Belfast Health and Social Care Trust
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Reference No: TP 57/10

IMPORTANT – PLEASE NOTE

BELFAST HEALTH & SOCIAL CARE TRUST LAUNCHED THE NEW REGIONAL MANAGEMENT OF SICKNESS ABSENCE POLICY ON 01 APRIL 2026.

This Management of Attendance Policy should now only be followed for the management of **staff who have been continuously absent on sick leave for 28 days or more by 01 March 2026.**

All staff who began long-term absence after 1 March 2026, and anyone with any other sickness absence, should be managed under the **new Regional Management of Sickness Absence Policy.**

Click here – link to new Regional Management of Sickness Absence Policy

Please contact the Attendance Management Team for further information

Contact: attendance@belfasttrust.hscni.net

Title:	**Management of Attendance Protocol**			
Author(s)	[redacted]@belfasttrust.hscni.net [redacted]@belfasttrust.hscni.net [redacted]@belfasttrust.hscni.net			
Ownership:	[redacted] Human Resources			
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Date	Version	Author	Comments
01/07/2010	1	[redacted]	Final Version issued.
09/09/2013	V2	Human Resources.	3-year review & update reflect changes in best practice and recent employment legislation.
01/08/17	V3	[redacted] Human Resources.	Review & update reflect changes in best practice and recent employment legislation.

1.0 INTRODUCTION / PURPOSE OF POLICY

1.1 Background

The Policy was developed in line with the Regional Framework on the Management of Attendance and has been reviewed accordingly to reflect best practice and updated employment & equality legislation.

1.2 Purpose

The Trust is committed to managing absence in a fair, consistent and proactive manner by providing clear and effective guidelines on the management and monitoring of absence.

The Trust recognises that that health and wellbeing of the workforce is critical to the effective functioning of the organisation. The Management of Attendance Protocol is based upon the values of the Trust which are respect and dignity, accountability, openness and trust and learning and development and leading edge.

1.3 Objectives

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

2.0 SCOPE OF THE POLICY

The Management of Attendance Protocol applies to all permanent and temporary staff (without exception).

3.0 ROLES/RESPONSIBILITIES

The roles and responsibilities of Employees, Managers, Human Resources & Occupational Health are clearly outlined.

4.0 KEY POLICY PRINCIPLES

4.1 Definitions

The Policy was developed in line with the Regional Framework on the Management of Attendance and has been reviewed accordingly to reflect best practice and updated employment & equality legislation.

4.2 Key Policy Statement(s)

To provide staff & Management with information and guidance on managing absence.

4.3 Policy Principles

This policy is designed to outline the principles underpinning the management of employee sickness absence in the workplace and other related employment matters.

5.0 IMPLEMENTATION OF POLICY

5.1 Dissemination

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

5.2 Resources

Information and Awareness sessions, training will be provided.

5.3 Exceptions

No area within the Trust is exempt as this policy applies to all staff and employees including those under external contract by sub-contractors.

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

The Policy has been subject to consultation with the Trade Unions and jointly agreed by Trade Unions and approved by the TJNCF

9.0 APPENDICES / ATTACHMENTS

None.

10.0 EQUALITY STATEMENT

In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, an initial screening exercise to ascertain if this policy should be subject to a full impact assessment has been carried out.

The outcome of the Equality screening for this policy is:

Major impact ☐

Minor impact ☐

No impact. X

SIGNATORIES

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

[redacted]

Date:_____January 2018_____

[redacted] **Senior HR Manager**

[redacted]

[redacted]

Date:_____January 2018_____

Director Human Resources & Organisational Development

[redacted]

[redacted]

Date:_____January 2018_____

Chief Executive

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SECTION 1 – INTRODUCTION AND KEY AIMS

1.1 Introduction

Belfast Health and Social Care Trust recognises that the health and wellbeing of the workforce is critical to the effective functioning of the organisation. The Management of Attendance Protocol is based upon the values of the Trust: respect and dignity, accountability, openness and trust, and learning and development and leading edge. It is set in the context of the Trust bWell Strategy and Action Plan, Regional Policy Framework of Best Practice for Managing Attendance, the Trust's Policy on the Employment of People with Disabilities, compliance with employment and equality legislation including the Disability Discrimination Act, relevant terms and conditions and the Agenda for Change Handbook.

In developing this protocol, the Trust recognises that it has a duty to support staff when they become ill, facilitating staff in so far as possible to safely return to work as early as they can. The Trust has a responsibility to actively encourage a culture of health and wellbeing within the workforce while equally expecting employees to take personal responsibility for their own health and wellbeing. The Trust also recognises that staff sickness affects the quality of patient care and exacerbates service delivery problems caused by staff shortages and the additional pressure placed upon other staff. Sickness absence also carries a significant financial cost which draws resources away from service delivery and developments in patient care. The Management of Attendance protocol outlines the responsibilities of all staff and provides a framework for staff to be treated in a fair and consistent manner in accordance with the agreed regional attendance framework, terms and conditions, legislation and best practice principles.

1.2 Key aims

The key aims of the protocol are:

- To deal with sickness absence in a fair, consistent and proactive manner by providing clear and effective guidelines on its management and monitoring;
- To enable staff to take personal responsibility for achieving and maintaining good attendance by making clear their obligations and the importance of good attendance;
- To improve the health and wellbeing of all employees by facilitating and supporting initiatives, where appropriate, which enable staff to return to or remain in work;

- To effectively manage the impact and cost of sickness absence to the and to seek to reduce such absence through early intervention and support;

- To limit the impact on staff and service delivery when such absence does occur;

- To fully consider and explore possibilities of reasonable adjustments for employees.

SECTION 2 - ROLES AND RESPONSIBILITIES

All staff have a fundamental role to play in the management of attendance and it is the expectation of the Trust that all employees undertake their roles and responsibilities in accordance with this protocol.

2.1 Employee responsibilities

- Ensure regular attendance at work.

- Personally notify their line manager (or appropriate designated officer) of absence in accordance with notification procedures outlined in section 3. Contact must be by telephone or in person. Texts or e-mails are not acceptable.

- Make themselves aware of their obligations and responsibility under the Management of Attendance Protocol to provide regular and effective service and the consequences of poor attendance.

- Alert their line manager to any issues which may have an impact on their attendance, health or performance so that they can offer suitable support.

- Make themselves aware of the Registration & Verification Policy (where appropriate) and the requirement to maintain their registration during any period of sickness absence.

- Make themselves aware of the absence trigger points for unsatisfactory attendance at work, i.e. three episodes of absence within a 12 month rolling period, OR two episodes of absence totaling 10 working days or two calendar weeks within a twelve month rolling period, OR one episode of absence of 10 days within a 12 month rolling period.

- Ensure that they keep their line manager updated on their absence and provide their line manager with as much information as possible to enable them to provide appropriate support and advice including communicating regularly on progress.

- Ensure that appropriate certificates are forwarded to line management within the timescales indicated in section 3 and that they cover the whole period of absence. Certificates should not be sent to payroll. Payroll cannot pay Statutory Sick Pay (SSP) or Occupational Sick Pay (OSP) if sick lines are not received on time.

- Employees are required to attend any appointment made for them with Occupational Health. Staff should attend appointments on time and if for some exceptional reason they cannot attend they must contact their Manager who, if deemed appropriate, will reschedule the appointment. Occupational Health cannot reschedule appointments for staff.

- Participate when requested in Case Conference Meetings and assist in the development of return to work and rehabilitation plans with Managers and TU representatives if requested.

- An employee can view their sickness record under the 'Leave Overview' screen on ESS on HRPTS. This will show all leave types in a twelve-month period. A filter can be applied to view sickness absence only and a print out of the screen may be made by the employee.

- Refrain from any activity (social or sporting) which may be prejudicial to recovery or be likely to bring into question the reason for continued absence.

- Not work elsewhere in paid or unpaid employment whilst on a period of sickness absence from the Trust. However, if a member of staff has more than one job either with the Belfast Trust or alternative employer and their Doctor considers, due to their condition, this work to be beneficial they must advise their manager at the outset of their sickness absence. The manager will seek a view from Occupational Health to assess the employee's fitness for the other work within the Trust or elsewhere. Staff who are found to be working elsewhere and have not complied with the above requirements may be subject to disciplinary proceedings.

- Understand that the sick pay scheme is for ill-health and not for other purposes such as caring responsibilities. Employees should make themselves aware of the range of other policies in place within the Trust to provide assistance with these issue such as breakdown in Childcare, Bereavement or carer's responsibilities.

- Participate in any informal/formal procedural processes which may include attendance at meetings with management.

- Attend RTW interviews.

2.2 Managers' responsibilities

- To encourage good attendance and to advise employees of the need for improvement where appropriate.

- To monitor and manage sickness absence in accordance with this protocol by recording, monitoring and investigating the absence levels of all employees for whom they are responsible and by taking appropriate and timely action when required;

- To ensure that all employees are aware of their contractual obligations under this protocol and the importance of good attendance;

- To ensure that all employees are aware of the correct notification procedures when reporting sick for work including contact arrangements in the event that the line manager is not available;

- Maintain accurate absence records and to retain these locally in an absence file including recording employee sickness notification, conducting return to work interviews and the timely processing of manual self cert forms and GP fit notes and other medical certification;

- To maintain regular and effective contact with employees who are on absent on a period of sickness absence; the frequency of which will be dependent upon the circumstances of the absence. Further clarity on individual cases and levels of contact can be sought from the HR Attendance Management team;

- To hold review meeting (s) with employees at agreed times to regularly monitor and review the situation with employees who are absent on a period of sickness absence.

- Engage with Human Resources and Occupational Health to obtain specialist advice and guidance on case management issues;

- Arrange and participate in case conference meetings with Occupational Health, Human Resources, the employee and the employee's representative.

- Ensure all employees are aware of and are encouraged to use the bWell App and website and avail of the range of Here 4 U activities. Managers should also promote and encourage employees to avail of all Trust Health Improvement initiatives such as the annual flu vaccine and smoking cessation programmes, as well as internal events organised by Health Improvement.

- Consider reasonable adjustments and or rehabilitation programmes for employees. These may be identified through a number of sources including the employee, the manager, Occupational Health or through a GP Fit Note. Additional advice can be sought from Occupational Health where necessary. Where adjustments are considered reasonable, they should be facilitated and supported. A record of the adjustment should be made and communicated. Adjustments should be regularly reviewed to ensure continued effectiveness. Further guidance on reasonable adjustments can be found in the Trust's Employment of People with a Disability policy.

- Complete an incident form, forwarding to the Governance Department, 6th Floor McKinney House, Musgrave Park Hospital, when it becomes known that an employee has suffered an injury or other condition associated with their employment with the Trust. Consider at this time if the staff member requires additional support, i.e. Referral to Occupational Health or confidential counseling services.

- Where necessary, initiate action in accordance with the Trust Disciplinary Procedures to deal with poor attendance and or failure to comply with this protocol.

- Complete Return to Work (RTW) Interviews with staff following each individual period of absence and take the appropriate action as required.

- To apply the Management of Attendance policy fairly and consistently to all staff.

Managers must use HRPTS to accurately record and manage sickness absence as follows:

- Record employee sickness notification, dates of sickness certification i.e. GP Fit Note, Trust Self Cert. and verify accuracy of dates upon employee's return to work.

- Ensure that the dates of those employees remaining on long-term sickness absence are extended until end of each month on HRPTS to prevent the occurrence of any overpayments.

- Record dates and duration of any absence related to an employee's disability.

- Record dates of referrals to Occupational Health and dates of actual OH appointments on HRPTS.

- Record dates of return to work interviews on HRPTS after each individual period of sickness absence.

    - Produce and analyse HRPTS Absence Reports on a regular basis using MSS, to provide an overview of those staff absent owing to sickness within a specified period for each relevant cost centre/budget.

    - Record of details of any disciplinary activity regarding unsatisfactory attendance at work and/or noncompliance with the Attendance Management Protocol.

    - Verify and quality assure any sickness absence on HRPTS relating to their staff that was recorded by administration/clerical support staff using TSR or Excel Timesheet, ETM02.

NB: Whilst it is noted that administration and clerical support staff may be involved in recording absence. Managers have complete responsibility overall for the management of sickness absence and are accountable for overpayments following inaccurate sickness absence recording.

2.3 Role of Team Support (TSR) or Admin Support Staff

- Provide administrative support *only* to Management in recording sickness absence on HRPTS or via the Excel Timesheet, ETM02 used to manually record sickness absence (which is e-mailed directly to Payroll Shared Services for their immediate upload).

2.4 Role of Human Resources

- To work in partnership with key stakeholders in the Trust's bWell Group to ensure the implementation of the bWell Action Plan to promote a healthy workforce and to lead and develop Management of Attendance Initiatives.
- Provide Directors, Senior Managers and Trust Board with a suite of statistical information on a regular basis to monitor the reduction of absence within the Trust and compliance to Policy.

- Provide meaningful statistics and absence targets to nominated managers within Directorates.

- Provide specialist advice and guidance to managers on overall absence levels and specific complex cases.

- Participate in meetings with Directorates to review and progress complex absence cases.

- Participate in case conferences with employees, managers, trade unions and appropriate Occupational Health professionals.

- Assist in the development of absence reduction programmes in conjunction with managers and trade union representatives.

- Under the Disability Discrimination Act, the Trust as an employer, has a duty to make reasonable adjustments for disabled employees to overcome barriers to continued employment. HR will assist, in the development of rehabilitation programmes and reasonable adjustments for staff returning from a period of sickness absence. Reasonable adjustments may also be facilitated for those employees returning from long-term sickness absence who do not have a disability.

- Meet with managers, staff and, if requested, trade union representatives, relating to the procedures for ill-health termination and ill-health retirement. See Section 10 for more information on ill-health retirement.

- Arrange termination (due to ill-health) appeal hearings upon the written request of the employee.

- Develop and implement mandatory training sessions for managers on all aspects of attendance management.

- Co-ordinate the administration of all Injury Allowance (formerly Temporary Injury Allowance) cases and provide advice to employees, managers & Occupational Health.

2.5 Role of the Occupational Health multidisciplinary team

Occupational Health professionals will support managers, staff, HR and other relevant stakeholders to:

- Assess fitness for work and provide opinion/advice to managers regarding health issues which may be affecting attendance, performance or behavior in the workplace. This may include guidance to managers on reasonable adjustments and disability related issues.

- As required provide reports to managers and HR (with the employee's consent) following the employee's appointment at Occupational Health.

- Advise HR of cases that require their specialist involvement such as complex health and work situations, ill-health management, termination and redeployment.

- Provide confidential advice to employees.

- Process Temporary Injury Benefit application as required

- Complete applications for retirement on the grounds of ill-health.

- Participate in meetings with managers, HR, employees and their trade union representatives.

2.6 Role of Trade Union representatives

- Support the implementation of the protocol and work in continued collaboration with management, Occupational Health and other health professionals that may be necessary for the benefit of the employee.

- Encourage employees to comply with this protocol within the Trust.

- Provide support to the employee encouraging compliance with any recommendations made to assist individuals to obtain the maximum benefits from the agreed arrangements.

- To participate in case conferences, absence review meetings and independent panel and appeal hearing reviews at the request of the employee.

- Participate in initiatives and work in partnership with Management to reduce absence levels within the Trust.

SECTION 3 – NOTIFICATION, CERTIFICATION AND RECORDING & MONITORING PROCEDURES

NOTIFICATION PROCEDURES

Both managers and employees have a responsibility in the notification of absence. Managers are required to directly record employee sickness absence on HRPTS to ensure that absence is accurately recorded and staff records are maintained accordingly.

3.1 Employees

- Employees must notify their line manager or appropriate designated officer as early as possible, preferably two hours before the scheduled commencement of duty. It is important that this notification is carried out by the employee by telephone. Relatives or other people should make the call only in exceptional circumstances if the employee cannot do it personally. E-mails or text messages are not acceptable communication.

- In the event that the employee cannot reach the line manager, the employee must leave a message and the manager will contact the employee by immediate return.

- Employees must indicate the reason for absence, the expected duration of the absence and whether or not a General Practitioner will be seen. Employees should provide their line manager with clarification on any outstanding work or diary commitments when required.

- Employees must provide appropriate certification for their absence and keep line managers updated on the issuing of new medical certificates.

- Where a GP has certified 'general debility' as the reason for sickness absence, employees must explain and clarify the nature of their sickness for their line manager. If employee fails to provide sufficient information regarding the reason for sickness absence, Managers must make a referral to Occupational Health to assess the individual's fitness for work.

- Throughout the absence the employee must maintain regular contact with their manager and attend absence review meetings as required; the frequency of which should be defined by the manager taking consideration of the circumstances of the sickness absence. It is not acceptable for employees to send certificates without regular communication.

- If an employee is absent from work and does not contact their line manager, the manager will make efforts to contact the employee either by

telephone or in writing. Where an employee fails to maintain contact or to respond to contact from their manager, disciplinary action may be considered.

- Where an employee fails to provide appropriate certification for their absence, the employee will be advised in writing by their manager that payment of salary will be withheld.

- Employees should also be aware of the trigger points for unsatisfactory attendance at work, i.e. three episodes of absence within a 12 month rolling period, **or** two episodes of absence totaling 10 working days or two calendar weeks within a 12 month rolling period, **or** one episode of 10 days within a 12 month rolling period.

3.2 Management

- Managers must ensure that all new and existing staff are familiar with their responsibilities in terms of correct absence reporting.

- Managers must ensure that all notifications of absence are recorded appropriately on HRPTS (please refer to HRPTS User Guide).

- Please refer to the HRPTS absence codes to ensure that sickness absence reasons are correctly coded.

- Upon the employee's return to work, the absence dates i.e. actual working hours lost which have been recorded on HRPTS, should be verified by managers to ensure that they are an accurate record of actual working days/hours lost to prevent any under or over recording of absence. Any discrepancies should be amended and payroll notified accordingly.

- Managers are unable to amend or delete any HRPTS sickness absence records of previous spells of sickness absence. They must notify payroll directly via email, citing the employee's name, their employment number and details of dates to be amended or updated.

3.3 Certification procedures

GP Fit Notes must be provided to your line manager as soon as possible. It should be noted that failure to provide appropriate certification within seven calendar days of expiry of either a trust certificate or of a doctor's certificate (fit note) will result in pay being stopped and will also lead to disciplinary action.

First day of absence	Contact line manager, deputy or designated person, preferably two hours before a shift begins. Third party contact is only appropriate in exceptional circumstances. *Provide as much information as possible relating to the reason for, length of absence at this stage. If possible advise of any urgent work/ meetings that may need addressed during their absence.*
Fourth day of absence	Self-certificate required and employee must directly contact the line manager and provide an update on their absence and expected duration. This must be dated from the first day of absence and be posted/delivered to the line manager to arrive within 7 calendar days from the first date of absence. *If an employee has any difficulty in doing this, they should contact their line manager to discuss.*
Eighth day of absence	A GP fit note or hospital certificate required. Repeated certificates will be required where the absence continues to cover the entire duration of the absence.

GP Fit Note

The sick line provided by doctors to employees to cover periods of sickness absence is known as a GP fit note. Original copies of GP fit notes should be posted or hand delivered to line managers. The fit note system means that doctors can advise that the employee is either:

1) Unfit for work or,
2) May be fit for work taking account of the following advice

When the fit note indicates that the employee is not fit for work, the Manager should treat this in the normal way, and ensure that the fit note is retained at local level by the line manager. Managers must then update HRPTS to record the period of sickness absence and the reason for absence.

If the reason for the employee's absence has changed since the commencement of the period of absence i.e. first GP fit note stated 'flu like symptoms' and subsequent fit notes, state 'sprained ankle,' managers must ensure that this new reason is recorded locally on the employee's file.

If the doctor has indicated that the employee **'may be fit for work taking account of the following advice'**, the manager must consider the suggestions made by the doctor which may include, for example: altered hours, amended duties or adaptations, and should take the following action immediately on receipt of the fit note:

1) Contact the employee to discuss, and where consideration can be given to the advice made by the doctor (or to alternative arrangements which may also aid a return to work), the manager should confirm the arrangements with the employee including the return to work date. It should be noted that in many cases this will be about temporary measures and this should be made clear to the employee at the outset. This can be recorded in free form text format on HRPTS. Where permanent adjustments are required, these should also be confirmed with the employee and recorded in writing by the Manager. Managers should refer to the Trust's Employment of People with Disabilities policy and seek advice and guidance as required from HR's Improving Working Lives team.

2) In exceptional cases, where it is not possible to provide the support for the employee to return to work, the manager should use the statement as if the doctor had advised 'not fit for work' and should process the sickness absence in the normal way and update HRPTS to reflect this. The manager should ensure that they have discussed this with the employee and explained the reasons for their decision. The employee does not need to return to their doctor for a new statement to confirm this. All cases should be reported to the HR Attendance Management Case Lead.

In all cases, on receipt of a fit note, the line manager must take appropriate action immediately. Whilst the advice on the fit note is not binding it is important that managers give serious consideration to the advice and information provided by the doctor particularly where it would aid an earlier and successful return to work for the employee, this is appropriate whilst

dealing with an employee who has a disability where failure to implement reasonable adjustments may be contrary to the Disability Discrimination Act.

There may be occasions when an employee is able to return to work before the end of a period where the doctor had advised that they were not fit for work, i.e. before the end date on a GP fit note. The employee should discuss this with their manager and if there is agreement, it is acceptable for the employee to return to work before the end of the period covered on their most recent fit note. The employee does not require a 'signing-off' line. The manager should amend the end date of the sickness period and actual return to work date on HRPTS and complete a return to work interview.

In some cases, it may be necessary to discuss the doctor's advice on the fit note with an Occupational Health professional. The manager should contact Occupational Health so that appropriate advice can be provided. At this stage the Occupational Health professional will guide the manager as to whether an appointment is required before the employee returns to work. Section 7 provides further detail regarding phased return to work.

3.4 WITHHOLDING OF SICK PAY

Entitlement to sick pay may be withheld if you;

- do not adhere to the required absence reporting procedures
- do not provide the required certification in a timely manner
- fail to attend and/or co-operate with a management referral to the Occupational Health department or an outcome from Occupational health
- do not maintain contact with their line manager during their absence or fail to provide contact telephone details
- give the Trust inaccurate or misleading information about the absence
- fail to attend scheduled meetings with line management and or HR
- fail to comply with any aspect of this Policy or Procedure

Prior to taking action to stop pay the line manager will write to the employee and provide notification that they are considering this action.

3.5 Recording and monitoring procedures

It is important that managers comply with recording all periods of sickness absence on HRPTS in accordance with this protocol and HRPTS User Guide from when an employee first reports sick. It should not only serve as a recording mechanism but should quickly identify any patterns of absence which may emerge.

Managers recording of sickness absence on HRPTS is the sole basis on which the HR department provides statistical analysis on both long term and

short term sickness absence within the Trust. This information will ensure that staff are appropriately paid during any period of sickness absence and managers will be accountable for any recording failures or anomalies. It is imperative therefore, that managers ensure that this recording is accurate and up to date. Managers can also access the absence analysis reporting function via HRPTS/MSS.

SECTION 4 – MANAGEMENT OF SHORT AND LONG TERM ABSENCE

4.1 Short-term absence

Short-term absence is a single period of absence lasting less than 20 days. The Trust has established triggers for the management of short term absence which should give rise to consideration for further action. The triggers are: -

a) Three episodes of absence within a 12 month rolling period;

OR

b) Two episodes of absence totaling 10 working days or two calendar weeks within a 12 month rolling period;

OR

c) One episode of 10 days within a twelve month rolling period.

d) Any recognisable pattern of absence.

After all periods of absence, a return to work interview should be carried out to discuss the circumstances of the absence and to enable appropriate monitoring and action to be taken. Guidance on how to carry out a return to work interview can be found in the Managers' Toolkit for Managing Absence.

Stage One

Once one of the trigger points is reached, the manager should consider the circumstances of the case and take action as appropriate. Discretion should be used in every case depending upon the individual circumstances.

Where the manager is aware that the employee's absence was related to their disability, the manager must record this on HRPTS (see HRPTS USER GUIDE).

On reaching a trigger point, discussions at the return to work interview along with previous history / background will determine one of the following 3 courses of action to be taken: -

1. No Action;
2. Referral to Occupational Health;
3. Reminding of obligations prior to proceeding with action under the Trust's disciplinary procedure.

1. **No Action**

Evidence of Mitigation

a. To ensure a consistent and equal approach to all employees, managers should investigate and consider the individual circumstances of each case such as extenuating personal circumstances, previous history and / or job related factors which may be contributing to the absence level. Taking consideration of the circumstances of the absence does not preclude action being taken however a verbal warning under the disciplinary procedure may not be considered appropriate at this stage.

b. Managers should still emphasise the need for improvement in the employee's level of attendance. It may be relevant to discuss with the employee possible options regarding different working arrangements, for example reduced hours or deferred start and finishing times which would help improve attendance. The employee should be reminded that it is expected that they will demonstrate and sustain an improvement in attendance.

c. If the employee is unable to sustain an improvement and the manager is satisfied that the circumstances of the case have been addressed sufficiently and that there are no health issues to explore, consideration should be given to taking disciplinary action as detailed within point iii.

2. **Referral to Occupational Health**

Evidence of a medical condition or health issue

a. If there is a common reason for short term absences or where the employee indicates at the return to work interview that they have a medical condition which is contributing to their absence levels, a referral should be made to Occupational Health to determine if there is an underlying health problem. If established that periods of short term absence are caused by an underlying health condition, or disability, adjustments should always be considered and implemented by management when it is reasonable to do so, to enable the employee to stay in work.

b. **When an employee is diagnosed with cancer**
If an employee is diagnosed with cancer, the manager should meet with the employee to offer their full support in facilitating their continued attendance at work where appropriate, and draw the employee's attention to the range of support services on offer

throughout the Trust. This includes the Work and Cancer Employee and Employer's booklet, chaplaincy services and Staffcare.

An Occupational Health referral should be made and the HR Attendance Management team should be informed.

Cancer is defined legally as a disability from the point of diagnosis, and is therefore covered under the Disability Discrimination Act.

c. **When an employee is diagnosed with a terminal illness**

Where the employee is diagnosed with a terminal illness, managers should adopt a particularly sensitive and sympathetic approach and arrange an immediate referral to Occupational Health, notify their co-director and the HR Attendance Management team.

Managers should establish the employee's intentions around remaining at work and make reasonable adjustments to facilitate this, including time off to attend appointments. Managers should also ascertain if the employee wants colleagues to be informed of their diagnosis. The manager should also supply information regarding support available through Staffcare, Here4U and direct them to HSC Pensions if applicable.

d. **When an employee dies**

In the sad event of the death of a colleague, managers should be aware of the distress this may cause for other staff. Staff should be informed swiftly, with compassion and sensitivity. Inform those closest to the deceased staff member first: this may mean contacting them at home if they are on leave. Communicate the news in a quiet environment. Email is not acceptable. Signpost staff to support services available through the chaplaincy service, Staffcare and Occupational Health. Managers should also provide staff with copies of the Grief and Bereavement, Here4U and Support at Work Following a Personal Bereavement booklets. Managers should also consider requests for time off to attend the funeral.

e. **When an employee is diagnosed with a mental health condition**

When an employee is diagnosed with a mental health condition, the manager should contact the employee as soon as possible and arrange to meet to discuss and offer full support. The line manager may make a referral to Occupational Health where the employee wishes to avail of support services within Occupational Health e.g. counselling or psychological assessment if the manager requires guidance and support re the employee's fitness to remain or return to work.

Managers should also direct such employees to the literature available on mental health and work, available through HR, as well as the bWell app and website, the Mind your Mind Toolkit, Belfast Trust Recovery College, HUB and Staffcare.

Adjustments

a. Adjustments may include changes to the employees working pattern, work tasks or work environment and in most cases will be required for a temporary period only, however, longer term, permanent adjustments are often necessary.

b. It is important to remind the employee that they are responsible for their own attendance and as such they must contribute to finding solutions which will enable them to provide regular service. Again, the confirmation of a medical condition/illness does not preclude action being taken and the employee should be advised that it is expected that attendance improves.

c. Any agreed adjustment(s) should be issued to the employee in writing, outlining agreed time periods if appropriate and the requirement for monitoring. This information should also be shared with the HR Attendance Management Case Lead for the Directorate.

Continued Short Term Unacceptable Attendance

a. Should the employee continue to have an unacceptable level of short term absence, discussion at the return to work interview should include reference to previous meetings and action that has been taken to date. Advice may be sought from Occupational Health and if there are no further adjustments that could be made, the employee should be advised that consideration may have to be given to redeployment (see section 8) or termination on the grounds of ill-health (see section 10).

b. Where there is no improvement in attendance consideration may be given to taking disciplinary action as detailed within point iii.

3. Reminding staff of their obligations in line with the Attendance Protocol prior to proceeding with action under the Trust's disciplinary procedure

Where a manager is satisfied after discussion with the employee that the short term absences are unrelated and there is little or no mitigating circumstances including work related issues, then an employee should be advised that in accordance with their obligations in line with the Attendance

Protocol that a further period of absence may lead to an informal warning under the Trust's Disciplinary Procedure.

The action taken at this trigger point is to warn the employee that an improvement in attendance is expected and that an informal warning under the disciplinary procedure will be considered if there is a further period of absence. A copy of this protocol should be given to the employee and this should be recorded in the return to work interview documentation.

Stage Two–Proceeding with Informal action (warning) under the Trust's disciplinary procedure

- Should the employee continue to demonstrate poor attendance at work after investigating the circumstances at the return to work interview (including previous history and background), the manager should refer to the previous warning given and advise that further action is now being considered under the Trust's disciplinary procedure. The employee should be invited to a separate meeting and given the opportunity to bring a representative.
- At the meeting the manager should outline the absences to date and where appropriate refer to previous discussions at return to work interviews. The employee should be advised that an **informal warning** is being issued under the Trust's disciplinary procedure and that they are expected to demonstrate and sustain an improvement in their level of attendance.
- The informal warning must be followed up in writing to the employee advising of the right of appeal (to the next line manager) and that the warning will be kept on file at department level for 6 months. The employee should be advised that further absences during this six-month period may lead directly to a formal disciplinary hearing. Managers should record in the free notes section on HRPTS i.e. date the informal warning was issued regarding unsatisfactory attendance at work.

Stage 3-Proceeding with Formal action under the Trust's disciplinary procedure

4.2 Formal disciplinary action

- Where there is no improvement in the level of attendance and there is sufficient evidence that informal action has been taken to address the level of absence, it may be necessary to invoke formal disciplinary proceedings. It should be noted that absenteeism is listed as an issue of misconduct under the Trust's disciplinary procedure.

- Disciplinary action may also be appropriate where there is evidence of non-compliance with the attendance protocol, failure to provide appropriate certification, failure to report absent for work (unauthorised absence) or misuse of sick-pay provisions.

- The manager should ensure that they explain to the employee that formal action is being taken. The employee will be given at least five working days' written notice of the hearing and will be advised of his/her right to be accompanied by a representative of his/her trade union representative or work colleague if they prefer. The manager is responsible for presenting the facts of the case to the disciplinary panel and should provide an account of the levels of absence and the action taken to date.

- The disciplinary panel will be constituted in accordance with the Trust's disciplinary procedure. The line manager of the employee will present all the facts of the case and the employee and/or his/her representative will have the opportunity to present their response and raise any issues.

  Potential outcomes may include;

  I. Formal Warning
  II. Final Warning
  III. Dismissal
  IV. Invoking of other procedures and processes

4.3 Long-term absence

Long-term absence is defined as continuous absence of four calendar weeks or more. Where a member of staff commences a period of sickness absence which is likely to be long-term, it is important that the manager establishes the reason for this absence and establishes the frequency and method of contact from the outset. The normal expectation would be that weekly or fortnightly contact is maintained throughout the period of illness dependent upon the circumstances of the sickness and that regular meetings are held with the employee.

Early interventions in a period of sickness absence which is likely to be long term are more effective than waiting for the 4-week indicator to trigger action. The management of long term absence may be helped by the efficient medical management of the case and close co-operation (where appropriate) with the Occupational Health service. This may minimise time off and identify at an early stage, the employee's capacity to return to work.

Potential Interventions include but are not limited to the following;

- Physical Adjustments to workplace
- Changes to job role

- Changes in working pattern
- Reduction in contractual hours
- Additional Training
- Implementation of worklife balance policies

This policy should be read in conjunction with the Trust's Management of Stress, Health & Wellbeing Policy. In addition, there are a range of health and wellbeing initiatives offered as part of the bWell Strategy and within Here4U.

Further details can be obtained from the Trust HUB.

It may be appropriate in some cases to make an immediate referral to Occupational Health on the first notification of absence. The following referral timescales are to be used as a guide:

Musculoskeletal:	immediate referral
Terminal illness:	immediate referral
Postnatal debility:	immediate referral

Making a referral

- In all cases the manager must carry out an initial assessment of the situation and decide if a referral to Occupational Health is necessary at this time. If an employee is hospitalised for example or has just had surgery, then it may be appropriate to defer making the appointment to a more suitable time.

- The manager must complete the Trust's official form when referring staff to Occupational Health, and should ensure that they include all relevant details, background information and particular concerns and questions about fitness (see section 6 for further details). The form must be completed in full otherwise it may be returned by Occupational Health causing an unnecessary delay. Employees being referred to Occupational Health must be informed of the contents of the referral by their manager and of the questions being asked of Occupational Health about them, prior to sending out written notification of the appointment.

- Managers should also consider referral to Occupational Health even before a period of absence where it would be beneficial to the employee and perhaps prevent a more serious health problem developing.

- Managers must record the referral date to Occupational Health on HRPTS and any subsequent dates also as there may be several appointments during one period of absence and these must be

recorded on the system. Please refer to the HRPTS User Guide for recording sickness absence.

Maintaining contact during absence

- It is important that the manager arranges to meet with the employee regularly during long term sickness absence. This is an important way to continue to engage the employee with the workplace and to ensure that the absence is managed in a positive and proactive way. Managers must record all such meetings with staff on HRPTS.

- Discussion at the meeting should include their current state of health, the Occupational Health opinion, likely date of a return to duty, any interventions or reasonable adjustments that can facilitate an earlier return to work and to agree a way forward. The individual circumstances of each case should be considered when determining when best to carry out meetings, but advice and clarity can be sought from the HR Attendance Management team.

- Where an employee is off for a long time, it will be necessary to have several meetings over the course of the absence. The involvement of a HR officer will be dependent on the circumstances of each case and should be when alternative employment (section 8), ill-health retirement (section 9) or termination due to ill-health is being considered (section 10). As above, managers must record all welfare meetings on HRPTS.

- Returning to work after long-term absence can be daunting for an employee, and there are a number of ways in which the manager can support and facilitate this return.

    - Firstly, tailor the approach to the individual, depending on the length of the absence and the effects of the illness on their ability to undertake their duties.

    - Remain in regular contact with the employee throughout the absence to they do not feel disengaged or disconnected with the workplace. Let the employee know of any news or updates that they may have missed if appropriate. Also, keep key personnel in HR up to date.

    - Hold regular meetings with the employee throughout their absence, identifying any barriers to their return and seeking to address them.

- Risk assess the employee's current role and duties, and consider if any adjustments need to be made to their work tasks. Take all elements into consideration, such as meeting locations and commute. Each directorate is partnered with a Health and Safety manager who can advise further.

4.4 Other related issues

Probationary period

When an employee commences in the Trust, all aspects of their performance should be monitored closely, including attendance. The importance of regular attendance should be addressed within the Induction programme and employees should be reminded at the outset of their obligations under this protocol. Failure to provide regular and effective service during probation may result in termination of employment.

Episodes of both long and short term absences

Where an employee has absence which includes both long term and short term episodes, the manager should address this at the return to work interview and explore the reasons for both before taking action. If the short- term absences are unrelated to a health issue and the employee has reached a trigger point, it may be necessary to proceed with action under the disciplinary procedure. Advice should be sought from the Attendance Management team and in all cases the employee should be reminded of their requirement to provide regular and effective service.

Failure to attend meetings

It should be noted that at any stage of this process if an employee is unable to attend a meeting, contact should be made with their manager advising of the reason for non-attendance in advance of the meeting taking place. Where failure to attend is due to circumstances outside of the employees control then another date will be offered. Where there is no reason for non- attendance or evidence of repeated cancellations, employees should be aware that decisions may be made in their absence and disciplinary action may be taken. Managers should record on HRPTS in the free text notes in the 'New Note' details of such cancellations and subsequent action taken by management.

Having Surgery outside the UK/EU

Employees who are travelling overseas for surgery may be entitled to occupational sick pay. They should discuss their intention with their manager to ensure that arrangements for communication are agreed and that they provide appropriate medical certification throughout the period of sickness. Managers should seek advice from HR and Payroll before the employee commences sickness absence.

Sickness and annual leave

a) Where an employee has booked a period of annual leave and either becomes sick before or during the period of annual leave, they must immediately report sick for work in the normal way and provide certification from their GP as soon as possible so that the annual leave can be returned to them. Managers will need to update HRPTS to record that the leave type has changed from annual leave to sickness absence and ensure that the start date, predicted end date and reason for absence are included.

b) If an employee is absent on a period of sickness absence and has been advised by their GP that a holiday would be beneficial to their recuperation, then the employee must inform their manager of their intention to travel.

c) When requesting annual leave (whether or not the employee is on a period of sickness absence) an employee should notify Occupational Health through their Manager if they are travelling to countries outside Europe, North America or Australia, and their trip is to last at least four weeks. Occupational Health will arrange appropriate follow up, which may include a Health Questionnaire or a Health Screening Assessment.

d) Employees continue to accrue annual leave (excluding statutory days) whilst on sickness absence. Employees who return to work with accrued annual leave, should discuss this with their Manager so that the leave can be used appropriately. This may include returning on a part-time basis using the accrued leave. Where an employee is returning to work in a new annual leave year (i.e. from 1st April onwards) following a period of long term sickness absence and they were unable to use their annual leave owing to their sickness absence, this outstanding annual leave may be carried over to the new leave year in line with Department of Health guidance.

Further advice should be sought in these cases from the Attendance Management team.

Sickness as a result of sports injury or secondary employment

Employees should seek to refrain from any secondary employment or activities that may affect their capacity to provide regular and effective employment. Where an absence has been attributable to a sports injury or secondary employment, managers should remind employees of this at an early stage. Whilst the Trust promotes participation in sport and physical activity in order to maintain and improve wellbeing, where there is evidence of recurring frequencies or excessive amounts of absence due to either of the above, this may prevent the employee from receiving occupational sick pay in the future. Statutory sick pay will continue to be paid.

Sickness during pregnancy

Periods of sickness during pregnancy which are directly related to that pregnancy should not be counted towards the trigger points for managing short term absence. The absence should be recorded as normal and the manager should carry out a return to work interview to discuss and explore options that will support the employee. It may be necessary to temporarily adjust the employee's work tasks or work environment for an agreed period of time to enable the employee to remain in work. Managers need to ensure that the reason for sickness absence is accurately recorded i.e. as being pregnancy related. Managers are reminded of the need to conduct workplace pregnancy risk assessments for each pregnant employee (Please contact Risk & Governance Team for advice).

Managers are reminded that if an employee is off work ill or becomes ill with a pregnancy related illness during the last four weeks before the expected week of childbirth, that maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the Employee last worked whichever is the later. If the illness is not related to pregnancy then normal sickness absence regulations apply until the agreed date of commencement of maternity leave.

In addition, managers should contact the Improving Working Lives team, for details and dates of Maternity Road Show events to ensure that all pregnant employees have the opportunity to attend.

Going home sick

Where an employee reports for work but then has to leave due to sickness, this should be recorded on HRPTS as going home early. Managers should conduct a return to work interview re this period of absence with the employee and advise the employee that all sickness absence from work is now recorded. If this happens on a third occasion within 12 months of the first

episode, the employee should be advised that this may result in informal disciplinary action.

New employees

When an employee commences in the Trust, all aspects of their performance should be monitored closely, including attendance. The importance of regular attendance should be addressed within the Induction programme and employees should be reminded at the outset of their obligations under this protocol.

New employees should be advised that entitlement to occupational sick pay is dependent on length of service.

Failure to provide regular and effective service during probation may result in the termination of employment.

Receipt of Compensation following Road Traffic Accident

The Trust reserves the right to claim any monies paid to an employee who was in receipt of Occupational sick pay during a period of sickness absence as a result of a road traffic accident. Payroll Shared Services will liaise with the legal representative managing the claim where appropriate.

SECTION 5 – DISABILITY DISCRIMINATION ACT (DDA)

5.1 Disability Discrimination Act (DDA)

In accordance with discrimination legislation the Trust has a legal requirement to make reasonable adjustments which would enable an employee with a disability to remain in work and provide reliable and effective service. Serious consideration must be given to making temporary or permanent adjustments to working practices or premises and in all cases advice and guidance should be sought from the Occupational Health service and HR. Reference should also be made at the outset to the Trust's policy on the Employment of People with Disabilities and associated guidance on reasonable adjustments which can be found on the Intranet. It should be noted that consideration of reasonable adjustments should also be made in relation to employees who are not covered by disability legislation.

The Occupational Health service cannot confirm whether or not an employee has a condition which falls within the statutory definition of disability. Equally the employer and/or the employee may not be able to determine this and in these cases it is important that all parties consider the definition and establish whether it is likely that the employee would meet the definition. 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 meeting the requirements of each employee on a case by case basis.

The act defines a disabled person as **someone who has a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.**

Examples of reasonable adjustments may include: -

- Allowing absence during working hours for assessment or treatment.
- Allocation of some duties to others.
- Making adjustments to premises.
- Acquiring or modifying equipment.
- Change of hours or work patterns and availing of work-life balance policies.

Adjustments made for the purposes of retaining staff will require managers to make a judgement as to whether or not the adjustment is reasonable. Factors which may have some bearing can include:

- Disruption to service and other colleagues.
- How effective the adjustments are in preventing the disadvantage?

- How practical it is.
- Its financial and other costs.

5.2 Managing absence

Periods of sickness which are directly related to a disability should be recorded as such. Whilst it is not appropriate to deal with absence related to a disability under the disciplinary procedure, the manager should ensure that levels of absence are addressed directly with the employee at the return to work interview and that the employee is aware of their responsibility to contribute to finding solutions which will enable them to provide regular service. Managers must record all return to work interview dates on HRPTS.

Where the employee would have reached a trigger point in respect of their level of short term absence (or before this if absences can be prevented) action must be taken. The manager should discuss and explore options with the employee that will support the employee and enable them to provide regular and effective service. It may be necessary to adjust the employees work tasks or work environment and advice should be sought from Occupational Health in relation to any proposed adjustments and whether the adjustment would sufficiently support the employee. This should be confirmed to the employee in writing and again the employee reminded that it is expected that they demonstrate and sustain an improvement in attendance.

Where adjustments have been made and where there is evidence that there are no further adjustments which could be reasonably made and the employee remains unable to provide regular and effective service, consideration may be given to termination on the grounds of ill health (section 10) or retirement due to ill-health (section 9).

SECTION 6 - REFERRALS TO THE OCCUPATIONAL HEALTH SERVICE

6.1 Role of Occupational Health

Occupational Health is the specialty concerned with the interaction of work and health, including how work and the working environment can affect an employee's health and how this in turn can impact on his or her ability to perform their duties. Occupational Health's principle role is to provide advice to employees, managers and the Trust on issues relating to health at work and fitness for work. This service is **confidential**, **advisory** and **impartial**.

Staff should be aware that attending Occupational Health appointments is a requirement under their contract of employment, and therefore they must make every effort to attend these appointments. Failure to attend can result in disciplinary action being taken for breach of contractual obligations.

Consent and confidentiality are taken very seriously by Occupational Health. Procedures within Occupational Health will involve seeking the employee's informed consent for an assessment and to provide a report to management following the consultation.

A referral to Occupational Health professionals is made by the manager by completing a referral form. On the basis of this information an appointment will be offered with the most appropriate member of the multi-professional Occupational Health team.

6.2 Completing a referral

Managers must advise the employee prior to submitting the referral to occupational health of the reasons for referral.

The manager should ensure that appropriate information is recorded on the referral form and that all relevant current and background information and questions are recorded. Managers should record the date of the referral to Occupational Health on HRPTS. When the actual appointment date is known, the manager has responsibility to inform the employee of the appointment details and record the appointment date on HRPTS.

Managers must include a full sickness record for the previous five years (including reasons) and details of any action or adjustments that have been offered or accommodated to date.

6.3 The report

Occupational Health will discuss with the employee the contents of the report to management. They will be offered the opportunity to see the written report within 3 working days before it is sent to their manager and may choose to withdraw their consent at any stage to forward the report. Employees should, where possible, take advice from their representative if they are considering withdrawing consent. Managers will take action without medical guidance based on the information they hold. In the absence of an Occupational Health report being released, managers should contact the Attendance Management team to discuss the best way forward in such cases.

Managers can request clarification on the report content by contacting the appropriate Occupational Health professional.

6.4 Self-referrals

Employees can contact Occupational Health with a view to making a 'self-referral'. An Occupational Health practitioner will then determine whether an appointment is appropriate. Self-referral appointments are confidential, however if a self-referral is made and the manager also refers the employee, both appointments will be linked and the employee asked to give consent to Occupational Health to provide a report to management.

6.5 Failure to attend Occupational Health

If an employee is unable to attend Occupational Health they must contact their line manager at least two working days prior to appointment to provide a reason for this. If no reasonable explanation is given, the manager should advise the employee of their contractual obligation to attend and arrange for a new appointment. This should also be addressed in writing when confirming the new appointment date.

Failure to attend on two occasions may lead to disciplinary action being taken. The manager should contact the Employment Law team in Human Resources where there is sufficient evidence of repeated non-compliance despite previous warnings.

Where an employee fails to attend Occupational Health and fails to make contact in relation to their non-attendance, the manager should immediately make contact with the employee to ascertain the reasons for this. Such failure to attend Occupational Health appointments should be recorded on HRPTS in notes (please refer to the HRPTS User Guide).

Employees must be reminded of their contractual obligations and a new appointment date provided. The employee should be advised in writing that disciplinary action will be considered and pay stopped if this is repeated.

6.6 Failure to return to work if found fit by Occupational Health

There may be occasions when the opinion of an employee's GP may differ from the Occupational Health professional in terms of fitness for work. On these occasions the Occupational Health Specialist i.e. nursing and medical opinions overrules the GP's opinion on fitness for work.

SECTION 7 - RETURN TO WORK ARRANGEMENTS INCLUDING PHASED RETURN

Where possible staff will be assisted in their return to work, particularly where the absence has been for a protracted period of time. Phased rehabilitation allows the employee to start contributing to the workplace at an earlier stage and is also aimed at aiding recovery.

7.1 Phased return recommended by Occupational Health

a. An employee returning from long-term sickness absence on a rehabilitation programme with a phased return, recommended by Occupational Health (and agreed with management) will receive no loss of normal pay during the rehabilitation period. Details of phased return may be recorded in free form notes on HRPTS (please refer to the HRPTS User Guide).

b. The employee will return to work on an agreed phased rehabilitation programme for a period not exceeding 6 weeks. The phased return will generally include reduced working hours and may also include some adjustment to tasks. The work pattern is dependent on the manager's ability to accommodate the adjustment of hours within their service needs and agreed with the member of staff prior to the return to work. It should also be clear how working hours will increase throughout the phased return so that by the end of the agreed period the employee is ready to commence normal working (this should be agreed between the manager and the employee). During the phased return period the employee will receive normal pay. It is important to note that a phased return may be recommended for a period less than 6 weeks.

c. During the phased return, it is important that the manager monitors the arrangement. Before the end of the phased return the manager should meet with the employee to review progress and confirm the return to normal working arrangements.

d. If it is clear that the employee requires more time, this should be discussed with the employee and a further time limited period agreed.

It should be made clear to the employee that this further period does not attract full pay (if it is beyond 6 weeks) and will be paid either at the reduced hours or using accrued annual leave. Employees returning from long term sickness absence, may carry over their outstanding annual leave from the previous leave year up to a maximum of 28 days (pro/rata for part time staff).

This should be recorded and confirmed in writing to the employee and the appropriate documentation forwarded to payroll to adjust pay where necessary. The employee should also be reminded that it is expected that there will be a return to full duties and working hours. If at the end of the agreed extension the employee feels that they would like to continue working reduced hours, the manager must decide if this can be granted on a permanent basis and should confirm any decision in writing. Where an employee indicates that they cannot carry out the full range of duties associated with their post, the manager should contact Occupational Health for further guidance.

7.2 Request for phased return

a. Where a phased return has not been recommended by Occupational Health but has been requested by the employee or on the fit note issued by a GP, consideration should be given to granting this request as it may enable the employee to return to work earlier. Managers should review all such requests in accordance with the Trust's Flexible Working policies i.e. reduced hours, unpaid leave etc.

b. Any adjustments to working pattern, hours or alternative duties, should be discussed, agreed and confirmed in writing. In cases, where a phased return to work was not recommended by Occupational Health, yet agreed between the manager and employee at local level, staff can use accrued annual leave to reduce hours or should be paid according to the reduced hours.

c. Managers should also consider if re-training is required and should be guided by the employee and their rate of progress when they return to work. It should be noted that training includes 'on the job' training and may not always mean formal training programmes.

d. It may be useful to enable the employee to shadow or spend time with colleagues rather than expect them to commence work immediately.

e. The extent and length of reintegration will depend upon the requirements of the service balanced against the needs of the employee and should be for a period not exceeding 6 weeks.

f. In all cases, managers are responsible for monitoring arrangements and again employees should be reminded that this is for a temporary period only and it is expected that they will return to normal working.

g. If at the end of the six week period, the employee requires more time, the line manager should refer the individual to Occupational Health to consider a further limited period. It should be made clear that this further period does not attract full pay and will be paid at the reduced hours or using accrued annual leave.

SECTION 8 - REDEPLOYMENT ON HEALTH GROUNDS

8.1 Redeployment on Health Grounds

Where an employee is not able, on health grounds to return to their post, Occupational Health will consider and make recommendations on whether the employee should be considered for redeployment. Redeployment should always be considered before termination as a means of retaining an employee in employment. This may be on a permanent or temporary basis depending on the circumstances of the case. The employee can, on health grounds, be transferred to another vacant post in another department within or outside of their directorate group if it is deemed suitable to sustain employment for the individual without the loss of essential skills to the organisation.

Where alternative employment is being sought for an employee who is found permanently unable to return to their post as a result of a health related problem, a search will take place during a time limited period which would normally not exceed 8 weeks from the point when it was agreed that the search would begin. Please see Section 8.2 for further guidance.

Consideration for redeployment is limited to vacant posts based on the advice of Occupational Health on the range of duties that the employee is deemed suitable to undertake. The employee must meet the basic criteria or have equivalent experience, and be deemed suitable for the post being considered for redeployment.

Where an employee has a disability, criteria and experience requirements may be waived and a reasonable period of training, induction and support provided to enable the employee to perform the range of duties of the new post. HR, Occupational Health, external organisations and managers will work partnership, on a case by case basis, to identify suitable redeployments and ensure timely, appropriate, reasonable adjustments are made in consultation with the employee. Where applicable the normal 8-week time period may be extended to support any adjustment.

Employees must consider all posts offered. Alternative employment at the same grade or hours cannot be guaranteed and protection of pay will not usually apply. Payment will be made at the appropriate level for the new role.

Whilst operational requirements remain paramount, it is the responsibility of all managers within the Trust to support the redeployment processes 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 practicably possible with a view to commencing a trial period.

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

Management Responsibilities

On receipt of a report from Occupational Health which recommends either permanent or temporary redeployment (if this is unclear the manager must contact the professional who completed the report to ascertain) the Manager must promptly take the following action in accordance with the timescales indicated below: -

1. On receipt of report, clarify with Occupational Health if unclear about what duties the employee would be fit to do and/or to clarify permanent/temporary arrangement.

2. On receipt of report, contact the employee either by telephone or arrange to meet to discuss the report, to confirm that they understand what it will mean, to discuss duties and to advise of the action that will now be taken. Record all discussions including the date on which the search will begin to ensure that the 8-week timescale is followed.

3. The manager must carry out an initial search which normally would not normally exceed 2 weeks for a suitable vacancy within their own department/areas of responsibility. Whilst every effort should be made to redeploy at the same band, suitable vacancies at lower and higher bands may be considered and the employee should be advised of this accordingly. Managers should also give consideration to positions that are likely to become vacant within a reasonable period.

4. Where the manager has been unable to find suitable alternative employment within their Directorate after four weeks, contact should be made with the Attendance Management team who will broaden the search to include all Directorates within the Trust for the remaining four weeks. Managers should continue to look for alternative posts within their original post/duties with any reasonable adjustments if appropriate. The manager should also discuss this with the employee in an attempt to identify other areas of work which may be suitable.

5. On receipt of a vacancy or number of vacancies, the employee should be invited to a meeting to discuss the options and to agree suitable redeployment.

6. Managers should seek advice and guidance from the Attendance Management team and where appropriate a representative from the team will attend the meeting with the employee.

7. All discussions and agreements should be documented and issued to the employee and their representative where appropriate, in writing from the manager.

8. The manager should complete the Internal Organisation Movement form, selecting the redeployment option, so that the employee can be moved from their current position into the new position. In the comments section of the form, please state that this is an ill–health redeployment that has gone through Occupational Health and HR.

9. Where the employee challenges the suitability of the options presented and where the manager is satisfied that the options are reasonable, this should be made clear to the employee and if necessary advice sought from Occupational Health about his/her suitability to carry out the duties. The employee should be reminded that refusal to accept a suitable alternative offer may lead to termination of contract.

10. Throughout the eight week process it is vital that the employee is regularly updated. Meetings should take place where necessary so that the employee is given an opportunity to consider their options.

11. The same processes should be followed for seeking **temporary** redeployment on health grounds. Documentation should clearly record the relevant time periods involved and the employee should be reminded that it is expected that they return to their original post / duties.

8.2 Where alternative employment cannot be found

The Trust will endeavour to meet the needs of the employee to assist them to remain in useful employment. However, if at the end of the eight-week period suitable alternative options cannot be found, consideration may be given to termination on the grounds of ill-health (see section 9) or retirement on health grounds (section 8). In this circumstance, it is vital that all searches have been carried out or that there is evidence of the employee failing to consider alternative reasonable options before termination is considered. Where an employee has a disability, each case will be reviewed on an individual basis with regards timeframes for identifying suitable redeployments to ensure that reasonable adjustments are put in place to retain the disabled employee in employment were possible.

In all cases of redeployment, managers should note that the employee **remains** the responsibility of their Directorate and every effort should be made to seek appropriate alternative employment within that Directorate.

8.3 Review of redeployment

Where employees have been redeployed, the suitability of the redeployment must be formally reviewed after four weeks. The purpose of the four-week review period is to enable both the employee and the new manager 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.

Whilst redeployment will not be overturned on the basis of the employee not liking the new post, there may be occasions when redeployment is unsuccessful. In these circumstances advice should be sought from Occupational Health and a decision taken to pursue a further redeployment, consider termination of the contract due to ill-health or pursue ill-health retirement.

SECTION 9 - ILL-HEALTH RETIREMENT PROCESS

Ill-health retirement is available to employees who are members of the HSC Pension Scheme (two or more years' membership is the qualification). There is no automatic right to receive early ill-health retirement benefits from the HSC Pension Scheme. The decision to apply remains the employee's and may be an option where there is a chronic ongoing medical condition which affects an employee's ability to provide a regular and effective service. In order to apply, medical evidence will be required from an Occupational Health physician. It is important to note that the success of an application rests with the HSC Pension Medical Advisors.

If the employee has contributed to the HSC Pension Scheme and has made a decision to apply for ill-health retirement, HR are responsible for processing the application and providing the administrative link with HSC Superannuation Branch. As most employees who apply for ill-health retirement will already be attending Occupational Health, the Occupational Health physician should be already aware of the employee's decision to apply and will assist with the completion of form AW33.

The application will be considered by the HSC Pension medical advisors taking into consideration such factors as the medical condition, the prognosis at the time of application, their ability to carry out the duties of their job and ability to effectively and reliably carry out <u>any</u> type of work of like duration. There are now two levels of eligibility.

- Tier One – Unable to do **<u>current</u>** job due to permanent ill health. Detail the difference in these 2 tiers in terms of entitlement
- Tier Two – Unable to carry out **<u>any</u>** regular employment of like duration due to permanent ill health.

There are two possible outcomes following the application process:

① The employee satisfies the requirements of the scheme for either tier 1 or tier 2;
OR
② The employee does not satisfy the requirements of the scheme.

In the event of a successful application, HR will make contact with the employee to process their application for benefits (AW6).

Where the employee does not satisfy the requirements of the scheme the manager will arrange a review meeting. Following the review meeting, the employee should be advised that one of the potential outcomes of this meeting may be to convene a panel to consider terminating the employee's contract on health grounds (section 10). This will not affect the employee's

right to appeal the decision of HSC Pensions. The appeal process is a matter between HSC Pensions and the employee, and the Trust thereafter will only have a link through the administrative role. HSC Pensions will directly advise the individual of the appeal process.

SECTION 10 - TERMINATION ON THE GROUNDS OF ILL HEALTH

10.1 Termination on the grounds of ill health

This may be applicable where an employee is unfit to continue in employment with the Trust and alternative redeployment options have been exhausted or were not applicable. It may also be applicable, if the employee has not paid into the HSC Pension Scheme or where an application to retire owing to ill-health has been unsuccessful. 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 the contract of employment on health grounds. The manager and HR must apply the following principles pending a decision to terminate on grounds of ill-health and must: -

- 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 or indefinite future;

- Have sufficient evidence of engaging in a full consultative process with the employee;

- Review and assess the impact the absence is having on the service and the ability to sustain further absence;

- Confirm that it has been considered whether or not the employee has a disability under the definition within the DDA and provide evidence of reasonable adjustments made or considered by the Directorate including redeployment to another post;

- Ensure that all matters relevant to a decision to terminate have been considered and investigated, including all possible redeployment options, with the individual employee and that the employee has been advised and consulted throughout the process;

- Consider if the employee has been rejected for ill-health retirement;

10.2 Review Meeting

For all employees, it is imperative that the following criteria have been met before ill health termination can be confirmed:

1. Medical evidence of an underlying condition which would have an impact on their ability to provide reliable and effective service or medical evidence that the employee is unfit for their post;

2. There has been full consultation with the employee and their representative;

3. All reasonable adjustments and or redeployment options have been fully explored with the employee, management and Occupational Health.

Having gone through the stages indicated above and where there is no further action that could be taken to support the employee to remain in employment with the Trust, the manager must arrange to meet with the employee and his / her representative and a HR officer from the Attendance Management team, to carry out a review meeting. The purpose of this meeting will be to clarify the Trust's position regarding the employee's fitness for work and future employment with the Trust. At the review meeting, the employee should be advised that one of the potential outcomes of this review may be a decision to convene a panel to consider ill health termination.

The review meeting should be arranged by the manager within two weeks of receipt of a report from Occupational Health where it is clear that the employee is unfit for work and/or where the manager is satisfied that there is no further action that can be taken which would enable the employee to provide regular and effective service.

Should a decision be taken following the review meeting to proceed to a panel to consider termination of the employee's contract on ill health grounds, this should be communicated to the employee in writing, stating clearly the reasons for this course of action and recapping what was discussed at the review meeting.

The Trust has developed a two-tiered approach to this:

Agreement to proceed with Termination on Ill Health grounds

For those employees who are unfit for work and are in agreement with the Occupational Health recommendation to leave their employment on ill health grounds (and where there is no prospect of redeployment to any suitable alternative post) they will be invited to meet with management, HR and their representative to proceed with the process as an alternative to attending a panel.

However, in the letter from their manager inviting them to this meeting, they will again be offered the option of attending an Independent Panel to consider their case (as above).

In addition, if they do not opt to attend a panel, they continue to have the right to appeal the outcome. e.g. those who have applied for ill health retirement and where HSC Pensions id not award same.

Independent Appeal Panel

An independent panel (refer to Section10.4) who;

a) have an underlying condition which will have an impact on their ability to provide reliable and effective service or the employee is declared unfit for their post by Occupational Health OR
b) have been unsuccessful in securing alternative employment via the ill health redeployment process OR
c) have applied for ill health retirement and where HSC did not award same.

Once a decision has been taken to consider the termination of an employee's contract of employment on ill health grounds and HR have advised that a hearing with an independent panel will be convened (as per paragraph 2 above) the line manager should meet with the HR Absence lead, to prepare a case to be presented to a panel.

HR will write to the employee, advising them of the date, time and venue of the panel hearing and advising them that the Trust is contemplating the termination of their contract of employment on ill health grounds. Employees should be given at least 1 weeks' notice and be advised that they may be accompanied by a Trade Union representative or trusted work colleague. Staff will be reminded that there is no provision for legal representation within the Trust's internal procedures.

10.3 Meeting with HR, Line Manager & Trade Union Representative when an independent panel is not to be convened.

If as highlighted in paragraph 1 above, an employee has made an informed decision that they do not wish to attend a panel hearing, a meeting will be arranged. This meeting will commence the administrative process of ending an employee's contract of employment with the Trust. The meeting will be attended by the employee, HR Officer, their Line Manager and their representative.

At the meeting, HR will clarify the last day of the employee's service with the Trust and arrangements for HSC pensions if applicable and inclusion of any

outstanding annual leave. Those employees not in the HSC pension will be advised of any pay in lieu of notice which is dependent on their length of service.

HR will write to the employee following this meeting, confirming what was discussed and agreed and offering the employee the right to appeal.

10.4 Independent Panel hearing

The panel will be constituted at the appropriate level dependent on band of individual employee in line with authority to dismiss.

Employees will have the right to be accompanied by a Trade Union / Staff Association Representative or work colleague. There is no provision for legal representation within the Trust's internal procedures.

The Manager will provide the employee with any documentation that will be referred to during the course of the hearing at least 5 working days in advance of the hearing.

The employee will provide any documentation that they wish to refer to support his/her case during the course of hearing to the HR representative for circulation to the panel at least 3 working days in advance of the hearing.

At the hearing, the Manager will present the panel with the information and documentation as referred to above and should refer to the level of absence and impact on service delivery, outline the action taken and support provided to date, and explain why it is necessary to consider terminating the employee's contract of employment. Reference should be made to the most recent Occupational Health opinion.

Following the presentation to the panel by the Manager, the employee and or their representative will have the opportunity to respond, comment and present their own mitigation and case to the panel. The Panel will ask the employee if they agree with what has been presented and if not, seek clarity and information from the employee.

It should be noted that there may be occasions when new information is provided at the hearing which may mean that termination is not appropriate at that time. In these circumstances the employee should be advised that the hearing will be adjourned to consider the new information and to seek further advice and guidance. It is vital that the Manager remains in contact with the employee to keep them updated and supported and that a decision to either reconvene the hearing or to explore other options in view of the new information, is taken promptly.

The panel will consider all documentation and information provided by management and the employee and make their decision following the hearing. Employees will be normally notified in writing within 7 days following the hearing.

Should a decision be taken by the panel to terminate the employee's contract of employment on ill health grounds, the panel will advise the employee of the date on which their employment will terminate and the right of appeal. The panel will further advise the employee that they are entitled to receive one weeks paid notice for each year of continuous employment subject to an overall maximum of twelve weeks. The employee has the right to appeal the decision within 7 days on receipt of the letter.

10.5 Management presentation

The management presentation to the panel should include the details as set out in the template in appendix 14 regarding ill health termination. The Attendance Management HR officer dealing with the case will assist the manager with this.

10.6 Appeal process

- Employees wishing to appeal the decision to terminate their employment on the grounds of ill-health should write to the Director of Human Resources, stating their grounds of their appeal, within seven days of receipt of the letter containing the decision.

- The appeal hearing will be arranged as early as practicable and the employee will have the right to be represented. The employee will receive at least 7 working days' notice of the date of the appeal hearing.

- The appeal panel, will comprise two managers from the Trust who have had no previous involvement in the case and who are at a more senior level than the original panel who will review the circumstances of the case (as presented by the manager and employee concerned or his/her representative) and will make a joint decision accordingly.

- The appeal hearing is not a re-hearing of the original hearing but rather a consideration of the employee's specific grounds of appeal. The employee will have opportunity to present any new evidence that has not been previously considered.

- The employee will be informed in writing by the panel of the outcome including reasons for their decision, within seven days of the hearing taking place. The panel's decision is final.

- If the decision is made to overturn the original termination of contract, then the employee will be reinstated onto the payroll with effect from the date of termination. The directorate co-director must notify payroll and HR of this decision.

SECTION 11 - HSC INJURY ALLOWANCE

The HSC Injury Allowance Scheme provides benefits for all employees, whether or not they are members of the HSC Pension, who have been absent on certified sickness absence because of an injury, disease or a condition **wholly or mainly** attributable to the duties of their HSC employment and have suffered a consequential loss of earnings. The regulations do not apply to any person whose condition is wholly or mainly due to other causes or is caused by or seriously aggravated by his / her own culpable negligence or misconduct.

Only those employees who meet the definition above and provided the injury occurred on or after 31st May 2013 and whose earnings reduce i.e. when an employee has gone on to half pay/no pay, can submit an application. On receipt of an application, the HR Officer will contact payroll to confirm that there is a loss of earnings in accordance with the Injury Allowance Scheme. The relevant Injury Allowance Panel will consider the case in line with the guidance provided. This will include requesting further evidence for example from the line manager, health and safety, e.g. incident forms, Occupational Health opinion.

For further information on Injury Allowance and applications please contact Your HR at 02890 635678 or call to 4th Floor, McKinney House, Musgrave Park Hospital, Stockman's Lane, Belfast.

SECTION 12 - ATTENDANCE MANAGEMENT TRAINING REQUIREMENTS

To ensure that this protocol is fully implemented and complied with, it is essential that managers with responsibility for attendance management are fully trained. Training for managers in this area of responsibility is mandatory. In addition, it is essential that managers attend mandatory Equality & Diversity training for further guidance on managing disability in the workplace.

The Attendance Management Team (AMT) will co-ordinate a series of training sessions throughout the year and it is the responsibility of Directorates to ensure that appropriate staff receive this training.

In some circumstances the AMT will also provide training sessions to managers when requested by the Directorate or when new initiatives are developed or if there are changes in legislation.

12.1 Monitoring of policy and operating procedures

Following the implementation of the protocol it is essential that a formal method of monitoring compliance, user satisfaction and success is established.

The Trust's Sickness Absence Focus Group will review the protocol. The group will also agree and progress new initiatives which support the management of attendance.

12.2 Equality and Human Rights considerations

This policy has been screened for equality implications as required by Section 75 and Schedule 9 Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these. This policy has a direct impact on disabled employees and it is therefore recommended that Trust managers continue to record employee absences that are related to disability. Managers are required to work in partnership with HR, to ensure that such absences are monitored on a regular basis.

Using the Equality Commission's screening criteria, no significant equality implications have been identified. The policy will therefore not be subject to an equality impact assessment.

Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

12.3 Alternative formats

This document can be made available on request in alternative formats, for example plain English, Braille, disc, audio cassette and in other languages to meet the needs of those who are not fluent in English.

12.4 Review of the protocol

This protocol should be reviewed periodically in consultation with recognised Staff Side representatives via the HSC (NI) Joint Negotiation Forum.

_____	_____
Signed on behalf of Staff Side	Signed on behalf of Trust
Date : _____	Date: _____

SECTION 13 – APPENDICES

13.1 Trust Self Certificate

13.2 Management Referral Form to Occupational Health

13.3 Return to Work Interview Form

13.4 Guidance on Carrying out a Return to Work Interview

13.5 Letter – Failure to attend Occupational Health

13.6 Letter – Absent - No Sickness Certification (1st letter)

13.7 Letter – Absent - No Sickness Certification/Contact (2nd Letter)

13.8 Letter – Manager Meeting Employee on Long Term Sickness Absence

13.9 Letter – Manager issuing Informal Warning

13.10 Letter - Attend Absence Review Meeting

13.11 Letter – Attend Meeting to End Employment On Ill Health Grounds

13.12 Letter – Inviting Employee to Hearing with Independent Panel Following Review Meeting

13.13 Guidance for Management Presentation to Hearing with Independent Panel

13.14 Format of Independent Panel Hearing

13.15 Pro-forma – Independent Panel's record re Hearing

13.16 Attendance Management Checklist for Managers

Belfast Health and Social Care Trust

APPENDIX 1

BELFAST TRUST SELF-CERTIFICATE *(for absences lasting 4-7 days)*

PERSONAL DETAILS:

Name:_____ **Grade:** _____

Location:_____ **Staff No:** _____

National Insurance No: _____

DETAILS OF CONTACT MADE BY YOU WITH YOUR DEPARTMENT:

Date contacted:_____ **Time contacted:** _____

Name of person contacted: _____

Contacted by whom (if not you): _____

If contact made by someone other than you give reason why: _____

_____

ABOUT YOUR ABSENCE

Reason for absence: _____

What date did your sickness begin?

What date did your sickness end? (leave blank if you don't know):

What date did you resume work? (if applicable):

Do you anticipate being off for more than 7 days? **YES** ☐ **NO** ☐

Are you visiting your doctor? **YES** ☐ **NO** ☐

What date did you last work before your sickness began?

What time did you finish work on that date?

ABSENCE RELATED TO ACCIDENT AT WORK: **YES** ☐ **NO** ☐

I declare that this is a full and accurate account explaining the necessity for my absence. I note that disciplinary action may be taken against me if this is found to be a false statement.

SIGNATURE: _____**Date:** _____

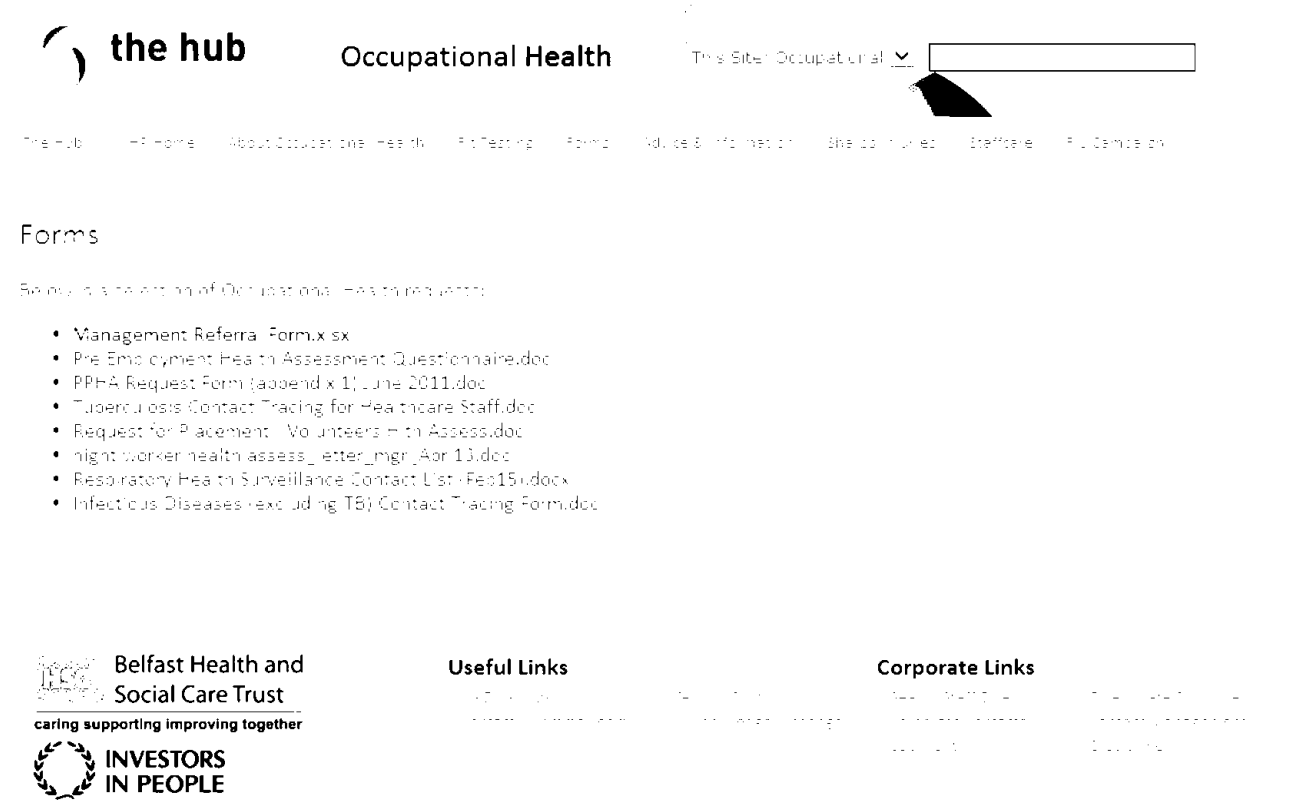
Appendix 2

Management Referral Form to Occupational Health

Please note that Occupational Health will only accept on-line referral forms.

Please access this form using the following hyperlink
http://intranet.belfasttrust.local/directorates/hr/OH/Pages/Forms.aspx

or by visiting the HUB, Occupational Health, Forms



Appendix 3

Belfast Health and Social Care Trust

Return to Work Interview Form

This form must be completed immediately upon return to work

1. Personal Details:

Name :

Grade / Band :

Location :

Staff Number :

2. Details of this absence from work (including partial days absence)

From	To	Reason	Total Days Lost	Hours Lost

Please tick if the absence is related to the following

Pregnancy ☐ Disability ☐ Accident / Incident at work ☐

3. Details of all sickness related absences within last 12 months

From	To	Partial day	Full day	Reason for absence	Working days & hours lost	Management action

Please note : If a sickness absence record is unsatisfactory it is necessary for a Manager to take the necessary steps to improve the situation to ensure a satisfactory attendance record.

4. Notification of Absence:

Did you notify your department on the first day of absence? **Yes** ☐ **No** ☐

If yes, who did you speak to? _____

If no, please state who did notify and the reason why :

_____

Reporting Procedure carried out? Yes ☐ No ☐

Did you submit a Trust cert? Yes ☐ No ☐

Did you submit a Doctors cert? Yes ☐ No ☐

Discussion Points :-

_____

_____

_____

_____

5) Action to be taken by Manager (if any):

Record RTW Interview Date on HRPTS. **Reason/s for Absence**: Managers should differentiate between short and long term absences. Managers should initiate appropriate action and ensure they record main discussion points on additional comments section

Short Term		Long Term	
No Action	☐	No Action	☐
Referral to occupational Health	☐	Referral to occupational Health	☐
Return to work arrangements	☐	Agreed Adjustments	☐
Stress risk assessment	☐	Stress risk assessment	☐
Informal Warning	☐	Return to work arrangements	☐
Formal Disciplinary Action recommended	☐	Informal warning	☐

Additional Comments :-

_____

_____

_____

_____

_____

_____

_____

_____

_____

Manager's Signature :_____**Date :** _____

Employee's Signature :_____**Date :** _____

Following return to work interview, Managers must ensure that the dates of absence i.e. actual working hours lost owing to sickness are verified and match those recorded on HRPTS & record date of RTW interview on HRPTS

Appendix 4

Belfast Health and Social Care Trust

CARRYING OUT A RETURN TO WORK INTERVIEW

Purpose

A return to work interview is one of the most important tools in reducing and controlling both long and short term absence from work.

The purpose of the return to work interview is:

- To make the employee feel welcome and valued upon return.
- To ensure that the employee is really fit to return.
- To discuss the cause of the absence.
- To address any problem that may be causing or contributing to the absence.
- To discuss advice/recommendations from OH where appropriate.
- To improve attendance.
- To update the employee on work issues.

Environment

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

- Hold the interview in private and respect the confidentiality of issues discussed.
- Create an atmosphere of trust and support.
- Explain the purpose of the interview

A return to work interview should be carried out on the same day that the employee returns and as early as possible so that discussions and clarification around such as adjustments, phased return, reporting procedures or attendance levels can take place. Also, so that the employee can be updated on any relevant and important work related issues. Where a Manager is unable to carry out the return to work interview on the day of return the employee should be advised of this and arrangements made for the interview to take place within 2 days of the return date.

Preparation

In the majority of cases the return to work interview will be short involving a brief discussion about the absence and the reason for absence. However there may be occasions when a more detailed interview will be necessary where for example a trigger point has been reached, or where an employee is returning after a long period of sick leave or where there are OH recommendations to discuss.

Before beginning an interview, the Manager must **prepare** so that all aspects of the case can be discussed in full. It is important that all background information has been gathered including previous history, reasons for absence, patterns, reference to previous discussions/warnings where appropriate, OH opinion, personal circumstances etc.

It is also recommended that reference is made to the Trust Attendance Protocol before and during the interview for guidance in relation to managing the case.

Structure

Welcome

Absence

Responsibility

Move on

The **W**elcome phase

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 welcome the employee back to work and at the outset note their absence and the impact this may have had on them.

The **A**bsence phase

This is the core of the interview. This is where you must discuss the recent period of absence including reference to previous absences where necessary. You should refer to the Trust Management of Attendance Protocol for guidance in the management of the short or long term absence.

On occasions the employee may present you with information relating to their personal circumstances that you may want to consider before initiating more formal action. If you consider the information to be mitigating then you must advise the employee that formal action will not be taken but that an improvement in attendance is still required. If the employee refers to issues caused by, or exacerbated by, work then you should be prepared to discuss it and help solve it. Here are some guidelines for the absence phase of the interview:

- Ascertain why the employee was absent and where appropriate explore what treatment if any they have taken/are undertaking.

- Place the absence in the context of any previous absences and, where appropriate, seek an explanation for any apparent patterns or trends.

- Be sensitive where personal problems and illnesses are being discussed and refer to the services of OH where appropriate or to recommendations made.

- Ask for further information/evidence if you are unclear about the reasons for absence. If you do have facts that appear to contradict the employee's statement, discuss these and give the employee an opportunity to explain.

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

- If an employee has a problem that is going to cause persistent absence, you must refer to the Trusts Attendance protocol and specifically to the section on managing short and long term absences. Any action taken should be done in accordance with the Protocol.

The **R**esponsibility phase

Although the absence phase is the core of the interview, the responsibility phase is the part that has the greatest influence on improving attendance.

The responsibility phase is not always necessary or appropriate. Its purpose is to manage absence and to improve attendance in the future. If the absence is unlikely to recur, then you may well decide that a responsibility phase serves no purpose and to move directly to the final phase.

However where there is concern about the ability to provide regular service in the future or where the employee has a high level of absence, you may want to advise them that they must accept responsibility for their attendance and contribute to finding solutions that will enable them to provide regular service.

Move on

It is very important to leave the meeting on a positive note where all parties are clear about what was discussed and agreed. Express confidence in the employee's ability to attend in future and then move on to brief the employee on the events that occurred during their absence and what is now expected of them in terms of work.

Conclusion

The purpose of the return to work interview is to manage absence effectively and to support the employee to remain in work and provide regular and effective service. Most interviews will be straightforward and short however there may be occasions when the interview is difficult both for the Manager and the employee. In all cases the return to work interview should be used positively to manage absence effectively and the employee should leave the interview clear about what has been discussed and the way forward. The date of the Return to Work Interview must be included on HRPTS.

Appendix 5

FAILURE TO ATTEND OCCUPATIONAL HEALTH
OR, REPEATED SHORT NOTICE CANCELLATION

PLEASE NOTE: MANAGERS ARE REQUIRED TO TAILOR THIS LETTER TO INDIVIDUAL EMPLOYEES ON A CASE BY CASE BASIS

Date

Name & Address

Dear

Job Title & Location

I refer to your employment in the above post and your current absence from work since DATE **Use 1 or 2 as appropriate)**

1. I have been informed by the Occupational Health Department that you failed to attend an appointment on DATE and that you also failed to provide any reason or explanation for your non attendance.

or

2. I have been informed by the Occupational Health Department that you cancelled your appointment on DATE at short notice. I would remind you that Occupational Health appointments are a valuable resource and where possible prior notice must be given so that appointments can be re-allocated appropriately.

A further appointment has been made for you to attend the Occupational Health Department on TIME and DATE.

Attendance at Occupational Health is a contractual obligation and I would ask that you contact me MANAGERS NAME, at Tel: NUMBER, immediately to confirm your attendance at the new appointment and to advise me of your reason for not attending/cancelling (delete as appropriate) the appointment on Date.

Failure to attend this further appointment or failure to give good reason for your non-attendance may result in your pay being stopped and disciplinary action being taken.
I look forward to hearing from you.

Yours sincerely

Appendix 6

ABSENT NO SICK LINES/CONTACT – 1ST LETTER FROM MANAGER

PLEASE NOTE: MANAGERS ARE REQUIRED TO TAILOR THIS LETTER TO INDIVIDUAL EMPLOYEES ON A CASE BY CASE BASIS

DATE

NAME & ADDRESS

Dear

Re: Job Title & Location

I refer to your employment with Belfast H&SC Trust in the above post and note that you have been absent from work since DATE.

Following your absence from_____, you have failed to make contact with your line management contrary to the Attendance Management Protocol.

In accordance with the Attendance Management Protocol you are also required to submit the necessary absence certificates. I have enclosed a copy of the Trust Self Certificate which you are required to complete and as you have been absent now for more than 7 days you are also required to submit a GP Fit Note to cover your current sickness.

I am therefore requesting that you contact me, NAME at Tel: NUMBER immediately on receipt of this letter, and in any event, not later than ___am/pm on_____to confirm the position in relation to your current absence.

If you have not contacted me by this date, this may result in your pay being stopped and potential disciplinary action being taken against you.

Yours sincerely

Appendix 7

ABSENT NO SICK LINES & OR NO CONTACT – 2nd LETTER FROM MANAGER

PLEASE NOTE: MANAGERS ARE REQUIRED TO TAILOR THIS LETTER TO INDIVIDUAL EMPLOYEES ON A CASE BY CASE BASIS

DATE

NAME & ADDRESS

Dear

Re: Job Title & Location

I refer to my previous letter (DATE), and my phone call on DATE and I am concerned that you have continued to fail to submit appropriate sickness certification regarding your current sickness absence from work, contrary to the Trust's Management of Attendance Protocol.

I am therefore requesting that you contact me, NAME at Tel: NUMBER immediately on receipt of this letter, and in any event, not later than ___am/pm on_____to confirm the position in relation to your current absence.

If you have not contacted me by this date, the Trust's salaries and wages department will be instructed by me to stop your pay with immediate effect. Failure to adhere to this request may also result in formal disciplinary action.

Yours sincerely

Appendix 8

MANAGER MEETING EMPLOYEE ON LONG TERM SICKNESS ABSENCE

PLEASE NOTE: MANAGERS ARE REQUIRED TO TAILOR THIS LETTER TO INDIVIDUAL EMPLOYEES ON A CASE BY CASE BASIS

DATE

NAME & ADDRESS

Dear

I refer to your current absence from work since_____and wish to advise you that a meeting has been arranged for Location, date and time.

Please let me know if you wish this meeting to take place in another location.

The purpose of our meeting is to discuss your absence from work and options that may be available to you in order to aid your return to work when you are fit to do so. You may also want to consider taking this opportunity to raise any concerns you may have regarding your future employment options.

If you wish, a Staff Colleague or your Trade Union representative may accompany you to the meeting. If you wish a Trade Union representative to be present, you must arrange this directly with your representative.

Please confirm that this date and time are suitable by contacting me at TELEPHONE NUMBER.

Yours sincerely

- - - - - - - - - - - - - -

Manager

Appendix 9

MANAGER ISSUING EMPLOYEE WITH A VERBAL WARNING

Date

Name
Address

Dear

Re: Issue of Verbal (Informal) Warning

I refer to our meeting held on _____You were represented by _____(or) You confirmed you did not wish to have representation. (delete as appropriate)

The meeting was held to discuss your unsatisfactory attendance record, please see below:- (LIST ALL RELEVANT EPISODES OF SICK LEAVE)

(THE FOLLOWING PARAGRAPH IS OPTIONAL DEPENDING ON WHETHER YOU HAVE REFERRED THE EMPLOYEE TO OH TO DETERMINE IF THERE IS AN UNDERLYING HEALTH CONDITION)

An Occupational Health report dated _____advised that there were no underlying health issues which have contributed to your high level of absence. I then discussed with you during the meeting that this level of absence is unacceptable and warranted informal disciplinary action.

As such, I issued you with a verbal warning which will remain on your file for a period not exceeding 6 months from the date of issue of this letter. During this time your attendance will continue to be monitored. Should your attendance not improve or you fail to comply with the Management of Attendance Protocol, this may result in formal disciplinary action.

I hope that the issuing of this verbal warning will address to you the serious need to improve your attendance and that going forward this improvement will occur.

You have the right to appeal the issue of this verbal warning and must do so in writing stating the grounds of your appeal, within seven days of receipt of this letter to the next line manager (NAME AND CONTACT DETAILS).

Yours sincerely

Appendix 10

ATTEND ABSENCE REVIEW MEETING

PLEASE NOTE: MANAGERS ARE REQUIRED TO TAILOR THIS LETTER TO INDIVIDUAL EMPLOYEES ON A CASE BY CASE BASIS

DATE

Name
Address

Dear,

Re: Job title, location

I refer to your current sickness absence from work since (DATE) and following receipt of your Occupational Health report, a Review Meeting has been arranged for DATE/ TIME and VENUE. The purpose of the Review Meeting is to explore possible options with you regarding your future employment with the Trust.

You have the right to be accompanied to this Review Meeting by a Trade Union rep or staff colleague. A representative from Human Resources will also be present.

It is important that you confirm your attendance by telephoning me at _____on receipt of this letter.

Yours sincerely,

Appendix 10a

ATTEND ABSENCE REVIEW MEETING FOLLOWING EMPLOYEE'S UNSUCCESSFUL APPLICATION FOR RETIREMENT ILL HEALTH

Date

PRIVATE & CONFIDENTIAL

NAME

ADDRESS

Dear

JOB TITLE & LOCATION

I refer to your employment in the above post and to your application for ill health retirement and understand that the HSC Pensions Service has advised you that your application for medical retirement did not satisfy the requirements set down in the scheme rules for Ill health retirement.

As you will be aware from our meeting on DATE when you advised that you agreed with the Occupational Health report from Dr NAME dated DATE, that you are unfit for work and that you had decided to apply for your Ill Health Retirement Pension Benefits. We discussed that in accordance with the Trust's Managing Attendance Protocol, the Trust would terminate your employment on ill health grounds should your application for Ill Health Retirement be unsuccessful.

Therefore, you are required to attend a meeting on DATE, TIME & LOCATION in which I will commence the administrative process of terminating your Trust contract of employment on the grounds of your continued ill health.

Additionally, as discussed I would like to advise you that should you wish you may instead opt to attend a meeting with an independent panel comprising a HR Manager and a Senior Manager from your Directorate (who has had no prior involvement in managing your case) who will consider your case and your future employment with the Trust. At this meeting, your line manager will present a case to the panel regarding your fitness for work and what options have been considered to date.

Please contact me by telephone on (inset number) or by e-mail (insert) to confirm which of the above options you wish to avail of i.e.

1. Meeting with HR & me as your Line Manager to terminate your employment on ill health grounds on DATE & TIME.

Or

2. Attending a Hearing with an independent panel to consider your future employment options with the Trust. (should you choose this option, dates for hearing will be convened and sent to you under separate cover).

It should be noted, that you have the right to be accompanied at either of these meetings by an employee representative, that is, any employee of the Trust who is an accredited representative of a trade union, professional organisation or staff organisation or a full time official of any of the above organisations or a fellow Trust employee.

Yours sincerely

Manager

** delete as appropriate
cc Panel members ie 5th Line Manager & HR Absence Lead & HR Manager

Appendix 11

Template letter inviting employee (following Review Meeting) to attend Meeting to End Employment on Ill Health Grounds

Date

Name
Address

Dear

I refer to your current absence from work and the Review Meeting held on (insert date). As was discussed with you at the Review Meeting, it has been agreed that you remain unfit for work and no reasonable adjustment or alternative redeployment has been identified as being suitable for you.

At the Review Meeting, you advised that you agreed with the Occupational Health assessment that you are unfit for work. You also advised that you wish to leave your employment with the Trust and we discussed ill health termination. Therefore in accordance with the Trust's Managing Attendance Protocol, you are required to attend a meeting on (date) at (time) in (venue), at which I will commence the administrative process of terminating your Trust contract of employment on the grounds of your continued ill health.

Additionally, as discussed, I would like to advise you that should you wish you may instead opt to attend a meeting with an independent panel comprising a HR Manager and a Senior Manager from your Directorate (who has had no prior involvement in managing your case) who will consider your case and your future employment with the Trust. At this meeting, your line manager will present a case to the panel regarding your fitness for work and what options have been considered to date.

Please contact me by telephone on (inset number) or by e-mail (insert) to confirm which of the above options you wish to avail of i.e.

1. Meeting with HR & me as your Line Manager to terminate your employment on ill health grounds on (insert date).

   Or

2. Attending a Hearing with an independent panel to consider your future employment options with the Trust. (Should you choose this option, dates for hearing will be convened and sent to you under separate cover).

It should be noted, that you have the right to be accompanied at either of these meetings by an employee representative, that is, any employee of the Trust who is an accredited representative of a trade union, professional organisation or staff organisation or a full time official of any of the above organisations or a fellow Trust employee.

Yours sincerely

Manager

** delete as appropriate
cc Panel members ie 5th Line Manager & HR Absence Lead & HR Manager

Appendix 12

Template letter inviting employee to a Hearing with an Independent Panel following Review Meeting

Date

Name
Address

Dear

I refer to your current absence from work and the Review Meeting held on (insert date). As was discussed with you at the Review Meeting, it has been agreed that you remain unfit for work and no reasonable adjustment or alternative redeployment has been identified as being suitable for you.

Therefore, in accordance with the Trust's Managing Attendance Protocol, you are required to attend a meeting on (date) at (time) in (venue), at which an independent panel will consider the termination of your Trust contract of employment on the grounds of your ill health.

I enclose a copy of the report/documentation to be considered by the panel.

The panel will be (name), (Title) and (name), Human Resources Manager. (Name of manager) (Title) will also be in attendance.

You may be represented at the hearing by an employee representative, that is, any employee of the Trust who is an accredited representative of a trade union, professional organisation or staff organisation or a full time official of any of the above organisations or a fellow Trust employee.

Yours sincerely

Manager

** delete as appropriate
cc Panel members ie 5th Line Manager & HR Absence Lead & HR Manager

Appendix 13

Guidance for Management Presentation to Independent Panel

The Management presentation to the panel should include,

1. The employee's personal details

Name, Band, Directorate, Department, Base, date of Appointment, Member of HSC pension scheme (or not)
Details of Employee's Trade Union Representative.

2. Does employee meet the definition of Disability as per DDA?

If employee has a disability, specify if any absence was attributable to disability.

3. Time line of events

Details from when employee first commenced sickness absence to most recent,
Copy of absence report from HR computer system,
Details of Meetings held with employee under Managing Attendance Protocol (including office visits, home visits or return to work interviews if appropriate)
Dates of meetings & details who was in attendance including other Trust staff / management and or employee's Trade Union Representative.

4. Occupational Health Referrals and Reports

Date of referral (s) to Occupational Health.
Provide copy of management referral forms
List dates of Occupational Health appointments
Provide copies of Occupational Health reports
Details of any specialist report findings,

5. Employment options explored with employee

Details of any alternatives such as redeployment, adjustments to hours, location, duties etc. were explored by manager to support employee.
If employee has a disability, what reasonable adjustments were considered?
Details regarding any information that was provided to the employee in advance of hearing re ill health termination.

Appendix 14

Independent Panel Hearing Procedure

Format of Hearing

Chair of panel introduces those present and explains the format for the meeting. Panel to confirm with the employee that they understand that the outcome could result in the termination of their employment with the Trust and also, that they have received all relevant documentation in advance of the hearing.

↓

Manager makes their presentation

Chair of panel asks employee if they have any further information/points they wish the panel to take into consideration in addition to what has been provided by the manager to the panel and employee/TU representative in advance of the meeting

↓

Panel may ask employee & manager questions to provide clarification to the panel

↓

Meeting is concluded & panel will then consider the documentation & any mitigation presented by employee/TU representative.

↓

Decision is communicated in a sensitive manner to the employee by the Manager in the 1st instance. This should then be followed up in writing to the employee advising of right to appeal if decision is to terminate the contract of employment.

NB: Appeal Hearing will follow the same format as above

Appendix 15

Independent Panel Hearing Procedure

Pro-forma for Hearing Panel Decision Making Process

Date of Hearing/Appeal	
Employee Details (name, band, location)	
Name of TU Rep / Accompanying Colleague	
Panel Details (name, title)	
Consideration of documentation/evidence	
Summary points made by employee/manager	
Panel decision and reasons	
Signed:	
Panel members:	**Date:**

Appendix 16

Attendance Management Checklist for Managers

Key Checks	
Has the sickness absence been accurately recorded on HRPTS or ETM02 Excel Timesheet?	
If you as a manager did not personally record the absence, has it subsequently been verified and checked by you as accurate?	
Has absence been certified? (1- 3 days uncertified. 4-7 days Trust self cert must be completed by employee. 7 days or more – GP fit note required) Copies to be retained securely by manager (these are no longer sent to Payroll). If not certified, please use template letters and write to employee.	
Has an agreed format & frequency of communication with employee been agreed & recorded in employee file?	
Has record of communication with employee during absence been retained in employee file?	
Has employee been referred to OH? Record of referral to Occupational Health to be retained on employee file. If no referral, record reasons for non-referral on file.	
Has OH report been received? Has copy of report been retained? Have you as the manager taken appropriate action re any OH recommendations? Has evidence of action taken been retained on employee file?	
Has HR advice been sought re absence?	
Has return to work interview been conducted for every period of absence? Has HRPTS been updated to include return to work interview date? Is follow up action recommended i.e. referral to OH, review of working patterns, informal/formal disciplinary action etc. Has copy of return to work interview been retained?	
When employee returns to work from sick leave, verify actual working days lost against what was recorded on HRPTS or on Timesheet by checking and updating HRPTS and contacting Payroll Shared Services if necessary.	
Has HR been involved re repeated causal absence with no underlying health condition?	