



Sickness Absence Policy

At the NHSBSA, we know that working is an important part of your wellbeing and there will be times when you can't come to work due to illness. We want to support you and help you come back to work as soon as possible. Our Sickness Absence Policy helps you to understand what will happen when you're too ill to come to work for a period of time. We also want to give support and guidance to you if you need to improve your attendance. This policy sets out our approach to managing sickness absence.

In applying this policy we, the NHSBSA, will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender including non-binary, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

This policy doesn't form part of your contract of employment and can be amended at any time. We may also vary the processes within this policy, including any time limits, as appropriate in any case.



Who Does This Policy Apply to?

This policy applies to you if you are not in your probationary period. If you are in your probationary period, you still need to follow the procedures for notifying us if you can't come to work (Absence Reporting), Keeping in Touch, Sickness certification and Return to work).

Absence Reporting

If you can't come to work, you need to let us know. You need to call your manager – or another designated manager - at least one hour before the time you are due to start work. Some business areas may have different notification procedures than this for operational reasons – if this applies to you, your manager will let you know what you need to do.

Make sure you know who you need to call if you can't come to work and have the phone numbers you need. It's important you make the call yourself and you'll need to let us know:

- why you're absent and how long you expect to be off work
- your phone number so your manager can keep in touch with you
- details of any urgent or outstanding work that needs to be picked up while you're off

We don't accept texts, emails, messages on social media or messages from another person unless you really can't call yourself or if you have an agreed adjustment in a Workplace Adjustment Passport which sets out how you will contact your manager if you are sick. This is so that we can support you. For example, you may need some adjustments that we can get in place for you returning to work and we'll need to ask you some questions to do so.

It's important that you follow the Absence Reporting procedure for every absence. If you don't, this may be viewed as unauthorised absence which may result in your pay being withheld. This also may be viewed as a personal conduct matter, which may lead to action being taken against you under the Disciplinary Policy.

If you become ill when you are at work and need to leave, you need to let your manager, or another manager know; It's important we know you have left. For example, if we need to evacuate the building.



Keeping in Touch

During the time you are off work you need to stay in touch with your manager so we can continue to support you. Your manager will let you know when you need to call and update them on how you are doing. Your manager may also need to call you from time to time and will agree with you how and when to keep in touch with you.

It's important to stay in contact with your manager as well as providing Fit Notes (see Sickness Certification). You should call, at the latest, the day before your Fit Note expires to let them know if you will be returning to work. You should also keep your manager updated on any new information about your sickness and how you are progressing.

If you feel the reason for your absence is because of work, talk to your manager or another manager immediately so we can try to address any issues and help you get back to work quickly. If appropriate, we will refer you for an Occupational Health Assessment to find out what we can do to support you. We will ordinarily seek your consent before making a referral.

Sickness Certification

You can self-certify for the first seven calendar days of your sickness using the self-certification section on the Return to Work Form, which is available on My Hub, and which you will usually be asked to complete at a Return to Work meeting. If you're going to be off for more than seven calendar days, you will need to get a Fit Note from your doctor or other medical professional to cover your absence from the eighth day onwards. You need to provide your manager with the Fit Note without delay.

Any sickness absence needs to be covered by self-certification or a Fit Note. Any uncertified gaps may be classed as unauthorised absence.

Occupational Sick Pay

If you are on NHS Terms and Conditions you will find details of your sick pay in contract of employment. If you are not on NHS Terms and Conditions, for example if you have TUPE transferred into the NHSBSA, you can find out what your sick pay is from your manager.

We may withhold sick pay if you don't satisfy the pre-conditions for payment. Managers should always contact Corporate HR before stopping sick pay for the following reasons:



- you don't follow this Sickness Absence policy, including the Absence Reporting procedure without good reason.
- you don't provide a Fit Note when required.
- you don't attend a scheduled Occupational Health appointment without good reason.
- we have reasonable grounds to believe that you are doing activities (other work, sports, hobbies, etc.) that may delay your recovery or make your condition worse.
- you're undergoing elective cosmetic surgery. If you are, please speak to your manager so we can agree for you to take holiday.

If you take part in any salary sacrifice schemes, such as a lease car, please let your manager know as we will need to talk to you about this if you are to go into a period of nil or half sick pay.

Return to Work Meeting

When you return to work your manager, or an alternative manager if yours is unable, will meet with you on your first day back to find out how you are and if there are any support and adjustments required. Your manager will also update you on any important information you may have missed. At the meeting you must complete the self-certification section of the Return to Work Form. Your manager will complete the rest.

As part of the return to work your manager will let you know if you have reached an absence trigger and need to attend an Attendance Review Meeting. If you have not met a trigger but your manager is concerned about your attendance, they will discuss this with you informally to identify if there are any adjustments or support you may need.

Absence Triggers - Short Term and Persistent Absence

Using absence triggers is an important way of managing attendance. We have a set of absence triggers to help us identify short-term and persistent attendance records that give us cause for concern. These are:

- three or more absences in a rolling 12-month period.
- 8 or more days absence in a rolling 12-month period (pro-rata if you're part time).
- any unusual timing or identifiable pattern of absence (such as the day after a bank holiday).

If you are on Civil Service Terms and Conditions you may have a different set of triggers. These can be obtained by contacting nhsbsa.corporatehr@nhs.net.

Your manager will let you know at your return to work meeting if you have met a trigger. If you do meet a trigger your manager will invite you to an Attendance Review Meeting. Your manager will let you know if the meeting is informal or formal.



Informal Attendance Review Meeting

Your manager will write to you to let you know when and where the meeting will be. The meeting is a two-way discussion between you and your manager. Your manager will discuss your absences and the following with you:

- next steps from previous attendance review meetings (if applicable).
- Occupational Health report (if applicable).
- what, if any, adjustments and/or support is in place, and if this needs to be reviewed.
- additional adjustments and/or support you may need.



After you and your manager have had a full discussion, your manager will confirm any next steps put in place and when these will be reviewed.

Formal Attendance Review Meeting

Your manager will write to you to let you know when and where the meeting will be. As this is a formal meeting you can be accompanied at the meeting by a trade union rep or an NHSBSA work colleague. Your manager will be accompanied by another manager at the meeting who will take notes. In some cases, a member of HR (Corporate Services) may attend instead of another manager.

The meeting is a two-way discussion between you and your manager. Your manager will discuss the following with you:

- your absences that have given cause for concern.
- what, if any, adjustments and/or support is in place, and if this needs to be reviewed.
- next steps from previous attendance review meetings (if applicable).
- Occupational Health report (if applicable).

After you and your manager have had a full discussion, the meeting will be adjourned. This gives your manager time to decide what the outcome of the meeting should be. The meeting can have one of three outcomes:

- No further action
- Next steps – your manager may give you next steps to complete to try to help you improve your attendance
- Formal action, this will be:
 - First written warning –the warning will be live on your record for 52 weeks.
 - Final written warning –The warning will be held on you record for 52 weeks.



- Dismissal (with notice pay or lieu of notice) – where you already have a prior warning, or where the circumstances of your absence otherwise make it appropriate, we may terminate your employment on the grounds of capability.

Following the meeting, your manager will write to you within 10 days to confirm the outcome.

Long Term Absence

Long term sickness absence is where you are absent for a period of more than 4 weeks. If you are unable to return after 4 weeks your manager will arrange a review meeting with you to discuss your ill health and the support we can offer to help you return to and remain at work. We will work with you throughout your absence and will implement reasonable adjustments where possible.

During your absence, your manager will hold review meetings with you regularly. There are no set timescales for review meetings – it depends on your medical condition and your circumstances. Your manager will arrange to meet you at appropriate times as your absence progresses. This may be for example, after receiving an Occupational Health report or if you have met with your GP or specialist.

The meeting is a two-way discussion between you and your manager. Your manager will discuss the following with you:

- your health conditions and what progress you are making.
- what, if any, adjustments and/or support is in place, and if this needs to be reviewed.
- next steps from previous attendance review meetings (if applicable).
- Occupational Health report (if applicable).
- if you can return to work in the near future.
- options that may be available if you are unable to return to your role or to the NHSBSA.

If after a prolonged period it looks unlikely that you will be able to return to work in a reasonable timeframe, we will invite you to a formal meeting. We will only do this if we have:

- gathered all relevant medical information
- considered reasonable adjustments, phased return and redeployment
- discussed ill-health or early retirement (if appropriate)

If having explored the above, you are still unable to return to work in a reasonable timeframe the outcome of the final review meeting is likely to be that we will end your employment on the grounds of capability.

We may also invite you to a final review meeting at any point during your absence if you have had previous long-term sickness absence and have not been able to remain in work.



Appeal

You have the right to appeal against any formal action taken. Our Appeal Policy sets out what you need to do and how we will deal with your appeal. The Appeal Policy can be found on My Hub.

Pregnancy Related Sickness

If the reason you are sick and absent from work is related to you being pregnant, your manager or another manager will still hold a return to work meeting with you on your first day back to ensure you are well enough to return and to put in place any reasonable adjustments you may need. Pregnancy related absence will be excluded when calculating absence triggers. Further information about pregnancy can be found in the Maternity Policy available on the on My Hub.



Disability Related Absence and Workplace Adjustment Passports

If you have a Workplace Adjustment Passport, talk to your manager so they can ensure any agreed adjustments you have are in place. Your manager will also review your passport to make sure it is up to date. If you don't already have a passport and you have or think you have a disability, let your manager know and they will discuss it with you.

If you have an underlying medical condition and you have made us aware, we may ask you to attend an Occupational Health assessment so that we can obtain medical advice on how to support your attendance. We will review any recommendations and set personal attendance rates considering your medical condition and the advice provided. Details of any personal attendance rates will also be included on your Workplace Adjustment Passport.

Occupational Health

If you're off sick, we may want to refer you to Occupational Health to get advice on your condition and any adjustments that may help you return to work and/or to support you and prevent future absence. In absence cases where the reason given for absence is work related, we will ordinarily refer you to Occupational Health straight away.

Occupational Health advice plays an important part in supporting you. Please be aware that if you do not engage with referrals to Occupational Health, we can only support you and make decisions based on the other information we have available.



Sickness and holidays

If you're off sick and have pre-booked holiday that you're too unwell to take, you can ask for the holiday to be cancelled so you can take it another time. If you are already on holiday and you become so unwell that you wouldn't have been able to attend work, you can ask for these holidays to be cancelled if your illness seriously disrupts your holiday. You will need to follow the absence reporting procedure and get a Fit Note from your doctor covering the entire period of holiday you were unwell (including the first seven calendar days).

If you are on sick leave and you want to go on holiday you need to let your manager know. We may want to refer you to Occupational Health to ensure going on holiday will not be detrimental to your recovery. Where an absence is broken by a period of annual leave the sickness before and directly after the period of annual leave will be treated as a single absence.

When you are off sick you continue to accrue annual leave. You will not accrue bank holiday leave unless this would take you below your statutory leave entitlement of 5.6 weeks per year.

If you are off sick for an extended period of time and are unable to take all your annual leave before the end of the holiday year, your manager will work with you to arrange for the leave to be taken as soon as possible.

Sickness During Unpaid Leave

If you are sick during a period of authorised unpaid leave you won't receive sick pay – for example, career break.

Medical Suspension

If by being at work we believe you pose a risk to yourself or others, we may suspend you on medical grounds. This is to allow us to obtain medical advice to confirm if you are or aren't fit to be at work. This is not a sanction against you, it is a precautionary measure and you will receive your normal pay.

Substance Misuse

If your sickness absence is due to substance misuse, our Alcohol and Substance Misuse policy may apply. A copy of this is available on My Hub. In any case we will work with you and support you wherever reasonably possible.



Personal Conduct Matters

In some cases, the Disciplinary Policy may apply rather than, or as well as, the Sickness Absence Policy. Such conduct matters include, but are not limited to:

- If you don't follow the absence reporting procedure.
- If you don't follow the Keeping In Touch procedure.
- If we have reasonable grounds to believe that your sickness absence isn't genuine.
- If you give inaccurate or misleading information about your sickness absence.
- If we have reasonable grounds to believe you are doing activities (other work, sports, hobbies, etc.) that may delay your recovery or make your condition worse.
- If you undertake any other employment, whether paid or unpaid without prior consent.

Employee Assistance Programme

We understand that being unwell can be very difficult. The Employee Assistance Programme (or EAP) is a 24/7 helpline that offers both telephone and face to face support. This is a confidential service and more information can be found on My Hub.

