NHS England: Attendances (Interim Policy)
ATTENDANCE MANAGEMENT POLICY

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These policies have been migrated from other NHS bodies for the purposes of the employment of new staff to NHS England in the period up to 1st April 2013. Any queries regarding the interpretation of these procedures will be referred for discussion and resolution in accordance with the NHS England Partnership arrangements.
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Reviewers:
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Approvals:
This document has been approved by Staff Side and the Remuneration Committee.

NB. The version of the policy posted on the intranet must be a PDF copy of the signed approved version.

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ATTENDANCE MANAGEMENT POLICY

1.0 Purpose

1.1 The purpose of this document is fourfold:

To ensure good standards of practice;
To inform staff and managers of their responsibilities;
To ensure consistency in attendance management across NHS England
This policy details individual responsibilities together with guidance on dealing with short and long-term sickness absence.

2.0 Scope

2.1 This policy applies to all members of staff. This document is not intended to constitute part of the contract of employment of any employee of NHS England. Staff whose contracts are governed by the NHS terms and conditions of service handbook (Agenda for Change) are referred to Section 14 of the handbook. Other staff are referred to relevant sections of their contract of employment.

3.0 Aims

3.1 Sickness absence affects the quality and efficiency of work within teams. NHS England recognises that staff may experience ill health and need to refrain for work during their employment and this policy has been developed to ensure such absence is minimised to support staff and to help staff return to work as soon as possible.

3.2 NHS England will ensure that all staff receive fair and reasonable treatment in the management of attendance at work. Our aim is to build on current best practice, as well as set new standards to ensure consistency, fairness, and an overall reduction in sickness absence. Staff who are unwell must be treated
with consideration and respect, with every effort being made to assist their recovery and safeguard their health and wellbeing, although the impact of absence will need to be balanced alongside service requirements.

4.0 Definition of Sickness Absence

4.1 A sickness absence is any absence from work where the employee is unfit to work as a consequence of ill health or injury.

4.2 Working when Sick:

If a member of staff is unwell, they should report this as sickness absence. It is not appropriate for staff who go home because they are unwell during the working day or contact NHS England from home indicating they are unwell; to say they are still contactable by telephone or working from home. Staff must also be discouraged from reporting that they are working from home whilst unfit to work.

If a member of staff is fit to work but unable to travel to work (e.g. through injury), it may be possible to make arrangements for the person to work from home. This should not however contradict the terms of absence laid down in any medical certificate.

This information should be provided to the Human Resources department.

5.0 Links to Agenda for Change and other NHS England Policies

5.1 Sickness absence is subject to Agenda for Change Terms and Conditions of Service (AfC) that are agreed by NHS Staff Council and which form part of the contract of employment. Please refer to the AfC Handbook, Section 14, for details of Sickness Absence arrangements.

5.2 This policy has taken account of, and should be read in conjunction with, the
appropriate policies and terms and conditions of employment within NHS England.

5.3 NHS England recognises that if any time staff feel harassed or intimidated at work, the Respect at Work Policy provides advice and guidance where necessary. Unauthorised absence from work, punctuality or some cases arising from persistent short-term sickness may be deemed as a conduct issue, and should be referred to within the Disciplinary Policy and Procedure. False certification is a disciplinary offence. Where there is evidence of this occurring this should also be dealt with under the Disciplinary Policy and Procedure.

5.4 There are occasions when staff need time off to deal with unexpected events or a crisis at home – sickness absence should not be used in such circumstances, and guidance regarding this type of absence should be sought from Human Resources.

6 **ABSENCE TARGETS**

6.0 **NHS England Absence Targets**

6.1 NHS England is striving to reduce sickness absence to an absolute minimum. It is recognised that employees will have occasional absence but it should aim to minimise these occasions by following the attendance management procedures.

6.2 An individual target may be appropriate, for instance, if it is established that the person has a potentially short term condition which might be fully resolved after, say, three months (with a strong possibility of frequent intermittent absences/hospital treatments which are likely to exceed the normal target figure during the recovery period). It might be more reasonable to set a further date for review rather than set a target that may be unachievable.
6.3 However, there will be cases where it is legitimate to issue a target of “no absences” in a given period.

6.4 Targets for part-time staff should be in proportion to, and consistent with, the targets set for full-time employees. Special consideration will need to be given to term time only patterns of work and the 4:6 rule (see 18.1 Absence Triggers).

6.5 “Reasonable Adjustments” and Target Setting:

Special consideration needs to be given to absences related to staff who fall within the Disability Discrimination Act (DDA).

Special consideration also needs to be given to short-term absence that is caused by on-going recurring illness, for example, migraines, asthma, arthritis etc. HR will determine whether a recurring illness falls under the definition of disability under the Equality Act (2010), in consultation with Occupational Health. Service who will provide specific advice in relation to “reasonable” target setting, which might be in the form of a quota for absence for the specific recurring illness.

In these circumstances, medical reports will be obtained at appropriate monthly intervals to help identify improvements/changes to medical conditions. Depending upon the outcome of the medical reports targets may need to be re-set where necessary.

Please see Section 14, Disability Related Sickness Absence, for more information on the Equality Act (2010).

7.0 Responsibilities of NHS England

7.1 NHS England accepts its responsibility for the health, safety and well-being of its staff and acknowledges that staff are likely to be absent through sickness on occasion during their working life with NHS England. NHS
England’s responsibilities encompass legal obligations through the Health and Safety at Work Act and other relevant legislation, as well as through policies and procedures which support best practice across a wide range of subjects such as; risk assessment, manual handling, maternity provision, and accident reporting and attendance management. Confidentiality is paramount for all staff involved in managing sickness absence as well as those involved in recording and monitoring such absences.

7.2 Preventative action is the primary goal in the effective management of sickness absence and ill health. This should be based on establishing a positive attendance culture and tackling work related causes of ill health; e.g. stress and promoting health in the workplace.

7.3 NHS England recognises that the most effective way to reduce absence levels is to provide positive measures to support staff in the workplace. In order to enable staff to maintain their attendance, the following measures will be taken:

NHS England will meet the obligations under Health and Safety legislation, particularly in relation to the general working environment and welfare provision of staff.

NHS England will monitor turnover rates for staff leaving NHS England, and will continue to recruit staff to establishment levels within each directorate, building on recruitment and career development opportunities as they arise.

NHS England will ensure this policy is available to staff via the Intranet and on request.

NHS England will ensure that managers are aware of this policy and its implications.

8.0 Responsibilities of the manager

8.1 Day to day absence management issues are best handled on an individual basis and the person best placed to do this is the line manager. An integral part of each manager’s responsibility is to maintain accurate record keeping in order to develop a fair and consistent managerial approach to work
attendance. Managers must ensure accurate and relevant information is provided to the Human Resources department on a timely basis. All periods of absence of a half-day or more must be recorded (pro rata for part timers).

8.2 If a member of staff goes home indicating they are unwell or contacts NHS England from home stating they are too sick to come in to work, the line manager must record a period of absence as follows:

   A. If the member of staff becomes unwell at work and decides to (or is instructed to) go home, they will have a whole or a half day of sickness absence added to their record, as appropriate to the circumstances.

   B. If the member of staff phones their manager to indicate they are unwell, a day of sickness absence will be added to their record.

   C. If the member of staff then remains off work, the first date of sickness should remain as when the member of staff initially went off sick or contacted NHS England.

   D. For both of the above situations, the member of staff must provide a Self Certification Form (on return to work) or Medical Certificate (when issued by the doctor). It is the responsibility of the line manager to ensure this happens and the documentation is forwarded to the HR department for recording on a monthly basis. In addition, the line manager must ensure that if the period of absence triggers the next stage in the process, then the appropriate meeting is booked with the individual as soon as possible.

8.3 Working conditions are regulated by Health and Safety legislation and managers are expected to ensure that all relevant legislation to protect the health and safety of their employees is complied with and all necessary protection, training and awareness are provided.
8.4 It is important that managers are aware of the potential link between attending work and other factors such as working conditions/low morale/inability to take time off to deal with domestic crises, stress, and lack of training to undertake a job role. Managers should make every effort to ensure that they do not exacerbate absences through their own actions.

8.5 Managers must provide support, through contact with staff who are absent from work, through sickness on a regular basis (i.e. if a pattern of absence is emerging), or if the sickness becomes prolonged (i.e. over three weeks), and arrange to meet with the member of staff (either at NHS England, or off-site at a neutral venue or a home visit) on a date and time that is mutually agreed. This is to ensure that appropriate advice and guidance is offered, and that the absence is managed appropriately.

8.5 Managers must ensure that they notify HR and the Office Manager immediately if any injury has occurred to one of their staff due to an accident at work, who will ensure that the Health and Safety Executive criteria is met.

9 RESPONSIBILITIES OF THE HR TEAM

9.0 Responsibilities of the Human Resources Team

9.1 HR will record and monitor sickness absence centrally on a monthly basis for all staff, based on the information received from managers and information taken from the self-certificates and Medical certificates. This will allow the HR team to complete the monthly payroll forms. The information will also be used to prepare statistics on duration and reasons for sickness absence and monitor trends for reporting purposes.

9.2 It may be appropriate for a senior member of the HR team to become involved in home visits to staff in conjunction with their line manager, e.g. to explain sick pay entitlements or retirement provisions.
10.0 Responsibilities of staff

10.1 Staff have a personal responsibility to take all reasonable measures to ensure their fitness for work. If absences are work related, employees have a responsibility to be proactive in raising concerns.

10.2 Staff are required to notify their manager or a relevant alternative person of their sickness absence as soon as possible on the first day of sickness absence and to provide updates on their position as reasonably required. Failure to do so may jeopardise entitlement to sick pay.

10.3 Staff are required to co-operate and comply with all requests for information on their state of health from Occupational Health and to attend interviews or examinations with Occupational Health. Failure to do so may jeopardise entitlement to sick pay.

10.4 If staff have concerns over any aspects of health and safety in their roles, including any unreasonable stress, which they are feeling, they should discuss these as soon as possible with either their line manager, or a member of the HR team.

10.5 Staff must ensure that the first section of the Self Certification form (Appendix 1) is completed when returning to work after sickness absence unless a Medical Certificate has covered the sickness period. A Medical Certificate must be obtained for a period of sickness exceeding 7 calendar days. For example, if a member of staff goes off sick on a Wednesday, the Self Certificate would cover them until the following Tuesday – if still off sick, a Medical Certificate is then required.

10.6 Staff must keep in contact with their line manager about the progress of their sickness absence. Both parties should agree how often to communicate if the sickness becomes prolonged. Once agreed, the manager must write a file note explaining the agreement and pass to HR for the member of staff’s personal file.
10.7 Failure to provide the correct documentation in a timely fashion and/or failure to adhere to the agreed communication regime may jeopardise entitlement to sick pay.

10.8 Whilst off sick, staff have a responsibility to help their own recovery, and should not undertake any activity whilst absent from work through sickness which could hinder their recovery and subsequent return to work; e.g. take part in sports or other activities which may aggravate their illness. Staff are trusted to act sensibly and honestly and must not undertake any other employment or paid work whilst receiving sick pay from NHS England. Staff must also inform their line manager if they are making plans to travel abroad whilst on sick leave. Consideration will then be taken regarding the appropriateness of work or travel, based on medical evidence provided by either the OH Service or the employee’s GP.

10.9 Staff must notify their manager in advance when they expect to return to work. If this date falls within a period of pre-booked annual leave, they must also immediately advise their manager as to the status of the absence, i.e. sickness or annual leave.

10.10 Staff are responsible for ensuring that, wherever possible, medical and dental appointments should be made outside working hours or at a time, which will avoid disruption of the working day, that is, near the beginning or end of a day. It is recognised, however, that on occasions, staff will have no jurisdiction over the time of their appointments. Staff should make every effort to work flexibly on the day of the appointment.

10.11 Time lost in attending such appointments should normally be made up, unless there are exceptional circumstances, which should be agreed in advance with the line manager.

10.12 If staff are unable, or refuse, to make up the time taken on such appointments, and where the duration of an appointment exceeds half a normal working day,
this will be classified as a period of sickness absence. The staff member must therefore complete a self-certification form. Staff do however have the option of taking annual leave on these occasions if they so wish. The most appropriate option is to be agreed with the line manager in advance.

10.13 Staff have the right to time off with pay to attend antenatal care as set out in the relevant legislation and Policies.

11.0 Responsibilities of the Occupational Health (OH) service

11.1 The OH Service will provide appropriate specialist advice and support to managers within NHS England. For more information about the Occupational Health Service, including how to make a referral, please contact a member of the HR Team.

11.2 Following a referral for sickness absence, the OH service will provide the line manager with a report regarding the condition of a member of staff's health and how this affects their capacity to work. The report will indicate whether the staff member has an underlying medical condition, if they are likely to return to work and when that will be, and whether they will be able to perform their duties. The OH service will also be able to advise managers if the member of staff should return to work on a phased basis, for example on reduced hours/days. Line managers should contact HR for more information about phased return to work. OH will also be able to advise HR and managers if GPs declare staff may be fit for work on the new Fit Note.

11.3 Where the Occupational Health Physician has medical information that a member of staff is unable to continue in their job, they will inform the HR Manager, who will in turn discuss with the line manager. The staff representative will also be involved, to ensure appropriate support is given to the staff member through the ensuing stages.

11.4 Where there is medical evidence that the member of staff is unable to continue in their present role but could work in an alternative post, the line
manager will discuss current vacancies with the staff member. The line manager, with support from the HR team, will take appropriate action to ensure that wherever possible, they continue to be employed within NHS England. Meetings to discuss different options, including possibilities for redeployment, will include staff representatives, the HR Manager, and Job Centre Disability Advisors, as appropriate.

12.0 Looking after our own health

12.1 It is important for us all to remember to balance work and other commitments. A short break allows staff to take a rest and “recharge” their batteries. Staff should not feel pressured to work through the working day, without an appropriate break, except in an emergency – staff are entitled to this valuable time and minimum periods are in any case laid down in the Working Time Regulations.

13.0 Sickness during annual leave

13.1 In the event of a member of staff falling sick during a period of annual leave, they should contact NHS England and inform their manager about the changed circumstances as soon as possible. If this happens, a medical certificate is required and the absence will be regarded as sick leave from the date of the medical certificate and further annual leave will be suspended from that date.

14.0 Disability related sickness absence

14.1 The Equality Act (2010) defines disability as 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". The definition covers physical, mental or sensory impairments. Mental impairment includes clinically recognised mental illness and those which affect mental functioning, including learning disabilities.
14.2 For a disability to be classed as long term it should have an effect which:

- Has lasted at least 12 months; or
- Is likely to last for a total period of at least 12 months; or
- Is likely to last for the rest of the person’s life

14.3 The Act places responsibilities on employers when either recruiting or employing disabled people. Employers are required to make reasonable changes to physical features of premises, including fixtures and fittings, furniture, equipment and stairways, and arrangements which cover recruitment procedures.

14.4 With relation to sickness absence management, where the effects of the member of staff’s disability results in a need to be absent from work due to illness, or where staff require leave which is directly associated with their disability, this will need to be accommodated within the terms of the Act. This does not preclude management taking action in relation to the absence but a failure to acknowledge these needs could amount to a failure to make a “reasonable adjustment”.

14.5 Other reasonable adjustments that an employer could be expected to make may include:

- Adjustments to premises or changing place of work
- Re-allocate some duties to another employee or redeployment
- Alter working hours
- Supply additional training
- Acquire or make changes to equipment
- Modify procedures for testing or assessment
- Phased return to work after a lengthy period of absence

14.6 Any assertion by a member of staff that they have a disability must be carefully logged on their personal file and on the Electronic Staff Record (ESR), so there can be no confusion over when the manager had actual
knowledge. Should a third party, such as a work colleague or representative bring this to the attention of the manager, then the manager must take steps to seek clarification from the staff member.

15.0 Maternity related sickness absence

15.1 Managers need to ensure that staff are not discriminated against as a result of maternity related sickness. Legislation provides that maternity related sickness absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of pregnancy to the end of maternity leave. The Maternity and Parental Leave Regulations 1999 also give protection from detriment or dismissal in connection with pregnancy. Dismissal for pregnancy related absence/illness is automatically unfair.

16.0 NHS Injury benefit scheme

16.1 Where a member of staff suffers either a temporary or a permanent reduction in pay as a result of an industrial injury, or they contract a disease because of exposure to it by the nature of their work, they may be entitled to benefits under the NHS Injury Benefit Scheme. There is no qualifying period and this applies whether or not they are a member of the NHS Pensions Scheme.

16.2 A panel made up of at least 2 managers, senior in grade to the member of staff claiming the benefit, will decide on cases for Temporary Injury Benefit. The claim must be based on evidence provided by the line manager, e.g. copies of accident reports, entries in accident books. If successful, the panel will arrange for Payroll and the NHS Pensions Agency to be advised accordingly. Once eligibility is determined for Temporary Injury Allowance, the member of staff is entitled to apply for Permanent Injury Benefit (the reduction in earning ability must be greater than 10% before any award can be made), in accordance with conditions of the Benefit Scheme. Medical advisors employed on behalf of the Pensions Agency directly will consider applications for benefit.
More information can be found at
www.nhsbsa.nhs.uk/InjuryBenefitScheme.aspx

17.0 Third party accident related sickness absence

17.1 A member of staff who is absent as a result of an accident where damages may be received from a third party, will be paid Occupational Sick Pay. It is a requirement of receiving this payment that the staff member signs a form of undertaking to include, as special damages, a claim for the full extent of such advance payments in any claim for damages made against a third party and to refund to NHS England the amount of damages received in respect of such advance payments.

18.0 Short Term absence

18.1 Short-term absence is broadly defined as frequent and short-term periods off work, due mainly to minor illnesses. These can be made up of frequent incidences of certified and self-certified absence, often with no related medical condition causing the absences.

18.2 Absence Triggers:

Triggering relates to those individual employees who breach the targets set for the number of absences taken in a specified period and/or the duration of the absence. The current targets are:

Four separate absences in a 6-month period (4:6 rule) on a rolling basis.

More than three weeks accumulated absence during the course of any twelve month period based on the member of staff’s contracted working week.

The 4:6 rule applies in all cases, irrespective of the nature of illness or duration of individual periods of absence. A pattern of absence which
otherwise causes concern can trigger a Stage 2/3 meeting, even if the 4:6 rule has not been breached.

Line managers are responsible, through management of the Return to Work interviews and completion of the appropriate section of the Self Certificate/Return to Work documentation, for managing absence trigger points with staff.

HR will monitor absence returns and support line managers, if required, with the management of these meetings.

18.3 Managing Short Term Absence

The frequent short-term sickness absence procedure is based on four key stages:
Stage 1 – Return to Work Interview
Stage 2 – Return to Work Trigger Meeting
Stage 3 – Return to Work Trigger Meeting
Stage 4 – Return to Work Trigger Meeting

Management of the majority of episodes of absence is unlikely to progress beyond Stage 1. Where matters do progress, the issues will be dealt with fairly giving the employee the opportunity to make representations and to be proactive in seeking to resolve the problem.

Short term absences that may in nature be unrelated could collectively signal general poor health. In such circumstances, it is important to ask the OH Service for advice and guidance as soon as possible into the attendance management procedure.

At all stages of the procedure, an action plan must be produced on actions to be taken by the member of staff, the line manager and the timescales involved. This action plan should be agreed and signed off by both parties
Types of action, which could be taken, include:

- Referral to NHS England’s OH Service – this may happen more than once
- Referral to the counseling service
- Support from a job centre disability advisor for staff with a disability
- The member of staff to seek advice from their GP
- A review of the working environment organised through the Facilities Team
- A temporary change in working hours or duties, if appropriate (not more than two months)
- Redeployment to an alternative role
- Use of special equipment to make work physically easier
- A further formal review of attendance after a specific period

In addition, the plan must include specific actions linked to NHS England’s Absence targets against which the employee will be measured. Failure to achieve these targets will automatically lead to the next trigger meeting being brought forward.

18.4 Stage 1 – Return to Work Interview

The manager meets with the employee returning to work, following every period of short-term sickness absence regardless of duration or nature of absence. This would normally be a short, informal and private meeting using the following format:

- Acknowledge that absence has taken place
- Collect any outstanding medical certificates or Self-Certification form
- Review the absence record - consider discussing possible implications with employee if previous absence is identified
- Enquire (sympathetically) about the illness and as to whether GP assistance was sought and if so will further appointments be required in
the future
Discuss what support the employee may need to ease the process of return

Provide an update on work issues and the cover arrangements put in place

Ensure that the HR department has been notified of the absence

Managers should also ask whether the member of staff has undertaken any other employment during this period of sickness (and record the response).

The manager will record the details of the conversation in the Activity Log for Short Term Absence (Appendix 10) and retain on employee’s personal file.

This process may be conducted by telephone and employees need to recognise that this is a consequence of NHS England’s commitment to flexible working and should not therefore render a telephone Return to Work Interview any less supportive.

18.5 Stage 2 – Return to Work Trigger Meeting

This meeting would automatically take place (in person) where an employee had been absent due to sickness on:

Four occasions during the previous 6 months (on a rolling basis)

and/or

Three or more working weeks cumulative absence over a twelve month period.

A Stage2 trigger meeting (in person) will cover the same issues as a Stage 1 return to work interview, plus:

Other than in exceptional circumstances, inform the employee that this level of absence causes concern and issue a standard letter (see Appendix 2) reflecting the meeting and containing the target expectations (see section ‘Absence Targets’) for their attendance at work.
Obtain a report from Occupational Health - Referral Form and Consent Form for GP/Specialist Report. The report would have been requested in advance of the meeting, and would be used to inform the meeting and support the outcomes.

The manager will record the details of the conversation in the Activity Log for Short Term Absence (Appendix 10) and retain on the employee’s personal file.

18.6 Stage 3 – Return to Work Trigger Meeting

A Stage 3 trigger meeting (in person) would apply automatically where an employee:

- Has a second instance of 3 occasions of absence during the previous 6 months (on a rolling basis)
- Raises further concern from the manager regarding absence
- Breaches the target expectations set at Stage2

A stage 3 trigger meeting will cover the same issues as a Stage 1 return to work interview and the Stage 2 trigger meeting, plus:

Other than in exceptional circumstances (e.g. possible terminal illness), inform the employee that the level of absence causes further concern and issue a written Notification of Concern to be held on record for 12 months (See Appendix 3). Once issued, a copy of the Notification of Concern should be sent on immediately to the HR Team in order that it can be placed on the employee’s personal file.

Where a Notification of Concern is issued, inform the employee of the expectation of attendance during the next 12 months (see section “Absence Targets”) and that a Stage 4 trigger meeting would apply if sickness absence levels reached trigger points and/or fall below targets set.

Seek (another) report from Occupational Health (contact your HR Team for guidance on this).
Inform the employee that they have the right of appeal against a Notification of Concern (see „Issuing a Notification of Concern”) 

The manager will record the details of the conversation in the Activity Log for Short Term Absence (Appendix 10) and retain on the employee’s personal file.

Employees shall have the right of appeal against the decision of a manager to issue a Notification of Concern under Stage 3 and a Second Notification of Concern or Final Notification of Concern under Stage 4 (see “Issuing a Notification of Concern”)

18.7 Stage 4 - Return to Work Trigger Meeting

A stage 4 trigger meeting would apply automatically where an employee:

- Has a third time of 3 occasions during the previous 6 months (on a rolling basis) and/or
- A third time of one occasion of 8 or more working days continual absence
- Has had a Notification of Concern issued
- Raises further concern from the manager regarding absence
- Breaches the target expectations set at Stage 3

In order to facilitate a Stage 4 meeting, the manager will need to give the employee 5 days' written notice of the meeting and inform them that they are welcome to be accompanied by a TU representative or work colleague. The manager will be accompanied by a member of the HR team, who will advise the manager on the application of the requirements of this Policy.

Where an employee indicates that he/she is unable to attend a Stage 4 meeting because of ill-health the meeting will be delayed on one occasion for up to 7 working days if that is likely to enable the employee to attend. In any event, every effort will be made to obtain a written submission from the
employee and/or oral representations on their behalf if they are unable to attend.

A Stage 4 trigger meeting will enable the manager to:

- Review the absence history of the employee
- Consider any report from Occupational Health
- Consider any issues relating to the Equality Act (2010)
- Consider any issues involving industrial injury
- Consider the impact of any serious/long term health condition
- Hear representations from the employee and/or representative

Having considered carefully all of the factors above you may decide to:

- Set targets and issue a Second Notification of Concern, to be held on record for 12 months (see below for an example and guidance) If any concerns arise during that period a further Stage 4 meeting to be convened; or,

- Set targets and issue a Final Notification of Concern to be on record for 2 years (see below for an example and guidance). If any concerns arise during that period a further Stage 4 meeting to be convened; or,

- Refer the case to be considered under arrangements which might lead to the employee’s dismissal (see „Termination of Employment“)

Once issued, a copy of the Second Notification of Concern (or Final Notification of Concern) should be sent on immediately to the HR Team in order that it can be placed on the employee’s personal file.

18.8 What is a Notification of Concern?

A Notification of Concern, Second Notification of Concern and Final Notification of Concern are written accounts, using a standard template, informing the employee of their attendance expectations during the next 12 months.
A Notification of Concern and Second Notification of Concern will be held on record for 12 months and a Final Notification of Concern will be held on record for two years. If the employee’s absence levels fall below the stated expectations, the next stage of the procedure will be put in place.

The employee should be given an opportunity to explain why a Notification of Concern, Second Notification of Concern or Final Notification of Concern should not be issued. This might be appropriate if the employee was covered by the Equalities Act (2010) or other exceptional and/or substantial reasons attributed to the employee’s record of absence. The manager taking into account any report from Occupational Health should consider any request carefully.

18.9 Issuing a Notification of Concern

If a Notification of Concern, Second Notification of Concern or Final Notification of Concern, is issued, the employee may appeal against the decision. The employee must make any appeal in writing to the manager, within 5 working days from the date the Notification of Concern, Second Notification of Concern or Final Notification of Concern was issued to the employee. Once issued, a copy of the Notification of Concern should be sent on immediately to the HR Team in order that it can be placed on the employee’s personal file.

A different manager (senior to or at the same level) as the manager making the decision against which the employee is appealing will hear the appeal. The appeal will be heard at a meeting to which a work colleague or staff representative can accompany the employee.

HR support for appeal meetings will be provided. However, the manager will take responsibility for putting these arrangements in place.
18.10 Agreeing a strategy for an improvement in attendance

If the manager decides not to issue a Notification of Concern, Second Notification of Concern or Final Notification of Concern they will need to seek a strategy for improvement in the employee’s attendance. This may include:

In the case of employees protected by Equalities Act (2010), an individual attendance expectation based on advice from Occupational Health
A review of the employee’s workload and/or the relationship with colleagues or line managers
A specified attendance expectation (personal trigger points) over the next 12 months

In all cases, employees must be informed that the Stage 3 meeting (in the case of Notification of Concerns) and Stage 4 meeting (in the case of Second Notification of Concerns and Final Notification of Concerns) would be reconvened if attendance levels fall below the levels specified.

19.0 Long Term absence

19.1 This is defined as a period of 4 consecutive weeks or more.

19.2 When an employee is on sick leave for a period of time it is important that the manager keep in regular agreed contact through telephone, email, letter, and in certain circumstances through home visits in order that the individual is supported and does not feel isolated and also that an accurate picture of the circumstances can be maintained. It is the responsibility of the manager to strike a sympathetic balance between the welfare of the employee and the needs of the service.

19.3 Longer term absences need to be assessed individually, taking account of the personal circumstances involved. It is vital that the line manager keeps in touch with staff on long-term absence, and regular home visits may be appropriate by mutual agreement to ensure arrangements are in place to
support the welfare of the staff concerned. There are also other ways of keeping in touch.

19.4 It is recognised that in cases of prolonged or long-term sickness, it will not always be possible to resolve the situation through improvement in the employee’s absence record and ill health retirement or termination of contract may have to be considered. However, it is important that the principles of good practice apply to ensure the situation is handled sensitively and in a fair, consistent and compassionate way.

19.5 Special consideration may need to be applied where a member of staff has a terminal illness and advice from a senior member of the HR team should be sought at the earliest opportunity.

19.6 The long-term absence procedure consists of 5 time frames, linked to the date the absence commenced:

Week 4
Week 9
Week 15
Week 21
Week 27

At all stages, consideration will be given as to whether a phased return to work would be appropriate, where an immediate return to full duties would be too onerous.

19.7 Week 4

It is important for the manager to maintain contact with the employee from the date the absence commenced and agree a means of keeping in touch. At week 4, the manager will contact the employee by telephone, email or letter to arrange an informal meeting; this may be at the employee’s home or other mutually acceptable venue.
At this meeting, where possible, the manager will seek to agree a strategy for returning the employee to work.

The manager should obtain a report from Occupational Health if return to work is not imminent - Referral Form and Consent Form for GP/Specialist Report. This report will be considered at the week 9 meeting. If there is a delay in obtaining the report, you will need to postpone the week 9 meeting until the report is received.

The manager will record the details of the conversation in the Activity Log for Long Term Absence (Appendix 11) and retain on the employee’s personal file.

19.8 Week 9

At week 9, the Manager should consider issuing a Notification of Concern and should therefore invite the employee to attend a review meeting with at least five days written notice, accompanied by a staff representative or work colleague.

A member of the HR Team will normally accompany the manager. The meeting may proceed in the employee’s absence but will be delayed on one occasion for up to seven working days if that is likely to enable the employee to attend. In any event, every effort will be made to obtain a written submission from the employee and/or oral representations on their behalf if they are unable to attend.

Where a week 9 review meeting takes place, the manager will:

- Review the employee’s current absence
- Consider any report from Occupational Health
- Consider any issues relating to the Equalities Act (2010) consider any issues involving industrial injury or other work related issues
- Consider the employee’s length of service and previous sickness record
Hear representations from the employee

The manager will record the details of the conversation in the Activity Log for Long Term Absence (Appendix 11) and retain on employee’s personal file.

The manager, with advice from HR if required, will review the circumstances and decide which of the following actions are appropriate:

- Review again at week 15 (or before)
- Make further contact with employee by visit or letter
- Refer to Occupational Health (if not done previously) seeking likely date of return to work and any actions that might assist the process including any reasonable adjustments
- Issue a Notification of Concern
- Fix a date for a week 15 meeting
- Such other action as is judged appropriate in all the circumstances

19.9 Week 15

At week 15, the manager should consider issuing a Notification of Concern (if not already done so at week 9), Second Notification of Concern or Final Notification of Concern and should therefore invite the employee to attend a review meeting with at least five days written notice, accompanied by a staff representative or work colleague.

A member of the HR Team will normally accompany the manager. The meeting may proceed in the employee’s absence but will be delayed on one occasion for up to seven working days if that is likely to enable the employee to attend. In any event, every effort will be made to obtain a written submission from the employee and/or oral representations on their behalf if they are unable to attend.

Where a week 15 review meeting takes place, the manager will:

- Review the employee’s current absence
Consider any report from Occupational Health
Consider any issues relating to the Equalities Act (2010)
Consider any issues involving industrial injury or other work related issues
Consider the employee’s length of service and previous sickness record
Hear representations from the employee

The manager will record the details of the conversation in the Activity Log for Long Term Absence (Appendix 11) and retain on employee’s personal file.

The manager, with advice from HR, will review the circumstances and decide which of the following actions are appropriate:

- Review again at week 21 or before
- Issue a Second Notification of Concern (SNOC) or Final Notification of Concern (FNOC)
- Set a date for a return to work within the next 6 weeks
- Discuss the possibility of medical redeployment to a different post in the same establishment or elsewhere
- Discuss the possibility of the employee seeking ill-health retirement
- Postpone any decision until the week 21 review meeting

19.10 Week 21

At week 21, the manager should consider issuing a Final Notification of Concern (if not already done so at week 15) and should therefore invite the employee to attend a review meeting with at least 5 days written notice, accompanied by a staff representative or work colleague.

A member of the HR team will normally accompany the manager. The meeting may proceed in the employee’s absence but in that event, every effort will be made to obtain a written submission from the employee and/or oral representatives on their behalf.
The manager, with advice from HR, will review the circumstances and decide on the most appropriate action to take. Any extension to the process would be exceptional and normally only be appropriate in extremely sensitive cases and upon the recommendation of Occupational Health.

Where a week 21 meeting takes place the manager will consider all the factors (as set out in week 15 review meeting) plus:

- The possibility of agreeing a mutual termination of employment with notice or
- The possibility of agreeing and finalising medical redeployment or ill health retirement and/or
- Advising the employee that the circumstances will be referred to a hearing to consider the employee’s dismissal on the grounds of capability if unresolved within the next 6 weeks

The manager will record the details of the conversation in the Activity Log for Long Term Absence (Appendix 11) and retain on employee’s personal file.

19.11 Week 27

The manager, with advice from HR, will review the circumstances and decide which of the following actions are appropriate:

- Repeat the process followed at the week 21 assessment
- Refer the case to a hearing at which the possibility of the employee’s termination of employment would be considered (see Section 21Termination of Employment on Grounds of Ill Health).

The manager will record the details of the conversation in the Activity Log for Long Term Absence (Appendix 11) and retain on the employee’s personal file.
19.12 Absence and long term and or intermittent treatment

In certain circumstances, it may be appropriate to plan a strategy with staff who may need ongoing, intermittent treatment involving days or even weeks of absence at a time, such as when undergoing a course of chemotherapy. Managers are encouraged to support staff during these potentially difficult times to ensure maximum flexibility of working patterns and locations. A member of the HR team will be able to advise on this.

20.0 Retirement on the grounds of ill health

20.1 Staff who pay into the NHS Pension Scheme may apply for benefits under the Scheme where

They have an underlying medical condition and the medical opinion of the relevant specialist and their GP indicates that they are permanently incapable of carrying out their job until at the earliest, the staff member’s 65th birthday

They have been a member of the Pension Scheme for at least two years

20.2 Details of benefits payable are outlined in the relevant Pensions Agency booklets, available from the HR team.

20.3 The decision regarding applications for ill health retirement benefits usually takes approximately 3 months, and is not made by NHS England but by the Pensions Agency directly, based on strict eligibility criteria. NHS England can in no way therefore guarantee the successful outcome of such an application. During this period, any sick pay entitlement will continue to apply, but will not be extended.

21.0 Termination of employment on the grounds of ill health

21.1 Termination of employment on the grounds of ill health will sometimes be appropriate in cases of cumulative short-term sickness, but more usually long
term unresolved sickness. It should be noted that, provided a fair process is carried out, termination of employment can be effected before any sick pay entitlement, whether at full or half pay, is due to expire.

21.2 In respect of long-term sickness, termination of employment can only take place following receipt of current advice from the Occupational Health about the individual’s fitness for work and ability to carry out the duties of the post.

21.3 Full account must be taken of the requirements to make adjustments to the work and/or working environment to accommodate an individual’s difficulties wherever possible, within the requirements of the Equalities Act (2010).

21.4 When termination of employment will be the possible outcome, the employee will be asked to attend an interview with a senior manager (Director or Head of Department directly accountable to a director), a member of the HR team and, if they wish, a work colleague or TU representative.

21.5 Reference will be made to the factors detailed below:

The nature of discussions throughout the sickness absence period
Steps taken and options considered in an attempt to assist the employee’s recovery and return to work.

The nature of medical advice received, prospects for recovery, and any independent medical advice that may have been obtained.

The nature of the employment and the effect of the employee’s continued absence on the efficiency of the department and provision of service.

The employee’s entitlement to notice in accordance with the Employment Rights Act 1996, or their contract of employment, whichever is the longer.

The employee’s effective date of termination, taking into account the period of notice and any other outstanding entitlement, for example annual annual leave.
The outcome of the interview will be confirmed in writing, marked “Personal and Confidential - Addressee Only”, and a copy sent to HR.

The individual's rights of appeal against the decision to dismiss – please refer to NHS England’s Disciplinary Policy for more information about appealing against dismissal.

When NHS England on the grounds of capability terminates employment, the member of staff will be entitled to a period of paid notice in accordance with their contract of employment. This will apply whether or not their entitlement to full or half pay, under NHS England sick pay scheme, has expired.
STAFF SELF-CERTIFICATION AND RETURN TO WORK INTERVIEW FORM
STAFF DECLARATION

This section of the form should be completed by a member of staff returning to work after sickness absence unless a Medical Certificate has covered the sickness period. A Medical Certificate must be obtained for a period of sickness exceeding 7 calendar days.

Name ...........................................Directorate
 ...................................................

First Date of Sickness ...........am/pm  Last Date of Sickness ...............am/pm

(First and last dates of sickness should be actual dates of sickness even if these would not normally be working days, i.e. including weekends)

Reason for Absence
  ............................................................................................................

Number of Working Days Absent ............

Is the sickness absence considered to be work-related or to have been caused by an industrial injury or disease?

Yes/no
If yes, a report of the work-related injury or industrial injury or disease must be recorded in the Accident Book

Is the absence considered to be related to a disability yes/no

For women only, is the sickness absence considered to be pregnancy related? Yes/no

Is the absence considered to have been caused by a third party (i.e. traffic accident)? Yes/no

I declare that the information I have provided is correct and complete. I understand that, if I knowingly provide false or misleading information, this may result in disciplinary action and/or criminal prosecution and/or recovery of any overpaid salary.

Signed .........................................................Date .........................................................
**MANAGER/SUPERVISOR RETURN TO WORK INTERVIEW WITH MEMBER OF STAFF**

This section of the form should be completed by the member of staff’s manager or supervisor when a return to work interview is conducted. This must take place with the staff member following every separate period of sickness absence.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make the member of staff feel welcomed and valued on return to work</td>
<td></td>
</tr>
<tr>
<td>Has medical advice or support been taken?</td>
<td></td>
</tr>
<tr>
<td>Is the member of staff fully fit now?</td>
<td></td>
</tr>
<tr>
<td>Is a recurrence likely?</td>
<td></td>
</tr>
<tr>
<td>Are there any affects or needs that I should be aware of?</td>
<td></td>
</tr>
<tr>
<td>Is there anything I can do to help?</td>
<td></td>
</tr>
<tr>
<td>Confirm how the work was or wasn't covered during the absence</td>
<td></td>
</tr>
<tr>
<td>Update the staff member on what has happened in their absence</td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

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Please enter no of absences and working days lost as a result of sickness absence in the last six months

Does this period of absence result in a trigger point? Yes / No

If so, please confirm that the appropriate stage meeting has been arranged with the member of staff concerned. Yes / No

Name of Manager ........................................

Signed .................................................. Date ........................................
Dear ***

**Confirmation of Agreed Actions**

Further to our meeting held on ***, I would like to confirm the discussions that took place and the agreements reached.

The meeting was convened under Stage 2 of the Short Term Absence procedure contained within the Attendance Management Policy, section 19.4, a copy of which was given to you. The purpose of this meeting was to review your recent absences from work.

[Insert notes of meeting – including the specific agreed target for absence e.g. We agreed that your target for absence will be…….]

**This section should be used to record your discussions and should include any mitigation the employee offered. It should also record any action you or the employee agreed to take to improve attendance levels.

After careful consideration of all the information available and as confirmed orally at our meeting I regret to inform you that you have failed to meet NHS England’s target expectations for attendance. Whilst I hope that you will be able to sustain your attendance at work, I advised you on ** should you fail to meet the targets agreed
above, or should you trigger a second time then a further meeting will be held under Stage 3 of the Short Term Absence procedure.

I would also like to take this opportunity to remind you of the support available to you from our Counselling Service, provided by NHS BSA, who may be able to offer advice on welfare issues. This is a free and confidential service and they can be contacted on 0800 716 017. Please do not hesitate to contact them if you feel that they may be able to help you.

I trust that you find this an accurate summary of the meeting. If you have any comments or queries with regard to this, please do not hesitate to contact me.

In the meantime, if there is any further support that I can provide in order to help you to sustain your attendance at work / to achieve the agreed target for absence then please let me know [delete as appropriate].

Yours sincerely

Name
Job Title
Cc: Human Resources
APPENDIX 3 - SHORT-TERM ABSENCE – STAGE 3 TEMPLATE LETTER

Personal & Confidential
Name
Address

30 August 2012

Dear ***

NOTIFICATION OF CONCERN

Further to our meeting held on ***, I would like to confirm the discussions that took place and the agreements reached.

The meeting was convened under Stage 3 of the Short Term Absence procedure contained within the Attendance Management Policy, section 19.5, a copy of which was given to you. The purpose of this meeting was to review your recent absences from work.

[Insert notes of meeting – including the specific agreed target for absence, e.g.
We agreed that your target for absence will be…….]

**This section should be used to record your discussions and should include any mitigation the employee offered. It should also record any action you or the employee agreed to take to improve attendance levels.

After careful consideration of all the information available and as confirmed orally at our meeting I regret to inform you that you have failed to meet NHS England’s target expectations for attendance. Therefore, I am issuing you with a Notification of Concern, which will be kept on your personal file for a period of 12 months, and this may be referred to should your attendance give further cause for concern during this
period. Whilst I hope that you will be able to sustain your attendance at work, I
advised you that should you fail to meet the targets as agreed above, or should you
trigger a third time then a further meeting will be held under Stage 4 of the Short
Term Absence Attendance Management Procedure.

You do have the right of appeal against this Notification of Concern, which
constitutes a warning that dismissal could be an eventual outcome if there is
insufficient improvement in your attendance record. If you wish to appeal, you may
do so by writing to me within five working days of receiving this letter stating the
reasons why.

I would also like to take this opportunity to remind you of the support available to you
from our Counselling Service, provided by NHS BSA, who may be able to offer
advice on welfare issues. This is a free and confidential service and they can be
contacted on 0800 716 017. Please do not hesitate to contact them if you feel that
they may be able to help you.

I trust that you find this an accurate summary of the meeting. If you have any
comments or queries with regard to this, please do not hesitate to contact me.

In the meantime, if there is any further support that I can provide in order to help you
to sustain your attendance at work / to achieve the agreed target for absence then
please let me know [delete as appropriate].

Yours sincerely

Name
Job Title
Cc: Human Resources
Personal & Confidential

Name
Address

30 August 2012

Dear ***

NOTIFICATION OF CONCERN/SECOND NOTIFICATION OF CONCERN/FINAL NOTIFICATION OF CONCERN

Further to our meeting held on ***, I would like to confirm the discussions that took place and the agreements reached. ***, HR was present to advise me of the personnel policies and procedures and you were accompanied to the meeting by ***/and although you had been given the opportunity to bring a staff representative or colleague to the meeting you attended the meeting alone. I confirmed that you were happy to proceed on that basis.

The meeting was convened under Stage 4 of the Short Term Absence procedure contained within the Attendance Management Policy, section 19.6, a copy of which was given to you. The purpose of this meeting was to review your recent absences from work and to share with you information received from the Occupational Health Physician following the Occupational Health Report that was prepared as a result of our Stage 3 meeting.

[Insert notes of meeting – including the specific agreed target for absence, e.g. We agreed that your target for absence will be…….]

**This section should be used to record your discussions and should include any mitigation the employee offered. It should also record any action you or the employee agree to take to improve attendance levels.
After careful consideration of all the information available and as confirmed orally at our meeting I regret to inform you that have failed to meet NHS England’s target expectations for attendance. Therefore I am issuing you with a (delete as appropriate) Notification of Concern/Second Notification of Concern/ Final Notification of Concern which will be kept on your personal file for a period of 12 months/2 years and this may be referred to should your attendance give cause for concern during this period. Should you fail to meet the targets as agreed above consideration will be given to referring your case to a dismissal hearing.

You do have the right of appeal against this Notification of Concern, which constitutes a warning that dismissal could be an eventual outcome if there is insufficient improvement in your attendance record. If you wish to appeal, you may do so by writing to me within five working days of receiving this letter stating the reasons why.

I would also like to take this opportunity to remind you of the support available to you from our Counselling Service, provided by NHS BSA, who may be able to offer advice on welfare issues. This is a free and confidential service and they can be contacted on 0800 716 017. Please do not hesitate to contact them if you feel that they may be able to help you.

I trust that you find this an accurate summary of the meeting. If you have any comments or queries with regard to this, please do not hesitate to contact me. In the meantime, if there is any further support that I can provide in order to help you to sustain your attendance at work / to achieve the agreed target for absence then please let me know [delete as appropriate].

Yours sincerely
Name
Job Title
APPENDIX 5 – LONG TERM ABSENCE – WEEK 9 TEMPLATE LETTER

Personal & Confidential
Name
Address

Dear ***

NOTIFICATION OF CONCERN

Further to our meeting held on ***, I would like confirm the discussions that took place and the agreements reached. ***, was present to advise me of the personnel policies and procedures and you were accompanied to the meeting by ***/ although you had been given the opportunity to bring a staff representative or colleague to the meeting you attended the meeting alone. I confirmed that you were happy to proceed on that basis.

The meeting was convened at Week 9 of the Long Term Absence procedure contained within the Attendance Management Policy, section 20.2, a copy of which was given to you. The purpose of this meeting was to review your recent absences from work and to share with you information received from the Occupational Health Physician following the Occupational Health Report that was prepared as a result of the Week 4 meeting.

[Insert notes of meeting – including the specific agreed target for absence e.g. We agreed that your target for absence will be……..]

**This section should be used to record your discussions and should include any mitigation the employee offered. It should also record any action you or the employee agree to take to improve attendance levels.
After careful consideration of all the information available and as confirmed orally at our meeting I regret to inform you that you have failed to meet NHS England’s target expectations for attendance. Therefore, I am issuing you with a Notification of Concern, which will be kept on your personal file for a period of 12 months, and this may be referred to should your attendance give cause for concern during this period. If you remain absent from work a further review meeting will be held at week 15. I will write to you in advance to notify you of the details.

You do have the right of appeal against this Notification of Concern, which constitutes a warning that dismissal could be an eventual outcome if there is insufficient improvement in your attendance record. If you wish to appeal, you may do so by writing to me within five working days of receiving this letter stating the reasons why.

I would also like to take this opportunity to remind you of the support available to you from our Counselling Service, provided by NHS BSA who may be able to offer advice on welfare issues. This is a free and confidential service and they can be contacted on 0800 716 017. Please do not hesitate to contact them if you feel that they may be able to help you.

I trust that you find this an accurate summary of the meeting. If you have any comments or queries with regard to this, please do not hesitate to contact me.

In the meantime, if there is any further support that I can provide in order to help you to return to work please let me know [delete as appropriate].

Yours sincerely
Name
Job Title
APPENDIX 6 – LONG TERM ABSENCE – WEEK 15 TEMPLATE LETTER

Personal & Confidential

Name

Address

Dear **

NOTIFICATION OF CONCERN/SECOND NOTIFICATION OF CONCERN/FINAL NOTIFICATION OF CONCERN

Further to our meeting held on **, I would like to confirm the discussions that took place and the agreements reached. **, Human Resources was present to advise me of the personnel policies and procedures and you were accompanied to the meeting by **/ although you had been given the opportunity to bring a staff representative or colleague to the meeting you attended the meeting alone. I confirmed that you were happy to proceed on that basis.

The meeting was convened at Week 15 of the Long Term Absence procedure contained within the Attendance Management Policy, section 20.3, a copy of which was given to you. The purpose of this meeting was to review your recent absences from work and to share with you information received from the Occupational Health Physician following the Occupational Health Report that was prepared as a result of the Week 4 meeting.

[Insert notes of meeting – including the specific agreed target for absence, e.g. We agreed that your target for absence will be…….]

**This section should be used to record your discussions and should include any mitigation the employee offered. It should also record any action you or the employee agree to take to improve attendance levels.
After careful consideration of all the information available and as confirmed orally at our meeting I regret to inform you that you have failed to meet NHS England’s target expectations for attendance. Therefore I am issuing you with a (*delete as appropriate) Notification of Concern/Second Notification of Concern/Final Notification of Concern which will be kept on your personal file for a period of (*delete as appropriate) 12 months/2 years and this may be referred to should your attendance give cause for concern during this period. If you remain absent from work a further review meeting will be held at week 21. I will write to you in advance to notify you of the details.

You do have the right of appeal against this Notification of Concern, which constitutes a warning that dismissal could be an eventual outcome if there is insufficient improvement in your attendance record. If you wish to appeal, you may do so by writing to me within five working days of receiving this letter stating the reasons why.

I would also like to take this opportunity to remind you of the support available to you from our Counselling Service, provided by NHS BSA who may be able to offer advice on welfare issues. This is a free and confidential service and they can be contacted on 0800 716 017. Please do not hesitate to contact them if you feel that they may be able to help you.

I trust that you find this an accurate summary of the meeting. If you have any comments or queries with regard to this, please do not hesitate to contact me.

In the meantime, if there is any further support that I can provide in order to help you to return to work please let me know [delete as appropriate].

Yours sincerely
Name
Job Title
APPENDIX 7 – LONG TERM ABSENCE – WEEK 21 TEMPLATE LETTER

Personal & Confidential
Name
Address

Dear ***

FINAL NOTIFICATION OF CONCERN

Further to our meeting held on ***, I would like to confirm the discussions that took place and the agreements reached. ***, Human Resources was present to advise me of the personnel policies and procedures and you were accompanied to the meeting by *** although you had been given the opportunity to bring a staff representative or colleague to the meeting you attended the meeting alone. I confirmed that you were happy to proceed on that basis.

The meeting was convened at Week 21 of the Long Term Absence procedure contained within the Attendance Management Policy, section 20.4, a copy of which was given to you. The purpose of this meeting was to review your recent absences from work and to share with you information received from the Occupational Health Physician following the Occupational Health Report that was prepared as a result of the Week 4 meeting.

[Insert notes of meeting – including the specific agreed target for absence, e.g.

We agreed that your target for absence will be........]

**This section should be used to record your discussions and should include any mitigation the employee offered. It should also record any action you or the employee agree to take to improve attendance levels.
After careful consideration of all the information available and as confirmed orally at our meeting I regret to inform you that you have failed to meet NHS England’s target expectations for attendance. Therefore, I am issuing you with a Final Notification of Concern, which will be kept on your personal file for a period of 2 years, and this may be referred to should your attendance give cause for concern during this period. If you remain absent from work a further review meeting will be held at week 27. I will write to you in advance to notify you of the details.

You do have the right of appeal against this Notification of Concern, which constitutes a warning that dismissal could be an eventual outcome if there is insufficient improvement in your attendance record. If you wish to appeal, you may do so by writing to me within five working days of receiving this letter stating the reasons why.

I would also like to take this opportunity to remind you of the support available to you from our Counselling Service, provided by NHS BSA who may be able to offer advice on welfare issues. This is a free and confidential service and they can be contacted on 0800 716 017. Please do not hesitate to contact them if you feel that they may be able to help you.

I trust that you find this an accurate summary of the meeting. If you have any comments or queries with regard to this, please do not hesitate to contact me.

In the meantime, if there is any further support that I can provide in order to help you to return to work please let me know [delete as appropriate].

Yours sincerely

Name

Job Title
APPENDIX 8 - FLOW CHART SUMMARY OF MANAGEMENT OF ATTENDANCE PROCEDURE - SHORT TERM SICKNESS ABSENCE

Stage 1 - Return to Work Interview

Applies to all sickness absence, including hospital treatment
On return, manager to hold short, informal meeting/telephone conversation to acknowledge the absence and discuss implications/provide a work update
Manager to record absence on ‚notification of absence from duty’ forms & complete attendance management activity log
Manager to collect Self Certificate or Medical Certificate

Stage 2 - Trigger Meeting

First time of three separate absences in 6 months 4.6 (on a rolling basis) and/or
First time of one occasion of 8 working days or more continual absence
Manager to arrange meeting to inform employee that level of absence causes concern and to remind employee of target expectations for attendance
Manager to consider seeking a report from Occupational Health
Manager to record absence on ‚notification of absence from duty’ forms & complete the attendance management activity log

Stage 3 - Trigger Meeting

Second time of three occasions during the previous 6 months (4:6) on a rolling basis and/or
Second time of one occasion of 8 or more working days continual absence
Further concern from the manager
A breach of target expectations set at stage 2
Manager to record absence on ‚notification of absence from duty’ forms & complete the attendance management activity log
Consider seeking a further report from Occupational Health Notification of Concern issued

Stage 4 - Trigger Meeting

Third time of three occasions during the previous 6 months (4:6) on a rolling basis and/or
Third time of one occasion of 8 or more working days continual absence
Further concern from the manager
Where NOC has been issued
A breach of target expectations set at stage 3

Manager to consider:
Re set targets & issue 2nd Notification of Concern
Re set targets & issue Final Notification of Concern
Refer case to dismissal
Manager to record absence on ‚notification of absence from duty’ forms & complete the attendance management activity log

**Employee has right of appeal following Notification of Concern, Final Notification of Concern & Dismissal
APPENDIX 9 - FLOW CHART SUMMARY OF MANAGEMENT OF ATTENDANCE PROCEDURE - LONG TERM SICKNESS ABSENCE

**Week 4**
Manager contacts employee via letter/telephone to arrange an informal meeting
Agree a strategy for returning employee to work and ensure the report from Occupational Health has been actioned appropriately
Manager to complete attendance management activity log

---

**Week 9**
Invite employee to attend a review meeting with at least 5 days written notice, accompanied by an SCC rep or work colleague

Where a week 9 review meeting takes place, the manager will:
- Review employee’s current absence
- Consider any report from Occupational Health
- Consider any issues relating to the Disability Discrimination Act
- Consider any issues involving industrial injury or work related issues
- Consider length of service/previous sickness record
- Hear representations from employee and/or representative

With advice from HR, decide which of the following actions are appropriate:
- Review again at week 15 or before and/or
- Make further contact with employee by visit/letter
- Refer to Occupational Health seeking likely date of return
- Issue a Notification of Concern
- Fix date for week 15 meeting and/or
- Other such action as judged appropriate in all the circumstances
- Manager to complete attendance management activity log

**Employee has right of appeal following Notification of Concern**

---

**Week 15**
Invite employee to attend a review meeting with at least 5 days written notice, accompanied by an SCC rep or work colleague

Where a week 15 review meeting takes place, the manager will:

Follow steps 1 to 6 as at the week 9 review

With advice from HR, decide which of the following actions are appropriate:
- Review again at week 21 or before and/or
- Issue Second Notification of Concern or Final Notification of Concern
- Set a date for return to work within the next 6 weeks and/or
- Discuss the possibility of medical redeployment/ill-health retirement and/or
- Postpone any decision until the week 21 review meeting
- Manager to complete attendance management activity log

**Employee has right of appeal following Second Notification of Concern or Final Notification of Concern**

---

**Week 21**
Manager to consider issuing Final Notification of Concern (if not already done so at week 15) and should:

- Invite employee to attend a review meeting with at least 5 days written notice accompanied by an SCC rep or work colleague

Where a week 21 review meeting takes place, the manager will, with advice from HR:
- Consider all factors as set out in week 15 review meeting
- Agree a mutual termination of employment with notice
- Agree/ finalise medical redeployment/ill health retirement and/or
- Advise employee that circumstances will be referred to a hearing to consider dismissal if unresolved within next 6 weeks
- Manager to complete attendance management activity log

**Employee has right of appeal following Final Notification of Concern**

---

**Week 27**
The Manager, with advice from HR will review circumstances and decide on the following actions:

- Repeat process followed at 21 week assessment
- Refer case to a hearing at which the possibility for termination of employment would be considered (see ‘Consideration of Dismissal’)

---
Appendix 10     Activity log for short-term absence

Name: ................................................................................................................. Job title: .................................................................................................................
Contracted Hours / Working Hours: ........................................... ....... Line Manager: .................................................................................................................

<table>
<thead>
<tr>
<th>Activity</th>
<th>Summary comments and relevant dates of absence</th>
<th>Date completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification of absence call by staff member</td>
<td>(Please insert additional rows for each further absence)</td>
<td></td>
</tr>
<tr>
<td>Completion of Self Certification / Return to Work form</td>
<td>(Please insert additional rows for each further absence)</td>
<td></td>
</tr>
<tr>
<td>Confirm receipt of Medical Certificates (if appropriate)</td>
<td>(Please insert additional rows for each further absence)</td>
<td></td>
</tr>
<tr>
<td>Return to work meeting (Stage 1 – Attendance Management Procedure)</td>
<td>(Please insert additional rows for each further absence)</td>
<td></td>
</tr>
<tr>
<td>Return to work trigger meeting (Stage 2 - Attendance Management Procedure)</td>
<td>Trigger (4:6 or 8 days continual absence)?</td>
<td></td>
</tr>
<tr>
<td>Return to work trigger meeting (Stage 3 - Attendance Management Procedure)</td>
<td>Has a Notification of Concern been issued? (attach copy to log and send copy to HR)</td>
<td></td>
</tr>
<tr>
<td>Return to work trigger meeting (Stage 4 - Attendance Management Procedure)</td>
<td>Has a Notification of Concern / Second Notification of Concern / Final Notification of Concern been issued? (attach copy to log and send copy to HR)</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 11 – Activity log for long term absence

<table>
<thead>
<tr>
<th>Activity</th>
<th>Summary comments</th>
<th>Date completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification of absence call by staff member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completion of Self Certification / Return to Work form</td>
<td>(Please insert additional rows for each further absence)</td>
<td></td>
</tr>
<tr>
<td>Confirm receipt of Medical Certificates (if appropriate)</td>
<td>(Please insert additional rows for each further absence)</td>
<td></td>
</tr>
<tr>
<td>At week 5 of absence contact employee via letter/telephone to arrange informal meeting &amp; request Occupational Health report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome of week 5 meeting</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 11 – Activity log for long term absence

Name: ……………………………………………………………………………………………

Job title: …………………………………………………………………………………………

Contracted Hours / Working Hours: ………………………………………

Line Manager: …………………………………………………………………………………

<table>
<thead>
<tr>
<th>Activity</th>
<th>Summary comments</th>
<th>Date completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>At week 9 of absence write to employee requesting they attend a review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>meeting accompanied by Staff Rep or work colleague (5 days’ notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>required)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome of week 9 meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At week 15 of absence write to employee requesting they attend a review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>meeting accompanied by Staff Rep or work colleague (5 days’ notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>required)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome of week 15 meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At week 21 of absence write to employee requesting they attend a review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>meeting accompanied by Staff Rep or work colleague (5 days’ notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>required)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 11 – Activity log for long term absence

Name: .................................................................................................................................

Job title: ................................................................................................................................

Contracted Hours / Working Hours: ....................................................................................

Line Manager: ........................................................................................................................

<table>
<thead>
<tr>
<th>Activity</th>
<th>Summary comments</th>
<th>Date completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome of week 21 meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At week 27 of absence write to employee requesting they attend a review meeting accompanied by Staff Rep or work colleague (5 days” notice required)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome of week 27 meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hearing date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dismissal date:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 12 Equality Impact Statement

Introduction/Context
NHS England will commence its full duties as an employing organisation on 1st April 2013, with it becoming a Non-Departmental Public Body, in the interim, on 1st October 2012. With this in mind, steps have been taken to ensure that policies are in place to support staff as they join the organisation; with due consideration being given to their impact on the 9 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation outlined in the Equality Act, 2010.
A proportionate approach has been adopted towards these policies, with this equality impact statement being produced to cover 5 interim policies (Disciplinary, Grievance, Respect in the Workplace, Attendance, and Capability), in place of individual equality analyses. Each policy has been assessed on its own merits and this has been done in consultation with Trade Union representatives and NHS England Equality Lead. It is acknowledged that the permanent suite of policies may adopt the points of issue to note in this statement.

Policy Assessments

Overarching
During transition, the majority of workers in NHS England will be secondees. As an organisation, NHS England is equally liable for secondees’ behaviour as employees’ (Equality Act, 2010). This should be noted and as such may be added to the permanent Respect in the Workplace Policy.
All hearings require equality monitoring; it is noted in the Grievance Policy but not currently present in the Disciplinary and Capability policies.
All policies are in the font of Arial 12, however none of them are currently offered in a larger font/different format. The permanent suite of policies may offer this option.

Attendance
This policy has already been assessed by its originating Trust, NHS South East Coast (see Annex One).
Capability
Possible negative impacts:
While 5.3 covers the treatment of those with a disability, it was suggested that it would be beneficial to be more explicit about the difference between making reasonable adjustments (which could result in more favourable treatment) and capability.
Possible positive impacts:
Due regard has been given throughout, in relation to meetings and specific characteristics highlighted
Reasonable adjustments are highlighted
All 9 protected characteristics are referred to and outlined

Disciplinary
Possible negative impacts:
There is no statement about the 9 characteristics in the Policy Statement; this may be addressed in the permanent policy
Possible positive impacts:
Equal Opportunities are monitored
Notes from the meeting are offered in a different format

Grievance
Possible negative impacts:
None to comment upon, other than different formats
Possible positive impacts:
None to comment upon, other than Arial 12 font used

Respect in the Workplace
Possible negative impacts:
The definitions may not have been updated since the Equality Act 2010); this is noted and will be fully addressed in the permanent policy
No provision for appeal against decision
No provision for the application of the policy to be monitored

Possible positive impacts:
All 9 protected characteristics are referred to and outlined

Next Steps
Moving forward, the author of the permanent suite of HR policies will ensure that the above is taken into account, while also ensuring the following actions will be taken to ensure that due regard is given to the need to eliminate discrimination, advance equality and foster good relations between groups, for each protected characteristic:

- Consider relevant evidence that may inform the development of NHS England’s policies
- Look at examples of good practice from within and external to the NHS
- Consult with NHS England staff and Trade Unions
- Seek input from other key partners, such as Department of Health, NHS Employers
ANNEX A Equality Impact Assessment – Initial Screening

<table>
<thead>
<tr>
<th>Name of Policy or Service:</th>
<th>Attendance management policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate/Department:</td>
<td>Clinical &amp; Workforce Development</td>
</tr>
<tr>
<td>Person/Team Responsible:</td>
<td>Internal HR</td>
</tr>
<tr>
<td>Date of Assessment:</td>
<td>November 2009</td>
</tr>
</tbody>
</table>

Is this a new or revised policy or service?  
New

List the aims, objectives and intended outcomes of your policy or service

<table>
<thead>
<tr>
<th>Aims:</th>
<th>Objectives:</th>
<th>Outcomes:</th>
</tr>
</thead>
</table>

Who will be the main beneficiaries of the policy or service?  
Staff

Could the policy or service have an impact on any of these equality groups?  
Please consider the impact on patients, staff, carers, visitors and the wider public. The prompter questions in section 5 may help you.

If you answer Yes for any of the equality groups, please complete the full impact assessment template (Annex B)

<table>
<thead>
<tr>
<th>Equality Group</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Disability</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Religion or Belief</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

If you have answered No for all of the equality groups above, please clearly explain why.

Much of the policy is based on existing legislation (eg DDA) and is to be applied equally to all NHS England staff.

Director Name:  
Date:  
Review Date:  
Completing Officer Name: J. Sym-Choon  
Date: 9 December 2009  
Review Date: