manager supports the employee in their return by having an early return-to-work meeting with them, normally within 2 working days of their return.

A timely, well-planned, and well-executed return to work meeting can have substantial positive benefits for an employee's wellbeing and rehabilitation. It is therefore an effective tool in reducing and managing both long and short term absences from work.

5.10.2 Process for Return-to-Work Meeting

The return-to-work meeting must take place after every occasion of absence, irrespective of the length of the absence, and must not be unreasonably delayed.

If, due to working patterns, a face-to-face meeting is not possible, in exceptional circumstances, it is acceptable for this discussion to be conducted via telephone or video link within 2 working days.

At the return-to-work meeting, managers should complete the Return-to-work Meeting Template. Following the meeting this form should be signed off within the working week by both the manager and employee, and the manager should then store it locally and securely. The manager should also ensure that they input the return-to-work meeting date on the relevant Rostering and HR System within the working week as failure to do so may result in the employee receiving reduced pay.

Whilst it is normally not the case that Trade Union representation would be required during return-to-work meetings, this does not preclude Trade Union attendance where there are particular circumstances when this may be deemed appropriate.

5.10.3 Environment to conduct Return to Work Meeting

The return-to-work meeting often involves discussion of a sensitive and confidential nature. To ensure the meeting is conducive and can facilitate such discussions managers should: -

- Explain the purpose of the meeting in advance to reassure the employee that it is to be supportive in nature.
- Hold the meeting in private and respect the confidentiality of issues discussed (If the RTW meeting is taking place via Teams / video call, both parties must ensure that they are facilitating the call in a private environment to ensure confidentiality is maintained).
- Create an atmosphere of psychological safety, compassion, trust, and support.

5.10.4 Preparation for Return-to-Work Meeting

In most cases the return-to-work meeting will be short, involving a brief discussion about the absence and wellbeing support. However, there may be occasions when a more detailed return to work meeting will be necessary i.e. when an absence prompt has been reached and the Review & Support meeting can be combined with the return-to-work meeting, where applicable (refer to Section 6). It is particularly important in those circumstances that the manager advises the employee of their right to be accompanied at the meeting by a trade union representative. The manager must clearly explain to the employee in advance of the meeting that the meeting will function as both a return-to-work meeting and a review and support meeting.

Before beginning the meeting, the manager must prepare so that all aspects of the employee's absence can be discussed in full. It is important that all background information has been gathered including previous absence history, reasons for absence, any emerging patterns, reference to previous discussions, OH opinion, personal circumstances etc.

It is also recommended that managers review this policy and procedure in advance for guidance where necessary.

5.10.5 Conducting the Return-to-Work Meeting

An employee may have been absent from work for a long time or may have gone through a particularly difficult period in their life. As a manager it is vital that you are sensitive to any personal issues or information raised and recognise the impact this may have had on the employee and welcome them back to work.

Areas to cover during the return-to-work meeting include: -

- Discuss the reason for the employee's absence and where appropriate explore what support can be reasonably facilitated to support the employee's sustained attendance.

- Place the absence in the context of any previous absences and, where appropriate, highlight any apparent patterns or trends to include review prompts having been met.

- Review any actions agreed during completion of the Stress Toolkit/Risk Assessment, where appropriate.

- Discuss any recent OH reports/recommendations.

- Confirm any agreed reasonable adjustments and consider using the Workplace Adjustment Plan or Disability Toolkit.

- Ask for further information if you are unclear about the reasons for absence and give the employee an opportunity to provide this. If the employee does not wish to provide further detail, then the manager should proceed to manage the absence based on the information available.

- Offer and discuss solutions that will enable reliable and effective attendance or advise the employee that you will seek further advice.

- Where there is concern about the ability to provide regular and effective attendance in the future, or where the employee has a high level of absence, the manager should make them aware of the steps that will be implemented should absence reoccur (Please refer to section 6).

- If the employee refers to issues caused by, or exacerbated by work, then the manager should discuss in detail with a view to resolution.

- Ensure that the employee is brought up to date on work related items of note that occurred during their absence and what is now expected of them in terms of work.

- In some situations, it may be appropriate to advise of the employee's responsibility to ensure they are taking steps to protect their own health and wellbeing if this is impacting on their ability to attend work.

  Where applicable following long-term absence, discuss and agree any accrued annual leave and plans to book before the end of the leave year, and/or agree the carry over into the new annual leave year.

The employee may present the manager with information relating to their personal circumstances which the manager may want to consider before initiating a monitoring period where a review prompt has occurred. If the manager considers that there are mitigating circumstances, then they should advise the employee that formal action will not be taken at this time and what steps should be taken to facilitate an improvement in attendance at work.

It is especially important to leave the meeting with all parties being clear about what was discussed and the way forward.

5.11 Ill Health Retirement

Unfortunately, there may be occasions where an employee develops a health condition which renders them unable to continue to work for the foreseeable future or they are deemed permanently unfit. In these circumstances, where an employee is a member of the HSC Pension Scheme, they may wish to apply for Ill Health Retirement.

Throughout a period of long-term absence OH will be asked to make a determination regarding an employees' fitness for work. Where consideration of all alternatives and adjustments to support a return to work have been exhausted but the employee remains unfit for the foreseeable future, Occupational Health advise that an application for Ill Health Retirement may be appropriate. This can occur at any stage of absence. It is important to note that whilst OH may or may not feel that an Ill Health Retirement application may be appropriate, it is up to the staff member as to whether or not they wish to submit an application, and the decision to approve that application sits solely with the HSC Pensions Branch, not with the employer. Staff can seek support from their trade union where considering an ill health retirement application.

In all applications for Ill-Health Retirement, it is important for the employee to note the following: -

- If an employee is unsuccessful in their application for Ill Health Retirement the Trust will proceed to consider termination of their contract of employment on ill-health grounds. It is important that employees are aware of this at the outset of the application process.

  The employee will be paid the appropriate notice, and the individual will be notified of their right of appeal and details of how to do this under the Health and Social Care Pension Scheme.

- An employee is entitled to lodge an appeal if their application for their ill health retirement is unsuccessful to HSC Pensions Branch who are the decision maker. Therefore, the lodging of an appeal does not delay the employer considering termination of the contract of employment whilst the employee's appeal is ongoing.

- If an employee has been diagnosed with a life limiting illness, HR should be notified of this immediately. In such instances, an application for Ill-Health Retirement will be given priority by both OH and the HSC Pensions Service.

Support and guidance in relation to applying for Ill Health Retirement can be provided by HSC Pension Service, and you can contact the Attendance Management Team HR & OD Directorate by emailing attendance@belfasttrust.hscni.net

5.12 Managing Concerns relating to Non-Adherence of Policy or Abuse of Sick Pay Provisions

5.12.1 Where an employee reports that they are unfit to attend work it is assumed, in line with the Trust's Values of openness and honesty, that this is genuine. The supports as outlined within this Policy will therefore be provided throughout that absence to support the employee to return to work as soon as possible and to enable them to provide the required level of attendance.

Where, however there is suspicion, or reported incidents, of possible abuse of the sick pay provisions, the Trust will investigate such allegations and take appropriate action in line with the Trust's Disciplinary Policy and Procedure and / or Counter Fraud Policy.

This may also result in the employee's pay being withheld pending the outcome of any investigation.

5.12.2 All employees have a responsibility to read and adhere fully to the requirements of this Policy & Procedure, including: -

- Adhering to the required absence reporting procedures.
- Adhering to the required certification requirements in a timely manner.
- Attending and / or co-operating with a management referral to the Occupational Health Department or an outcome from Occupational Health such as e.g. fitness to return to work.
  Maintaining contact with their line manager during their absence AND providing contact telephone details.
- Providing accurate and factual information about their absence.
- Attending scheduled meetings with line management and / or Human Resources.
- Seeking line management approval prior to undertaking other employment when on sick leave.
- Not undertaking activities which would call into question the genuineness of your absence e.g. undertaking physically strenuous activities such as skiing when absent due to musculoskeletal issues.

If the employee does not adhere to these requirements this may result in their pay being withheld and referral to the Disciplinary process. However, managers

should make every effort to establish the facts regarding non-adherence before taking further action. Guidance should be sought from HR where it is felt that further action is required.

Where pay is being withheld employees will be notified in advance to their most recently notified address.

6.0 Formal Supporting Attendance Procedure

6.1 Purpose

It is recognised that employees will potentially at some point during their employment become unwell and require a period/s of sickness absence from work. The key purpose of this formal procedure is to provide the steps to be followed to ensure ongoing review of an employee's sickness absence, provide management support to the employee to assist them in achieving the expected level of attendance, and facilitate their early return to work in circumstances where this is possible.

If, following all appropriate support being provided, an employee remains unfit to return to their role or they are unable to sustain the required level of attendance, this formal procedure also provides a range of alternative options to be explored with the employee regarding their future employment including redeployment, ill health retirement etc. In circumstances where all alternative options have been exhausted and there is no alternative but to consider ill health termination by the employer, this procedure provides a process under which this will be managed.

6.1.1 Consideration of Individual Circumstances

One of the aims of this Policy is to ensure there is consistency of approach to managing absence across the Trust in relation to ensuring that all staff, irrespective of job role, location, or level of seniority have their absence managed and support provided in line with this policy. However, consistent application of the policy requires consideration of the individual circumstances of every case and the fair and equitable treatment of staff, which takes into account their personal circumstances. This is particularly the case when considering application of the formal procedure for managing absence.

There will be instances where it would not be reasonable or proportionate to apply the steps of the formal procedure rigidly due to the individual circumstances which have led to the sickness absence. In these circumstances managers are required to give due consideration to discounting a particular

absence that may otherwise have led to a review prompt being reached or which would have otherwise resulted in progression to a next stage review.

However, this does not mean that it is entirely at a manager's discretion how this procedure is applied. It is essential that when consideration is being given to an amendment to procedure application, that this can be clearly justified and that overall absence is still proactively managed and the appropriate supports provided. Any agreed amendment to the application of the procedure should be documented in the relevant Return to Work meeting template.
The examples listed below are illustrative and not exhaustive. If there is any uncertainty about whether an absence should be discounted or extension made to a timeframe for review, managers must seek advice from HR before delaying or modifying any scheduled supportive meetings to ensure decisions are fair, equitable, and in line with policy and employment law. This may include where an employee, or their representative, discloses information regarding sensitive personal circumstances.

Examples of where further consideration may be required before applying review prompts and/or proceeding through steps of formal supporting attendance procedure:

- Pregnancy-related absence – should be discounted for the purpose of reaching a review prompt and progressing to a next stage review.
- Admission to in patient care – may result in delay in conducting Review & Support meetings pending confirmation of fitness to engage.
- Serious Mental Health concerns - as above
- Bereavement – short term may be discounted from review prompts; however long term should be managed in line with the Review and Support process.
- Traumatic events, to include incidents of violence, harassment, and aggression, particularly those experienced in the workplace - as above.
- Diagnosis of Serious Illness – as above
- Disability-related absence – a higher rate of absence may be expected and identified as a reasonable adjustment as part of the Workplace Adjustment Plan
- Domestic Violence related absence – short term may be discounted for the purpose of reaching a review prompt and progressing to a next stage review, however long term should be managed in line with the Review & Support process.
- Industrial injury – confirmed under formal application process.

Case Study 1:

A member of staff is experiencing a long-term absence due to their pregnancy related condition or have had multiple short-term absences related to

pregnancy. While section 6 of this policy outlines absence triggers to prompt the support and review process, pregnancy related absence should be discounted from those triggers. So as a manager, whilst the expectation is that you would continue to meet with the staff member at regular intervals to discuss supports required, you would not commence/progress the Review & Support process based on pregnancy related absence alone. If the staff member has other absences which are not pregnancy related, then these should be managed in accordance with the Policy.

Case Study 2:

A member of staff has been diagnosed with cancer and is undergoing active treatment (or is too unwell to progress with treatment at that time). In such cases Review and support meetings under Section 6 of this policy should be offered in order to maintain communication, provide emotional and practical support, and ensure the employee remains connected to the team. However, if an employee is an inpatient during the intervals prescribed, they may prefer that written contact is sent to their home address to ensure they are aware of any supportive measures available and flexibility should be exercised in relation to the timing and frequency of these meetings/letters in line with the maximum intervals as prescribed within the policy.

6.1.2. Overview

The procedure has five stages / steps as detailed below (Supporting Attendance Process Flowchart Appendix 1 refers) with periods of both short term and long-term absence being considered together. An employee will normally progress sequentially through stages / steps regardless of whether their next periods of sickness absence are short term or long term.

Step 1: First Review & Support Meeting
Step 2: Second Review & Support Meeting
Step 3: Third Review & Support Meeting
Step 4: Absence Hearing
Step 5: Absence Appeal Hearing

There may be exceptional circumstances where an employee may skip one or more steps and progress directly to Step 4: Absence Hearing. Such circumstances may include: -

- When it is clear, having taken advice from Occupational Health that there will not be a return to work in the foreseeable future.
- When the employee confirms they will never be fit to return to work.

- When an employee requires medical redeployment in order to return to or remain at work, but no suitable alternative post can be identified.

During implementation of the formal procedure an employee's absence will be reviewed holistically considering their overall history and pattern/s of absence and any individual circumstances which may have given rise to periods of absence. Where absences have become frequent in pattern or are lengthy in nature, conversations with the employee should highlight that the frequency and/or duration of absence is a cause for concern.

Discussions and actions taken during Steps 1-3 Review & Support Meetings will depend on the employee's individual circumstances and the supportive discussions that have already taken place through contact with the employee during their absence period/s and/or at the employee's return to work meeting/s.

6.2 Review Prompts

The manager should invite the employee to a First Review & Support Meeting where the frequency or duration of absences below occur: -

Three periods of sickness absence of any length in
any rolling twelve-month period, **OR**

Two periods of sickness totalling more than 2 working weeks *
in any rolling twelve-month period, **OR**

A concerning pattern of absence *. **OR**

Long term absence 28 calendar days or more.

* *A working week is the employee's contractual hours of employment in any given week.*

* *A concerning pattern of absence may include a tendency to be off on Fridays or Mondays; sickness absence taken immediately before or after annual or public holidays; periods of sickness absence at the same time each year (list not exhaustive)*

6.3 Step 1: First Review & Support Meeting

The first Review & Support meeting will occur on the staff member's return to work when any of the above prompts have been met, with the exception of

those staff who have a continuous period of long-term sick leave lasting more than 28 days.

Where an employee has not returned to work within 28 days and remains on long term sick leave then they should be invited to attend a First Review & Support meeting no later than the 8th week/second month of absence. When inviting an employee who remains absent to a First Review & Support Meeting managers should advise the employee at least 7 working days, in advance of the meeting, of its purpose and possible outcomes of the meeting.

Where an employee is returning to work then the First Review & Support Meeting can be conducted at the same time as the Return-to-Work Meeting as they cover the same points of discussion. In this instance, it is not necessary to give 7 working days' notice as the Return-to-work meeting will take place within two working days of the employees return to work. The date for this should be agreed prior to the staff member's return to work so that they are aware the Return to Work and Review & Support meetings are being combined.

The employee may attend the meeting with their trade union representative if they wish to do so.

An employee is required to attend all Review & Support meetings with management in person, however where there is a concern about the employees' fitness to attend a meeting then advice should be sought from OH and HR as appropriate. In exceptional circumstances a Review & Support meeting can be conducted virtually or in writing.

6.3.1 Conducting a First Review & Support Meeting

The manager should meet with the employee to discuss the following: -

- Why they have been invited to the meeting i.e. which review prompt has been met.

- How the employee is feeling and seek an update on their health and wellbeing.

- The support resources and services provided by the employer and signpost the employee to them as appropriate, e.g., Employee Assistance Programme, Counselling, Health & Wellbeing Support Resources.

- How the employee can be supported to improve their attendance and/or be supported to return to work.

- Any health professional advice already received e.g., Occupational Health advice; advice on reasonable adjustments and discuss if further advice is required.

- The impact of any internal / external factors on the employee's health and wellbeing / absence.

- The impact of the employee's ongoing absence from work on their own health and wellbeing and any support that may be required.

- The impact the employee's absence has on the Trust, service delivery, and other colleagues.

Monitoring and review arrangements for the agreed standard of attendance: -

- If an employee has returned to work, then they will commence a monitoring period of no longer than 12 months from the date of their return.

- If an employee remains on sick leave, then they will be invited to a second Review & Support meeting within the following 8 weeks (i.e. no later than the 4th month of absence), unless there are exceptional circumstances which should be discussed with HR.

6.3.2 Follow up to the First Review & Support Meeting

Following the First Review & Support Meeting the manager will, within 7 working days confirm the main points of discussion with the employee including: -

- Review prompt reached and summary of discussion.
- any support and workplace adjustments agreed.
- the timescale for monitoring and review; and
- advise the employee of what steps should be taken to facilitate an improvement in attendance, but if they are unable to improve their attendance or achieve a return to work that this may result in the matter progressing to a Second Review & Support Meeting/or confirm the date of the second Review & Support meeting where the employee remains on sick leave.

6.3.3. Actions during the First Review Period

During the First Review period, the manager will undertake an ongoing review of the employee's attendance and take the following next steps in the circumstances detailed below.

a) The employee has no further periods of absence then Step 1 concludes, and the Employee and Manager continue to discuss any ongoing support during their regular one to one or supervision meetings, OR

b) The employee returns to work within the first review period, then they will commence a monitoring period of no more than 12 months from the date of return. If there is no further period of absence during that time then Step 1 concludes, and the Employee and Manager continue to discuss. any ongoing support during their regular one to one or supervision meetings, OR

c) The employee has a further period of absence OR the employee does not return to work within the First Review & Support Period then the Manager invites the employee to a Second Review & Support Meeting. In determining whether the further period of absence should result in the employee moving to the next step/stage, managers should consider the nature and length of the absence as outlined in 6.1.1 above.

   The second Review & Support meeting should take place on the employee's return to work following the further period of absence or no later than the 4th month of absence where the employee remains on long term sick leave.

6.4 Step 2: Second Review & Support Meeting

When inviting an employee to a Second Review & Support Meeting managers should advise the employee in advance of the meeting of its purpose and possible outcomes.

Where the employee has returned to work following absence during a first Review & Support Period, then the return to work and Second Review & Support Meeting can be conducted as one Return to Work meeting given that they will both cover the same points of discussion. Irrespective of whether the staff member has returned to work or remains on sick leave they should be given at least 7 working days' notice of the meeting.

The manager should advise the employee in a prompt fashion of their right to accompanied to this meeting by a trade union representative or work colleague if they wish.

6.4.1 Conducting a Second Review & Support Meeting

The manager should meet with the employee to discuss their absence as follows: -

- The Second Review & Support Meeting will follow the same format as the First meeting (refer to Para 6.3), with discussion on any updated or new documentation / information being presented by the employee and / or manager.

- The manager and the employee will undertake a review of previously identified support measures including any workplace adjustments which. may involve consideration of any additional Occupational Health advice; support measures; adjustments and recommendations in relation to Medical Redeployment recommendations or Ill Health Retirement.

- The manager will discuss and agree the monitoring and review arrangements for the agreed standard of attendance: -

    - If the employee has returned to work, then the monitoring period should be for no longer than 12 months.

    - If the employee remains absent from work, agree the date of the third Review & Support Meeting. This should take place no later than a further 8 weeks following the second review and support meeting (i.e. no later than the 6th month of absence) unless there are exceptional circumstances which should be discussed in advance with HR.

6.4.2 Follow up to the Second Review & Support Meeting

Following the Second Review & Support meeting the manager will, within 7 working days (using the relevant template) confirm the main points of discussion with the employee including: -

- Review prompt reached and summary of discussion.
- any support and workplace adjustments agreed.
- the timescale for monitoring and review; and
- advise the employee of what steps should be taken to facilitate an improvement in attendance, but advise the employee if they are unable

to improve their attendance or achieve a return to work that this may mean the employee progressing to a Third Review & Support Meeting/or confirm the date of the third Review & Support meeting where the employee remains on long term sick leave.

6.4.3 Actions during the Second Review Period

During the Second Review & Support monitoring period, the manager will undertake an ongoing review of the employee's attendance and take the following next steps in the circumstances detailed below.

a) The employee has no further period of absence then Step 2 concludes, and the Employee and Manager continue to discuss any ongoing support during their regular one to one or supervision meetings, OR

b) The employee returns to work prior to the Third Review & Support Meeting then they will commence a monitoring period of no more than 12 months from the date of return. If there is no further period of absence during that time then Step 2 concludes, and the Employee and Manager continue to discuss any ongoing support during their regular one to one or supervision meetings, OR

c) The employee has a further period of absence OR the employee does not return to work within the Second Review & Support Period then the Manager invites the employee to a third Review & Support Meeting. In determining whether the further period of absence should result in the employee moving to the next step/stage, managers should consider the nature and length of the absence as outlined in 6.1.1 above.

The third Review & Support meeting should take place on the employee's return to work following the further period of absence or no later than the 6th month of absence where the employee remains on long term sick leave, unless there are exceptional circumstances which should be discussed in advance with HR.

6.5 Step 3: Third Review & Support Meeting

When inviting an employee to a Third Review & Support Meeting managers should advise the employee in advance of the meeting of its purpose and possible outcomes.

The employee should be advised that the Third meeting is the last stage of the Review and Support process and reminded of their right to be accompanied by a trade union representative or work colleague.

6.5.1 Conducting a Third Review & Support Meeting

The manager should meet with the employee to discuss their absence as follows: -

- The Third Review & Support Meeting will follow the same format as the First and Second meetings (refer to Paras 6.3 and 6.4), with discussion on any updated or new documentation / information being presented by the employee and / or manager.

- The manager and the employee will undertake a review of previously identified support measures including any workplace adjustments. At this stage, a referral to Occupational Health should be made unless up to date OH advice is already available (i.e. a referral was made at an earlier point in the process) and no significant change in health status is being reported by the employee. Consideration should be given to any additional Occupational Health advice required including, where appropriate, any further reasonable adjustments, medical redeployment, or Ill Health Retirement.

- The manager will discuss and agree the monitoring and review arrangements for the agreed standard of attendance: -

    - If the employee is at work, then the monitoring period should be for no longer than 12 months.

    - If the employee remains absent from work the manager should confirm that if they are unfit to return to work within the next 4 weeks, then they will progress to an Absence Hearing. The Absence Hearing should take place no later than the 8th month of absence, unless there are exceptional circumstances which should be discussed in advance with HR.

Where the employee has returned to work following absence during a Second Review & Support period, then the return to work and Third Review & Support meeting can be conducted as one meeting given that they will both cover the same points of discussion.

6.5.2 Follow up to the Third Review & Support Meeting

Following the Third Review & Support meeting the manager will, within 7 workings days (using the relevant template) confirm the main points of discussion with the employee including: -

- any support or workplace adjustments agreed.
- the timescale for monitoring and review; and
- advise the employee of what steps should be taken to facilitate an improvement in attendance, but advise the employee if they are unable to improve their attendance or achieve a return to work that this may mean the employee progressing to the next stage of the procedure i.e. Absence Hearing with a possible outcome of the Absence Hearing being termination of the employment contract.

6.5.3 Actions during the Third Review & Support Monitoring Period

During the Third Review & Support period, the manager will monitor the employee's attendance and take the following next steps in the following circumstances detailed below.

a) The employee has no further periods of absence then the Third Review & Support period concludes, and the Employee and Manager continue to discuss any ongoing support during their regular one to one or supervision meetings, OR

b) The employee returns to work prior to the Absence Hearing taking place then they will commence a monitoring period of no more than 12 months. If there is no further period of absence during that time then Step 3 concludes, and the Employee and Manager continue to discuss any ongoing support during their regular one to one or supervision meetings, OR

c) The employee has a further period of absence OR the employee does not return to work within the four weeks following the Third Review & Support then the manager invites the employee to an Absence Hearing. In determining whether the further period of absence should result in the employee moving to the next step/stage, managers should consider the nature and length of the absence as outlined in 6.1.1 above.

6.6 Step 4: Absence Hearing

Where the employee has been unable to meet the required level of attendance improvement OR the employee does not return to work within the

Third Review & Support Monitoring Period, an Absence Hearing will be convened:

- This is a stand-alone formal Hearing and cannot be conducted as part of a Return-to-Work Meeting.

- An Absence Hearing may also be arranged in circumstances as set out in Section 6.1 above i.e. where an employee has not sequentially progressed through Steps 1-3.

- The Absence Hearing will be heard by a Panel of two Managers at the appropriate level, one of whom may be a HR Representative.

- The employee will be advised at least 14 days in advance of the hearing that a potential outcome is the termination of employment.

- Both panel members will have no prior involvement in the case.

- The employee has the right to be accompanied to the Absence Hearing by either a Trade Union Representative or Workplace Colleague and must be advised of this at least 14 days in advance of the hearing.

6.6.1 Arranging an Absence Hearing

HR / the operational division will be responsible for arranging the Absence Hearing. All parties must be advised in writing of the Absence Hearing arrangements (using the appropriate letter template) and provided with the Management Statement of Case no later than 14 calendar days/10 working days prior to the hearing. Where the management statement of case includes reference to Occupational Health information, the consent of the employee must be given for the sharing of this information.

Should the employee wish to provide a written Statement of Case or submit any other supporting information / documentation, this should be submitted to HR / the Manager arranging the hearing no later than 7 calendar days / 5 working days before the hearing for circulation to all other parties.

6.6.2 Panel Considerations

The Panel, in reaching their decision, will be required to consider all information presented at the Absence Hearing and as provided by the Manager and / or the Employee. As a minimum the Panel must consider the following: -

- The attendance record of the employee.
- Return to Work meeting(s) documentation / informal discussion documentation, as applicable.
- The content and outcome of each Review & Support Meeting, as applicable.
- All Occupational Health reports, to include a recent report within the previous three months of the date of the Hearing (with prior consent of employee having been given).
- Whether the employee has a disability or underlying medical condition impacting on their attendance levels.
- If all workplace adjustments / medical redeployments have been considered and put in place and, if any requested adjustments / medical redeployments were not supported, the rationale for this, if applicable.
- All opportunities given to the employee to improve attendance.
- The likelihood of improvement in the employee's attendance in the foreseeable future.
- The impact of the absence(s) on the team / service / Trust.
- The submission/presentation/account provided by the employee and/or their TU rep including reflection on their absence/attendance history, mitigation, and intentions to return to work or improve their attendance.

The Panel will make a decision based on information available to them at the hearing. This may mean that the Panel will be required to make a decision with limited medical information, in circumstances where an employee fails to attend Occupational Health or fails to provide consent to information being released to the Panel.

6.6.3 Follow on from the Absence Hearing

The outcome of the Absence Hearing and the rationale for the decision will be issued by the Panel to the employee, in writing, within 14 calendar days / 10 working days of the Hearing (using the appropriate letter template).

If there is likely to be a delay in communicating the Panel outcome within this timeframe, a holding letter will be issued to the employee by the Panel advising of the reason for their delay and indicating a timeframe within which the outcome will be issued.

The possible outcomes of an Absence Hearing are: -

a) <u>Extension of Third Review & Support Period</u>

If it is considered that the employee will be able to achieve and maintain the required level of attendance within a reasonable time period, the Panel may extend the Third Review & Support Period.

The length of extension of the review period, the required levels of attendance and any further supportive actions should be agreed and implemented (as per the earlier stages).

The Absence Hearing will adjourn, and a future date agreed for the Panel to reconvene, following the expiry of the extended review period.

At the end of the extended review period the Panel will reconvene to reconsider the employee's case and make a decision based on additional information brought forward for consideration by the manager / and or employee on the improvement over the period of the extended review.

Where the Panel's decision is not to dismiss an employee, the employee will revert to a Third Review & Support period to be supported and monitored by the manager for a further 6 months.

b) Dismissal

If the decision of the Panel is to dismiss the employee, the dismissal will take effect from the date of the hearing with the employee receiving appropriate pay in lieu of notice and payment of any outstanding contractual leave. In reaching a decision to dismiss the Panel must ensure that all workplace adjustments and other options have been fully explored and exhausted.

The outcome letter will set out the employee's right to appeal the Panel's decision within 14 calendar days / 10 working days of the date of the outcome letter, stating their grounds of appeal.

6.7 Step 5: Absence Appeal Hearing

The Absence Appeal Hearing will be heard by a Panel of two Managers at the appropriate level, one of whom may be a HR Representative, both with the authority to uphold the dismissal of the employee.

Both appeal panel members will have no prior involvement in the case and one of which must be at a senior level to the Absence Hearing Panel.

In most cases, the Absence Appeal Hearing will be a full rehearing of the case, unless agreed by all parties that only the grounds for appeal will be considered. This should be discussed and agreed ideally prior to the Absence Appeal Hearing date or at the outset of the Absence Appeal Hearing.

The employee has the right to be accompanied to the Absence Appeal Hearing by either a Trade Union Representative or Workplace Colleague. The employee must be advised of this right when being advised in writing of the hearing arrangements.

6.7.1 Arranging an Absence Appeal Hearing

HR / the operational division will be responsible for arranging the Appeal Hearing. All parties must be advised in writing of the Hearing arrangements and provided with all relevant paperwork, including the employee's grounds for appeal, no later than 14 calendar days / 10 working days prior to the Appeal Hearing.

6.7.2 Follow on to the Absence Appeal Hearing

The outcome of the Appeal Hearing and the rationale for the decision will be issued to the employee in writing within 14 calendar days / 10 working days.

In exceptional circumstances, if there is likely to be a delay in communicating the outcome within this timeframe, a holding letter will be issued to the employee advising of the reason for delay and indicating a timeframe within which the outcome will be issued.

An Appeal Hearing panel can uphold or overturn the decision of the original panel, however an Appeal Panel cannot make a decision to dismiss where the original Absence Panel did not dismiss.

The possible outcomes of an Absence Appeal Hearing are therefore: -

a) Uphold the dismissal

   If the decision of the Absence Appeal Panel is to uphold the dismissal of the employee, the original date of the dismissal remains effective with the employee having already received appropriate pay in lieu of notice and payment of any outstanding contractual leave.

b) Overturn the dismissal

If the decision of the Appeal Panel is to overturn the dismissal of the employee, the employee will be reinstated onto the payroll from the original date of dismissal, payment backdated and continuity of service maintained, AND

The employee will revert to a Third Review & Support period to be supported and monitored by the manager for a further 6 months effective from the date of recommencement.

The Absence Appeal is the final stage of the procedure, and the decision of the Absence Appeal Panel is final.

7.0 Termination on the Grounds of Ill Health Process

Termination of an employee's contract of employment, on the Grounds of Ill Health, may be appropriate in the following circumstances: -

a) Where the employee has been deemed by Occupational Health unfit to continue in employment with their employer and all possible work-place adjustments / redeployment options have been exhausted and have been unsuccessful, OR

b) Where the employee is not a member of the HSC Pension Scheme and are therefore ineligible to apply for Ill-Health Retirement, OR

c) Where an employee has been unsuccessful in their application for IllHealth Retirement.

It should be noted that there is not an automatic entitlement for an employee to exhaust his / her entitlement to sick pay before a decision is taken to terminate their contract of employment on health grounds.

The Manager, in conjunction with HR, must apply the following principles pending a decision to terminate an employee's contract on grounds of ill health: -

a. Seek a current opinion from an Occupational Health professional on how long the employee is likely to remain unfit for work and the likelihood of resuming duties in the foreseeable future / indefinite future. If there has been a significant time lapse since the employee was last assessed, or where the employee is reporting a change to their health status since last assessed, then this will require an updated referral through to Occupational Health.

b. Have sufficient evidence of engaging in a full consultative process with the employee and, where relevant, with the employee's trade union representative.

c. Ensure that all matters relevant to a decision to terminate have been considered and exhausted with the individual employee, including all possible redeployment options, and that the employee has been advised and consulted throughout the process and has been made aware of the potential for their contract of employment to be terminated.

d. Consider if the employee has been unsuccessful for ill-health retirement.

8.0 Section 15 Equal Opportunities / Human Rights

As an equal opportunity employer, the Trust will seek to promote equality in the implementation of this policy regardless of the person's gender, marital status, perceived religious affiliation, political opinion, race, ethnic origin, disability, age, or sexual orientation. In pursuance of this objective officer should ensure that they apply fairness and consistency to all decisions within their department.

These provisions have been developed with the context of Equality and Human Rights statutory obligations and requirements.

9.0 Review

This Policy & Procedure will be reviewed for effectiveness no later than 3 years from implementation.

Appendix 1 - Supporting Attendance Flowchart

Three periods of sickness absence of any length in any rolling twelve-month period;

OR

Two periods of sickness totalling more than 2 working weeks in any rolling twelve-month period;

OR

A concerning pattern of absence;

OR

Long term absence 28 calendar days or more.

OR

1a. First Review and Support Meeting

Agree Review Period

Employee at work (i.e. short-term absence) = 12 month Review & Support Period

OR

Employee absent (i.e. long-term absence) = 8 week Review & Support Period during absence. Up to 12 month review period following return to work.

1b. No further period of absence / Return to Work

1b. A further period of absence within review period
Or
Unable to return to work within review period

1c. Formal Supporting Attendance Process Concludes

2a. Second Review and Support Meeting

Agree review period in line with Policy (Refer 1a above)

2b. A further period of absence within review period
Or
Unable to return to work within review period

2b. No further period of absence within review period

3a. Final Review and Support Meeting

Agree review period in line with Policy (Refer 1a above)

2c. Formal Supporting Attendance Process Concludes

3b. No further period of absence within review period.

3b. A further period of absence within review period
Or
Unable to return to work within review period

3c Formal Supporting Attendance Process Concludes

4. Absence Hearing