



Sickness Absence Management Policy Supporting Staff Health and Wellbeing

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Tracey Leghorn	01 July 2010	Juliet Ormerod
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Version	Date	Comments (i.e., viewed, or reviewed, amended approved by person or committee)
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Equality Analysis	May 2020
Linked procedural documents	Managing Stress and Enhancing Psychological Wellbeing Policy, Occupational Health and Wellbeing Policy, Alcohol and Drug Misuse Policy, Dignity at Work Policy, Special Leave Procedure, Maternity Leave and Pay Policy, Employment Break Policy, Induction Procedure, Disciplinary Policy (Managing Conduct and Performance), Grievance Policy, Terminal Illness and Death in Service Procedure, Standards of Business Conduct Policy, Secondary Employment Policy, Annual Leave Policy, Local Counter Fraud/Human Resources Liaison Policy, Occupational Health Referral Pack, Disability Policy, Line Manager Guide on Supporting Hybrid Working
Dissemination requirements	All Trust employees by Intranet
Part of Trust's publication scheme	Yes

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The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and fostering good relations between; people from different groups and people with protected characteristics.

This policy applies to all employees (whether permanent, fixed term or temporary) working at all levels and grades for the Trust, including senior managers, directors, non-executive directors, and on secondment, honorary contracts and volunteers. All Trust policies can be provided in alternative formats if required.

East of England Ambulance Service Trust recognises its obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of the Trust is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. The Trust is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

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1.0 Introduction

1.1. This document and the associated toolkits outline the Sickness Absence Management Policy and Procedures for the East of England Ambulance Service NHS Trust (the Trust). In line with the provisions of current legislation, NHS employers and associated guidance, the Trust is committed to supporting staff to achieve regular and meaningful attendance at work, in a fair, robust and consistent manner.

1.2. This policy sets out the process for supporting staff who are absent from work due to sickness, and ensures managers can manage their staff based on individual circumstances. Through the application of this policy and associated toolkits, the Trust will be able to put in place preventative and supportive solutions to managing absence and improving staff wellbeing in the workplace.

1.3. All employees have a responsibility to attend work and fulfil their contract of employment on a regular basis, and the Sickness Absence Management Policy (Supporting Staff Health and Wellbeing) and associated toolkits aim to facilitate the achievement of this. This document sets out the process to be followed which will ensure there is a supportive, timely and consistent approach at all times.

1.4. The Trust recognises that employees may be unable to attend work from time to time because of illness, and the aim of this policy is to return employees to the workplace as soon as reasonably possible, whilst also recognising that it is in the interests of both employees and patients that sickness absence is managed appropriately.

1.5. A supportive approach to the management of attendance will enable the Trust to provide a safe service for our patients who are our key priority. 1.6. This Policy will address all cases of short and long term sickness absence.

2.0 Scope

2.1 This policy applies to all employees working at all levels and bands/grades for the Trust (whether permanent or fixed-term).

3.0 Access to Policy

3.1 All employees are entitled to access to this policy which is located in the HR Policies and Procedures Folders and the Sickness Hub on the Trust's Intranet. However, if you require this Policy in any other format please seek guidance from your line manager, HR Ops Manager, or trade union representative.

4. Purpose

4.1 The policy aims:

- To provide support and advice for those employees who are experiencing ill health, in respect of the ongoing management of their individual circumstances.
- To encourage all employees to maximise their attendance at work and provide help and support, wherever possible.
- To improve employee's welfare, morale, health and wellbeing by ensuring a people-focussed approach to attendance management.
- To ensure employees with a disability are supported in line with the Equality Act 2010.
- To ensure a consistent and supportive approach for employees who, due to ill health and/or injury, are unable to meet the required standard of attendance in the workplace.
- To ensure employees are given the opportunity to improve their attendance and provide guidance and assistance in accessing appropriate support.

- To ensure employees are given the opportunity to discuss their attendance levels, and the potential impact this may have on their ongoing employment with the Trust.
- To set out the responsibilities of managers, employees and occupational health in relation to the management of sickness absence.

4.2 The misuse of the Trust's Sickness Absence Management Policy e.g. working whilst claiming sick pay (without informing the Trust) could be construed as misrepresentation under the Fraud Act 2006 and may be referred to the Counter Fraud Service for investigation.

5. Duties

5.1 In line with the requirements of this policy, all employees have a duty to:

- Ensure regular attendance at work.
- Communicate and engage appropriately with their line manager when they are absent from work and in readiness for their return,
- Provide supporting medical evidence, where required, in a timely manner
- Attend Occupational Health referrals when necessary
- Be aware of the provisions for emergency domestic leave, carer's leave and compassionate leave under the Special Leave Policy
- Comply with Health and Safety requirements, reporting of injuries, diseases and dangerous occurrences (RIDDOR), disability discrimination, other relevant legislation and via the Trust reporting system e.g. Datix.

5.2 In line with the requirements of this policy and associated toolkits, line managers have a duty to:

- Attend mandatory sickness absence management training as requested.
- Communicate and engage appropriately with absent employees and in readiness for their return, ensuring that they are adequately supported in their return to the workplace.

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- Provide support and advice through the use of Occupational Health services, where appropriate.
- To comply with Health and Safety requirements, reporting of injuries, diseases and dangerous occurrences (RIDDOR) and other relevant legislation e.g. Equality Act (2010) line managers must consider any potential equality issues and seek advice from HR before taking any action.
- Agree frequency and method of contact with the employee and maintain contact, informing them of any changes relevant to the individual, the workplace and their job role (where appropriate).
- Conduct regular reviews to assess and monitor employees when they are absent due to sickness and ensure appropriate and supportive actions are taken in line with Trust policies.
- Document the reason for absence following notification of commencement of sickness and create an ongoing detailed record on GRS (and paper if appropriate) ensuring information is stored confidentially and securely.
- Discuss the impact of any employee's primary/secondary employment on their sickness absence.
- Use management information and systems appropriately to ensure quality data is available on sickness absence. This includes recording episodes of non-absence and subsequent actions.
- Advise employees of the provisions for emergency domestic leave, carer's leave and compassionate leave under the Special Leave Policy should the employee not actually be sick when notifying their absence.

6.0 Partnership Working between Human Resources

Department, Manager and Trade Union Representatives

6.1 Managers, HR and trade union representatives are committed to working in partnership and being responsible for providing advice and guidance to employees on the application of this policy.

6.2 This policy has been written in partnership by management and staff side through the HR Policy Working Group.

6.3 The Human Resources Department is responsible for keeping the provisions within this Policy in line with employment legislation, best practice people management principles and NHS guidelines.

7.0 Equality Act 2010

6.1 The Trust's Disability Policy and the Maternity Leave and Pay Policy must be read in conjunction with this policy, and advice sought from HR Operations when managing employees who managers feel may come under the Equality Act. These contain vital information and guidance that will facilitate appropriate management of such cases.

8.0 Definitions

8.1 The following definitions will apply within this policy:

- **Regular patterns of absence** – periods of absence which indicate a pattern of regular absence. For example, this may be regular Wednesdays absent, or may be the day before pre-planned annual leave.
- **Short Term Absence** – any periods of absence lasting up to 28 calendar days;
- **Long Term Absence** – any continuous period of absence of 28 calendar days or more;
- **Episode of sickness absence** – any occasion during which an employee is absent from the workplace due to ill-health;
- **Self-Certificate** – a form completed by an employee on return to work giving dates and reasons for any absence of up to seven days;
- **Fit Note** – a form completed by a medically qualified practitioner or Occupational Health Physician to determine whether an

employee is 'unfit to return' or 'may be fit to return' to the workplace which is required for any period of absence exceeding seven days;

- **Attendance** – is interpreted in the wider sense of being available for work and covers employees working on or off site;
- **Unauthorised Absence** – a period of absence for which an employee fails to provide an explanation for their absence, fails to inform their manager that they will not be attending work, or fails to make contact with their manager (except in exceptional circumstances) as required by Trust Procedures. This includes periods of sickness not covered by a Fit Note. Where an investigation shows that there is no satisfactory explanation for the absence/lateness, further action may be taken in accordance with the Trust's Disciplinary Policy (Managing Conduct and Performance). Sick Pay will not be paid for periods of unauthorised absence.

9.0 Representation

9.1 All employees have the right, if they wish, to be represented by a work colleague, Trade Union representative, or an official employed by a trade union at all stages of the policy (excluding the return to work meeting). This right must be brought to the attention of the employee by the manager. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

10.0 Sickness Absence Monitoring

10.1. The Trust will record and monitor all sickness absence which may also be held on an external Occupational Health Service provider database. This information will be used in the application of this policy and will be used in an anonymised way to generate greater intelligence.

10.2 A summary report of absence will be provided to the relevant Trust Groups and Committees and managers as appropriate by the Workforce Planning and Information Department and the Occupational Health Service, on a monthly basis. These reports will

include the number of working days and working hours lost due to sickness absence, the cost of sickness absence together with absence reason, highlighting any trends. The absence reason is also recorded on the Electronic Staff Recording (ESR) system and GRS.

10.3. Cases should always be managed in a supportive way and in keeping with NHS Employers good practice. Absences relating to injury in the workplace or ill health caused by work (as defined by Occupational Health or other Healthcare professionals) should be excluded from indicators triggering action through capability-related procedures including sanctions but may be considered when looking at the sustainability of attendance.

10.4 There are particular requirements under health and safety and sex discrimination law for dealing with illness relating to pregnancy. Please refer to the Trusts Maternity Leave and Pay policy. There are also particular legislative requirements for protected characteristics (i.e. sex discrimination, including gender specific related matters and/or disability discrimination). Managers are advised to seek appropriate advice from the HR Department before pursuing a course of action.

10.5 For payroll purposes, an employee will be deemed to be on continuous sickness absence until records are updated to indicate a final date of sickness, where annual leave is used during a period of absence please refer to section 12.

11.0 Sickness Records, Data Protection and Confidentiality

11.1 Communication between manager and employee regarding the cause of sickness absence and sickness records are classified as “special category data” (formerly known as sensitive data) under the new General Data Protection Regulations (GDPR) which came into effect on 25th May 2018 and will be maintained in accordance with the relevant requirements and only processed where a valid legal basis applies.

11.2 All information at any stage of this policy, whether it is written or verbal information must be treated as confidential information

by all parties. Failure to do so may result in disciplinary action being taken.

11.3 All records should be kept by all parties in accordance with the General Data Protection Regulations (GDPR). The new regulation gives individuals the right to request and have access to their data (more details in the Release of Information procedure)

12.0 Associated Documents

12.1 Toolkits which can be found on the Sickness Hub:

- Toolkit for Maintaining Contact during Periods of Absence
- Toolkit for Application of Sickness Benefits (including Injury Allowance, Contractual Sick Pay)
- Toolkit for Supporting Time-Off for Treatment and Medical Appointments • Toolkit for Managing Periods of Sickness Absence during Annual Leave, Secondary Employment and Suspension
- Toolkit for Supporting Occupational Health Referrals
- Toolkit for Managing Short and Long Term Sickness Absence
- Toolkit for Planning an Employee's Return to Work
- Reasonable Adjustments Toolkit
- Toolkit for Supporting Employees with Long Term Health Conditions and Disabilities, including Disability and Health Passport
- Toolkit for Temporary Redeployment and Phased Return Arrangements
- Toolkit for Supporting Permanent Redeployment
- Toolkit for Supporting Early Retirement on the Grounds of Ill-Health

12.2 Policies and Report:

The NHS Health and Wellbeing Report (Boorman Report)

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The Health and Safety at Work Act 1974

The Employment Act 2008

The Working Time Directive 2003

The Fraud Act 2006 Equality Act 2010

General Data Protection Regulation 2018

Data Protection Act 2018

Health and Safety Executive's (HSE)

Management Standards for Work Related Stress 2005

The NHS Terms and Conditions of Service Handbook

Terminal Illness and Death in Service Procedure

Death Benefits Scheme

Disability Policy

13. Policy Review

13.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law or if a significant issue arises with its operation.

APPENDIX 1

Equality Impact Assessment

EIA Cover Sheet	
Name of process/policy	Sickness Absence Management Policy Supporting Staff Health and Wellbeing
Is the process new or existing? If existing, state policy reference number	V7.0: POL037
Person responsible for process/policy	Director of People & Culture
Directorate and department/section	Human Resources
Name of assessment lead or EIA assessment team members	EqlA Panel members
Has consultation taken place? Was consultation internal or external? (please state below):	Internal

The assessment is being made on:	Guidelines	
	Written policy involving staff and patients	X
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	

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	Other (please state) Training programme.
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Equality Analysis
<p>What is the aim of the policy/procedure/practice/event?</p> <p>To support staff to achieve regular and meaningful attendance at work, in a fair, robust and consistent manner.</p> <p>To sets out the process for supporting staff who are absent from work due to sickness, and ensure managers can manage their staff based on individual circumstances.</p>
<p>Who does the policy/procedure/practice/event impact on?</p> <p>Race ✓ Religion/belief ✓ Marriage/Civil Partnership ✓ Gender ✓ Sexual orientation ✓</p> <p>Gender re-assignment ✓</p> <p>Disability ✓ Pregnancy/maternity ✓ Age</p> <p>✓</p>
<p>Who is responsible for monitoring the policy/procedure/practice/event? Human Resources</p>
<p>What information is currently available on the impact of this policy/procedure/practice/event?</p> <p>Previous impact statements Workforce planning reports including GRS (sickness absence statistics), ER Data (demographics). Staff Survey WRES WDAS</p>

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? Yes/No

No. However it is noted that this Equality Impact Assessment will be carried out in conjunction with an Equality Impact Assessment for the Sickness Absence Management Policy’s associated toolkit.

Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, If yes please provide evidence/examples:

Race	X	Religion/belief	X	Marriage/Civil
Partnership	X			
Gender	X	Disability	X	Sexual
orientation		X	Age	X
re-assignment	X	Pregnancy/maternity		X
				Gender

Please provide evidence:

V7.0 Sickness Absence Management Policy has been revised to represent a culture of inclusivity and a person centred approach to meet the needs of all individuals employed by the Trust.

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so please provide evidence/examples:

Race	X	Religion/belief	X	Marriage/Civil
Partnership	X			
Gender	X	Disability	X	Sexual
orientation		X	Age	X
re-assignment	X	Pregnancy/maternity		X
				Gender

Please provide evidence:

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No
Action Plan/Plans – SMART Specific Measurable Achievable Relevant Time Limited
Evaluation Monitoring Plan/how will this be monitored? Who How By Reported to