MANAGERS’ GUIDE / TOOLKIT

- **SECTION 1** - Managing short term sickness absence (+ reporting procedures)
- **SECTION 2** - Managing long term sickness absence
- **SECTION 3** - Guidance on disability discrimination under the Equality Act 2010*

- Sample Letter A - No/little contact and/or if absence due to stress/anxiety/etc
- Sample Letter B - Fit note not received
- Sample Letter C - Invite employee to informal (review) meeting(s)
- Sample Letter D - Letter to confirm informal (review) meeting(s)
- Sample Letter E - Invite employee to (final) formal review(s) or Stage 2 meeting(s)
- Sample Letter F - Letter to confirm a (final) formal review or Stage 2 meeting
- Sample Letter G - Invite employee to Final Formal Stage 3 or Dismissal Hearing
- Sample Letter H - OH referral letter and consent form

- Appendix I - Guidance on OH referral letter and employee consent form
- Appendix J - Managers’ Checklist: key responsibilities
- Appendix K - Employee Adjustment Agreement for disabled employees under the Act*
- Appendix L - Return to Work Interview Form
- Appendix M - Absence recording sheet
CHECKLIST AND TIMELINE FOR MANAGING LONG TERM ABSENCE

Checklist – up to 4 weeks

► Notification of absence
► Certification of absence
► Contact with employee / consider informal meeting with employee
► Consideration of early intervention / supportive measures
  ▪ Early referral to OH, if appropriate, cc Human Resources
  ▪ Referral for other support (e.g. physiotherapy, counselling)
  ▪ Temporary modifications to post, if reasonable
  ▪ Temporary move to another post, if appropriate
  ▪ Reasonable adjustments to physical environment
  ▪ (Temporary) reasonable adjustments to working / travel arrangements
  ▪ Consider sending Sample Letter A
  ▪ Implement RTW, following the absence
Checklist – 4 weeks up to 6 months  

- Referral to OH and receipt of advice
- Consideration of OH advice
- Consideration of application of Equality Act - see Section 3 & Appendix K)
- Review support measures and consider any reasonable adjustments
- Seek guidance and support from HR, as necessary
- Seek further clarification of OH advice, as necessary
- Meet personally with employee (offering representation/colleague to support) to discuss OH report/supportive measures and consult on potential way forward
- Confirm outcome of any meeting in writing
- Implement RTW, including reasonable adjustments, e.g. phased return, if appropriate, (up to 4 weeks phased if less than 12 weeks absence; and 4 weeks if over 12 weeks). (See page 22, phased returns; and on page 25, a list of reasonable adjustments)
Checklist – from 6 up to 9 months  
(MANAGING LONG TERM ABSENCE)

- Determine time period for return to work / formal review(s)
- Consider arrangements for phased (if appropriate) return and hold RTW interview
- If no identified date for RTW, set date for formal review
- Undertake formal review(s) with employee and give target date for return
- Confirm outcome of formal review(s) in writing
- Implement actions arising from (final) formal review(s), such as
  - ill health retirement application, if recommended by OH
  - permanent move to another post / other reasonable adjustments
  - if target date not met – consider holding final formal review
  - move to dismissal hearing
Timeline

(MANAGING LONG TERM ABSENCE)

↔ Implementing actions from meetings / RTW where appropriate ↔

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**DAY ONE**

- Notification of absence

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**AFTER 7 DAYS**

- Medical Certification of absence

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**BEFORE 4 WKS**

- Contact employee/consider informal meeting

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Early intervention to consider supportive measures / reasonable adjustments

↔ Continuing contact by line manager with employee at regular intervals ↔

(including the sending of Sample Letter A, if appropriate)
MANAGING LONG TERM ABSENCE

Implementing actions from meetings, OH advice, RTW, where appropriate

**FROM 4 WKS TO 8 WKS**

| Referral to OH, if not already actioned | initial meeting to offer support | OH report | Consideration of OH advice | Consideration of application of Equality Act | Review of health progress support measures | Meet with employee & rep + HR | Confirm outcome of meeting(s) |

**FROM 8 WKS ONWARDS**

- Seek HR support and guidance, as necessary

Please note that HR must be sent a copy of the OH referral letter prior to being sent to OH.
The OH reports are confidentially copied to HR from Occupational Health.
SECTION 1

MANAGERS’ GUIDE – SHORT TERM ABSENCE

Introduction

The purpose of the Managers’ Guide/Toolkit is to try to make the procedure more user friendly by breaking down the process into easy to understand sections.

The procedure for managing short term absence is also detailed in Appendix B of the Managing Sickness Absence Policy which has been jointly agreed between unions and management. For further advice please contact the HR Team.

Should an employee be in the Policy due to long term sickness, then returns to work but reaches a trigger point for short term absences, then this Section would be applicable. Wherever possible, a list of the employee’s sickness absences over at least the last three years should be given out at any meeting. You might also like to copy the employee’s ongoing absence leave sheet and a blank recording form is attached to this Guide at Appendix M.

Where an employee triggers under the Policy due to previous long term absences/short term absence(s) connected with their disability (under the Equality Act 2010) or an accident at work, managers have discretion when to refer to any formal stage of the Policy. Sickness absences due to a disability or accident at work should be treated sympathetically but would still count towards a trigger level. For example, an employee is informed at the return to work interview that due to the circumstances of their sickness absence, e.g. planned surgery or illness due to disability, discretion has been shown in terms of trigger levels. See Section 3 of this Guide and Appendix K (Employee Adjustment Agreement).

Employees should also be informed at the RTW interview that any further absence, for whatever reason, may lead to a sickness absence meeting being arranged in line with the Policy. The Return to Work Interview Form is attached at Appendix L – please ensure that the form is completed after each absence. Attached at Appendix J is the checklist of the process and managers’ key responsibilities.

Where there is advice from a GP/OH, expressions of fatigue, etc, or evidence from sickness absences that employees should not undertake extra shifts, the Manager should ensure that this applies to Flexible Staffing as well as their substantive post. The Manager should inform the Flexible Workforce Team of this restriction/de-activation of flexi working and when this is to be reviewed.

**Standard (sample) letters** accompany this Guide to assist managers in applying and understanding how the process operates, again assisting the application of a fair and consistent approach to managing sickness absence within the Trust. **Sample letter ‘H’** is a sample OH letter for managers to adapt to individual circumstances and also attached are some guidance notes and the employee consent form. Guidance on the OH referral letter and the employee consent form are attached at Appendix I.

There would be very few occasions when an employee in the short term sickness absence process, should be referred to OH. Please discuss with HR before this is mentioned to an employee.
Should OH be consulted, OH advice/recommendations in any OH report, eg proposed reasonable adjustments, do not automatically have to be considered and agreed; especially if any recommendation and/or adjustment is not deemed reasonable. Please seek HR advice.

Managers must send the OH referral letter to HR prior to it being sent to the employee or OH. The consent form, signed by the employee, must be sent with the OH referral letter.

REPORTING SICKNESS ABSENCES

(A) Initial Telephone Contact
- Employees should inform their manager at the earliest opportunity that they will not be fit to attend work (see 5. Employees' Responsibilities in the Policy)

- During the call the manager should establish:
  - the nature of the illness and when it began
  - the likely return to work date
  - if the employee has seen or intends to see their GP and if not, why not
  - if the employee is taking any medication
  - if the employee is receiving any treatment
  - when the employee is expecting to be fit to work
  - when the employee can be contacted by their manager

- It is the employee’s responsibility to report to their immediate manager if they will not be fit for work and give a reason.

- Unless by specific agreement, text messaging must not be used.

- An employee should not avoid speaking to their immediate manager by contacting colleagues and leaving messages for them to pass on (see 5. Employees' Responsibilities in the Policy)

- If a message is passed to the immediate manager to say that an employee will not be attending work, the line manager should contact the employee on the same day or as soon as possible after receiving the message.

- If an employee cannot be contacted or there is very little contact, the manager should write to them, using and adapting **Sample Letter A**. This letter is especially important if the employee is absent sick due to stress/anxiety and/or work related stress.

- There may be locally agreed timescales for an employee to inform their manager that they will not be fit to attend work, i.e. a minimum of [x] hours before the shift is due to start.

- The person receiving the call needs to ensure that all appropriate colleagues are informed of the absence. They may also need to ensure that any appointments or meetings are cancelled accordingly.

(B) Documentation
- The electronic SSP forms should be completed.

- If an employee’s absence is as a result of a work accident, an Accident Report Form must have been completed by the employee and/or the manager as soon after the accident or incident as possible.

- A record of any telephone conversations with the employee relating to their sickness absence should be made and kept on the employee’s personal file.
(C) Certification

- If the employee is absent for 3 days or less no certification is required.
- If the employee is absent for 4-7 days then a self certification, also known as an SC2, is required.
- If the employee is absent for more than 7 days a medical certificate (fit note) is required.
- The fit note may include recommendations about duties/reasonable adjustments/how an employee could return to work. More detailed guidance on fit notes is available in the HR Section of the Intranet.
- If the fit note includes recommendations, these should be considered but not necessarily agreed as they would depend upon reasonableness and service requirements.

If the employee has a disability as defined in the Equality Act, then HR should be contacted if there is an issue about any of the recommendations. See Section 3 of this Guide.

- If an absent employee fails to supply their manager with the required certification/fit for work note, the manager should write to the employee within 2 days explaining that they will be marked as on unauthorised absence and their pay may be withheld. (Sample Letter B refers).

- If an employee fails to provide the required certification/fit note following the above letter, then the second stage of Sample Letter B should be sent. If there is no valid fit note after returning to work then a meeting should be arranged with the employee to work through the reasons the certification has not been provided and take further action if appropriate.

- This may involve meeting with the employee to work through the reasons the certification has not been provided.

- If the explanation is not satisfactory then you should seek advice from HR as failure to supply the required certification for the period of sickness absence may mean that they will have their pay stopped for that period and disciplinary action may be considered, for failing to follow policy and procedure.

(D) Arrangements for an employee’s return to work

- When an employee informs the line manager they are returning to work the line manager must agree the date, time, unit/place and shift the employee is returning to.

- The attached Return to Work Interview Form (Appendix L) must be completed. The RTW interview must take place within two days of return or the interview agreed within those first two days, but should be within a reasonable time period after, e.g. within five working days.

- When the employee returns at the expiry of their medical certificate or fit note the manager should check with the employee that they are fit to return and either book or conduct a return to work interview within two days of the employee returning to work or if this is not possible a date for the interview should be agreed within those first two days.

- Prior to agreeing the return to work, the manager should consider whether a workplace risk assessment by a competent person is required. The manager needs to consider the nature of
the illness and the duties of the employee in order to consider any reasonable adjustments and/or offer any support.

- For short term absence it is unlikely that an employee will require a phased return to work and this would not generally be appropriate for absences of under 12 weeks duration.

- The line manager must inform the relevant staff that the employee is returning to work.

- Should an employee’s fit for work note state that their GP needs to assess them again, an employee would need to see the GP prior to returning to work in any capacity. The fit note states “I will/will not need to assess your fitness for work again at the end of this period”, therefore, if the GP has indicated “I will need to assess………”, then the employee should not be accepted back at work.

- If the line manager is in any doubt about whether or not an employee is fit to return to work, and in what capacity, they MUST speak to either Human Resources or Occupational Health.

(E) Return to Work Interview

- The line manager should conduct a return to work interview within two working days of the employee returning to work or if this is not possible to agree a date within those first two days.

- The date of this agreement now needs to be recorded on the form.

- When the employee returns to work the manager should complete the relevant online SSP form and send to Payroll to inform them the employee is no longer off sick.

- The return to work interview operates independently of any sickness absence meetings.

- The line manager should have the employee’s sickness absence record available at the return to work interview, for reference and discussion with the employee. This discussion should include any recommendation(s) from the GP if a fit note has been submitted by the employee. Any recommendation(s) may be considered but not necessarily agreed as this would depend upon their reasonableness and service requirements. If the employee has a disability under the Equality Act, then HR should be contacted if there is an issue about any of the recommendations.

- The line manager must complete the return to work form (Appendix L).

- If the manager identifies at the return to work interview that the employee has hit a trigger point (see 6.5 Trigger Points in the Policy), the manager will arrange a sickness absence meeting. (See ‘F’ below on conducting sickness absence meetings). The Manager can use the opportunity of the RTW interview to inform the employee that a meeting is being or has been arranged.

- If no further action is to be taken, e.g. due to that short term absence being for a planned operation/day surgery, then this must be recorded on the RTW form.

- If there is a pattern of short term sickness absences or the employee keeps reaching a trigger point for the same medical condition or there is medical concern, the manager should contact HR to see if OH referral is applicable in this instance.

Note: any adapted OH referral letter must be sent to HR prior to being sent to OH. A signed employee consent form must be sent with any OH referral letter.
The following can be discussed at the RTW interview or the informal sickness absence meeting (see ‘F’ below).

- Any reasonable adjustments at the workplace should be discussed whether or not the employee is covered under the Equality Act. Should an employee’s short term sickness absence(s) be due to a disability as defined under the Equality Act, sympathetic consideration should be made. Advice may be needed from HR (see Section 3 of this Guide).

- In addition to Section 3 of this Guide, which includes details of reasonable adjustments, there is information on an Employee Adjustment Agreement for disabled employees who are covered by the Equality Act (see Appendix K). This Agreement is drawn up following discussions between a manager and employee/rep/colleague and/or an HR Adviser on what, if any, reasonable adjustments can be agreed for the disabled employee in their job role.

- The manager must give at least 7 days written notice of any meeting, unless concerned parties agree an earlier date. The meeting can be a sickness absence review or a meeting to discuss an Employee Adjustment Agreement. Representation/colleague to support is offered at any meeting.

- At informal sickness absence meeting or review meetings, if the employee continues to maintain their attendance at work, 3 monthly review meetings should be repeated until the employee has been absent free for the agreed period of time. (see ‘F’ below).

- If further sickness absence occurs in the informal stage, manager will conduct a Return to Work Interview at which point they will consider if:
  - a full attendance target and a further 3 months informal sickness absence review meeting should be set or;
  - discuss reasonable adjustments and any other ways to support
  - or to hold any future meeting at the next stage of the sickness absence process (see ‘F’ below).

It is important that notes are made at all stages of the managing sickness absence process and that conversations/telephone calls are recorded. The manager can use the sample letters provided.

IF AT ANY POINT THE EMPLOYEE MOVES INTO THE TIMESCALES FOR LONG TERM SICKNESS, PLEASE REFER TO THE LONG TERM SICKNESS SECTION OF THIS GUIDE.

(F) Conducting Sickness Absence Meetings
Please also refer to Appendix B of the Policy

Informal Stage
- The manager will write to the employee no later than 7 working days prior to the meeting inviting them to attend. See Sample Letter C for a draft invite letter to an informal sickness absence meeting. A manager might like to seek advice from a member of the HR Team.

- This informal meeting will be held in line with the Managing Sickness Absence Policy and procedures.

- The employee will have the right to representation at the meeting, (see rights to representation in the Policy at Appendix B).
• A discussion should take place about the employee’s current absence record and the reasons for concern. A manager might like to provide a list of sickness absences over at least the past three years.

• The manager should identify the reason(s) for the absence(s) to date.

• The employee should be given the opportunity to put forward any mitigating circumstances and/or any supportive measures they might like to have considered

• The manager should try to identify any ways in which the Trust can assist the employee in maintaining their attendance at work.

• The manager will set down a clear target of full attendance for a minimum of 3 months but no more than 6 months, with a regular review meeting, to be held no later than in 3 months time.

• The manager may consider formal action under the Managing Sickness Absence Policy if sufficient improvement has not been met.

• The manager, when considering a referral to Occupational Health must first liaise with HR, (see 6.12 Referral to Occupational Health in the Policy and sample referral letter at Appendix H). Also attached are some guidance notes and the employee consent form at Appendix I.

• Please note that a copy of the OH referral letter should be sent to Human Resources which enables HR to see that alongside the OH report which HR is copied into. A consent form, signed by the employee must be sent to OH with the referral letter (see Appendices H & I).

• The manager should ensure that the employee understands that a failure to sufficiently improve their attendance at work could ultimately result in the termination of their employment within the Trust. In the meantime, the manager could issue a warning that the Trust cannot indefinitely sustain their level of sickness absence. Note: to mention their rights to appeal.

• If no further absence has been taken prior to any review meeting the manager will book a further sickness absence review meeting in, say, 3 months time.

• However, if sufficient improvement to the employee’s attendance record has not been met at the informal stage, the manager should consider holding a formal stage of the Policy (see ‘G’ below)

• The manager will write to the employee within 7 working days outlining the contents and outcomes of the meeting. See Sample Letter D.

(G) Conducting a Formal (review) meeting at Stages 1, 2

Please also refer to Appendix B of the Policy

• The manager will write to the employee no later than 7 days prior to the meeting taking place inviting them to attend. See the draft invite letter to a meeting at this stage of the Policy at Sample Letter E. It is advisable that a member of the HR Team also attends a Stage 1 meeting or Stage 1 review meeting. At Stage 2 meetings and Stage 2 review meetings, HR should attend.

• The employee will have the right to representation at the meeting. (see rights to representation in the Policy at Appendix B)
• The manager will present and discuss the employee’s overall sickness absence record exploring reasons for the absence(s). An updated list of sickness absences could be provided.

• The manager will also explore ways in which the Trust can assist or support the employee’s attendance at work, including a meeting to discuss an Employee Adjustment Agreement (see Appendix K).

• The employee will have the opportunity to put forward any mitigating circumstances and/or explore supportive measures and any reasonable adjustments (see Section 3).

• The manager will advise the employee that their attendance record is in excess of what the Trust expects.

• The manager will be explicit and issue a warning that should the employee’s attendance not improve sufficiently, a referral to the next stage of the Managing Sickness Absence Policy could be made. If this is the case, the appeal paragraph should be included in any confirmation letter.

At Stage 1 – a warning may be issued that if the triggers are met in the 12 months following the warning, endorsed at regular review meetings, consideration will be given to holding future meetings at the next stage of the Policy (with the right of appeal).

At Stage 2 – a warning may be issued that if the triggers are met within the 18 months following the warning, endorsed at regular review meetings, consideration will be given to holding a future meeting at the final stage of the Policy (with the right of appeal).

Alternatively, the manager may decide to adjourn the meeting, as advised by HR, and set a review period of between 1, 2, 3 or 6 months, as agreed. The manager should clearly outline the expected standard of full attendance during the review period. At the end of that period, or sooner if appropriate, the meeting will be reconvened and manager may reconsider whether or not to issue a warning at the appropriate stage.

• A further sickness absence meeting will be booked for, say, 3 months time. This should not prevent an earlier meeting being set-up where it is clear that absence levels are not acceptable.

• The manager will write to the employee within 7 days confirming the outcome of the Formal Stage 1 or Stage 2 (review) meeting. See Sample Letter F.

• The manager will also ensure that the employee understands that should there be insufficient improvement it could lead to termination of their employment with the Trust. At Stage 2 meetings, if not before, all reasonable adjustments must be discussed/considered and at this stage an up to date OH report be available.
(H) Conducting a Final Formal meeting at Stage 3
Please also refer to Appendix B of the Policy

• The meeting will be held in the same way as Stage 1 and Stage 2 but with an authorising manager reviewing and chairing the meeting. A draft invite letter to a meeting at this stage of the Policy is at Sample Letter G.

• The manager will explain and ensure at the previous meeting(s) and in the invite letter that the employee understands that this could be a final meeting where a Service Director/Senior Manager acts as authorising manager to review and chair the meeting. An HR Adviser would normally support the authorising manager.

• The authorising manager will explain that this may be the last opportunity for the employee to discuss their situation, any further support which could be offered and if there is no alternative, the outcome could be dismissal.

• The authorising manager will write to the employee within 7 working days confirming the outcome of the meeting.

• If the outcome is dismissal, the confirmation letter must be cleared with the HR Adviser supporting the authorising manager or the line manager.

Appeal

The employee will be informed of any decision, in writing, within 7 working days and where the employee has been warned / moved to the next stage of the Policy, appeal rights must be included in the confirmation letter.

Where a decision to dismiss has been made, the letter will also inform the employee of their right of appeal (see Appendix E of the Policy).
SECTION 2

MANAGERS’ GUIDE – LONG TERM SICKNESS ABSENCE

Introduction

The purpose of the Managers’ Guide/Toolkit is to try to make the procedure more user friendly by breaking down the process into easy to understand sections.

The procedure for managing long term absence is also detailed in Appendix C of the Managing Sickness Absence Policy which means that employees and trade union representatives should have a better understanding of the process. For further advice please contact the HR Team.

Should an employee be in the Policy due to short term absences and then an absence becomes long term, this Section would then be applicable. Wherever possible a list of the employee’s sickness absences over at least the last three years should be given out at any meeting and you may want to consider giving a copy of the employee’s ongoing absence recording sheet (blank recording form attached at Appendix M).

Where an employee triggers under the Policy due to previous short term absences/long term absence(s) connected with their disability (under the Equality Act 2010) or an accident at work, managers have discretion when to refer to any formal stage of the Policy. Sickness absences due to a disability or accident at work should be treated sympathetically but would still count towards a trigger level. For example, an employee is informed at the return to work interview that due to the circumstances of their sickness absence, e.g. planned surgery or illness due to disability, discretion has been shown in terms of trigger levels. See Section 3 of this Guide and Appendix K (Employee Adjustment Agreement).

Where there is advice from Occupational Health or evidence from sickness absences that employees should not undertake extra shifts, the Manager should ensure that this applies to Flexible Staffing as well as their substantive post. The Manager should inform the Flexible Workforce Team of this restriction/de-activation of flexi working and when this is to be reviewed.

Standard letters accompany this Guide to assist managers in applying and understanding how the process operates, again assisting the application of a fair and consistent approach to managing sickness absence within the Trust. The fitness for work form is known as a ‘fit note’ (formerly sick note). An absence recording sheet is attached at Appendix L.

To further assist managers, there is a checklist of the process and managers’ key responsibilities at Appendix J.

Any reasonable adjustments at the workplace should be discussed whether or not the employee is covered under the Equality Act. Should an employee’s long term sickness absence be due to a disability as defined under the Equality Act, sympathetic consideration should be made. Advice may be needed from HR (see Section 3 of this Guide).

OH advice/recommendations in the report, eg proposed reasonable adjustments, do not automatically have to be considered and agreed; especially if any recommendation and/or adjustment is not deemed reasonable. Please seek HR advice.

In addition to Section 3 of this Guide, which includes details of reasonable adjustments, there is information on an Employee Adjustment Agreement for disabled employees who are covered by the Equality Act. This Agreement is drawn up following discussions between a manager and
employee/representative/colleague and/or an HR Adviser on what, if any, reasonable adjustments can be considered for the disabled employee in their job role.

This can be agreed as part of a sickness absence meeting or a meeting prior to, or just after, the return to work of the employee (return to work form at Appendix L).

**Informal Meetings**

*Please also refer to Appendix C of the Policy*

- Once the employee has been absent for 4 consecutive weeks or is likely to be absent for 4 consecutive weeks and a return to work date cannot be established, the manager should arrange to meet informally with the employee, in line with the Managing Sickness Absence Policy.

- In cases where the fit note states an employee is unfit for work due to stress/anxiety/etc or work related stress, the manager may like to send an adapted **Sample Letter A** in the first instance.

- If the absence is likely to be long term a referral to Occupational Health should be considered. (see Referral to Occupational Health, 6.12 in the Policy). Adapted OH referral letters from the sample at Appendix H must be sent to HR prior to being sent to OH. An employee consent form must accompany OH referral letters. Guidance and a copy of the consent form attached at Appendix I.

- If fit notes are late arriving or not being received, **Sample Letter B** should be adapted and sent to the employee with a deadline date for its return. If a fit note still does not arrive following sample letter B being used, please discuss with HR as the employee’s pay may have to be withheld and a letter sent out which confirms this.

- The manager should write to the employee, giving 7 working days notice, inviting them to attend an informal meeting. (see **Sample Letter C**)

- The employee has the right to representation at the meeting, this should be a union representative or a colleague employed by the Trust. (see rights to representation at Appendix C of the Policy)

- The manager should be supported by another manager or a HR representative if the manager believes it will be of benefit.

- The purpose of the meeting will be outlined to the employee with key areas for discussion. See **Sample Letter D** which confirms outcome/agreements at the meeting.

- A record of the meeting should be kept and placed on the employee’s personal file.

- If the employee fails to attend the meeting the manager should seek to find out why (see later paragraph in this Section). **Sample Letter C** includes a paragraph in the event of an employee not attending a meeting.

- Where long term sickness absence is the result of a specified medical condition with a likely end date (e.g. recuperation following an operation) it may be quite appropriate for this period of absence to run its course and for the manager to simply maintain supportive and sensitive contact. A referral to Occupational Health would need to be considered if advice on reasonable adjustments or other appropriate support, was required.
A phased return would normally be of four weeks duration, in the first instance, with a review meeting in the fourth week. A short extension can be agreed, if appropriate, at the review meeting. A phased return for absences of under 12 weeks would not normally be offered.

If the employee fails to attend an Occupational Health appointment the manager should seek to find out why. (see the paragraph on not attending an OH appointment later in this Section). Sample Letter E includes a paragraph in the event of an employee not attending an OH referral appointment.

If at an informal meeting a referral to Occupational Health is not considered appropriate at that time a review meeting should be arranged within a short time period, e.g. four weeks.

If OH advice is sought, a report will be sent from Occupational Health to the manager with a copy to the employee. It is advisable to hold a review meeting upon receipt of the report so that its recommendations can be discussed and taken on board if appropriate.

Should OH be consulted, OH advice/recommendations in any OH report, eg proposed reasonable adjustments, do not automatically have to be considered and agreed; especially if any recommendation and/or adjustment is not deemed reasonable. Please seek HR advice.

**Formal Meetings**

*Please also refer to Appendix C of the Policy*

- This meeting will be held in line with the Managing Sickness Absence Policy. See Sample Letter E for an invite letter to a formal meeting.

- The employee will have the right to representation at the meeting, (see rights to representation at Appendix C of the Policy)

- The purpose of the meeting will be outlined to the employee with the following key areas discussed:
  - The nature of the illness and current prognosis
  - Possible return date and phased return, if appropriate
  - Impact of the absence on the workplace
  - Any causes attributable to the working environment
  - Discuss reasonable adjustments and other support/assistance, including referral to Workplace Wellbeing
  - Referral to Occupational Health and/or consider report from OH.

- The manager will write to the employee, usually within 7 working days confirming the contents of the meeting and any agreed action to be taken. (See Sample Letter F)

**Employee not attending meeting(s)**

- If the employee fails to attend an informal or formal meeting the manager should seek to find out why, this may be by telephone or in writing. A manager might like to seek advice from a member of the HR Team and attend any formal meeting.

- It must be made clear to the employee that the manager can request them to attend a meeting under the Managing Sickness Absence Policy.

- The manager should also make it clear to the employee that in order to assist the employee’s eventual return to work they must have all relevant information relating to their illness.
• Failure to attend an informal or formal meeting must be recorded on the employee’s personal file.

• A further meeting should be arranged and a letter sent with the inclusion of: ‘Should you fail to attend, for whatever reason, a decision may be taken in your absence. It is advisable that your representative is present’. (See Sample Letter C).

• If the employee fails to attend a second meeting, unless in extenuating circumstances, the rearranged meeting should go ahead in the employee’s absence but preferably with a representative present. In this situation, a member of the HR Team should be present or another manager to act as ‘witness’.

• The manager will write to the employee explaining that they have failed to attend a second meeting and that they must make a decision about their ongoing absence based on the information they have. Advice should be sought from HR.

Referral to Occupational Health

• The manager should discuss an Occupational Health referral with the employee prior to sending a referral letter. (See Sample Letter H for questions to include in the OH referral letter). See also 6.12 Referral to OH in the Policy.

• The discussion regarding OH referral can take place:
  o At a return to work interview
  o At an informal or formal meeting
  o By letter, telephone or, if agreed, by email

• The manager should explain to or inform the employee the purpose of the OH referral and give/send the employee a copy of the referral letter. The employee will need to sign the consent form which has to accompany any OH referral letter. It is advisable to give the employee a deadline date, e.g. 5 or 7 days, for the return of the signed consent form.

• A copy of the OH referral letter must be sent to Human Resources prior to it being sent to OH. Guidance on the referral letter and a copy of the consent form at Appendix I.

• The manager should write to Occupational Health outlining the reason for the referral and the specific issues related to the employee’s absence. A copy of the employee’s sickness absence record, any meeting confirmation letters and job description should be attached to the letter, (see the checklist of attachments in Sample Letter H).

• If the reason for the OH referral is to seek guidance on a phased return to work plan, the manager should include the proposed plan with the OH referral letter. A phased return period is normally over 4 weeks. (See page 21 or Appendix D of the Policy for details of phased returns).

Formal Review meetings

• The manager should write to the employee giving 7 working days notice, inviting them to attend a formal review meeting, in line with the Managing Sickness Absence Policy. A review meeting is especially important if there has been receipt of an OH medical report. (See Sample Letters C or E which sets out an invite to a meeting).
• Again the employee has the right to representation at the meeting, this should be a Union Representative or a colleague employed by the Trust.

• It would be advisable for the manager to be accompanied at the meeting by a member of the HR Team, wherever possible.

• The purpose of the meeting should be outlined to the employee and the following areas discussed:
  o The contents of the OH report
  o Any recommendations made in the report which may or may not be applicable (the manager, in liaison with HR, has the discretion of whether to accept a recommendation or not, e.g. it may not be reasonable to implement due to costs
  o Short term measures to assist the employee back to work
  o Phased return to work (see Appendix D of the Policy)
  o Any reasonable adjustments should be discussed whether or not the employee is covered under the Equality Act (see Section 3 of this Guide). See also Appendix K which details an Employee Adjustment Agreement for disabled employees.

• The manager should write to the employee within 7 working days of the meeting taking place confirming the contents and any agreed action to be taken. (See Sample Letters D or F which confirms the outcome of a meeting).

**Occupational Health appointment – did not attend**

• If the employee fails to attend an Occupational Health meeting the manager should seek to find out why, this may be by telephone or in writing. See Sample Letter E which includes a paragraph on the employee not keeping an OH appointment.

• The manager should write to the employee, even if they have spoken to them about their non attendance, explaining that the cost of the appointment with Occupational Health will still be charged to the Trust.

• It must be made clear to the employee that the manager can request them to attend a medical appointment under the Managing Sickness Absence Policy.

• The manager should also make it clear to the employee that in order to assist the employee’s eventual return to work they must have all relevant information relating to their illness.

• Failure to attend an Occupational Health appointment must be recorded on the employee’s personal file.

• A further appointment should be arranged.

• If the employee fails to attend a second meeting, unless in extenuating circumstances, a third appointment will NOT be made.

• The manager will write to the employee explaining that they have failed to attend a second appointment and that they must make a decision about their ongoing absence based on the information they have; which may or may not include any information or recommendations from an Occupational Health Practitioner.
Returning to Work

Where an employee is likely to be able to return to work, it will be important to consider how this can be managed effectively. The GP’s fit note may recommend reasonable adjustments, in the same way as an OH report, but any recommendations need not be accepted due to service requirements or unreasonableness. A reasonable adjustment might include the need for a short on-the-job induction, refresher programme or lighter duties during a phased return.

The return to work interview must be held within two days of the employee’s return but if this is not possible then a date for the interview should be agreed within those first two days. The date of this agreement now needs to be recorded on the RTW form, see Appendix L.

It should be established whether any reasonable adjustments need to be made and consideration should be given to the need for a workplace assessment by a competent person. In such circumstances the Risk Department should be contacted. Reasonable adjustments could include modifications to the employee's workplace or environment, such as special aids or equipment, and/or reasonable changes to working hours or practices. Should the employee be disabled under the Equality Act 2010, see Section 3 of this Guide and Appendix K.

Consideration of such adjustments should be made as early as possible especially where there may be a need to receive external support regarding advice and/or funding.

Provision should be made to ensure the return to work interview is carried out in a sympathetic and structured way and in consideration of the employee’s capabilities and it should be agreed how progress will be monitored and recorded during the first few weeks of the return.

Phased Work Return

This would normally be of four weeks duration with a review meeting in the third or fourth week. A short extension can be agreed, if appropriate, at the review meeting.

A phased return for absences of under 12 weeks would not normally be offered. See Appendix D of the Policy for further details.

Phased Return and GP/hospital appointments

Any GP or hospital appointments should be booked as far as possible to occur during non-working days, e.g. days of annual leave or special leave. Reasonable time off would be given to attend counselling sessions, physiotherapy, etc.

Final Formal Review Meeting

In the event of all the actions, meetings, discussions, OH referrals, etc, not leading to an identified date for return to work then a decision may be made to refer the matter to a Final Formal Review Meeting in line with the Managing Sickness Absence Policy.

The timing of this meeting will depend on the circumstances of the individual employee but it should normally occur no later than nine months after the start of the long term sickness absence.

This meeting would review the employee’s continuing employment and include discussions on reasonable adjustment/other support, including redeployment; whether or not the employee may be eligible for ill health retirement pension benefits; and/or to inform the employee that their
continuous sickness absence cannot be sustained and that there may be no alternative option but
dismissal on the grounds of incapability due to ill health.

A target return date should be given with further consideration of any OH referral update in the
interim period. However, if there is no likelihood of a return to work within the specified target
return date, the employee should be informed that a Dismissal Hearing may have to be convened.
**Sample Letter F** is a confirmation letter which can be adapted to suit the individual circumstances.

**Conditions of Contractual Sick Pay**

For employees on Agenda for Change, it has been agreed at national level that sick pay for those
who have exhausted contractual sick pay entitlement should be reinstated at half pay, after twelve
months of continuous sickness absence in the circumstances outlined in Appendix C of the Policy.

**Dismissal Hearing**

When all options have been pursued, including reasonable adjustments, e.g. redeployment, and a
final review meeting has taken place, a Dismissal Hearing, in line with the Managing Sickness
Absence Policy, should be arranged. See **Sample Letter G** for the invite letter.

The purpose of the Dismissal Hearing is for an authorising manager, not previously having been
involved with the employee and the process, to review and chair the meeting.

The authorising manager will explain that this may be the last opportunity for the employee to
discuss their situation, any further support which could be offered and if there is no alternative, the
outcome could be dismissal. This manager is normally supported by a member of the HR Team.
Management’s case should include an up to date OH report.

If the employee produces a fit note from their GP returning them to work, the meeting could be
adjourned and reconvened at a later date so that a target period of full attendance can be agreed.
The employee would be monitored within this stage of the Policy for a period of 18 months.

Should the employee have any further short term or long term sickness absences during this
monitoring period, the Dismissal Hearing could be reconvened.

At the Dismissal Hearing, the line manager puts forward a statement of case and the employee
and/or representative then presents their case. Each side has the opportunity to ask questions
and the authorising manager may request clarification on points raised, etc.

The Hearing is then adjourned for the authorising manager and supporting HR Adviser to consider
the outcome and if there is no alternative, this could be dismissal. The Hearing should follow the
same procedure as that of the Dismissal Hearing under the Disciplinary Policy, but is still
conducted within the Managing Sickness Absence Policy and is not in any way disciplinary action.

**Appeal**

The employee will be informed of the decision in writing within 7 working days. Where a decision
to dismiss has been made the letter will also inform the employee of their right of appeal (see
Appendix E of the Policy).
Medical practitioners

These arrangements will be operated to take account of, where appropriate, the separate procedure for medical staff relating to Disciplinary, Capability, Ill Health and Appeal.

SECTION 3

MANAGERS’ GUIDE - Equality Act 2010
(dealing with disability discrimination)

Introduction

The Equality Act makes it unlawful for an employer to treat a disabled person less favourably than someone else because of their disability. Also included in the Equality Act is that an employer could face a claim of discrimination if an employee is treated less favourably due to an association with a disability, e.g. the employee is a carer of a disabled child or adult.

In order to help a disabled employee do their job, we have to look at what changes could be made to the workplace or the way the work is done and consider making any changes that are reasonable. Please refer to Appendix K which details an Employee Adjustment Agreement for disabled employees, as defined under the Equality Act.

This Agreement is drawn up following discussions between a manager and employee/rep/colleague and/or an HR Adviser on what, if any, reasonable adjustments can be agreed for the disabled employee in their job role. This can be agreed as part of a sickness absence meeting or a meeting prior to, or just after, the return to work of the employee.

There is no qualifying period of employment for an individual to bring a claim of disability discrimination to an employment tribunal and no upper/lower age limit. Disability discrimination is treating a disabled person less favourably than an able bodied person, whether it is direct or indirect, or by association (the latter under the Equality Act).

It is, however, good practice and in line with the Trust's Managing Sickness Absence Policy to offer all means of support and consideration of reasonable adjustments to all employees, irrespective of whether or not they fall under the Equality Act’s definition of ‘disability’.

Definitions

The definition of ‘disability’ for the purposes of the Equality Act is quite broad and maintains the same definition as the former Disability Discrimination Act.

‘Disability leave’ gives disabled employees the right to take time off when they are undergoing rehabilitation, treatment, hospital tests, screenings, fittings for technical aids/adaptations, etc, in relation to their disability. Disability leave is subject to an employee being confirmed as disabled, either by their own medical specialist and/or occupational health; and is subject to proof of any appointment and/or treatment.
Whilst disability leave is not sickness absence, managers must record separately when an employee takes disability leave.

The Policy document at 6.14 and 6.15 specifically mentions disability. It should be noted at 6.15 that if an employee is unable to attend work following disability leave, that absence is classed as sickness.

Advice should always be sought from OH on whether someone meets the definition of ‘disability’. HR should also be consulted for advice and further information.

*Remember to check any OH referral letter with Human Resources prior to being sent to OH. A signed consent form from the employee must accompany all OH referral letters.*

**Reasonable Adjustments**

The Equality Act states that we have a duty to remove disabling barriers by making reasonable adjustments where it is ‘reasonable’ to do so. This duty applies where disabling barriers create a real and noticeable disadvantage for a person with an impairment compared with other people. However, it is good practice that support/reasonable adjustments are fully considered for all employees.

The requirement to make reasonable adjustments, places the employer under a positive duty to take the initiative and consider what adjustments would be possible and practicable to support a particular employee.

Where an existing employee becomes disabled (as defined under the Equality Act), either gradually or suddenly through illness or an accident, the manager should consider what reasonable adjustments could be made to accommodate the employee’s needs and facilitate his or her retention. See Appendix K.

Where appropriate, managers should consider arranging an OH referral and/or workplace risk assessment for further advice. Additional guidance can also be sought from the Employment Service (Job Centre Network).

The following are examples of reasonable adjustments listed in the Equality Act which may be considered:

a) making adjustments to premises, e.g. widening doors or installing visible or vibrating fire alarms;
b) allocating some of the disabled person’s duties to someone else;
c) transferring him/her to fill an existing vacancy (redeployment);
d) altering her/his working hours;
e) signing him/her to a different place of work;
f) allowing disability leave during working hours for assessment, tests, treatment, etc;
g) giving or arranging training (on or off the job);
h) acquiring or modifying equipment;
i) modifying instructions, procedures, etc;
j) providing a reader, interpreter, etc;
k) provision of additional supervision, support or training.

The list is not exhaustive and adjustments could include other changes to the workplace and patterns of work. See also Appendix K for the Employee Adjustment Agreement.
What to do

The first step is to assess whether there is a need to make any changes to the job, the way it is done or the working environment. This assessment is the manager’s responsibility, in consultation with the employee.

You should ask the disabled person whether s/he can think of any useful changes or adaptations. You should then make your own judgement as to whether you feel these are reasonable. At this level you should be finding ways to make adjustments so that the employee can undertake the job to a satisfactory standard, e.g. high shelves lowered, stop using the bottom drawer of cabinets, provision of an accessible toilet.

The line manager, together with the disabled employee, should analyse the requirements of the job, breaking them down into tasks. The aim is to spot those tasks which will present barriers in the way of the disabled person doing the job effectively. It may also be important to look at how each task is to be done and to what standard.

In addition to this Section, there is information on an Employee Adjustment Agreement for disabled employees who are covered by the Equality Act 2010 (see Appendix K). This Agreement is drawn up following discussions between a manager and employee/rep/colleague and/or an HR Adviser on what, if any, reasonable adjustments can be agreed for the disabled employee in their job role.

It may be appropriate to arrange a workplace risk assessment and/or refer the employee to the Occupational Health Service.

Changing ‘normal’ systems

For some disabled people, the ‘normal’ system, arrangements or ‘ways of doing things’ within the workplace may be inaccessible or cause undue difficulties. This may mean that the job becomes impossible to do, even though the individual tasks do not really cause a problem. It may be possible, therefore, to change the ‘norm’ within the workplace so that it includes every employee. These types of changes may also be the most cost-effective.

For example, using a different type style or size of print, adapting telephones, changing workplace layout/access, training colleagues in the use of microphone/hearing adaptors at meetings, etc.

Before making any changes, talk them through with the disabled employee and anyone else who may be affected by these changes. Also, make sure that the changes are due to management action rather than as a ‘favour’ to the disabled employee.

Assistance in meeting costs and/or for advice from Access to Work, via the Job Centre Network, to provide financial and specialist guidance on adapting and/or changing workplaces. Further details can be obtained from HR.

Although you must make every effort to adopt any reasonable adjustments in line with any advice and guidance, it may be that after due consultation and consideration the changes cannot be made in the case of a particular employee, e.g. excessive costs. If this should happen, make
sure that you have kept detailed notes of the process you went through and discuss the position with HR.

**Modifying the job itself**

The Equality Act states that modifications to the job itself should be considered, providing that such modifications do not affect the job in any substantial or unreasonable way.

Some jobs contain an element of travel or moving between workplaces. This travel may normally be carried out by, for example, the employee using their own car, public transport or walking. For some, the usual means of transport may be inaccessible and so alternatives would need to be considered. Where alternatives become unreasonable, e.g. another worker driving them to/from destinations or use of a taxi; then such alternatives could not be expected to be made.

However, there may be a small or other part of the job which can be modified so that a disabled person can continue working in a particular job. Some examples are:

**Telephone duties** were listed on a job description for a typing job. However, when a deaf person applied for the job, the manager looked again at the duties and discovered that answering the telephone was a minor part of the job. The team of typists was big enough to enable this minor telephone duty to be exchanged with another administrative task.

**Driving** proved no problem for one employee as she had been provided with a specially adapted car, but her workplace was some distance from parking facilities and the ramp to the building. Her employer designated a nearer car parking space within easy reach of the building’s ramp.

**Short breaks** were needed for an employee working shifts but everyone took an hour in the middle of the shift. He needed short breaks for his unpredictable spells of pain and use of medication. It was agreed that his hour be split into the Health and Safety legislation minimum of 20 minutes, midway through the shift, and the balance of 40 minutes to use as required.

**Hours of work**

There is no reason to believe that disabled people will have longer periods of sickness or time off work than anyone else. In fact, there is evidence that the reverse is true. However, it is the case that for some employees who have particular impairments, the usual hours of work may cause problems. The Equality Act requires flexibility in those cases.

For example, where there is a need for regular check-ups, tests or treatments then disability leave could be used; agree a reduction of hours which would, of course, be met by a corresponding reduction in pay; flexibility over a longer period of time could result in annualised hours so that an employee who needs a block of time for hospital treatment can be accommodated.

**Additional Training**

There may be times when a new or existing employee needs additional training or support, such as providing a mentor or support worker, training in the use of special/modified equipment. Also, training for others in the workplace, e.g. basic sign language.

**Managing disabled employees who are off sick**

Where an employee is absent from work due to a disability for what might be a lengthy period of time, the manager should do whatever can reasonably be done to retain the employee. Referral to OH should be made on a regular basis with sickness absence meetings in accordance with the
Policy but with the emphasis on support and assistance. At an early stage of the employee’s sickness absence, advice should be sought from HR.

However, the meetings at informal and then at formal levels have to be followed with discussions on OH reports, the employee’s condition, its effects, the likelihood of an improvement or recovery, relevant/reasonable timescales and any potential adjustments that the employee’s GP and/or OH considers are reasonable to help the employee resume work. One option would be redeployment if adjustments to the employee’s job prove unreasonable.

Can a disabled employee be dismissed on the grounds of ill health?

Yes, if an employee can no longer fulfil their duties because of their disability, subject to proper policies and procedures being followed. Great care should be taken in following such procedures and advice must be sought from HR.

Some of the key steps are:

- refer the employee to occupational health and, if appropriate, seek consent to send for a medical report from the employee’s GP;

- in the OH referral letter, (cc the employee and HR) specific questions should be asked about the person’s capabilities and difficulties and to explain about the job’s tasks and responsibilities, a job description should be attached to the letter (please see Sample Letter H);

- possible reasonable adjustments, which could be made to facilitate the employee’s return to work, must be considered, including reduction of working hours, reallocation of tasks, more time off, etc.

- if an OH report indicates that the employee is not fit to do the job, and reasonable adjustments would not improve their ability to perform their duties/tasks, the manager should discuss all implications with the employee;

- redeployment should be considered wherever possible. If alternative work is available, then this should be offered in priority to other job applicants;

- all relevant policies and procedures must be followed with due consultation at the appropriate stages;

- if no alternative and all options have been discussed/considered, then dismissal of a disabled employee will be appropriate.

Dismissing a disabled employee

If a disabled employee is dismissed due to his or her inability to perform the job, the dismissal may give rise to both an unfair dismissal complaint and a claim for disability discrimination. Dismissal, therefore, should be seen as a last resort.

To succeed in defending a claim for disability discrimination following a dismissal, the employer would have to convince any tribunal that:
- there were no further adjustments, including redeployment, that it could reasonably have made, or that any possible adjustments would not have helped the employee;
- it had sought and considered appropriate and sufficient up to date medical advice;
- prior to the decision to dismiss, the employee was given a full opportunity to put forward representations about her or his condition, its effects and their abilities;
- the dismissal was a course of action that was justified on the grounds that were material and substantial.

The Trust would also have to ensure that the necessary dismissal procedures under the Managing Sickness Absence Policy were followed to ensure that the dismissal was fair.
No or little contact and / or if absence due to stress etc or work related stress

Dear (first name)

I would like to confirm that you have now been off sick for …………… with…………………
I acknowledge receipt of your statement of fitness to work (fit note) which states you are not fit for work for a further ……………… and now states …………… (if reason is different from previous fit note). (If no fit note received please substitute last sentence for): I can find no record of receipt of your next fit note and would appreciate one by return of post.

I am extremely concerned that we have had (no) (or very little) contact since you first went off sick. As you are aware, the Trust’s Managing Sickness Absence Policy states that we should maintain regular contact, but unfortunately, I have telephoned you on …….. occasion(s) during the past ……..days/week with no success.

Please telephone, email or write to me as a matter of urgency so that we can establish your health progress, if occupational health referral is appropriate and if I am able to offer any support or assistance in order to aid your return to work. Should no contact be made within the coming week, I will have to consider arrange a formal/informal meeting in line with the above mentioned Policy. I attach a copy of the relevant section of that Policy.

(If a fit note has not been received on time please add the following):
Your current statement of fitness for work expired on …………. and I have not received a further note or had any indication of a return to work date. It is your responsibility, under the Managing Sickness Absence Policy, to provide fit notes on time. Should we not receive a valid fit note within the next five working days from receipt of this letter, I may have no alternative but to withhold your pay.

However, if you have forwarded your fit note to me prior to receipt of this letter, please accept my apology, but I would suggest that you contact me urgently. Should you be experiencing any difficulty with obtaining a fit note please contact me so that we can try and find a solution.

(If the fit note states ‘stress/anxiety’ or ‘depression’ please add):
(adapt wording if fit note actually states ‘work related stress’)

As your fit note states that your sickness absence is due to stress/anxiety (quote), it is especially important that we make contact and more so if there are any work related issues. This could initially be by telephone or email and then at an informal/formal meeting to discuss your situation and to try and find ways in which we can resolve any issues/concerns in order to aid your return to work. The meeting will also explore what supportive measures and reasonable adjustments we can consider.

I will, therefore, contact you within the next week or so to arrange an informal/formal meeting. You will, of course, be entitled to be accompanied by a trade union representative or a colleague employed by the Trust.

Alternatively, you could contact …………….. (insert name/number of your Manager/other or an HR Adviser) to discuss your situation.

Yours sincerely

...........................................
(name)
SAMPLE LETTER B

No fit note received
- 1st letter after 5 working days
- 2nd letter after waiting a further 5 working days (marked by *)

(In the event of the employee not making any contact whatsoever, advice from HR should be sought as the second letter may need to include reference to a breach of contract by the employee)

Dear

I write to inform you that (*I am still waiting for) your current fit note (*which) expired on ………………. and I have not received a further note, nor have I received any indication of a return to work date. (*I wrote to you on …….. giving you 5 working days to send in a fit note or to contact me with any problems. I have, to date, not received a fit note or had any contact from you).

It is your responsibility, under the Managing Sickness Absence Policy, to provide fit notes on time. Therefore, if I have not received a further fit note within the next five working days you will be on unauthorised leave and I may have to consider withholding your pay. (*will be informing Payroll to withhold your pay).

However, should you be experiencing difficulties obtaining a fit note or getting your fit notes to me on time, please contact me on …………… within the next five working days so that we can discuss how best we can resolve this issue. *applicable for both letters.

I expect to receive a valid fit note or contact from you by ……………. (first working day after end of the five days) *applicable for both letters.

If you have forwarded your fit note to me prior to receiving this letter, please accept my apologies, but I would suggest that you contact me to ensure that it has been received. *applicable for both letters.

Yours sincerely

……………………. (name)
Line Manager
SAMPLE LETTER C

Letter to invite employee to attend informal sickness absence (review) meeting(s)

Dear

As part of the Trust’s Managing Sickness Absence Policy, I have been reviewing your attendance record and note that you have (long term): been absent sick since……. (short term): now hit a trigger level due to your absence on/from……. (if Sample Letter A was sent then above para should refer to that letter).

It is now appropriate, under the above mentioned Policy, for me to arrange an informal sickness absence (review) meeting. I would like to invite you to attend this meeting at …………on ………………..to be held at …………………. You are entitled to be accompanied by a trade union representative or an employee of the Trust.

(Long term)
The purpose of the meeting will be to discuss the reason for your continued absence, consider OH referral (or report if already referred) and to explore what support and/or assistance we can offer you in order to facilitate your return to work, including reasonable adjustments, e.g. a phased return.

(Short term)
The purpose of the meeting will be to discuss the fact that you have hit a trigger level under the above Policy and to explore what support and/or assistance we can offer you in order to improve your attendance record. We will also consider if OH referral is appropriate.

(In the event of an employee not attending a previous meeting, please add): Should you not be able to attend this rearranged meeting, for whatever reason, we may consider going ahead with the meeting and letting you know of any outcome, e.g. referral to occupational health. It would be advisable that your representative is present in the event of your absence.

(if fit note not received/always late then see Sample Letter B to add relevant paragraphs).

In the meantime, if you have a query or concern please don’t hesitate to contact me.

Yours sincerely

……………………..(name)
Line Manager
Letter to confirm informal sickness absence (review) 
meeting following receipt of an OH report

Dear

Thank you for attending the informal sickness absence review meeting on …………………which was held in line with the Managing Sickness Absence Policy. Also attending was your representative…………….and ……………….. from HR. I explained that the purpose of the meeting was:

(Long term)
to discuss the reason for your continued absence, consider OH referral (or report if already referred) and to explore what support and/or assistance we can offer you in order to facilitate your return to work, including reasonable adjustments, e.g. a phased return.

(Short term)
to discuss the fact that you have hit a trigger level under the above Policy and to explore what support and/or assistance we can offer you in order to improve your attendance record and also to consider if OH referral is appropriate.

(Long term)
A list of your sickness absences over the past …….. years was given out at the meeting. Your current sickness absence started on ……………

We discussed the occupational health report of ……………. which stated that you would remain off sick for at least a further ……..weeks/months and that you would be given an OH review appointment within the next …….. months. Upon receipt of that report, we will hold a further informal/formal review meeting to discuss any support or assistance we can give you to aid your return to work. It is hoped that you would be able to give a return to work date at that meeting.

Reasonable adjustments were discussed at the meeting, including a phased return to work, which will be discussed further at the next meeting.

If employee off for less than 3 months: The employee should be notified that another informal meeting will be arranged to review progress.

If employee off for more than 3 months/likely to be off for more than 3 months: The employee should be informed that the next meeting will be a formal review meeting to formally review progress.

(Short term)
We discussed the occupational health report of ……………. which confirmed that there were no further reasonable adjustments or concerns to consider. You had previously been offered the services of Workplace Wellbeing.

Your attendance record over the past …….. years was given out at the meeting, and unfortunately you have hit the trigger level of sickness absences, in line with the Policy, twice in the past …….. months.

At today’s meeting, we agreed a revised standard of full attendance in the coming …….. months and if this is not met, I may have to consider holding a formal stage one meeting under the Policy which may result in you being issued with a warning that the Trust cannot sustain this level of sickness absence. This will stay on your file for 12 months.

In the meantime, if you have any query or concern please contact me.

Yours sincerely

……………………(name)
Line Manager
SAMPLE LETTER E

Letter to invite employee to attend formal sickness absence review meeting(s)

Dear

(long term)
I would like to confirm that you have now been absent sick since……. with ……………….(quote from fit note) and your current (new?) fit note is for a further …… ……. It was agreed at the informal sickness absence review meeting on ……. that should you not return to work by ……. (or within ……. months) there would be a formal meeting held in line with the Managing Sickness Absence Policy.

(short term)
As I stated at your return to work interview on ………….., your latest sickness absence has hit a trigger once again under the above mentioned Policy.  (if the employee is at the informal stage) It was agreed at the informal meeting on ……………. that a formal stage 1 meeting will be held if you have a further period of sickness within the next ……. weeks/months. (if the employee is at stage 1) It was agreed at the formal stage one meeting that if you trigger within the next 12 months that a formal stage 2 meeting will be held.

(long or short term)
You are, therefore, invited to attend a formal review meeting/formal stage 1 meeting/formal stage 2 meeting at (time) on (date) at (venue).  Also at the meeting will be …………… from HR.  You are entitled to be accompanied by a trade union representative or an employee of the Trust.  (If representative is known): As your union representative is …………… from ……….(union) a copy of this letter has been sent to him/her.

(Alternatively and especially if the employee has failed to attend a previous meeting: ‘I have contacted your trade union representative, ……………., who has confirmed s/he can attend’).

The purpose of the meeting will be to discuss……..
(long term) your health progress, the OH report (or re-referral), any support and assistance we can offer you, including reasonable adjustments.

(short term) ….the fact that you have hit a trigger level and not met the attendance target.  We will further explore what support and/or assistance we can offer you in order to improve your attendance record, including any reasonable adjustments, and discuss (re-)referral to OH.

You were informed in my letter of ………(see Sample Letter D) that the Trust could not indefinitely sustain your level of sickness absence and that we may have to consider at this meeting issuing you with a warning at formal stage 1/stage 2 warning.

(In the event of an employee not attending a previous meeting, please add the relevant paragraph from Sample Letter C.  If the employee’s representative is known, s/he could be contacted prior to the letter going out in order to ensure attendance).

(In the event of an employee not attending a previous OH referral, please add:) If you do not attend the rearranged OH referral appointment, for whatever reason, we may have to make any decisions at the meeting on information which is available.  It is, however, important that we are able to discuss and consider any recommendations the OH service put forward.

(long or short term)
Should you have a query or concern arising from this letter, please do not hesitate to contact me.

Yours sincerely

……………………(name)
Line Manager
SAMPLE LETTER F

Letter to confirm a formal sickness absence review meeting, including stage 1/ stage 2 level short term or formal/final review stage long term.

(You may like to send a draft of this letter to an HR Adviser for the content to be checked).

Dear

Thank you for attending the sickness absence review meeting at (stage 1/stage 2 or formal/final review) level of the Managing Sickness Absence Policy which was held on …………………… Also attending was your trade union representative, ……………, and …………………... from HR.

(short term) I explained that the purpose of the meeting was to discuss the fact that you have hit a trigger level and not met the attendance target. We further explored what support and/or assistance we can offer you in order to improve your attendance record, including any reasonable adjustments, and discussed (re-)referral to OH.

(long term) I explained the purpose of the meeting which was to discuss your health progress, the current OH report, any further support or assistance we can offer you, including reasonable adjustments. (Adapt this paragraph as appropriate, e.g. a phased return to work if the OH report or employee mentions this; or substitute ‘health progress’ for ‘most recent sickness absence’ if the meeting is for short term absences).

(long term) You were asked about your current situation and you said that you were still not fit to return to work.

(short term) There was no improvement to your attendance record’ – give details, e.g. a list of absences over the past …….. years was given out.

(Again, this paragraph would need to reflect individual circumstances and what was discussed at the meeting, e.g. you have a hospital appointment at which your medication may be changed).)

(both) The OH report of ……………. was discussed and it was noted that …………………...

(short) As your attendance record has not (significantly) improved and you have had …….. further sickness absence(s), it was agreed that you would be issued with a warning at formal stage 1/2 of the policy. The warning is that the Trust cannot sustain this level of absence and the target is that you do not hit the triggers outlined in the policy during the currency of this warning. This warning will remain on file for 12/18 months. Or- It was agreed to adjourn the meeting and set a further review period with a target of full attendance.

(long) As you were unable to give a return to work date at the meeting, it was agreed that you be referred to OH in ………….. weeks time. (name of Manager or HR Adviser) referred to the Policy and explained that the Trust could not indefinitely sustain your continued absence. You were informed that the next meeting would be at the next level of the Policy (if appropriate). (If the reason for absence(s) is due to accident(s) outside or at work please add): ‘It was clarified that sickness absence resulting in an accident (at work or outside work through no fault of your own), however unfortunate, was still classed as absence’.

If there is still not a return to work date in the foreseeable future (i.e. within two months), then a final review meeting should be considered, unless ill health retirement is being pursued (a time limit should be given).

(both)A discussion took place on reasonable adjustments/redeployment/further support or assistance…………(to be adapted). (If the employee is covered by the Equality Act, the following could be added: ‘Whilst employees under the Equality Act are given every support/adjustments and disability leave, sickness absences, for whatever reason, are still classed as absences. Each employee’s circumstances and disability will be treated on a personal and individual basis).
If next level is stage 3* (short term) or dismissal** (long term):
It was confirmed that an authorising manager, who has had no previous knowledge of your situation, would be chairing and reviewing your case, and would be supported by HR. I would be putting together a statement of case together with all the procedures taken, OH reports and other correspondence which has to be sent within 10 working days of the meeting. You would be invited to submit a written case, with any supporting documents, within 7 working days of the meeting. You would be entitled to representation.

I have to inform you that one of the employment options to be considered at the (* or **) would have to be dismissal on the grounds of incapability.

When issuing a warning at stage 1 or 2 of the short term procedure the appeal paragraph should be added. ‘Should you wish to appeal under the Managing Sickness Absence Policy, please submit this in writing, (to the managers manager) identifying your reasons, within ten working days of this letter’.

In the meantime, if you have a query or concern, please contact me.

Yours sincerely

………………………….(name)
Line Manager
Invite employee to attend Final Formal Stage 3 Meeting
(short term)* or Dismissal Hearing (long term)**

Dear

I refer to my letter dated ………………….which confirmed, under the Managing Sickness Absence Policy, that you were referred to the *Meeting or **Hearing.

I am, therefore, inviting you to the *Meeting or **Hearing, in line with the above mentioned Policy, at ………………. on ……………….at Fulwood House/other venue (should not be held at workplace). Please report to the main reception and you will be met there. All employment options would be discussed, as on previous occasions, at this meeting (or hearing).

You were informed in my letter of …………………. that the Trust could not indefinitely sustain (short term): your level of sickness absences (long term): your continuous sickness absence (both): and that one option to be considered at this meeting (or hearing) would have to be dismissal on the grounds of incapability. All stages of the Managing Sickness Absence Policy and procedures have now been followed in accordance with the attached statement of case. You have previously been sent a copy of that Policy, but should you require a further copy please let me know.

The authorising manager, ………………. who has had no previous involvement of your situation, will chair and review the whole case and procedures, and would be supported by ………………, HR Adviser. I will be presenting the attached statement of case, advised by ………………….. from HR. You are entitled to be accompanied by a trade union representative or by an employee of the Trust. *(If representative is known): I have contacted your trade union representative, ………………, who has confirmed attendance.*

In accordance with the above mentioned Policy, you are invited to submit a written case, with any supporting documents, within seven days of the meeting (or hearing). You or your representative would be presenting any submitted written case at the meeting (or hearing).

It is important that you attend this meeting, but I have to inform you that if you fail to attend, for whatever reason, a decision may be taken that could result in the termination of your employment.

*(If representative is known): I have sent a copy of the statement of case to …………………..who has confirmed attendance. *(If representative is not known) It is your responsibility to contact your trade union representative or colleague from the Trust to discuss your statement of case.*

In the meantime, should you have any query or concern, please do not hesitate to contact me.

Yours sincerely

……………………
(name)
Line Manager
SAMPLE LETTER H

OCCUPATIONAL HEALTH REFERRALS – NHS

(Please refer to guidance notes if uncertain how to use this)

Please reply to…………….. (Insert Manager’s Address & Tel No)
……………………………….. (Insert date)

IN CONFIDENCE
Consultant Occupational Physician,
Occupational Health Department,
Northern General Hospital

Dear Consultant Occupational Physician

EMPLOYEE’s NAME:
DOB:
OCCUPATION:
HOURS OF WORK:
ADDRESS:
TELEPHONE NO:

I write to seek your advice regarding the above employee who is employed as (insert Job Title) in the (insert Service/Directorate) at the (insert hospital site or work location).

A copy of this referral letter is sent to the employee as well as Human Resources.

This is a referral for: (please tick as appropriate – do not delete boxes):

☐ Recurrent short term sickness absence
☐ Long term absence – continuing
☐ Long term absence – return to work
☐ Concerns about performance or capability
☐ Fitness to participate in disciplinary, grievance or management procedures
☐ Assessment for redeployment purposes
☐ Health problem not impacting on attendance at work
☐ Other (please state reasons below)
(Insert full details of the employee’s sickness and explain the reasons for referral to OH. Include the information here even if it is in the sickness review meeting letter. It is useful to indicate if the employee has been referred to OH previously and give details of this but there is no need to copy the correspondence).

(Insert employee’s name*) sickness record is given below, and the outcome letter from the sickness review meeting at which this referral was discussed with the employee, and the signed employee consent form are attached.

(Insert *) sickness absence record (at least two years) is:

<table>
<thead>
<tr>
<th>Year</th>
<th>Dates Exact dates</th>
<th>Working days lost</th>
<th>Type of certification</th>
<th>Reason Given</th>
</tr>
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</tbody>
</table>

Sickness absence data must be provided in this format – please do not send raw data such as copies of medical certificates

Database printouts are not acceptable

Please include current episode of absence and show single episodes as such, not as monthly episodes e.g. 27/5/10 to 10/6/10 as one episode, not 27/5/10-31/5.10 and 1/6.10-10/6/10

Specific aspects of the employee’s post which may be relevant to your assessment are:-

Include here specific aspects of the job such as shift patterns, exposure to chemicals, or physical agents, risks in the workplace, physical and mental demands of the job etc.

I would be grateful if you could arrange an appointment for (insert employee’s name) to review his/her health in relation to the job s/he undertakes and provide advice in response to the following questions:

(You only need to include questions relevant to this case and reasons for referral. A number of example questions are listed below, please select question set as appropriate).

Questions relevant for recurrent short-term absence
1. Does the employee have any underlying medical conditions I should be aware of and is he/she receiving appropriate medical treatment for these conditions?

2. Does the employee have a health problem which could put him/her, colleagues, patients or members of the public at any risk? If so, how can those risks be reduced?

3. How does this impact on the employee’s ability to attend work and undertake his/her role now and in the future?

4. Does the employee have any medical conditions which could be regarded as a disability as defined within the Equality Act?

5. Are there any adjustments I can consider to support the employee at work to achieve an improvement in her/his attendance?

6. Is there any medical reason why the employee with the suggested adjustments being made should not be able sustain regular attendance in the future?

7. Is the employee likely to have further periods of absence for the same or related reasons in the future?

**Questions relevant for long-term absence – if continuing**

1. Please could you provide information on the employee’s current illness and prognosis?

2. Does the employee have any medical conditions which could be regarded as a disability as defined within the Equality Act?

3. Does the employee have a health problem which could put him/her, colleagues, patients or members of the public at any risk on his/her return to work? If so, how can those risks be reduced?

4. When is the employee likely to be fit to return to work and his/her current role?

5. Are there any adjustments I can consider to support the employee in returning to work at this time?

6. If a return to work in any capacity is not anticipated in the reasonably near future would you support an application for ill health retirement?

**Questions relevant for long-term absence – return to work**

1. Can you give me an assessment of the employee’s health and confirm that he/she is fit to return to work and their substantive post?

2. Does the employee have a continuing health problem which could put him/her, colleagues, patients or members of the public at any risk on his/her return to work? If so, how can those risks be reduced?

3. Given the length of the absence would you recommend a phased return? (Please bear in mind that the Managing Sickness Absence Policy states this should be over four weeks with a review meeting in the fourth week).
4. Taking into account the duties outlined in the attached job description are there any restrictions on the type of duties the employee can undertake on his/her return to work on either a temporary or permanent basis?

5. Is there any reason why the employee may be unable to perform the full range of duties of his/her post once his/her rehabilitation is complete?

6. Will the employee return to full fitness and if so, approximately how soon?

7. Is the employee’s illness likely to recur or be exacerbated by particular activities or situations in the future? Will ongoing treatment assist in eliminating this risk?

8. Is there any medical reason why the employee should not be able to sustain regular attendance in the future?

Questions relevant for referrals regarding performance issues or capability

1. Does the employee have any underlying health problems which could be impacting on her/him at present which could be affecting his/her ability to undertake her/his duties?

2. If so, is the employee receiving appropriate treatment and is there anything I can consider to support him/her at work/in returning to work?

3. What is the anticipated timescale for the employee being able to perform the full range of duties of the post without additional support?

Questions relevant due to the employee being subject to disciplinary, grievance or other management procedures.

1. Is the employee fit to participate in the (insert type of process e.g. bullying and harassment/disciplinary investigation) currently being conducted?

2. Will the employee be well enough to attend a (insert type of meeting disciplinary/grievance hearing) which is likely to take place in (insert month)?

3. Will the employee’s health likely to improve on conclusion of the investigation and/or disciplinary hearing?

Questions relevant to assessing redeployment opportunities?

1. Will the employee be able to undertake the full range of duties of the post of (insert post title)? If not, what adjustments can be considered to help him/her undertake the full duties of this post?

2. Are there any aspects of this post which could present difficulties for the employee?

3. Will the employee be able to sustain regular attendance following his/her redeployment? If not, please could you provide reasons for this and advise us whether there is any support which can be considered to assist her/him in achieving regular attendance?
4. Given that the employee has been absent from work since *(insert date)* would you recommend that s/he commence the appointment on a phased basis? If so, what pattern and timescale would you recommend for this?

5. Taking into account this new role and ongoing underlying health problems is there any medical reason to expect that the employee is likely to have recurring sickness absence related to this health problem?

**Questions relevant for a health problem not impacting on attendance at work.**

*Questions under this heading will depend on the nature of the problem. If you are unsure what to ask please discuss with your HR Adviser.*

Any additional advice you may be able to give regarding the employee would be very welcome.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

……………………………..Manager’s name and title

**cc** to the employee
to Human Resources

Attachments – ensure these are attached
- Sickness review meeting letter
- Signed employee consent form

**NB. Please ensure that all instructions in bold italic have been deleted and page breaks adjusted to minimise paper usage, then print, sign and send this referral letter with all the attachments to the Occupational Health Department at Northern General Hospital. Please do not email or fax it.**
Appendix I

Sheffield Occupational Health Service

Using the Standard OH Referral Letter – Notes for Managers

The referral template is a standard format agreed between the Occupational Health Service and the Human Resources Department of the Trust. All referrals must be in this format; those in other formats or which are incomplete will not be accepted.

Why have a standard letter template?

We believe that the letter format is more appropriate than a referral form, because it allows better communication about the nature of the employee’s problems and their impact on work. It is important, however, that all the relevant information is in the letter and that the correct questions are asked by the manager. This template acts as an aide memoire and offers the correct question sets for various situations.

The other reason why a standard format is helpful is that it is much easier for the Occupational Health doctor or nurse seeing the employee. Consultation times are short and consistently presented information enables them to gain a clear picture of the problem quickly and to respond appropriately to your questions.

Key Points

Please:

- Do not alter the layout or format of the letter.
- Bear in mind this is a formal document which may be disclosed in an Employment Tribunal or similar. Use of informal names, typos and errors such as referring to a man as her (common with modern word processing) could be embarrassing.
- Ensure all the relevant documentation is in the referral letter as requested e.g. sickness absence in days. The Occupational Health staff do not have time in a consultation to recalculate absence or look for information in attachments.
- Discuss the OH referral with your HR Adviser if you are unsure about it.
- Please check the OH referral letter with HR prior to it being sent to OH.
- A signed consent form from the employee must accompany all OH referral letters, with a SAE for a speedy return (it is advisable to give a deadline date for its return).

Working Through the Template:

1. Heading
   Please ensure the letter is printed on your Trust’s letter headed paper and that your address for return is included.

2. Address
   The letter should be sent to the following Occupational Health Department which covers employee’s within SHSC, as follows:
Northern General Hospital  - SHSC employees
Employees’ Occupational Health records are held at this OH Department which covers SHSC worksites.

3. Background Details
All these details are essential. Please ensure that the address is correct as the assessment letter/report will be sent there and that the telephone number is included as this facilitates offering appointments at short notice.

4. Reason for Referral
Please tick the relevant box or boxes. This will enable you to identify the correct set of questions to include in your referral.

Please note the following examples:

☐ Long term absence – continuing
  *You should tick this box if you do not know when the person is likely to return.*

☐ Long term absence – return to work
  *You should tick this box when you have an indication of a return to work.*

The above 2 boxes are mutually exclusive – it cannot be both!

☐ Fitness to participate in disciplinary, grievance or management procedures.
  *You should tick this box if there is concern about the employee’s fitness to participate in formal disciplinary processes etc.*

5. Background
Give as much information as possible about the background to this referral – please include it here and do not simply refer to attachments.

6. Sickness absence record
The sickness absence record must be provided in this section in the format requested. This is essential to enable us to assess the employee fully.

7. Key features of the employee’s work
We no longer ask you for the job description as it is often not helpful and wastes paper. Provide here details of the work which may be relevant to our assessment – shift patterns, physical or psychological demands etc.

8. Question Sets
On the basis of the boxes you have ticked at the beginning of the template, you should be able to identify the correct set of questions to include at this stage. These questions have been agreed with the HR Department of the Trust. If you have other questions please add them in the “additional advice sought” section. If you need advice, or you think the questions are irrelevant or inappropriate please discuss this with your HR Adviser.

9. Ending
Once you have completed the letter, please ensure that all the bold italic text has been deleted and page breaks adjusted to minimise paper usage, then print, sign and send this referral letter with all the attachments to the appropriate department.
The letter must be signed by the referring manager. Unsigned letters or letters pp’d by secretaries are not acceptable and will be returned.

If for some reason you will not be able to sign the letter, you should arrange for your HR advisor, or a manager of similar seniority who will take responsibility for it, to sign the letter.

10. **Attachments**

a) **Sickness Review Meeting** - Please attach a copy of the notes or letter confirming the outcome of the sickness review meeting with the employee. This is useful if the employee disputes information given in the referral letter.

b) **Employee’s consent for referral for an OH assessment** - This form below must be completed by the employee and the original sent with the referral letter. Referral letters without an attached consent form will not be accepted. If the employee cannot complete the consent form, seek advice from your HR Adviser.

*Please note that OH referral letters should be checked first with HR.*
Sheffield Occupational Health Service

Consent form for Referral for Health Assessment

Please read the following and sign below to confirm that you have been given an adequate explanation of the reason for referral and agree to attend.

If you have any doubt about why you are being asked to attend, you should discuss this further with your manager before signing below.

- I consent to be seen by the Occupational Health Service and have had the reason for this explained to me.

- I agree to attend the appointment offered, or to rearrange it with the OH Service if it is not possible to attend, notifying my manager of the change and giving at least 48 hours notice to the OH Service if possible.

- I understand that any medical details discussed will remain confidential and that my manager will only be informed of the facts that relate to my employment and ability to work.

- I understand that the Occupational Health doctor/nurse may suggest further treatment if they believe it may be appropriate in my situation; however, decisions regarding further treatment will be made by my GP or treating consultant.

- I understand that the Occupational Health doctor/nurse will discuss with me the content of the report and a copy of the report will be provided to me for my own information.

- I understand that if I would like to see a copy of the report before it is sent to my manager, I should ask at the time of the OH assessment. I will then be provided with a copy of the report and have three working days in which to comment upon it or then to refuse to allow it to be sent. If I refuse to allow an OH report to be sent, my manager may then have to make a decision without the benefit of medical advice.

- I understand that I have the right to see my Occupational Health records under the Data Protection Act 1998.

- Should the Occupational Health doctor/nurse wish to obtain a medical report from my GP or Specialist, I understand that this will only be done with my separate consent, obtained at the Occupational Health assessment.

Signed……………………………………………….      Date……………………………………..

Name…………………………………………………………………………………………………...
APPENDIX J

Managers’ Checklist: Key Responsibilities

By all managers monitoring and actioning the sickness absence process, employees will be treated in a consistent and fair way. Employees will also feel fully supported by their manager.

The following checklist contains a list of key responsibilities to help managers identify what they need to do. It is based on audit reports which have indicated the need to remind managers of certain key points. It is, however, a summary and the Policy and more detailed advice in this Guide should still be referred to.

Initiating and Maintaining Contact

☐ If the employee has not spoken to you personally when telephoning in sick you should telephone / email the employee, in order to find out, first-hand, how they are and their likely return date. (Should the sickness absence be due to distressing circumstances, e.g. a bereavement of someone close, you may want to send a short, supportive letter through the post).

☐ The employee must continue to update the line manager throughout their absence. The frequency and timing of the future contacts should be discussed and agreed at the initial contact. As a minimum, the employee must telephone the line manager again on the 4th and 8th day of their continuing absence. If further contact is not forthcoming from the employee then it is the manager’s responsibility to follow this up with the employee and any notification issues should be set out in the Return to Work Form. If you have not been able to make contact with the employee by telephone or email, then you should consider adapting sample letter ‘A’.

☐ If the absence is for 7 days or longer then the employee must provide a fit note. If the employee sends in the fit note late or does not send it in, you must adapt and send sample letter ‘B’.

☐ If the sickness absence continues, or is expected to continue, beyond 28 days you should consider arranging a sickness absence meeting (see sample letters to invite an employee to a meeting and to confirm the meeting). Exceptions to arranging a meeting would include planned surgery; however, if the employee does not return after the expected recovery time, you should then arrange a meeting. If you are unsure whether or not to convene a meeting, please consult HR.

☐ In all cases of continuing sickness absences, regular contact should be maintained throughout the absence so that you have up to date information and the employee feels supported, e.g. telephoning, sending sample letter ‘A’ and / or arranging a sickness absence review meeting. A meeting should be positive and supportive, as well as being part of the process.

Electronic SSP Notification of Absence by Manager to Payroll

☐ Ensure that the appropriate SSP electronic forms are fully completed, that the dates are correct and submitted to Payroll. Guidance on the electronic forms can be accessed via the Trust Intranet in the Policies Section alongside the Managing Sickness Absence Policy. The category of “other” has now been removed from the electronic form and a reason must be chosen from the drop-down list provided).

Validation checks have been added to the electronic form to help ensure accuracy but in any case please ensure that the data is entered correctly.
Where an employee is fit to resume work on a non-working day (including weekends), this date should be recorded on the SSP form and not the first day they return to work. This is to ensure that the Trust sickness data is accurately recorded and reported.

Following the RTW interview, if the reason for the sickness absence is different from what you originally recorded, you should amend this on the electronic SSP (B) form.

An overseer capability has been developed so that appropriate line managers can view all open and completed SSP forms for their area whether they initiated the SSP form or not.

Record keeping

Sickness documentation must be kept in the employee’s personal file. In particular this must include the Return to Work Form (duly completed) and the Fit to Work Note where this is required (i.e. more than 7 calendar days absence). Where a Fit Note is required, it must cover the whole period of absence. Record keeping also includes notes of review meetings, any telephone communication, copies of emails, etc. This is needed for audit purposes.

It has been confirmed with Audit that it will be permissible for Managers to use the electronic record of sickness notification forms for their records providing they are accessible for audit purposes. (However when an individual leaves then there will be a need to print off the relevant electronic record for inclusion in the personal file.)

Return to Work (RTW)

RTW interviews must be conducted following every sickness absence and the form completed and placed in the employee’s file. When the employee has given a return to work date, you should immediately look at your diary commitments and reserve some time for the RTW interview. Should you not be able to conduct this within 2 days then you must inform the employee and agree a time / date within the 2 day time-period and record the date of this agreement on the RTW form. The RTW form has been amended so that this date can be entered. This means that in these cases there will be 2 dates to be entered i.e. the date when the RTW was arranged and then the actual date of the RTW meeting itself.

If you are not personally able to meet this timescale then you should identify a deputy or senior person who could conduct the interview within the specified timescale.

If a trigger point has been reached then this needs to be discussed at the RTW and the next steps considered and decided upon e.g. a sickness absence review meeting (see below).

Trigger Points

If the employee has reached a short term trigger under the Policy, you must inform the employee and discuss this at the RTW interview. You should then decide whether there will be a sickness absence review meeting. The expectation would be that a sickness absence review meeting would occur. However, if it is decided not to have a review meeting then this needs to be recorded on the RTW form together with the reasons for this decision. The RTW form has been amended so that this can be recorded.

Where the sickness absence review process is to be applied and the manager decides that a review period is appropriate, the manager may wish to adjourn the meeting and reconvene near the end of the review period. Whenever a meeting is adjourned, you must ensure that the meeting resumes, even if the employee has had no further sickness in the interim period.
Where a referral to Occupational Health is appropriate, remember to send any OH referral letters to HR prior to sending it off and to obtain a signed consent form from the employee. It is advisable to give employees a deadline date for the return of the form and enclose a SAE. (Further Guidance on the OH referral process is given in Appendix I). You do not need to wait for 4 weeks before arranging an OH referral. If it is clear before then that the absence is likely to be long-term then you should consider a referral at that point.

You should use the opportunity of the OH report to arrange a sickness absence meeting at which the report would be fully discussed.

Remember, that any OH recommendation should be considered, but need not be agreed, especially if it would prove unreasonable or outside the Policy, e.g. an unlimited phased return period. Phased returns are not automatic but should be considered on their merits. They should be no more than four weeks with a review in the fourth week (see Appendix D of the Policy).

If in doubt about any of the process, as the employee’s manager, you should consult your own line manager and / or HR.
Employee Adjustment Agreement – Individually tailored reasonable adjustments

An ‘Employee Adjustment Agreement’ is a living record of tailored, reasonable adjustments agreed between a disabled employee and their line manager.

The purpose of this agreement is to:
- Ensure that both parties, the employee and manager, have an accurate record of what has been agreed.
- Minimise the need to renegotiate reasonable adjustments every time the employee changes a job role, is relocated or assigned a new manager.
- Provide employees and their line managers with the basis for discussions about reasonable adjustments at future meetings.

This is a live document and should be reviewed regularly by both the employee and manager and amended as appropriate.

Remember, however, that expert advice from third parties, such as Occupational Health (OH), the HR Team, Access to Work or IT officers may be needed before changes can be agreed and implemented. At meetings to discuss a new Agreement or potentially amend an Agreement, the employee should be offered union representation or support from a colleague within the Trust.

Managers who need help in deciding whether or not an adjustment is reasonable may find it helpful to use the form below, in liaison with their manager and/or the HR Team. For guidance on the Equality Act 2010 and further details of reasonable adjustments see the Trust’s Managing Sickness Absence Policy and Section 3 within this Managers’ Guide.

New managers of employees with an Employee Adjustment Agreement should accept the adjustments as reasonable and ensure that they continue to be implemented. However, the Agreement may need to be reviewed and amended at a later date but this should not happen until both parties have worked together for at least two months.

The Agreement allows the employee to:
- Explain the impact their disability may have at work.
- Suggest adjustments that will make it easier for them to do their job.
- Offer further information from their doctor, specialist or other expert.
- Request an assessment by OH and/or Access to Work and/or ‘other’.
- Review the effectiveness of the adjustment(s) agreed.
- Explain any change in their circumstances.
- Be reassured that the manager knows what to do if they become unwell at work and who to contact if necessary.
• Know how and when their manager will keep in touch if absent from work because of illness or a disability related reason.

The Agreement allows the line manager to:
• Understand how a particular employee’s disability affects them at work.
• Explain the needs of the Service/Directorate.
• Explain any appropriate policies within the Trust, e.g. Stress Management at Work.
• Recognise signs that an employee might be unwell and know what they want a manager to do in given circumstances, including who to contact for help.
• Know how and when to stay in touch if the employee is absent sick.
• Consider whether or not the employee needs to be referred for an assessment by OH, Access to Work or 'other' to help all concerned parties understand what adjustments are needed. Advice should also be sought from HR.
• Periodically review the effectiveness of the adjustments already agreed.
• Explain any change in the Trust’s circumstances.

Employee Adjustment Agreement
This is a record of the reasonable adjustments agreed between (employee’s name) and (line manager’s name). Also at the meeting: (union or colleague support………..) and/or (HR Adviser………..).

This Agreement may be reviewed as necessary by the concerned parties and recommended for amendment at an appropriate meeting:
• As a result of regular one-to-one supervision meetings
• Following a return to work interview after a period of sickness absence
• As a result of six monthly and/or annual appraisals
• Prior to any change of job/duties/other reason affecting the job role
• Before or after any change in circumstances of the Trust, manager or employee

EMPLOYEE
My disability in the workplace

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<th>My disability has the following impact on me at work</th>
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<td>I need the following agreed reasonable adjustments (refer to Access to Work agreement or OH report, if relevant)</td>
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<tr>
<td>A named senior member of staff, outside of the line management structure, who I can talk to if I am beginning to feel unwell</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>My disability in the workplace</th>
</tr>
</thead>
<tbody>
<tr>
<td>I need the following agreed reasonable adjustments (refer to Access to Work agreement or OH report, if relevant)</td>
</tr>
<tr>
<td>A named senior member of staff, outside of the line management structure, who I can talk to if I am beginning to feel unwell</td>
</tr>
</tbody>
</table>
Wellness at work – employees who have fluctuating mental or physical disabilities

<table>
<thead>
<tr>
<th>On a ‘good day’ my disability has the following impact on me at work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>On a ‘bad day’, the following symptoms are indications that I am not well enough to be at work or need ‘time out’, as agreed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Emergency contacts**
If I am not well enough to be at work I am happy for my line manager to contact any of the following emergency contacts in the order of preference indicated below

**Please add, amend or delete types of contacts as appropriate**

<table>
<thead>
<tr>
<th>GP (preference X)</th>
<th>Care Coordinator (preference X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Surgery:</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Telephone:</td>
<td>Mobile:</td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relative (preference X)</th>
<th>Specialist (preference X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Relation to me:</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Telephone:</td>
<td>Mobile:</td>
</tr>
<tr>
<td>Mobile:</td>
<td>Address:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Friend (preference X)</th>
<th>Other (preference X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Telephone:</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Mobile:</td>
<td>Mobile:</td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
</tr>
</tbody>
</table>
I will let you know if there are changes to my condition which have an effect on my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further reasonable adjustments or changes that should be made.

If you notice a change in my performance at work or feel these reasonable adjustments are not working I would be happy to meet you privately to discuss what needs to be done.

**LINE MANAGER**

**Keeping in touch**

If the employee is absent from work on sick leave or for a reason relating to their disability and have followed the Trust’s reporting procedures, the line manager will keep in contact with the employee in the following way:

<table>
<thead>
<tr>
<th>Who will contact whom?</th>
</tr>
</thead>
<tbody>
<tr>
<td>How will contact be made? (email, telephone, text, letter, minicom)</td>
</tr>
<tr>
<td>How often? (daily, weekly, monthly)</td>
</tr>
<tr>
<td>When? (preferred day, preferred time)</td>
</tr>
</tbody>
</table>

**Conversations while on sick leave**

These are the topics agreed for discussion while absent, for example;
- How the employee is feeling,
- What the manager can do to help,
- Current work or any relevant update,
- Planned phased return to work (see Appendix D, Managing Sickness Absence Policy),
- Return to work date etc, etc.

**Return to work**

When the employee is ready to return to work after a period of sickness or disability leave, the Agreement may be reviewed at the return to work interview and amendments may be recommended for agreement at an appropriate meeting.

At this return to work interview, the following will also be discussed:

For example:
- Current work issues,
- A phased return/back to work plan,
- What to tell the team/colleagues,
- Any assessments to review existing reasonable adjustments (Access to Work, OH, GP) and identify new adjustments that might be needed, etc.
Unauthorised absences from work

If an employee is absent from work and has not followed the Trust’s reporting procedures, the following could be agreed:

For example:
- Contact via a mobile phone and/or notify a named emergency contact,
- Send an adapted Sample Letter A and/or Sample Letter B of this Managers’ Guide, whichever is applicable,
- Seek advice from the HR Team and/or the manager’s line manager

An up to date copy of this form will be retained by the employee/union or support person/line manager/HR.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee.

Employee’s signature ……………………………………………………………………………………
Date ……………………………………………………

Manager’s signature ……………………………………………………………………………………
Date ……………………………………………………
# RETURN TO WORK FORM

**Employee’s Name:** …………………………………..   **Position:** …………………………………..  

**DATE OF RTW INTERVIEW** ………………………………………………………………….

Note: RTW interview should be held within two days of returning or, if not possible, the date for the interview should be agreed within the first two days. The date of that agreement (not the RTW date itself which will be recorded above) to be recorded below:

Date RTW Interview Agreed …………………………………………………

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sickness Started:</td>
<td>No. working days lost:</td>
</tr>
<tr>
<td>Sickness Ended:</td>
<td>RTW date:</td>
</tr>
<tr>
<td>No. of absences in last 3 months:</td>
<td>No. of days lost in last 3 months:</td>
</tr>
<tr>
<td>No. of absences in last 12 months:</td>
<td>No. of days lost in last 12 months:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the correct reporting procedure followed?</td>
<td>Yes / No - if no, consider appropriate action to remedy this:</td>
</tr>
<tr>
<td>Reason for current absence:</td>
<td></td>
</tr>
<tr>
<td>Have you taken any medication (over the counter or from GP) which may affect your work?</td>
<td>Please indicate when this medication ceases or is to be reviewed or any other relevant details:</td>
</tr>
<tr>
<td>Was the illness caused by an accident at work?</td>
<td>Yes / No - if yes, has appropriate reporting procedure been followed</td>
</tr>
<tr>
<td>Is this a recurrent illness or disability under Equality Act?</td>
<td>Yes / No</td>
</tr>
<tr>
<td>If yes, are there are adjustments that need to be made to assist you in undertaking your duties?</td>
<td>Yes / No (a referral to Occupational Health may need to be made for a full assessment)</td>
</tr>
<tr>
<td>Do you require any assistance or support when returning to work, e.g. phased return/changes to your duties?</td>
<td>Yes / No - if yes, please detail:</td>
</tr>
<tr>
<td>Does a workplace assessment need to be made?</td>
<td>Yes / No (please see 6.10 of the Policy)</td>
</tr>
<tr>
<td>If you feel changes need to be made, please indicate what these are:</td>
<td></td>
</tr>
<tr>
<td>Has a trigger point been hit?</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Outline action taken as a result of the trigger point, or if no action taken specify reason:</td>
<td></td>
</tr>
</tbody>
</table>

**Employee’s Signature** …………………………………………. **Date** … …………………..  

**Line Manager’s Signature** …………………………………………. **Date** ……… ……………..
### Absence Record

**Name:**

**Year:**

|       | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
|-------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| April |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| May   |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| June  |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| July  |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| August|   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| September | | | | | | | | | |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| October|   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| November| | | | | | | | | |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| December| | | | | | | | | |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| January|   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| February| | | | | | | | | |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| March  |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

**Leave Code:**

- Sickness: S
- Annual Leave: A
- Study Leave: T
- Carer Leave: C
- Maternity Leave: M
- Unpaid Absence: U