

### Employee Policy

#### HR Consult

## 1. Policy Statement

We value the contribution our employees make to our success and high attendance levels are vital to us continuing to achieve high levels of performance. The purpose of this policy is to support and improve your health, wellbeing and attendance. We will offer support to help facilitate your return to work at the earliest opportunity.

NHSBT is supportive of the TUC Dying to Work campaign which seeks to support employees who have been given a diagnosis of a terminal illness.

We recognise employees who receive a diagnosis of a terminal illness require support and reassurance that a safe and reasonable work environment can help maintain normality and provide dignity for the individual. We will work in their best interest and provide the most appropriate course of action for themselves and their family.

When using this policy, you also need to refer to the FAQ's supporting it and the Wellbeing Policy.

### Our expectations

You may have good reason for not being at work, such as sickness or family emergency, and your absence may be authorised under this policy or for example, under the Time off Work Policy. In some circumstances, you may have an injury or condition, and may still wish to attend work. However, we may think it is not appropriate for you to do so, and, therefore, you may need time for recovery or prefer to adjust your duties temporarily.

If you fail to provide a reason or to make contact at all, your absence will automatically be considered as unauthorised and unpaid. You need to ensure that your manager always knows where you are when working, for contractual and safety reasons. They must also have knowledge of your planned work and travel arrangements.

### Self care

We will all on occasions have times when we are not feeling completely well, and therefore we may need to seek support to keep us well and able to attend work, or to provide additional support if absent from work. We would expect you to seek appropriate help and advice in such circumstances which should include:

- your own local GP services
- NHS Walk-in clinics
- your local pharmacy services
- by contacting NHS 111 or NHS Direct (Wales) services
- additional services provided by NHSBT (see below)
- local or national charities
- Employee Assistance Programme

On receipt of such advice, you may want to speak to your manager to let them know that you are not feeling completely well, but you are doing something about it. They may be able to make some allowances for you or put in some control measures to support you at this time, such as a temporary change to your hours or duties.

This policy explains

- what we expect from you and your manager when handling absence
- how we will work to reduce our levels of absence in line with our targets

The policy is based on some key principles as follows

- regular attendance at work is a requirement of your contract of employment and we ask that you take responsibility for your own wellbeing and for achieving and maintaining good attendance
- we will promote healthy work practices and take preventative actions to avoid risk in line with our duty of care to our employees
- when we are notified of any health conditions or areas that affect your wellbeing, we will offer a range of support to you when you have genuine grounds for absence for whatever reason
- we will consider and discuss advice provided by your GP on a “Statement of Fitness for Work” in order to help you get back to work
- we will use Occupational Health professionals where appropriate, to help identify the nature of your illness and to advise you and your manager on the best way to improve your health
- we will meet the standards of current legislation in relation to disabilities
- we will respect the confidentiality of all information relating to your sickness
- we will use the Disciplinary procedure if you do not give an explanation for your absence or the reason is not thought to be satisfactory

## 2. The Process

**If you are going to be absent from work**

**Speak to your manager**

Speak to your manager or their deputy at least an hour before your normal start time, or in line with your local reporting arrangements. You should give a clear indication of the nature of the illness and

a likely return date. If you think your absence is work related, you need to tell your manager. They will then contact HR Direct on 27700 in order to discuss this with Health and Safety and to ensure that your sick pay is correct. Your manager will make arrangements for continued, regular contact with you and will ask you if your absence is as a result of an incident/accident at work. A Health and Safety Advisor will contact you to discuss any lost time accidents and to identify any support to help you to return to work.

Your manager will record your absence on the EASY system for pay and monitoring purposes.

### **Certification of your absence**

You can 'self-certify' your sickness absence for up to and including the first 7 calendar days of your absence. After this you will need to send a 'Statement of Fitness for Work' (Fit Note) to your manager.

If your manager has evidence or is concerned that you have given false reasons for non-attendance and have falsely claimed NHS sick pay they will handle this as misconduct using the Disciplinary policy, they will also contact the Local Counter Fraud Specialist.

If your GP advises on the Fit Note that you may be fit for work your manager will discuss with you ways that we may be able to help to get you back to work. See People First 'Related Sites'.

### **When you return to work**

When you return to work your manager will meet with you to:

- discuss your absence so that they can establish the reason for absence (if this is work related they will follow the attached flow chart)
- see if there is anything they can consider to help you and to ensure that you are fit to return to work.
- record details of your discussions and any actions agreed
- highlight to you if you are approaching a trigger point and explain that your level of attendance is starting to cause concern and discuss ways in which this can be improved and any ways we can support you
- keep a record of the information on any GP fit note and give this back to you for safekeeping

This meeting is important to support you in your return, identify any support required if appropriate and to ensure your attendance at work for the future.

Your manager will provide you with a copy of any actions to address the situation that has been agreed e.g. notes, an e mail etc.

### **If you reach the Short-Term Absence Trigger Points**

While it is recognised you may have some short-term sickness absence, it is essential that frequent or high levels of absence are dealt with promptly and consistently.

Formal Absence Review Monitoring will normally be instigated if you reach any of the following triggers

- a total of 15 working days sickness absence (or 3 weeks pro rata if you are part time) in a rolling 12-month period
- 4 instances of sickness absence in a rolling 12-month period
- significant or unusual patterns or levels of absence over a period, normally up to 5 years, but could be a shorter period, which are causing concern. This could include periods of long-term sickness

These triggers will be pro rata if you are in your probationary period. See the Recruitment and Induction Policy.

These triggers are identified as a guide for your manager and provide the levels of absence when they should talk to you of their concern. They will need a conversation with you to ensure that you are receiving all the support you might need, and whether there is any action they could take to improve your attendance at work. Although long term absence is not normally included in short-term monitoring on its own, if you are approaching a trigger and have had some long-term absence it is appropriate for your manager to consider whether this should be included for monitoring purposes as part of the significant levels trigger point.

If you have absence relating to a disability your manager will consider, after discussion with you, whether it would be appropriate not to count the absence towards triggers as a reasonable adjustment.

Absence related to accidents at work would not normally count towards a trigger for absence monitoring unless there is a pattern of such absence.

There will, however, be some situations where having taken all the circumstances of your individual case into consideration, such as your length of service, previous attendance record etc., the formal stages of this policy are not implemented.

### **Formal Review meeting – Stage 1**

If it is necessary to initiate the formal review process owing to your levels of attendance, your manager will arrange a Formal Meeting as soon as possible after your last period of absence. Your manager may ask for Occupational Health advice if appropriate.

They will notify you in writing of the reason for the meeting and will provide you with full details of their concerns about your attendance. You have the right to be accompanied by an NHSBT employee or representative of a Trade Union you belong to.

At the meeting your manager will review your absence with you and their decision to implement the formal procedure. They will discuss any underlying concerns and explore the support that can be offered to improve your attendance. You will be able to raise any concerns you have and ask any questions you think are appropriate. Your manager will also explore with you ways in which you could improve your attendance, outline the standards of attendance expected in the future and any support agreed.

Your manager will write to you confirming the outcome of the meeting within 7 calendar days. The letter will advise you that if your absence levels in the 12-month review period starting from the day you returned from your absence are either of the following points, consideration will be made on progression to Stage 2 of the formal procedure.

- a total of 10 working days sickness absence (or 2 weeks pro rata)

- 3 instances of absence
- where the level or pattern of absence continues to cause concern

These triggers will be pro rata if you are in your probationary period.

Although long term absence is not normally included in short term monitoring on its own, if during your monitoring period you have a period of long-term absence your manager will consider whether this should be included for monitoring purposes.

During your monitoring period your manager will keep in touch with you so that they can continue to offer support to enable you to maintain a satisfactory level of attendance.

If, during the monitoring period, your attendance does not improve to the agreed level you will be referred to Stage 2 of the formal policy.

If, at the end of the monitoring period, your attendance level has been **satisfactory** your manager will confirm that the required improvement has occurred, and that formal monitoring will stop. Your manager will continue to support you to enable you to maintain your improved attendance.

If your absence levels **increase** again to the policy trigger points within the twelve months following the end of the monitoring period, you will be referred to Stage 1 of the formal process. If, however you have a pattern of reaching the trigger points in the policy your manager will consider whether to progress to Stage 3 of the Formal Process or the Disciplinary Policy as appropriate under the management of frequent, persistent or high levels of absence.

## **Formal Review meeting – Stage 2**

If you have not met the required standards during the monitoring period, you will be invited to a Formal Review Meeting – Stage 2. Your manager may ask for Occupational Health Advice if appropriate. They will notify you in writing of the reason for the meeting and will provide you with full details of their concerns about your attendance. You have the right to be accompanied by an NHSBT employee or representative of a Trade Union you belong to.

At the meeting your manager will review your absence with you and the reasons for your absences being monitored. They will discuss any underlying concerns and explore any appropriate support that can be offered to improve your attendance. You will be able to raise any concerns you have and ask any questions you may have. Your manager will also explore with you ways in which you could improve your attendance.

Your manager will agree an approach with you regarding the standards of attendance expected in the future and any supportive methods for consideration. They will confirm the outcome of the meeting in writing within 7 calendar days. The letter will advise you that if your absence levels in the 12-month review period starting from the day you returned from your absence are either

- a total of 10 working days sickness absence (or 2 weeks pro rata)
- 3 instances of sickness absence
- where the level or pattern of absence continues to cause concern

then you will be referred to a Final Review Meeting – Stage 3.

These triggers will be pro rata if you are in your probationary period.

Although long term absence is not normally included in short term monitoring on its own, if during your monitoring period you have a period of long-term absence your manager will consider whether this should be included for monitoring purposes.

During the monitoring period your manager will keep in touch with you so that they can continue to offer support to enable you to maintain a satisfactory level of attendance.

If, during the monitoring period, your attendance does not improve to the agreed level you will be referred to Stage 3 of the formal policy.

If, at the end of the monitoring period, your attendance level has been **satisfactory** your manager will confirm that the required improvement has occurred, and that formal monitoring will stop. Your manager will continue to support you to enable you to maintain your improved attendance.

However, if your absence levels **increase** again to the policy trigger points within the twelve months after the end of monitoring you will be referred to Stage 2 of the formal process. Monitoring will commence from the date of the review meeting.

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If however you have a pattern of reaching the trigger points in the policy your manager will consider whether to progress to Stage 3 of the Formal Process or the Disciplinary Policy as appropriate under the management of frequent, persistent or high levels of absence.

### **Final Review Meeting – Stage 3**

If you do not meet the requirements during the monitoring period, you will be invited to a Final Review Meeting. Prior to this meeting your manager will obtain up to date relevant advice from Occupational Health.

You will be notified in writing and advised of the possible outcome, this would normally be at least 7 calendar days prior to the meeting. You will be advised that you can be accompanied at this meeting by an NHSBT employee or a representative of a Trade Union you belong to and you will be given a copy of your sickness absence record in advance of the meeting.

This meeting will be chaired by a manager (not previously involved in the discussion) with dismissing authority, this would be a Director or 2 levels below or for Blood Donation or ODT this could be a Regional Manager, supported by Human Resources in an advisory capacity. The manager who managed and supported you with your Formal Review Meeting – Stage 2 and the monitoring of your absence will normally present the case to them.

The chair of the meeting will review your absence and the actions taken in order to determine that every reasonable effort has been made with you to enable you to achieve acceptable levels of attendance. You will be given the opportunity to present your view and ask any questions you feel are appropriate.

If it is determined that you have not achieved acceptable levels of attendance, and all warnings and support have been given in line with the policy, then the chair of the panel would be justified in dismissing you due to capability based on unacceptable levels of attendance.

If the outcome of the meeting is dismissal you will be given the appropriate period of paid notice.

If the outcome is action short of dismissal after careful consideration of the facts within the case and details presented, the panel will set the improvements expected and define the timescale to allow you to achieve the identified improvement levels.

The outcome will be communicated to you in writing within 7 calendar days of the meeting.

### **Management of Frequent, Persistent or High Levels of Absence**

It may be apparent that an employee has either frequent, persistent, high or regular patterns of absence which may include repeated periods of absence monitoring, normally over a period of up to 5 years, but can be a shorter period. In which case, you will need to consider whether it may be appropriate to refer the employee to a Final Review Meeting Stage 3 or the Disciplinary Policy if appropriate.

### **If you have long term sickness absence**

If you are likely to be absent for 28 calendar days or longer and this is medically certified, then this will be defined as long term absence. Your manager will manage this absence proactively in order to support you, aid a safe return to work and to ensure that the absence is not prolonged for longer than is necessary. Your manager will support you during your absence through regular contact and by holding regular meetings with you.

### **Absence Support Meetings**

When your manager receives your fit note indicating that you are likely to have long term absence, they will meet with you as soon as possible to find out how you are, the likely prognosis, and to discuss any actions, temporary restrictions or reasonable adjustments to support you to return to work. Although not essential, it would be beneficial if any information that you may have about your condition is shared with your manager to enable them to provide you with the appropriate support.

If you are able to provide clear information about your condition and treatment and give a likely date of return, which is verified by your fit note, your manager will discuss frequency and arrangements for regular contact and meetings between you. They will also discuss with you any actions that can be taken to support your return to work and any actions you will be taking to receive treatment, advice and lifestyle changes that will support your expected return to work.

If you are unclear about your condition or likely return to work your manager will make a referral to Occupational Health in order to find out more about the underlying reasons for your absence and to seek advice on its likely duration, your ability to work and likelihood of return. Your manager will then meet with you to discuss the Occupational Health advice and agree arrangements for regular contact and meetings with you during your absence.

If Occupational Health advises that you may be fit to return but not in the near future, or if you have persistent or high levels of long-term absence your manager will need to take reasonable steps to manage this. In some cases, this may lead to termination of your employment or consideration of alternatives to dismissal in order to enable you to attend work on a regular basis.

While you are absent your manager will contact you regularly to see how you are. They will also meet with you regularly to review your sickness absence, this will normally be every 4 weeks and in your work place to assist you in maintaining contact with work. At each meeting your manager will discuss with you any options to allow you to return to work in some capacity. This will include permanent redeployment (if you have a disability), temporary work in another department, modified duties or GPs recommendations on your fit note which may facilitate an early return to work. If these can be accommodated, then a referral to OH would not be needed.

Notes will be taken of the agreed approach at these meetings and shared with you.

If you wish to have support gaining an alternative post within NHSBT your manager will work with you and an HR Consultant to identify any support you need.

If OH advise that you are unable to undertake your role due to a disability and you wish to explore redeployment to an alternative vacancy you will be placed on the Redeployment Register. A reasonable time scale will be agreed for you to explore alternative opportunities and if your employment is subsequently terminated, you may continue to have this support during your notice period.

Evidence has shown that keeping in touch with your workplace helps to support people back to work. If you are going to be absent for more than 3 months, you will be offered the opportunity to attend work during your sickness absence on a 'keeping in touch' basis which will be on full pay.

If you have a health condition that prevents you from doing all or part of your role then this will be managed supportively with Occupational Health advice.



When you are fit to return to work any recommendations on your Fit Note or OH recommended reasonable adjustments will be considered by your manager. These will often be for a short, defined period. However, if they are likely to be long term and can be accommodated, these should be recorded in the Tailored Adjustment Agreement (Attendance/People First)

If you return to work and following your phased return period, you fail to return to your normal work duties or if you have recurrent episodes of long term absence your manager will invite you to a Formal Review Meeting to consider your ability to attend work regularly.

If no return to work date has been identified for you, usually by the time your sick pay reduces to half pay your manager will hold a Formal Review meeting with you. If a return to work date has been identified, but it is after the point at which your sick pay entitlement will be exhausted your manager will need to hold a Formal Review meeting with you before this point.

### **Formal Absence Review Meeting (Long Term Sickness Absence)**

Where a return to work date has not been identified for you within a reasonable time scale, which would normally be at the point your full sick pay entitlement is exhausted you will be invited to a Formal Absence Review Meeting. This will be to discuss the latest medical advice and consider any other relevant factors before deciding on an appropriate course of action. The final options must be considered in line with NHS Terms and Conditions.

The possible outcomes of this review may include any of the following

- you may be fit to return at an agreed date
- you may be fit to return but not in the near future
- you may be fit to return to modified duties in your own or another department
- you are unfit to perform your current role due to a disability but are capable of other work with an agreed date to return and wish to be redeployed to an alternative vacancy
- to ensure that all reasonable adjustments have been considered to allow you to return to work
- flexible working arrangements (temporary or permanent) e.g. reduction in hours, or other contractual changes may enable you to return to work at an agreed date
- you accept that you are unable to return to work in which case your manager will invite you to a meeting to formally end your employment with appropriate paid notice this will be confirmed to you in writing within 7 calendar days of the meeting.
- you may wish to seek OH support to make an application for ill health retirement (if you are eligible)

Where you have made progress and may be able to return to work in the near future, arrangements may be made for a further review meeting at a mutually agreed date, but this should be no longer than 9 months after the start of your sickness absence.

If however, you are unable to return to work in your present job, reasonable adjustments are not feasible and alternative employment cannot be offered, you will be advised that a panel meeting will be arranged. At which time a case will be put forward to consider whether termination of your employment on the grounds of capability due to medical incapacity is appropriate.

If you wish to make an application for ill health retirement, as soon as you have made your application you will be invited to a meeting to formally end your employment with appropriate paid notice and this will be confirmed to you in writing within 7 calendar days of the meeting.

### **Panel meeting to end your employment due to health reasons**

If after your Formal Absence Review Meeting your manager considers that a case needs to be put forward to terminate your employment you will be invited to a panel meeting. You will be notified in writing and advised of the possible outcome, this would normally be at least 7 calendar days prior to the meeting. You will be advised that you can be accompanied at this meeting by an NHSBT employee or a representative of a Trade Union you belong to, and you will be given a copy of the management case relating to your sickness absence record in advance of the meeting.

The panel will be chaired by a manager with dismissing authority, this would be a Director or 2 levels below or for Blood Donation or ODT this could be a Regional Manager supported by Human Resources in an advisory capacity. The manager who managed and supported your Formal Absence Review Meeting and the monitoring of your absence will normally present details of this and the options considered together with an up to date OH report.

The chair of the panel will review your absence and the actions taken in order to determine that every effort has been made, with you, to enable you to continue to work. If this is the case and all warning and support have been given in line with the policy then the chair of the panel would be justified in dismissing you, with appropriate notice, on the grounds of capability due to medical incapacity.

If the outcome of the meeting is dismissal you will be given the appropriate period of paid notice.

If the panel feel that action short of dismissal is appropriate to allow you more time to return to work an extension of up to 3 months may be given to allow you to achieve this.

The outcome will be communicated to you in writing within 7 calendar days of the meeting.

### **Making an appeal**

If you are not satisfied with the outcome of the Panel Meeting you can appeal against the outcome and decisions taken.

- this needs to be in writing, within 7 calendar days of the date of the letter confirming the outcome. The appeal should be sent to the Appeals secretary
- within 21 calendar days from the date of the outcome letter, you will be required to provide full details of your grounds for appeal, making clear what resolution you are seeking
- this will then be provided to the chair of the panel meeting for them to prepare their response to your grounds of appeal, which will be provided to you a minimum of 7 calendar days before the appeal

An appeal panel will be held without unreasonable delay, subject to the requirements above. The appeal panel will be led by someone more senior than the manager who chaired the meeting at which

your employment was terminated and not previously involved in the process. It will also be supported by an HR representative and a nominated National senior staff side representative.

You and the dismissing manager can present information to the panel about your appeal and the process followed so far. The panel will make a final and binding decision, normally on the same day if this is possible but on occasion it may be provided later, but without unreasonable delay. You will receive confirmation in writing of the appeal outcome within 7 calendar days of the appeal panel.

## Unauthorised Absence

### Our expectations

If you are away from work for a period of time, without the necessary permission, or you do not make contact this is considered to be unauthorised.

Other examples are:

- Failure to attend work without making contact prior to the start of the shift or in line with local reporting arrangements
- Failure to return to your shift or leaving your shift without prior agreement
- Repeated instances of failure to attend work without making contact prior to the start of the shift
- Continuous absence from work without contact, or with unacceptable levels of contact
- Periods of sickness absence where regular contact is not maintained, and/or medical certificates are not provided
- Failure to attend work for a shift where annual or other leave has been refused.

Further details can be found under Knowledge (FAQ's) in People First.

## Process

### Manager

When it becomes evident that your employee is not simply late for work, you should take the following actions:

- Attempt to contact the employee on their personal phone number(s), leaving voicemail or sending an appropriate text message if there is no answer
- Make a further attempt later in the shift, being clear about the consequences of unauthorised absence
- At the end of the missed shift, attempt contact by email or any other means available
- Assess whether contact by one of the employee's colleagues is possible and appropriate
- At the end of the missed shift, inform HR Direct and attempt to contact the employee's emergency contact
- At the beginning of the next shift, inform Pay Support that pay is to be withheld, beginning with the first missed shift and continuing until further notice

- At the beginning of the next shift, attempt telephone contact again
- If this is not successful, start the procedure below

You must **log** all contact attempts (giving date and time) and should use as many means of contact as possible e.g. Phone, voicemail, text, email, letter, emergency contact etc.

### **When they return to work**

You must conduct a Return to Work meeting to find out why they did not attend work or contact you. If this is a first occasion, following this discussion you may decide to issue an improvement note, or you may decide to advise them of the required standard noted by means of a file note or e mail etc. If this is contested, the Disciplinary Policy must be followed. The second or subsequent instances of failure to attend work without making contact will result in further Disciplinary action.

### **Continuous absence from work without contact or with unacceptable levels of contact**

Should your employee remain absent and out of contact for more than 24 hours you must:

- inform HR Direct of the unauthorised absence case
- stop pay with effect from the first date that they should have attended work. Pay may be stopped FROM the first day (rather than ON the first day)
- write to the employee to request they make contact within 3 calendar days, and inform them that pay has been stopped and the consequences of not responding
- if they do not make contact in the expected 3 calendar days send a further letter requesting them to attend an investigation meeting, providing reasonable notice and advising them of their right to be accompanied

Should they fail to attend the investigation meeting you will need to send a letter advising they have been invited to a disciplinary panel meeting where a decision will be made about their future employment. You need to ensure they have reasonable notice of the meeting and advise them of their right to be accompanied by an NHSBT employee or a representative of a Trade Union they belong to.

If they fail to attend the disciplinary panel meeting, without good reason, the panel may, decide to make a decision in the employee's absence.

## **Employee**

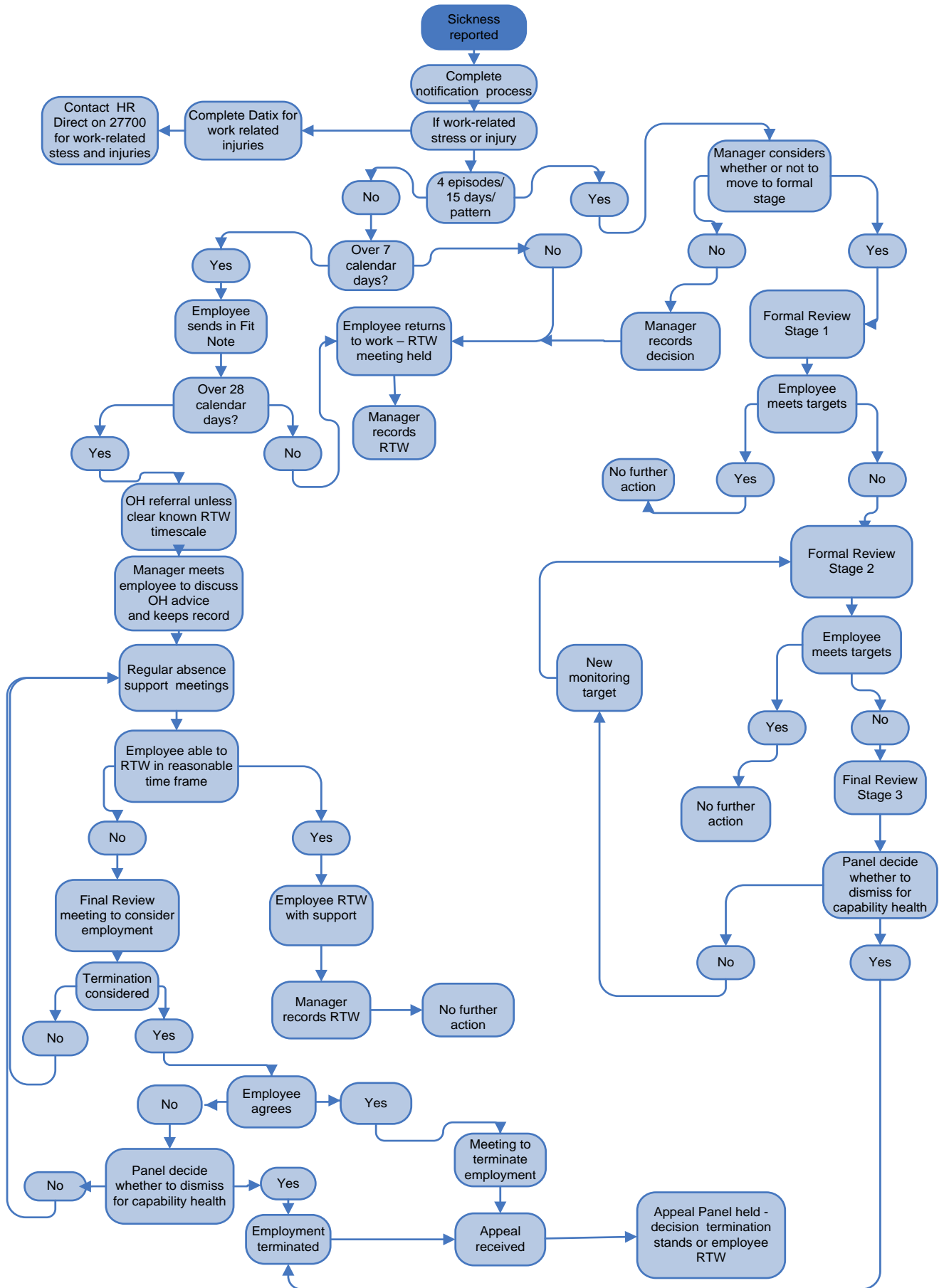
During the times when your manager has set a deadline for you to make contact, your manager should make reasonable attempts (e.g. once a day where possible) to contact you and these attempts should be documented.

If you make contact during this process and fail to attend work again within 6 weeks of your first unauthorised absence, your manager will follow the procedure above under 'Persistent failure to attend work without making contact'.

You have the right to be accompanied by an NHSBT employee or representative of a Trade Union you belong to, at any formal meeting during this process as disciplinary action is a potential outcome. This would not include the return to work interview but would include any formal investigation or where action may be taken.

Each case of unauthorised absence will be looked at on its own merits, and circumstances such as length of service, employment record etc. may be considered.

### 3.0 Flowchart



## 4. Records

Each manager you meet with will keep a written record during each part of the absence process, including details of:

- your return to work interviews
- absence records
- invitations to meetings
- review meeting notes
- outcome letters
- action taken
- any appeal and outcome.

## 5. Policy Approval and Review

Policy version	UCD/People/Attendance/001v3.0
Title	Attendance Policy
Approved by SPC	18 <sup>th</sup> July 2019
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