

## **Management of Sickness-Absence Policy**

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### **Version Control**

Version 1      24/08/18      Policy Created

## Purpose and scope

As part of its duty of care to staff, **Southern Ultrasound** has put in place procedures to manage sickness absence. Staff are expected to maintain a good record of attendance. **Southern Ultrasound** aims to balance the sensitive nature of individual sickness and ill health against its needs to achieve its objectives. As a caring employer, **Southern Ultrasound** aims to assist employees to retain or regain good health.

It is essential that the following procedures be carried out with tact and sensitivity and a realisation that the management of attendance is the joint responsibility of the line manager and the individual member of staff. Company Directors will be available to provide advice and support to line managers and their staff.

The policy and procedure applies to all **Southern Ultrasound** employees.

## Principles

This policy and associated procedure incorporates the following principles.

- Good faith - The policy and procedures will be applied consistently and without discrimination.
- Fairness - Any action taken will be reasonable and necessary. Members of staff involved are entitled to be heard with courtesy and respect.
- Confidentiality - Information relating to sickness absence will only be shared with individuals who have a need to know.
- Representation - If a formal approach is required to deal with them, a member of staff will be entitled to be accompanied by a representative or by a work colleague.

## Procedure

### *Reporting sickness absence*

The member of staff must telephone their line manager by 0900 hours on the first day of absence. If the reason for absence is sensitive and the member of staff prefers, they may contact a Company Director directly. If it is impossible for the individual to make contact personally, someone may do this on their behalf, for example, a family member. The reason for absence must be given, along with how long the individual expects to be away from work. If the employee's immediate line manager is not available, this information should be conveyed to another manager. The same procedure should be used if an individual is unexpectedly absent from work for any other reason including an accident. If the employee is unsure how long they will be absent, they should keep their line manager updated. If there is no contact from an employee by 0930 hours, the line manager will try to contact the employee or their emergency contact.

### *Duration of sickness absence and medical certification*

Staff must complete a return to work form on their return to work for every period of sickness absence of half a day or more. This form should be given to the line manager.

If a member of staff is sick for more than seven calendar days, they must also provide a Statement of Fitness for Work ('Fit Note') to cover the period of their incapacity for work.

### *Recording sickness absence*

All sickness absences will be recorded on the employee's absence card by the line manager. Dates recorded must be for actual periods of sickness, including non-working days, for statutory sick pay purposes. Reasons for absence will also be recorded.

### *Sickness during booked leave entitlement*

Where un-certificated or self-certificated sickness coincides with booked leave entitlement, Southern Ultrasound will not normally count this as sick leave. However, in exceptional circumstances and where a Statement of Fitness for Work has been obtained, there may be grounds for reinstatement of leave in whole or in part. This should be discussed and agreed with a Company Director.

## Occupational Health Assessment.

Employees may be referred for an occupational health assessment with a Doctor of the Company's choosing, when:

- an employee joins the Company
- there is concern that the employee may have work-related health problems or that existing health problems are being aggravated by the duties of the post or work environment.
- there are concerns about periods or patterns of absence
- there is a need to identify how we can help an employee manage a health problem or disability, for example, advice on working patterns, modification of equipment or provision of assistance at work
- there is long term or continuing sickness absence for advice on any restrictions or job modifications required either in the short or long term, or where there is no clear indication of a likely date for return to work
- there is persistent or recurrent short-term absence
- health may be an underlying factor or contributory factor in performance or disciplinary issues
- re-deployment, dismissal or retirement are being considered because of health reasons
- it is believed that an employee has a drug or alcohol problem.

If a member of staff consents to a medical examination, they can request access to the record of their examination under the Data Protection Act 1998. Any such request should be made in writing to a Company Director.

In some circumstances, a report from a GP or specialist may be requested by the Company. In which case consent will be sought under the access to medical Reports Act 1988 and/or Data Protection Act 1998 and the individual's permission will be sought for the report to be obtained. On this basis the individual will be able to review the report to ensure it is factually correct before it is provided to Southern Ultrasound for consideration.

Should an individual refuse to consent for the Company to consult their medical practitioner, consultant or treating medical professional, or refuses to undergo the medical examination, decisions on the case will be made based on the facts as they are presented to the Company.

## Sick pay

Entitlement to sick pay may be either subject to the statutory sick pay regulations or the Occupational Sick Pay Scheme, depending on length of service.

### ***Statutory sick pay***

Statutory sick pay will be paid, where applicable, in line with government guidelines.

### ***Occupational Sick Pay***

The payment of occupational sick pay is discretionary.

Staff will receive pay during sickness as detailed in the table below for aggregated absence in any one rolling year.

Contract Type	Full pay
Full-Time Staff	10 Days
Part-Time Staff	Pro-rata

During periods of sick pay, pension contributions, where applicable, will be collected based on the employee's normal salary unless there is insufficient salary to do so.

## **Frequent short-term sickness absences**

If a member of staff has more than four separate sickness absences or 10 days' total sickness absence over a 12 month period, the Company may arrange a meeting with Directors to consider such factors as the reasons for sickness, duration of sickness, other personal circumstances, length of time between periods of sickness.

The aim of this is to:

- identify any underlying reasons for the sickness absences
- discuss the frequency and reasons for the absences and ensure that the member of staff is aware that the absence record is giving cause for concern
- advise the member of staff to seek medical attention if appropriate.
- if appropriate, inform the member of staff that the absences are unacceptable and draw the member of staff's attention to the appropriate sections of this policy
- give consideration to any personal problems and ways of helping the staff member resolve them
- agree a reasonable period of time, normally 3 to six months, over which the member of staff's attendance can be assessed
- indicate what the next step will be if the member of staff fails to reach the standard required. The standards or targets will be specified.

If there is no underlying medical condition, and the reasons for absence appear not to be genuine, the matter may be dealt with through the disciplinary procedure. If the absences are genuine, but the frequency remains unacceptable, we may set you targets for improvements.

## **Return to work discussion**

On the employee's return to work, the line manager may initiate a meeting to discuss the reasons for absence with the employee, regardless of its length. This is intended to give the individual an opportunity to discuss any problems which may factor in the absence and for the line manager to discuss any action points and brief the member of staff on what has happened during their absence. The details of the return to work discussion will be recorded on the staff sickness record.

### ***If the sickness absence does not improve***

We will monitor your progress following the first sickness absence meeting. Where you have not been able to return to work from longer term sickness or if you are unable to meet any targets set for short term absences, we will invite you to another meeting.

The point of the second meeting is to assess whether the absence situation is likely to improve.

Where it is appropriate, we will consider redeployment opportunities.

Where we believe that it is unlikely that you will return to work from long term absence or where you have not been able to meet the targets for improving short-term absences, you may be given a written warning that you are at risk of dismissal. Where the circumstances require, we will agree a further review period and a meeting to follow.

### ***Final sickness absence meeting***

Where there is no improvement in reaching any targets set for reduction of short-term absences or you have been unable to return to work from long-term sickness we will invite you to another meeting.

This meeting will include an assessment of whether or not to terminate your contract of employment.

We will consider any points that you want to raise in relation to your sickness absence and the likely prognosis.

## **Accident or injury**

Any accident, however slight, which occurs in the course of work, whether or not on Company premises or while travelling on Company business, must be reported without delay to the Directors so that, if legally required, a report may be forwarded to the Health and Safety Executive.

## Long-term absence due to ill health or disability

Where an employee has been absent for over three consecutive weeks, the Company will make contact to see how the individual is and when they are likely to be back at work.

It is expected that the line manager will contact the employee regularly, up to weekly, while off long-term sick. In some circumstances, for example if the reason for absence is sensitive, it may be appropriate for a Company Director to maintain contact.

In cases where an employee is not able to return to work to full duties after long term sickness absence, but a full return is expected within 6-8 weeks, the Company will consider arranging a phased return in consultation with the employee.

### Principles of a phased return

- Phased returns should normally last up to 8 weeks but may be extended by 4 weeks in exceptional cases.
- The phased return programme must be agreed by the employee and line manager, in consultation with Company Directors.
- The programme must be recorded by the line manager.
- The programme will be reviewed regularly by the line manager and adjustments made if necessary.
- When the phased return ends, the employee will be expected to return to work in their normal employment capacity. Where this is not possible, the line manager, and Company Directors will jointly investigate alternatives, including permanent re-deployment, dismissal on the grounds of medical incapacity, and a temporary or permanent reduction in hours.

Where a phased return to work is agreed, the following pay arrangements will be put in place:

- Where an employee is still entitled to occupational sick pay at full pay rate, they will receive full pay during their phased return regardless of the number of hours worked.
- When an employee has exhausted all entitlement to occupational sick pay they will be paid only for the number of hours worked during their phased return. The Company will write to the employee in advance of their pay being reduced.

Where there is no clear indication of a return to work following two months of absence, the following will be taken into account when deciding on the next steps:

- the nature of the incapacity and the prognosis for future health
- the requirements of the business
- the employee's views on continuing employment, length of service and past sickness record
- whether the employee could be offered alternative duties more suitable to their state of health
- whether the condition may be classed as a disability
- whether any reasonable adjustments under the DDA should be considered.

Southern Ultrasound will make every effort to deal with the case informally.

## Formal meeting

Where it is unlikely that an employee will be able to return to work within a time period that is reasonable in all the circumstances, and it is not possible to make an accommodation to their current role or to redeploy them, termination of the individual's employment may need to be considered.

No decision to pursue any of these options would be taken without reviewing the medical evidence available, writing to the employee to advise of these potential courses of action and consulting personally with the employee where possible.

Where the facts of a case appear to call for formal review, a meeting will be called as soon as possible. The meeting should comprise a panel of at least two people, normally a Director and the Line Manager.

A report will be presented by the Line Manager detailing the medical evidence and the impact of the absence. The employee will be informed of the options that may be considered at the meeting. This will be sent to the employee at least five working days before the meeting.

The employee shall be informed by letter giving at least five working days' notice that a meeting is to be held. The employee may request an alternative date to allow up to an additional five working days to prepare themselves or if the representative is unavailable. The employee has the right to be accompanied by a work colleague or representative. The letter shall include a copy of the sickness absence procedure.

The purpose of the meeting is to consult with the employee and to determine options for the future.

A letter confirming the outcome will be handed to the employee whenever possible or posted directly by recorded delivery to the employee within 3 working days of the hearing and to the employee's representative.

In the event of a dismissal, contractual rights including payment during the notice period at the rate of sick pay applicable at the time will be honoured.

## **Right of appeal against termination**

An employee has the right of appeal against termination.

Should an employee wish to appeal they must do so, in writing, to the Director, within five working days of being informed in writing of the termination.

A request for an appeal must specify the grounds of the appeal.

As a small company, Southern Ultrasound may not have sufficient senior members not involved with the initial decision to have an appeal heard by alternative staff. The employee has the right to be accompanied by a work colleague or representative.

The appeal has the scope to uphold the previous decision or substitute an alternative decision.

Within three working days of the appeal the final decision will be recorded and posted directly by recorded delivery to the employee with a copy to the employee's representative, where applicable.

The decision of the appeal is final

## **Policy Standards**

### ***Distribution and Awareness Plan***

All staff are made aware of the policy as part of their induction training. If there are any significant changes to the policies that affect the way in which staff initiate or respond, these are communicated to them via team briefs and staff meetings.

A copy of the policy is available to all staff via the Policy sub-folder of the Company's on-line Governance Framework folder, and can be accessed 24/7 from any location with Web Access. A hard copy version is retained at all sites of operation.

### ***Monitoring processes***

The Board of Directors monitor Sickness related issues, via reports from the Service Managers.

Monitoring of this policy, together with its implementation, shall be performed by the CG Lead.

### ***Distribution and Awareness Plan***

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A copy of the policy is available to all staff via the Policy sub-folder of the Company's on-line Governance Framework folder, and can be accessed 24/7 from any location with Web Access. A hard copy version is retained at all sites of operation.

### ***Training Requirements***

Our Clinical Governance Lead has received training suitable for role.

### ***Equality Impact Assessment***

An Equality Impact Assessment has been performed on this policy and procedure. The EIA demonstrates the policy is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	▪ Race	No	
	▪ Ethnic origins (inc. gypsies and travellers)	No	
	▪ Nationality	No	
	▪ Gender	No	
	▪ Culture	No	
	▪ Religion or belief	No	
	▪ Sexual orientation including lesbian, gay and bisexual people	No	
	▪ Age	No	
	▪ Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	NA	
4.	Is the impact of the policy/guidance likely to be negative?	NA	
5.	If so can the impact be avoided?	NA	
6.	What alternatives are there to achieving the policy/guidance without the impact?	NA	
7.	Can we reduce the impact by taking different action?	NA	

### ***Approval & Review***

This policy has been approved by the undersigned and will be reviewed annually and any time there is a change in the Law, Guidance or Best Practice Recommendations.

The CG Lead will delegate duties to the Service Leads, where appropriate, but retain ultimate responsibility for absence related matters.

Policy Created: 24/08/18

Kevin Rendell



Policy last reviewed: v1 14/03/19

Director

## **Appendix 1 - Absence of Ultrasound Service Manager**

CQC registration necessitates additional requirements where the Ultrasound Service Manager is absent or otherwise unable to fulfil their CQC duties.

Where there is short term absence of an Ultrasound Services Manager, Southern Ultrasound's 'Nominated Individual' or an alternative Director at Southern Ultrasound will fulfil the CQC-related duties of the Ultrasound Service Manager for the period of their absence.

If the absence extends, or is expected to extend, for a period in excess of 28 days, a replacement Ultrasound Services Manager will be nominated and the Care Quality Commission provided with full details of the replacement.

Upon the subsequent return of the original Ultrasound Services Manager, they will resume their duties only after the Care Quality Commission has been notified once again.

During an absence of the Ultrasound Service Manager, senior clinical staff will provide any clinical requirements.