

**Attendance Management Guidance**

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**Introduction**

The purpose of this documentation is to provide a framework which compliments NHS Greater Glasgow & Clyde Attendance Management Policy [NHSGGC : Attendance Management Policy](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/policy/)

The contents page outlines the purpose of each document and contains a range of forms and template letters. This supporting documentation should be used to promote a culture of attendance and be utilised for all levels of staff in the organisation.

**Section 1**

**Record Keeping**

It is essential that the effective implementation of the Attendance Management Policy is underpinned by the maintenance of accurate, comprehensive and up-to-date absence records for each individual employee. These records must be reviewed regularly in a systematic way, taking appropriate managerial action when required.

Where a review of a record reveals a pattern of intermittent sickness absence, this must be discussed with the employee at the earliest opportunity to establish whether an underlying problem exists. Whilst an explanation may be related to ill health, managers should also be aware that an unsatisfactory attendance pattern may be associated with social, domestic or work related pressures.

When assessing patterns of absence for employees both short term and long term absence should be taken into account. Although, for a period of long term absence consideration should be given to the reason and discretion used, if appropriate. The process for managing long term absence may be supported by an HR representative and consideration given to a management referral made to the Occupational Health Service.

When dealing with any attendance related issues a manager should approach the situation in a sensitive and sympathetic manner, and explore any support and assistance that may achieve an improvement. However, it should be made clear their attendance is giving cause for concern, must be improved to meet the standard required, and confirm it will be reviewed on an ongoing basis. Where the pattern of attendance continues to fall below the standard required, a referral for further consideration at a disciplinary hearing will be initiated under the terms of NHS Greater Glasgow & Clyde Disciplinary Policy. When recommending a referral it is important to ensure all relevant documentation is in place to support the case.

Not all disciplinary hearings will result in a sanction being given. In addition, it is important to note the purpose of issuing disciplinary warnings is not primarily intended to be punitive, but rather to encourage a change in behaviour and to alert an employee to the fact that continued failure to meet the required standards could ultimately lead to their employment with NHS Greater Glasgow & Clyde being terminated.

**Section 2**

**Occupational Sick Pay Entitlements**

In accordance with Section 14 of Agenda for Change Terms and Conditions of Service, employees absent from work owing to illness will be entitled, subject to the conditions of the agreement, to receive sick pay in accordance with the scale below (see Section 12 for provisions governing reckonable service):

* during the first year of service - one month full pay and two months half pay;
* during the second year of service - two months full pay and two months half pay;
* during the third year of service – four months full pay and four months half pay;
* during the fourth and fifth years of service – five months full pay and five months half pay;
* after completing five years of service – six months full pay and six months half pay

If an employee is absent due to ill health and their pay status is due to change to half pay or nil pay they must be advised in advance of the adjustment taking place. The Payroll department will write directly to the employee to confirm the adjustment but it should also be discussed in any Formal Absence Review meetings and noted in the outcome letter.

The entitlement for Medical and Dental staff is the same as above. Further details can be found via [**NHSGGC : Medical and Dental**](http://www.nhsggc.org.uk/working-with-us/hr-connect/pay-conditions/medical-and-dental/)

**Injury Allowance**

Line managers should be mindful in circumstances where the employee’s absence is due to a work related injury, disease or health condition that could result in them suffering a reduction in their pay. In these circumstances the individual may be entitled to an Injury Allowance payment and in such case the line manager should discuss this with them at the earliest opportunity and refer them to the Board’s [**Injury Allowance Procedure**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/injury-allowance-procedure-and-guidance/)**.** It is important that where the employee wishes to make an application for Injury Allowance that this is submitted timeously, and in advance of the individual reaching a half pay situation to avoid financial detriment. An up to date Occupational Health assessment is required including, but not restricted to, the following questions:

* Is the injury, disease or health condition wholly or mainly attributable to the employee’s NHS employment,
* Does the individual suffer from a pre-existing or non work related condition which could be contributing to the current injury or health condition?

**Section 3**

**Return to Work Discussion**

A Return to Work discussion must be carried out by the appropriate line manager following each episode of sickness absence. This discussion should occur on the date of the employees return to work. A completed copy of the form (**Appendix 1**) should be signed and dated by both the line manager and employee and placed in the employee’s personal file.

When an employee has had a 4th episode of sickness absence within a rolling 12 month period this will be highlighted to the employee at the Return to Work discussion. The employee should be advised that, as a result of reaching a trigger, they will be invited to a Formal Absence Review meeting with one potential outcome being the case is referred for consideration at a disciplinary hearing.

**Section 4**

**Frequent Sickness Absence:**

**Preparing for a Formal Absence Review meeting:**

On reaching a trigger point the appropriate line manager will arrange to meet with the employee to discuss their level of attendance for the previous 12 month period. The line manager is also responsible for ensuring that an Formal Absence Review invite letter is sent to the employee at least 5 working days prior to the meeting. This letter will detail the absences as recorded on SSTS or from a timeline of absences including reasons and highlight any other attendance related issues. **(Appendix 8)**

**Attendees**

An HR Representative will not routinely attend Formal Absence Review meetings regarding frequent absences.

**Supporting Documentation:**

An SSTS print-out or a timeline of absences including reasons and any other relevant information should be discussed with the employee to ensure that the reasons and circumstances surrounding each episode of absence are fully explored and understood. If applicable, any Occupational Health reports should also be discussed with the employee. Previous support measures should be reviewed and any additional support measures required explored further.

The line manager should make any relevant notes to ensure all the pertinent points are included in a Formal Absence Review outcome letter. The outcome letter will detail the discussion that took place at the meeting, including any discrepancies with recorded dates of absence and the outcome decision. **(Appendix 10)**

The line manager will send the employee two copies of the outcome letter requesting that the employee responds with any amendments within five working days of the date the letter was sent. A signed copy of the letter will then be retained in the employee’s personal file. If an employee does not request any amendments or return a signed copy the original outcome letter will be accepted as a true reflection of the discussion.

**Non-Attendance at Formal Absence Review meetings:**

An employee will have a maximum of two opportunities to attend a Formal Absence Review meeting. Although, when scheduling meetings line managers should ensure that the employee does not have planned leave or off-duty. If an employee is unable to attend the meeting they should contact their manager at the earliest opportunity, explain the reasons and offer an alternative time and date they are able to attend. If an employee fails to attend two meetings, with no exceptional mitigating circumstances, the line manager should refer this to the next in line manager for further consideration at a disciplinary hearing due to a breach of the Attendance Management Policy.

If an employee states that they are unfit to attend a Formal Absence Review meeting within any NHS location or a home visit a management referral should be made to the Occupational Health Service. The Occupational Health Practitioner will be able to provide an indication of when the employee will be fit to attend a Formal Absence Review meeting and provide information on health status.

**Outcome:**

There are only two potential outcomes from a Formal Absence Review meeting:

1. The employee’s level of attendance will continued to be monitored on an ongoing basis.
2. The employee’s attendance record, Formal Absence Review outcome letter(s) and any other appropriate supporting documentation are forwarded to the next in line manager for further consideration at a disciplinary hearing.

**Disciplinary Hearing:**

**Referral:**

If the line manager has concerns regarding the employee’s level of attendance they should refer the case to their next in line manager. The line manager will provide the next in line manager with a copy of the Formal Absence Review outcome letter and any other relevant information, including SSTS printouts or timeline of absences including reasons, any recent Occupational Health reports and all completed Return to Work forms.

The next in line manager should carefully consider whether the case merits referral to a disciplinary hearing taking into consideration the reasons for the absence and the discussions from the Formal Absence Review meeting including any support offered/ implemented. If the next in line manager does not feel it appropriate for the case to be further considered at a disciplinary hearing a letter should be sent to the employee advising of this and that there needs to be a considerable improvement in attendance levels (letter template available on HR Connect: [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/)

**Attendees:**

The next in line manager will convene a disciplinary hearing to consider the information submitted by the manager who conducted the review meeting. The line manager who conducted the Formal Absence Review meeting is in attendance at the disciplinary hearing to present the reasons for referring to a disciplinary hearing. The employee is also entitled to submit information to support their case.

The next in line manager chairing the disciplinary hearing will be supported by an HR representative. The presenting manager will not routinely be supported at the hearing by an HR representative unless this is specifically requested and HR support was provided at the Formal Absence Review Meeting.

**Outcome:**

The outcome of the disciplinary hearing may result in the employee being issued a disciplinary sanction by the panel chair. If it is not possible to deliver an outcome at the disciplinary hearing, a decision will be confirmed in writing within 5 working days as per policy.

The disciplinary chair will draft the outcome letter with support from the HR Representative. It is important the letter clearly details the rational for the sanction being given. The letter should also highlight the consequences of any further episodes of absence within the timeframe of the sanction.

The disciplinary chair will send the employee two copies of the outcome letter asking the employee to respond within any amendments within 5 working days of the date the letter was sent. If requested, a copy of the letter will also be sent to the employee’s staff side representative.

The employee has the opportunity to appeal any sanction given within 2 working weeks of receipt of the hearing outcome letter. The agreement of the accuracy of the letter is separate from the right of appeal.

A signed copy of the disciplinary outcome letter will then be retained in the employee’s personal file. If an employee does not request any amendments or return a signed copy the original outcome letter will be accepted as a true reflection of the discussion. Once the timescale has exhausted the letter must be removed and destroyed.

**Potential Dismissal:**

For any attendance cases that are being referred for consideration at a disciplinary hearing that may result in dismissal, a management statement of case should be prepared by the line manager with support from an HR representative. The management statement of case will be submitted to the appropriate manager with authority to dismiss as per the scheme of delegation.

The management statement of case will be presented at the disciplinary hearing by the appropriate manager. The presenting manager will not routinely be supported at the hearing by an HR representative unless this is specifically requested. However, the panel chair will be supported at the disciplinary hearing by an HR representative.

**Further Episodes of Sickness Following a Disciplinary Hearing:**

If the level of attendance continues to cause concern this should be highlighted at the Return to Work discussion.

In the event a disciplinary sanction is still live the manager should convene a further Formal Absence Review meeting. Unless there are any exceptional mitigating circumstances the manager should advise the employee that as per the conditions of the warning, the attendance record and any relevant information will be forwarded to another manager for further consideration at a disciplinary hearing.Managers can contact HR Support & Advice Unit on 0141 278 2700 for advice on whether it is appropriate for the case to be referred to a further disciplinary hearing

If the line manager has continued concerns regarding the employee’s level of attendance they should refer the case to an independent manager who was not involved in the previous disciplinary or senior manager depending on the individual case, reasons and frequency of sickness absence.

The line manager would provide the disciplinary chair with copies of the recent attendance management meeting outcome letter and previous disciplinary hearing outcome letter, if still live at the time of the breach.

In the event that the sanction has expired, and particularly if there has been a time lapse the line manager should invite the employee to attend a Formal Absence Review meeting.

**Section 5**

**Long Term Sickness Absence:**

**Preparation:**

Once an employee has reached the 28 day trigger the appropriate line manager will convene a Formal Absence Review meeting. The line manager is responsible for ensuring that an invite letter is sent to the employee at least 5 working days prior to the meeting.

**Attendees:**

The line manager may be accompanied by an HR representative.However, not all Formal Absence Review meetings to discuss long term absence require an HR representative to be present. For example, if an employee has a fracture or undergone surgery there is no requirement for an HR representative to be present unless the recovery period becomes longer than the anticipated. The manager would still be required to discuss the absence with the employee and agree any reasonable adjustments to support the employee back to work.

If line managers want to discuss whether an HR representative should be in attendance they should contact the HR Support & Advice Unit on 0141 278 2700 for further guidance.

**Review Meetings**

Long term attendance review meetings should be arranged with the employee every 4 weeks; this could vary depending on the reason for the absence i.e surgery or if awaiting reports from the Occupational Health Service.

**Documentation:**

If applicable, any Occupational Health reports including recommendations or reasonable adjustment’s, should be discussed with the employee at the formal absence review meeting.

In addition, where it’s considered that the employee’s absence is the result of a work-related injury, disease or health condition that may entitle them to Injury Allowance the line manager should discuss this with them in advance of them reaching a half pay situation and should refer them to the Board’s[**Injury Allowance Procedure**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/injury-allowance-procedure-and-guidance/). Consideration should also be given to any supporting documentation that may be required including Datix/Health & Safety Incident report form, Occupational Health (see Section 2 above) advice and details of any other support provided to the employee.

Following the meeting the line manager will send the employee two copies of the outcome letter asking the employee to respond within any amendments within five working days of the date the letter was sent. A signed copy of the letter will then be retained in the employee’s personal file. If an employee does not request any amendments or return a signed copy the original outcome letter will be accepted as a true reflection of the discussion.

**Final Review Meeting:**

In accordance with Agenda for Change Terms and Conditions, sick pay for those who have exhausted sick pay entitlements should be reinstated at half pay, after 12 months of continuous sickness absence, in the following circumstances:

* staff with more than 5 years reckonable service:- sick pay will be reinstated if sick pay entitlement is exhausted before a final review meeting for long term absence has taken place;
* staff with less than 5 years reckonable service:- sick pay will be reinstated if sick pay entitlement is exhausted and a final review does not take place within 12 months of the start of their sickness absence.

Reinstatement of sick pay should continue until the final review meeting has taken place. Reinstatement of sick pay is not retrospective for any period of zero pay in the preceding 12 months of continuous absence.

These arrangements will be in accordance with local sickness absence procedures and will only apply where the failure to undertake the final review meeting is due to delay by the employer. This provision will not apply where a review is delayed due to reasons other than those caused by the employer.

Therefore, an employee on long term sickness absence should be invited to attend a Final Formal Absence Review Meeting prior to exhausting half Occupational Sick Pay. The purpose of this meeting is to discuss and facilitate a return to work or if this is not possible the case may be referred to General Manager/ Head of Service to consider the impact of the continuing absence and employment options.

Final Formal Absence Review invite and outcome letter templates are available on HR Connect [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/)**.**

**Non-Attendance at Meetings:**

An employee will have a maximum of two opportunities to attend a Formal Absence Review meeting. If an employee cancels a meeting they should contact their manager as soon as possible explaining the reasons and offering an alternative time and date that they are able to attend.

If an employee fails to attend two meetings, with no exceptional mitigating circumstances, then the manager should refer this to the appropriate manager for further consideration at a disciplinary hearing due to a breach of the Attendance Management Policy. Furthermore, consideration to withholding Occupational Sick Pay should be given as per letter template Failure to Attend Formal Absence Review Meeting (long term absence) [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/)**.**

If an employee states that they are unfit to attend a Formal Absence Review meeting within any NHS location or a home visit then a referral should be made to the Occupational Health Service. The Occupational Health Practitioner will be able to provide an indication of when the employee will be fit to attend a Formal Absence Review meeting and provide information on health status.

**Outcome:**

Referrals to the Occupational Health Service can be made before or after the long term Formal Absence Review meeting dependant on the reason for absence. The referral should be completed and submitted by the manager overseeing the attendance process. Employees should be advised of the reasons for referral prior to the referral being made.

If the employee is fit to return to work a meeting should be arranged by the line manager with the employee to discuss and agree the phased return and any reasonable adjustments that are to be implemented on a temporary or permanent basis. If the return to work is straightforward then there is no requirement for an HR representative to attend the meeting.

If an Injury Allowance application is being pursued the line manager should ensure this is submitted timeously and that all supporting documentation is included to enable the application to be considered. For further guidance refer to the Board’s [**Injury Allowance Procedure**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/injury-allowance-procedure-and-guidance/)**.**

**Section 6**

**Termination of Contract on the grounds of continuing Ill Health**

If an employee indicates that they are unfit to return to their post or any other suitable alternative post then termination of contract on the grounds of continuing ill health can be discussed at a long term Formal Absence Review meeting with their line manager.

The line manager should confirm to the employee any outstanding annual leave. The Working Time Directive allows a maximum statutory amount of 28 days to be paid, deducting any annual leave already taken within the leave year entitlement.

The employee should also be advised that they are entitled to notice of termination which is paid over a period of up to a maximum of 3 months or they may wish to choose to have this payment paid as lieu of notice and therefore would receive a lump sum.

Notice of termination is one week’s pay per completed years of service, up to a maximum of 12 week’s pay. Annual leave continues to accrue if the employee chooses to be paid notice of termination.

The employee should be advised that a formal hearing with a manager who reports directly to a Director or Chief Officer with authority to dismiss can be arranged for a decision to be made regarding their future employment. However, if the employee declines the opportunity to meet with the appropriate manager with authority to dismiss the following process must be followed:

* The line manager writes to the employee confirming the details discussed at the Formal Absence Review meeting advising that a recommendation for the termination of contract on the grounds of continuing ill health will be made to the appropriate manager with authority to dismiss and any agreed proposed termination dates as well as confirming the employee’s decision regarding payment in lieu of notice as a lump sum or paid over the termination notice period.
* The line manager writes to the appropriate manager with authority to dismiss detailing the background to the case, enclosing the relevant supporting documentation seeking consideration for the termination of contract on the grounds of continuing ill health.
* Following a review of the relevant supporting documentation the appropriate manager with authority to dismiss will write directly to the employee to provide confirmation of their decision. The letter, if applicable will detail the termination date, any pay in lieu of notice or payments over the termination notice period, outstanding annual leave and the right of appeal.

It is essential an up to date Occupational Health report is obtained for any employee who is potentially unable to return to work due to ill health. If an employee is intending to submit an application to the Scottish Public Pensions Agency the Occupational Health Service will, if applicable, complete an AW8/MED form to support the application. However, it is important to note that any decision regarding the release of a pension rests solely with the Scottish Public Pensions Agency and will not impact of the Board’s decision to terminate an employee’s contract on the grounds of continuing ill health.

**Termination of Contract on the grounds of continuing Ill Health**

If an employee remains unfit to return to their post or any other potential suitable alternative post but does not agree to termination of contract on the grounds of continuing ill health, the case should then be referred to the appropriate manager with authority to dismiss for further consideration at a disciplinary hearing.

**Section 7**

**Managing Absence due to work related stress**

If an employee reports the reason for absence as work related stress it is important a Formal Absence Review meeting is convened as a priority. the stressors are as a result of relationship difficulties in the workplace Mediation should be explored as an option. If it is identified that the stress-related illness is caused by work, for example, as a result of alleged bullying and harassment or, trauma or, workload, you should complete a Datix record. A Formal Absence Review meeting should be convened to explore the reasons for the stressors further.  A trigger does not have to be reached to schedule a meeting. This will enable the manager to explore further the reasons, identify supports and agree a way forward.

The Formal Absence Review meeting will also provide the opportunity for discussion with regard to potential options for addressing or resolving the stressors and whether a management referral to the Occupational Health department would be beneficial. In the OHS referral it is important manager’s note any interventions that have been attempted to date. Managers should also refer to the Board policy on Stress in the Workplace for guidance.

An HR representative will also be in attendance at the Formal Absence Review meeting regarding work related stress.

**Section 8**

**Redeployment**

In NHS Greater Glasgow & Clyde there are two main reasons an employee will be eligible to be considered for redeployment to a suitable alternative post.

* Ill health
* Organisational Change

In cases of ill health a management referral to the Occupational Health service must always be made to help assist in the identification of what may be considered a potential suitable alternative post.

In circumstances where redeployment follows a work-related injury or illness for which the individual has been awarded Injury Allowance, pay protection will apply.

The redeployment process is currently being reviewed and will be updated in due course.

**Appendix 1**

**Frequently Asked Questions and Answers**

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| **Section 1-Return to Work Discussions** | | |
| 1 | 1. **Should a trigger point of more than 8 days be added?**   A. On reaching a trigger point line managers must consider all the facts available and be aware of the circumstances of the particular employee’s situation. If an employee reaches the trigger of more than 8 days of short term sickness absence in a rolling 12 month period and their attendance gives management cause for concern this can be addressed at the RTWD and formal absence review meeting in accordance with the process for frequent sickness absence. | |
| 2 | **Q. Who is expected to be present at RTWD?**  A. The RTWD should be a one to one discussion between the employee and line manager. However, in accordance with the Attendance Management Policy and Procedure an employee is entitled to be accompanied at the RTWD by a trade union/professional organisation representative, colleague, friend or family member. In such circumstances, the line manager can ask to be accompanied by another manager/ deputy. An HR representative will not routinely be in attendance at any Return to Work Discussion. | |
| **Section 2-Frequent Absence** | | |
| 3 | **Q. Will this create additional work for managers** **such as writing reports etc adding to their existing commitments?**  A. The process will not involve managers writing investigation reports and for some areas may reduce the work load and time regarding referring a case to a disciplinary hearing. Following a formal absence review meeting, if a line manager has concerns regarding an employee’s level of attendance and wishes this to be considered at a disciplinary hearing then the line manager would supply the next in line manager with a SSTS print out or timeline of absences including reasons, meeting outcome letter and any other relevant information.  A report is only required when an employee is being referred to a disciplinary hearing where one potential outcome is dismissal. In such cases, support can be provided by an HR representative to the manager when compiling a report to be submitted to the next in line manager. | |
| 4 | 1. **Short or no notice of Trade Union/Professional Organisation Representative coming to the meeting, may result in cancellations or rescheduling. Is this not ineffective in terms of time and working relationships?**   A. The invite template letter requests that the employee contacts the manager, in advance, to advise if they will be attending the meeting accompanied in order for the manager to arrange a HR Representative to be present. Therefore, it is envisaged that there would be adequate time if a manager was to request for a HR Representative to also be present at the meeting or the manager may wish to be accompanied by another manager/ deputy. | |
| 7 | **Q. Will there be standard documentation?**  A. Yes, copies of all attendance template letters and appropriate documents are available via [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/) | |
| 8 | **Q. Is there a template letter which covers all the relevant HR aspects and which managers can then populate with the detail of the absences?**  A. Yes, copies of all attendance template letters and appropriate documents are available via [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/) | |
| **Section 3- Disciplinary Hearing** | | |
| 11 | | **Q. Can there be clarification about HR input prior to referral?**  A. In cases being referred to a disciplinary hearing regarding frequent sickness absence there will not normally be HR representation at the formal absence review meeting unless this is complex or the line manager has never conducted a formal absence review meeting. Therefore, if a manager has any questions regarding the outcome from a Formal Absence Review meeting and whether it is reasonable to refer to the next in line manager for consideration at a disciplinary hearing advice from the HR Support & Advice Unit can be sought. |
| 12 | | **Q. If the employee disputes information in outcome letter can the original manager be called to the hearing to allow chair to clarify?**  A. One purpose of sending the employee a copy of the meeting outcome letter to agree that the contents are accurate or to highlight amendments is to reduce any potential for future dispute, including at the disciplinary hearing. Therefore, any disputes regarding the information in the meeting outcome letter should be resolved prior to a disciplinary hearing. The manager who oversaw the attendance process is required to be present at the disciplinary hearing to discuss any inconsistencies and to answer any questions as per the Board’s Disciplinary Policy & Procedure. |
| 13 | | **Q. In the case of potential dismissal can HR be present to support the presenting manager?**  A. Yes, if requested an HR Representative can be present to support the presenting manager in cases of potential dismissal. An HR representative will always be present to support the disciplinary chair. |
| 14 | | **Q. Who is the person who relays the detail of the case to the disciplinary manager?**  A. The manager who conducted the Formal Absence Review meeting and has concerns regarding the employee’s attendance levels is responsible for referring the case to the next in line manager for consideration at a disciplinary hearing and presenting this information at the disciplinary hearing. |
| 15 | | **Q. What is the timescale for sending the letter?**  A. A disciplinary hearing invite letter should be sent to the employee at least 5 working days prior to the hearing date. To ensure that the employee has adequate time to prepare their case particularly when the issue is complex, it is advisable to give a longer period of notice of the disciplinary hearing.  The disciplinary outcome letter should be sent out within 5 working days from the date of the disciplinary hearing.  Both the disciplinary invite and disciplinary outcome letters are sent from the disciplinary chair. Templates are available via [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/) |
| 16 | | **Q. If amendments are not agreed by the chair/HR how is this resolved/recorded?**  A. If an employee returns the disciplinary outcome letter with amendments which are not agreed by the disciplinary panel then both copies of the letter (original and amended) should be retained together in the employee’s personal file for the warning duration. |
| 17 | | **Q. Who prepares the case for potential dismissal and does this not require HR?**  A. The manager referring the case to the manager with authority to dismiss will prepare the report with HR reviewing this report prior to final submission. This report will consist of a summary of any meetings and support and will include meeting outcome letters, OHS reports and any other relevant documentation. |
| 18 | | **Q. Is it not essential that HR is present to support the presenting manager?**  A. No, an HR Representative will be present as part of the disciplinary panel to provide policy advice to all parties present. |
| **Section 4- Further Episodes of Sickness Following a Disciplinary Hearing** | | |
| 19 | **Q. Why do we not act on the first additional absence?**  A. If an employee’s levels of attendance are to be monitored as an outcome of the formal absence review or disciplinary hearing then the employee should be given an opportunity to improve. A manager should consider any further episodes of sickness absence and the reasons for this at the RTWD. If a manager does continue to have concerns regarding an employee’s levels of attendance then a formal absence review meeting should be arranged. Advice regarding this can be sought from the HR Support & Advice Unit for individual cases. | |
| 21 | **Q. Why has it to be a different manager?**  A. It is best practise to have an independent manager chair the disciplinary hearing who has not been involved in any previous investigations, attendance meetings or disciplinary hearings for the employee. This is to prevent any concerns being raised that the disciplinary chair is biased due to previous involvement. | |
| **Section 5- Long Term Sickness Absence** | | |
| 22 | | **Q. Will HR be involved in all steps for the management of long term sickness?**  A. Yes, the line manager can be supported by an HR representative. However, not all Formal Absence Review meetings to discuss long term absence require an HR representative to be present. For example, if an employee has a fracture or undergone surgery there is no requirement for an HR representative to be present unless the recovery period becomes longer than the anticipated. |
| 23 | | **Q. In relation to documentation, will this lead to additional time required by managers to complete?**  A. HR support will be available to managers when compiling outcome letters for long term sickness absence. Furthermore, comprehensive template letters have been drafted which should reduce the need to create/ produce lengthy letters which are available via  [**NHSGGC : Attendance Management Tools & Templates**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/) |
| 24 | | **Q. The process suggests that’s the employee can respond with amendments within 5 working days of the date the letter was sent, if changes are made will this not require more admin work?**  A. If amendments are received from the employee this will result in amending the outcome letter if the manager is in agreement with the amendments. This should not result in excessive admin work. If the manager does not agree with the employees amendments then both the original and amended letter will be retained within the employee’s personal file. |
| 26 | | **Q. Considering that potential dismissals may result in termination, is it not then essential that the presenting manager is supported by HR, even without request?**  A. In most cases it is likely that a HR Representative will be present to support the presenting manager for potential dismissal cases. If there has not been a HR Representative involved with the case the relevant manager will require to contact HR Support and Advice Unit and request support. |

**Appendix 2**

**Additional Guidance**

1. **CERTIFICATION & KEEPING IN TOUCH**

***Self Certification***

If an employee is absent due to illness for a period of 4 up to and including 7 days, the employee is required to self certify their absence. The employee should obtain and complete the Self Certification Form (SC2) and submit this to their manager within 7 days of the start of their absence.

All absence days must be recorded for the purposes of Occupational and Statutory Sick Pay. This includes non-working days and weekends where the employee does not normally work on a Saturday or Sunday.

***Fit Note***

If an employee’s absence continues for 8 days or more, the employee will be required to submit a fit note from their GP or, hospital certificate and ensure that all days in the absence period are covered.

Where any absence period is not covered by fit note, this will also result in an employee having unauthorised absence which may lead to the Occupational Sick Pay being withheld and potential action under the Disciplinary Policy and Procedure.

If an employee takes unwell while abroad and submits an overseas medical certificate it is the line managers decision as to whether they are willing to accept this as an alternative to a fit note.

***Keeping in Touch during Short Term Absence***

When an employee reports that they are likely to return to work within 7 days of absence, further contact is not usually necessary.

In cases of short term absence of more than 7 days but where the nature of the illness is not likely to be serious or long term, you may agree the level of contact. For example, the employee contacts you by telephone on a weekly basis to provide you with an update of their health, progress and potential return to work date.

***Keeping in Touch during Long Term Absence***

In cases of long term absence of more than 28 days and where the employee’s medical circumstances permit, agree a frequency of contact by telephone with the employee, dependant on the circumstances of the case. In cases of long term absence you should aim to meet with the employee on a 4 weekly basis.

Serious Illness or Injury

* In cases of traumatic injury or, sudden serious illness or disability use your discretion until the longer-term prognosis becomes clearer. You may need to discuss with relatives or, other carers the best time to contact the employee in the initial stages.
* Where the employee is unable due to illness, injury or disability to remain in touch, you may agree an alternative method and frequency of contact appropriate to the individual circumstances. For example, use of e-mail or, letter or, obtaining information on their health, wellbeing and likely length of absence from a spouse or, relative.

Planned Surgery

* If your member of staff is undergoing planned treatment, such as surgery, agree the Keeping in Touch process prior to the employee stopping work.

**Short Term Frequent Absence**

4 episodes of absence in a rolling 12 month period (all episodes of absences that occur, both long term and short term should be counted in the rolling 12 month period including any relevant periods or patterns of absence prior to the 12 month period. For complex cases this can be up to the previous 5 years)

More than 8 days of short term sickness absence in a rolling 12 month period

NB. Episodes of absence should not be pro-rated for part-time employees when reviewing whether an employee has reached a Trigger Point.

Any relevant periods or patterns of absence prior the 12 month rolling period should also be considered where short term absence has taken place year on year.

1. **THE EQUALITY ACT 2010**

The law relating to disability discrimination is governed by the Equality Act 2010.

The Key Provisions of the Act are that employers:

* Must not treat any employee, worker or job applicant unfavourably for a reason relating to the individual’s disability, unless they can show that the treatment is justified
* Make reasonable adjustments to working arrangements, working practices and premises in order to accommodate the individual needs of a disabled worker

There is also a duty to take positive steps to support an employee who has a disability in order to enable them to remain in employment and perform their job successfully.

***Definition of ‘Disability’***

Disability is a protected characteristic under the Equality Act 2010. A person has a disability if he/she 'has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities'.

The effect must be long term therefore the condition should last for or, be reasonably expected to last for 12 months or, more. Therefore, someone who has become disabled suddenly could be protected under the Equality Act 2010. Also, someone who has a terminal illness and is likely to survive less than 12 months is also protected under the Equality Act 2010.

Effects that are not long term would therefore include loss of mobility due to a broken limb that is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

The impairment must affect normal day-to-day activities therefore; ‘normal’ day to day activities are ones carried out by most people on a fairly regular basis such as lifting and carry a shopping bag or, books. Highly specialised activities such as playing a musical instrument would not fall within this definition. However, bear in mind that someone who is affected in such a specialised way but is also affected in normal day to day activities would be covered by this part of the definition.

Impairment will only be taken to amount to a disability in law if it has a substantial (more than trivial) and adverse affect on one or, more of the following:

* Mobility
* Manual dexterity
* Physical co-ordination
* Continence
* Ability to lift, carry or, otherwise move everyday objects
* Speech, hearing, eyesight
* Memory or, ability to concentrate, learn or, understand
* Perception of the risk of physical danger
* A person with a severe disfigurement is also classed as disabled under the Equality Act 2010

Types of conditions covered under the Equality Act 2010:

* Any physical illness that lasts more than 12 months
* Progressive illnesses, such as Alzheimer’s disease, HIV & AIDS, muscular dystrophy, cancer, multiple sclerosis, ME
* Intermittent conditions, such as rheumatoid arthritis provided that when the condition does occur it has a substantial effect on the individual; the person is protected by the Equality Act 2010 at all times, including periods when the condition is in remission
* Dyslexia, if its effects are substantial
* Learning disabilities and difficulties
* Some stress-related conditions, whether or, not they have been precisely diagnosed, so long as they have a substantial and adverse effect on the individual

***Mental Illness and the Equality Act 2010:***

Mental illness may range from serious long-term illness such as schizophrenia through to depression and some stress-related conditions.

Employees who have, or have had, any type of substantial and long-term mental illness or impairment, whether or not it amounts to a clinically well-recognised mental illness, are protected under the Equality Act 2010.

***Past Disabilities***

If an employee has had a condition or, illness in the past which at the time amounted to a disability, he/she retains permanent protection against discrimination for a reasons related to that disability.

Types of conditions not covered under the Act:

Conditions that are not covered under the Act include;

* Addiction or, dependency on alcohol, nicotine or drugs (other than prescribed)
* Hay Fever
* Certain mental conditions including tendency to set fires, steal, voyeurism

Although addiction to alcohol and drugs are excluded from the scope of protection under the Act, an individual with such an addiction may become disabled as a consequence of it. For example, someone with an alcohol addiction may develop liver disease as a consequence of persistent heavy drinking and become disabled.

***Justification for disability discrimination***

Treatment of an employee unfavourably for a reason which relates to disability is capable of justification. However, discriminatory treatment will never be capable of justification unless you have first made all possible reasonable adjustments to assist and support the employee. If there are no reasonable adjustment that would help or, if all reasonable adjustments have already been made, you may be able to justify discriminatory treatment. For example, you may be able to justify dismissal where it has become impossible, extremely difficult or highly impractical for the employee to do their job and there are no adjustments that would improve the situation.

***Criteria for an adjustment to be reasonable***

When considering whether the reasonable adjustments advised to you by Occupational Health are reasonable and practical for you to implement, it is important to consider;

* The financial cost of the adjustment
* Your resources (budget) and that of the organisation
* How effective the reasonable adjustment may be in helping the employee and having the effect of improving attendance to an acceptable level
* The extent to which making the adjustment would prevent the effect in question
* The extent to which making the adjustment would disrupt any of your operational activities
* The extent to which making the adjustment would disrupt other employees or clients
* The extent to which you have the financial or, other assistance to help you make the adjustment

1. **OCCUPATIONAL HEALTH**

Occupational Health is a specialist area of medical practice concerned with the effects of the working environment on the health of the workers, as well as the workers’ health on their ability to perform job tasks. It aims to protect and promote the health, safety and well-being of working people.

The role of Occupational Health Specialists is to work collaboratively to:

* Provide advice about fitness to work
* Assist in the management of work-related risks to health
* Minimise the effects of health conditions (on work and in general)
* Advise on aspects of rehabilitation of individuals back into the workplace
* Promote the general health of employees

The Occupational Health Service offer a range of services to employee’s including:

* Employee Counselling
* Advice on Needle stick and other injuries
* Participating in the Healthy Working Lives Award scheme.
* Travel Vaccination Information via HR Connect
* Promotion of the staff Smoking Cessation Service
* Self Referral
* Physiotherapy

In order that you are provided with independent medical advice on health related absence for an employee, you should make a management referral to Occupational Health.

Do not make a referral where there are frequent or, persistent short term absences and there is no evidence of an underlying health condition. This applies even when the employee has reached a trigger point for a formal absence meeting. Where this is the case, you may seek advice from HR Support and Advice Unit and manage the case in accordance with the Disciplinary Policy.

***Attending Occupational Health appointments***

Advise the employee that they will be notified of the Occupational Health appointment by letter directly from the Occupational Health Service. Inform the employee if they are unable to attend a scheduled appointment, they should notify you and Occupational Health as soon as possible. The appointment will be re-scheduled to a suitable alternative date.

If the employee fails to attend an Occupational Health appointment without prior notification, you should write to the employee informing them that failure to attend a further appointment, without due cause, may result in further action including the withdrawal of Occupational Sick Pay. Inform the employee that any refusal to co-operate will result in management decisions being made with the information that is available.

***Self-referral***

You may highlight to the employee at an appropriate absence meeting that he/she may make a confidential self-referral to Occupational Health Service for any health related matter, particularly if it is affecting their work.

As a manager, you will not receive an Occupational Health report from a self referral but the member of staff may give consent for an advice note to be sent to you. This will not be a comprehensive report.

***Case Conference***

In complex absences cases you may request a case conference with the Occupational Health Specialist who is reviewing the employee. This would be appropriate where you require further specific information or, wish to discuss the case in more depth so you have the information you require to make appropriate management decisions on the way forward. The case conference may involve yourself and an HR representative or, it may also include the employee and their trade union representative where you believe this would benefit the process. Your HR representative will provide you with guidance and advice. However, in general, there is no reason for a disabled employee to have significantly more absences than a non-disabled employee.

Access To Work Programme may provide financial help to the employer to meet part or, all of the costs of any adjustments required to the employee’s working environment and additional support that some disabled employees require to work effectively. Access to Work is run by the Employment Service. Contact your HR representative or further advice if required.

1. **EMPLOYEE SUPPORT AND REASONABLE ADJUSTMENTS**

***Offering Employee Support and Reasonable Adjustments***

You should consider each absence case individually when considering what type of employee support, assistance and reasonable adjustment may help improve the employee’s attendance. This will involve careful consideration of the reasons, causes, length of absence and surrounding circumstances of each case using information provided to you by the employee, on medical certificates and from Occupational Health. Offering supports, assistance and reasonable adjustments should be considered, where appropriate do so. This may be at any point during the absence management process and must be confirmed in writing to the employee following the meeting.

Caution requires to be exercised when making temporary changes to the employee’s role and job tasks. If these temporary changes continue for a lengthy period of time, this could lead to contractual, job description and potentially equal pay issues for the organisation which the manager will be responsible for addressing where challenged.

You are not expected to create a special or different job for the employee concerned, nor to be a medical expert, but to take action based on information that you have available. Failure to make a reasonable adjustment for a disabled employee amounts to discrimination in its own right as this failure places the disabled employee at a disadvantage when compared to a non-disabled employee. It is important that you take the initiative to identify any support and measures that will assist the disabled employee in the workplace. This is because there is a duty on employers to know or, to ought to know that the employee is disabled.

On making a referral to the Occupational Health Service, you will be provided with a report that will inform you if the employee is likely to be covered by the Equality Act and the reasonable adjustment(s) that you should consider. However, do not feel obliged to accept or, dismiss any adjustments identified. If you believe the recommendations cannot be accommodated as it would have a negative effect on service delivery you should contact Human Resources to discuss further before you make a decision.

You should explore directly with the employee the advice on reasonable adjustments and measures that are likely to be effective in supporting them in the workplace. The employee is also likely to have a much clearer and more in-depth knowledge and understanding of what changes to working practices would be most helpful.

***Examples of Reasonable Adjustments***

In contrast with the previous legislation (Disability Discrimination Act 1995), the Equality Act 2010 does not set out examples of the kinds of steps that an employer may have to take in relation to a disabled worker. However, a list of possible reasonable steps which is not exhaustive would include;

* Changes to premises, such as relocating shelves for ease of reach, re design of workstation, installing a handrail, putting in ramps, widening doorways
* Modified or, Specialist equipment, such as adjustable desk, voice-activated software, dyslexia software, touchpads, ergonomic keyboard, screen magnifiers or, large print material
* Technical Communication Aids, such as amplified telephone, text phone or, radio microphone
* Provision of a Reader, Interpreter or, Note-Taker
* Modified instruction or, reference manuals
* More frequent breaks from sitting at a desk or, using a computer where the employee suffers from a musculo-skeletal condition
* More frequent rest breaks where the employee is taking medication and tires easily
* Altering working hours/pattern
* Temporary or permanent change in working hours or pattern, such as later start and finish time, change from night shift to day shift where the employee has mobility impairment and this would help with travelling or, if the employee has a mental illness, for example
* Temporary or permanently reduced hours, for example, part time employment or job sharing
* Temporary change to tasks or duties
* Permanent re-allocation of tasks or some tasks to another employee where the task is only a minor element of the employee’s job, or if it is only carried out occasionally
* Change of place of work or training, where it is feasible to move the employee’s job to another work location in such circumstances where the employee has limited mobility or uses a wheelchair
* Time off to attend medical appointments, therapy and treatment or, alternatively, altering the employee’s working hours (temporarily or permanently) to fit in with scheduled appointments or with the availability of a carer
* Permanent Redeployment to another suitable alternative post where the current post is unable to be adjusted to meet the needs of the employee. You should liaise with your HR representative prior to proceeding. Where there is redeployment to a post on a lower grade, the new post will not attract protection but will be subject to the salary, terms and conditions applicable to the new post
* Provision of additional supervision, mentor or buddy may be appropriate to support an employee with a mental impairment or physical condition.

1. **PHASED RETURN TO WORK**

The purpose of the Phased Return to Work is to enable the member of staff to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period, through interim flexible working arrangements.

***Implementing a Phased Return to Work***

You should consider Phased Return to Work interventions using the follow process:

* Following a management review of the employee’s skills, abilities and likely needs of the service
* Recommendation from Occupational Health and subject to line management agreement of the adjustments to duties, working arrangements and timescales
* Agreement with the employee at an appropriate absence management meeting in which the employee may be represented or, accompanied

***Timescales of a Phased Return to Work***

You should obtain an Occupational Health report, in which you request whether there are any adjustments to tasks or, working hours or, shift patterns that would assist the employee’s successful return to work. Where practical, obtain this information prior to the employee returning from a long period of absence as this will allow you time to make the necessary arrangements for the employee on their return.

Occupational Health may also provide you with a recommended timeframe which these adjustments should be implemented. If this is not provided, discuss and agreed a suitable timeframe with the employee. A phased return to work programme is normally for a period of one month however this timescale can be extended depending on the circumstances.

If the phased return to work is recommended for a longer period of time or, permanently for an employee who is likely to be protected under the Equality Act, you should discuss this with your HR representative and the employee. You should determine whether the post can be adjusted to meet their needs without fundamentally altering the employee’s job description.

If making changes are likely to fundamentally alter the job, you should discuss other options, such as whether redeployment to another role would be reasonably practical. If this is the case, you should ensure you take guidance from HR.

If recommended changes would not fundamentally impact the employee’s job description and the changes are not required for a period of more than around 3 months. If it does you should discuss this with your HR representative. You should ensure that variations to contract and pay due to reduced hours or, temporary change to tasks or, duties are appropriately recorded on the Notification of Change Form. Also, you should ensure these changes are formally recorded in the appropriate follow up letter with a copy provided to the employee and a copy placed in the employee’s Personnel file.

If the employee does not have sufficient annual leave, discuss this with your HR representative to establish what other types of leave may be used in this circumstance; a combination of unpaid and annual leave could be used. Ensure that you complete a Notification of Change Form to implement any agreed changes to salary over the phased return to work period.

Any employee who is not able to use up their leave entitlement in a given year because of sick leave will be entitled to the difference between any annual leave and/or public holidays taken before sick leave began and the statutory entitlement. From 1st April 2009 the Working Time Directive statutory entitlement to annual leave is 5.6 weeks (28 days). This should be carried over and added to the entitlement in the new leave year or, where an employee is unable to return to work or is dismissed on the grounds of incapacity due to ill health, accrued annual leave will be paid in lieu. It should be noted that staff are entitled to statutory leave only and employees are not entitled to carry over (or be paid on termination) the full amount of leave provided by their NHS terms and conditions of employment.

***Payment during Phased Return to Work***

The employee may use annual leave they have either accrued during sickness absence or, their current annual leave allowance for part or, all of the phased return to work period. The use of annual leave will ensure payment for the period of the phased return that is not worked.

1. **MANAGING PREGNANCY RELATED ABSENCE**

Under the Equality Act (2010) pregnant employees have special protections in the workplace against all discrimination.

* Pregnant employees are covered by a ‘protected period’ which starts from the beginning of pregnancy and ends at the expiry of the maternity leave period or, when the employee returns to work, whichever is sooner
* Pregnant employees are protected against less favourable treatment on grounds of pregnancy-related illness
* There will be no discrimination on grounds of pregnancy if the manager is not aware of the pregnancy
* Any absences related to pregnancy included in any assessment of the employee’s sickness record which leads to detrimental treatment, for example non-selection for a promoted post, disciplinary action, dismissal, redundancy or, demotion will be vulnerable to a claim of sex discrimination

Therefore, you should ensure any absence as a result of pregnancy-related illness that occur between the beginning of pregnancy until the end of maternity leave, is recorded as pregnancy-related sickness absence. It is appropriate to record this separately from other absences.

You should not count pregnancy-related sickness absence for the purposes of assessing Trigger Points in which to conduct a Formal Absence Review Meeting or, in undertaking formal processes under the Attendance Management Policy. In most cases, formal action including dismissal is likely to be unlawful. However, Return to Work Discussions should still be held with the employee and if required a formal discussion with the employee regarding any support required.

In cases where persistent frequent and/or continuous or, repeated long term absence due to pregnancy-related absence is becoming intolerable for your department to support, you must seek HR advice on the best way forward by contacting HR Support and Advice Unit.

An employee who is absent due to a pregnancy-related illness during the four weeks period prior to her expected week of childbirth can be required to start her maternity leave early, and will be entitled to maternity pay and not sick pay. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to defer the start of her maternity leave period and a risk assessment does not indicate that carrying out work will endanger her pregnancy.

1. **MANAGING ABSENCE DUE TO ALCOHOL OR SUBSTANCE MISUSE**

Where an employee is absent as a result of alcohol and/or, drug misuse you should:

* Discuss the circumstances of the case and obtain advice from HR Support & Advice Unit
* Refer to the appropriate Alcohol Policy **(**[**NHSGGC : Alcohol & Substance**](http://www.nhsggc.org.uk/working-with-us/hr-connect/health-safety/policies-guidance-documents-forms/alcohol-substance/)**)** review your responsibilities under this Policy and the supports and measures you may offer
* Refer the employee to Occupational Health as soon as possible to obtain a report, where appropriate
* Highlight to the employee the supports as listed under the Alcohol and Attendance Management Policies that the organisation may put into place. Further absences will be regarded as a conduct issue and be considered in terms of the Disciplinary Policy and Procedure.
* Discuss with the employee at an appropriate meeting, any reasonable supports and measures that would assist and help improve their attendance
* Implement these measures and monitor and review their effectiveness
* Highlight the employee’s responsibilities and the consequences of disciplinary action

It is appropriate to continue to manage the employee’s absence under the Attendance Management Policy whilst also using the Alcohol Policy & Substance Misuse. Your HR representative will provide advice on using both policies. Although addiction to alcohol and drugs are excluded from the scope of protection under the Equality Act 2010, an individual with such an addiction may become disabled as a consequence of it. For example, someone with an alcohol addiction may develop liver disease as a consequence of persistent heavy drinking and become disabled.

1. **MANAGING ABSENCE DUE TO WORK RELATED STRESS**

**The Legal Case**

Employers have a duty for staff health, safety and welfare under the Health and Safety at Work Act 1974. Employers also have a duty to carry out a risk assessment, identify potential hazards and proactively manage risks to health and safety under the Health and Safety at Work Regulations 1999. Breach of these duties can lead to enforcement action by the Health and Safety Executive for example, the imposition of an improvement notice or, in extreme cases, prosecution.

Stress-related injury due to work factors could lead to personal injury cases and other civil litigation. Where the working environment leads to a stress-related injury (for example, a recognised mental illness, such as major depression) or, where stress is linked with another legal issue (such as harassment, discrimination, constructive dismissal or, breach of contract), an employer could find itself pursued for damages in the civil courts.

**Report the incident**

If it is identified that the stress-related illness is caused by work, for example, as a result of alleged bullying and harassment or, trauma or, workload, you should complete a Datix record. A Formal Absence Review meeting should be convened to explore the reasons for the stressors further.  The meeting will also provide the opportunity for discussion with regard to potential options for addressing or resolving the stressors and whether a management referral to the Occupational Health department would be beneficial.

1. **INJURY ALLOWANCE**

If the employee’s absence is the result of a work-related injury, illness or other health condition they may be eligible to claim Injury Allowance in line with the Board’s [**Injury Allowance Procedure**](http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/injury-allowance-procedure-and-guidance/procedure/). This is a payment made to eligible staff that tops up sick pay, or earnings when on a phased return to work, to 85 per cent of pay.

The injury, illness or other health condition must be shown to have been sustained or contracted in the discharge of their duties and be wholly or mainly attributable to their employment. Entitlement is determined by a local Injury Allowance Panel made up of Senior HR, Management, OHS, H&S and staff side representatives.

Injury Allowance is payable for a period of up to 12 months per episode, subject to NHS Greater Glasgow and Clyde’s Attendance Management Policy and Procedures.

Employees are required to inform their line manager at the earliest opportunity that their absence is work-related. They are required to complete an Injury Allowance Application form and submit this for verification to their line manager along with any supporting documentation, including a copy of the Datix report, and any OHS advice or support that they have been receiving as a result of their injury or illness.

You should ensure that the employee is aware of the process to be followed and that where an application is being considered that this is submitted timeously (in advance of the employee reaching a half pay situation) and that all additional supporting documentation is enclosed to enable the Injury Allowance Panel to make a decision.

Where the employee subsequently has to change jobs permanently to a position on lower pay, or has to reduce their hours/change their work pattern due to the work related injury, illness or other health condition, they will be eligible for the same pay protection as that applicable to organisational change.

**Appendix 3**

**USEFUL LINKS**

NHS GG&C Attendance Management Policy:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/>

NHS GG&C Attendance Management Letter Templates:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/attendance-management-tools-templates/>

NHS GG&C Disciplinary Policy:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/disciplinary-policy-procedure-overview/>

NHS GG&C Mental Health and Wellbeing Policy:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/mental-health-wellbeing-policy/>

NHS GG&C Stress in the Workplace:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/health-safety-policies/stress-in-the-workplace/>

NHS GG&C Occupational Health Services Home Page:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/occupational-health/>

NHS GG&C Moving and Handling Home Page:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/health-safety/specialist-services/moving-handling/>

NHS GG&C Injury Benefit Procedure & Guidance:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/injury-allowance-procedure-and-guidance/>