



**Sickness and Absence Policy**  
**(Ambulance Services)**

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Applicable to	All Wales Ambulance Services Ltd
Author	Gareth Llewellyn
Checked by	Dean Llewellyn, Peter Dudding
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## **Introduction:**

All Wales Ambulance Services Limited (AWAS) has a number of specific corporate responsibilities and obligations relating to patient safety and staff wellbeing. All Company policies need to appropriately include these.

## **Health and Safety:**

All Wales Ambulance Services Limited will, so far as is reasonably practicable, act in accordance with the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999 and associated legislation and approved codes of practice. It will provide and maintain, so far as is reasonable, a working environment for employees which is safe, without risks to health, with adequate facilities and arrangements for health at work. AWAS employees are expected to observe Company policy and support the maintenance of a safe and healthy workplace.

## **Risk Management:**

AWAS will maintain good risk management arrangements by all managers and staff by encouraging the active identification of risks, and eliminating those risks or reducing them to the lowest level that is reasonably practicable through appropriate control mechanisms. This is to ensure harm, damage and potential losses are avoided or minimized, and the continuing provision of high quality services to patients, employees and the public. AWAS employees and supporting staff are expected to support the identification of risk by reporting adverse incidents or near misses through the Company reporting system.

## **Equality Act 2010 and the Public Sector Equality Duty:**




AWAS will act in accordance with the Equality Act 2010, which bans unfair treatment and helps achieve equal opportunities in the workplace. The Equality Duty has three aims, requiring public bodies to have due regard to:

- ✚ Eliminating unlawful discrimination, Harassment, Victimization and any other conduct prohibited by the Act;
- ✚ Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- ✚ Fostering good relations between people who share a protected characteristic and people who do not share it.

AWAS employees are expected to observe Company policy and the maintenance of a fair and equitable workplace.

## **NHS Constitution:**

AWAS will adhere to the principles within the NHS Constitution including:

-  The rights to which patients, public and staff are entitled.
-  The pledges which the NHS is committed to uphold.
-  The duties which public, patients and staff owe to one another to ensure the that we assist the NHS in operating fairly and effectively.

AWAS employees are expected to understand and uphold the duties set out in the Constitution.

## **Code of Conduct and Conflict of Interest Policy:**

The Company's Code of Conduct for Staff and its Conflict of Interest and Anti-Bribery policies set out the expectations of the Company in respect of staff behaviour. AWAS employees are expected to observe the principles of the Code of Conduct and these policies by declaring any gifts received or potential conflicts of interest in a timely manner, and upholding the Company's zero-tolerance to bribery.

## **Information Governance:**

**AWAS** recognises that its records and information must managed, handled and protected in accordance with the requirements of the Data Protection Act 1998 and other legislation, not only to serve its business needs, but also to support the provision of highest quality patient care and ensure individual's rights in respect of their personal data are observed. AWAS employees are expected to respect their contact with personal or sensitive information and protect it in line with Trust policy.

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## **1: Preface.**

All Wales Ambulance Services Limited is committed to providing a set of employment policies designed to give staff a clear and consistent framework through which they are supported to carry out their roles and responsibilities safely and effectively.

## **2. Introduction.**

The Company is committed to promoting and maintaining the health, safety and welfare of all its employees and recognises the need for an understanding and supportive approach towards staff on sick leave and will take into consideration individual circumstances as appropriate in the application of this policy.

All Wales Ambulance Services Limited also recognises the significant impact of ill-health and sickness absence on the cost and quality of service delivery and wishes to encourage a culture of good attendance.

This policy and procedure aims to deal fairly, consistently and constructively with attendance issues. It sets out the support, processes and attendance standards involved in the management of sickness absence and identifies the circumstances where formal action may be taken.

## **3. Scope.**

It applies to all employees and support staff employed (or contracted) under the deployment of All Wales Ambulance Services Limited (AWAS)

## **4. Key Principles.**

- ✚ Attendance standards will be set, monitored, reviewed and clearly communicated to all Company staff.
- ✚ Managers will deal sensitively, consistently and constructively with any member of staff whose attendance levels fail to meet the Company's attendance standards.
- ✚ Managers will provide the support and encouragement to bring about any necessary improvements in attendance but will initiate formal action where attendance fails to meet agreed standards.
- ✚ All sickness absence will be treated as genuine unless proven otherwise.
- ✚ Any sickness absence related to pregnancy or infertility treatment will be excluded for monitoring purposes.
- ✚ All employees being managed under this policy must make themselves available for meetings with the Company management.
- ✚ The Company will deal with all persistent short term or longer term sickness issues as a 'capability' matter i.e. a poor attendance record will be viewed as a performance, rather than a misconduct issue.

4.1 The Company's Disciplinary Procedure will however be used where the following sickness related issues occur:

- ✚ Failure to follow sickness reporting procedures (i.e. not notifying sickness to the correct person, by the stated time, failing to provide medical certificates, or failing to contact management to complete a return to work interview);
- ✚ Where there is evidence that the employee has not actually been ill (this will be viewed as fraudulently obtaining sick pay from the Company and/or DHSS) and will be referred to Department of Work and Pensions.
- ✚ Where there has been a cycle of unacceptable attendance followed by an improvement and deterioration, employees who have attended a Formal Attendance meeting in consecutive 12 month period's will be invited to a 'final formal attendance management meeting' on the third occasion. An outcome of this meeting could be a decision to terminate employment.
- ✚ Staff who attend work but leave early due to illness will have their absence recorded as sick leave and should report their sickness as per usual reporting procedures. Where less than 50% of the shift has been worked the sickness will count towards the sickness triggers detailed within this policy. In instances where 50% of the shift has been completed the absence will be recorded but will not count towards a trigger in isolation, but will do where there are two such instances within a twelve month period. Two occasions will be counted as one episode for the purpose of managing attendance in line with the triggers within this policy.
- ✚ Authorised absence may attract occupational sick pay provided that the absence is neither a result of active participation in sport as a professional nor paid work carried out for any employer or company other than All Wales Ambulance Services Limited.
- ✚ Sickness absence that is not reported in line with the provision outlined in section 6 may be considered unauthorised sickness absence.
- ✚ Managers and staff representatives will receive comprehensive training in all aspects of this policy and procedure.
- ✚ Confidentiality will be observed at all stages of the procedure by all parties.
- ✚ Right to representation will be provided to staff at all formal stages of the process, as detailed at section 18.

## 5. Key Roles and Responsibilities.

### 5.1. It is an employee's contractual responsibility to:

- ✚ Attend work regularly.
- ✚ Be familiar with this policy and meet identified attendance standards.
- ✚ Ensure they are aware of and then comply with the sickness notification procedures detailed in section 11.
- ✚ When aware in advance that health concerns will prevent the member of staff from undertaking their next shift, provide as much notice as possible to the Operations Manager/s where possible. Continued failure to provide the minimum notice will be reviewed by management and may result in disciplinary action.
- ✚ When providing notice, sickness absence is not monitored until the first operational shift.
- ✚ Make initial contact with the Operations Manager to book sick.
- ✚ All employees to have a booking sick conversation within a 24 hour period.
- ✚ Book fit before 12 noon to ensure that day is not recorded as sickness absence.
- ✚ Stay in contact with the Operations Manager/s during a period of sickness absence and keep them informed on any progress made towards recovery. If no initial contact is made by the staff member whilst on sick leave, the Operations Manager will have a right to contact the employee by telephone (an e-mail or letter) to enquire about their absence.
- ✚ Co-operate with reasonable requests to attend meetings and provide information when requested to do so by their manager. This may include a meeting at an alternative, suitable venue if it is not possible to attend their normal workplace.
- ✚ Consider actively any support offered by the Company, including suggested reasonable adjustments, other medical referrals, specialist advice or counselling.
- ✚ On receipt of an appointment to attend the Company's Occupational Health physician, where an appointment cannot be attended, the staff member takes responsibility in arranging a new appointment with a Doctor of the Company's choice.
- ✚ It is a contractual condition of service to agree, at any reasonable time, to a medical examination by a doctor nominated by the Company.
- ✚ Give permission, as required, for a Company Doctor to contact their GP for a medical report.
- ✚ Submit medical certificates in a timely manner.
- ✚ Staff to be aware of their own sickness absence record.
- ✚ Engage with the Return to Work process.
- ✚ Attend formal attendance meetings when required and arrange their representation as necessary.

## 6. Operations Manager/s.

It is the responsibility of the Operations Manager/s to:

- ✚ Inform employees of the Company's attendance standards.
- ✚ Inform employees of their responsibilities under this policy.
- ✚ Inform employees of the departmental sickness reporting arrangements and those outlined in section 11.
- ✚ Conduct detailed return to work interviews within seven days of employees return to work and inform the Chief Executive of the outcome.
- ✚ Determine when a staff member has a period of unauthorised sickness that has resulted from their failure to adhere to responsibilities outlined in section 5 whilst taking into account all relevant mitigation.
- ✚ Conduct a full and detailed review of potential contributing factors of sickness absence during all formal sickness review meetings, such as a review of overtime shifts, secondary employment, frequent causes of short term sickness, and health and well-being.
- ✚ During a review period, determine whether overtime or secondary employment should be suspended in order to support the member of staff to return to their full health.
- ✚ Develop a working environment where employees are encouraged to attend work regularly and where good attendance is recognised and celebrated.
- ✚ Provide support, advice and direction towards resources/policies/benefits designed to help employees and support staff.
- ✚ Keep in touch with employees who are absent due to longer term sick.
- ✚ Identify and take appropriate action where attendance levels fall below the expected standard.
- ✚ Maintain records of all sickness absence using Company documentation
- ✚ Record any actions agreed at Return to Work meetings including action plans and review dates.
- ✚ Write formally to staff who are required to attend a formal meeting and confirm the outcome of the meeting, including any resulting action plans, in writing.
- ✚ Ensure formal processes at stage 3 are supported by Management Statement of Case which includes:
  - ✚ A record of absence including dates and reason for absence;
  - ✚ Record of any communication made during sickness;
  - ✚ Copies of return to work meetings;
  - ✚ Occupational Health referrals;
  - ✚ Occupational Health reports;
  - ✚ Any reasonable adjustments considered and/or implemented for disabled employees;
  - ✚ All other relevant correspondence i.e. incident reports if accident at work.
- ✚ Where appropriate, obtain medical assessment from Occupational Health in order to determine the likely length of time off work, any underlying reason for sickness absence or any suggested reasonable adjustments.



## **7. HR Management Responsibilities.**

### **7.1** It is HR Management responsibility to:

- ✚ Advise managers and their staff on the application of this policy; Page 8 of 25.
- ✚ Attendance at stage one and two meetings is not compulsory but can be facilitated at the request of the manager.
- ✚ Attend all stage three meetings without exception.
- ✚ Have appropriate management systems in place to collect good quality data on sickness absence and use this to highlight to managers when trigger points are reached.
- ✚ In partnership with Staff Representatives, and at staff meetings, regularly monitor and review arrangements to identify where and how policies can be improved.
- ✚ Carry out regular audits to ensure long term absence is managed in line with Company employment policies.
- ✚ Work with managers and staff to facilitate a return to work, including provision of advice and support with preparing referrals to Occupational Health.
- ✚ Ensure the provision of a sickness absence management support is available to managers from Monday to Friday, 9:00am to 5:00pm.

## **8. Trade Unions.**

**8.1** All Wales Ambulance Services does not have a dedicated Trade Union but staff are encouraged to air any concerns about work and working practices directly to management at all times.

**8.2** Regular staff meetings are encouraged and minutes recorded.

**8.3** All staff can easily access the All Wales Ambulance Services Forum. This gives staff members an area where they can seek answers to anything which is work related. Policies and procedures are all available on the forum via web links and management can be contacted directly via the forum. When an answer is published, it is shared amongst all staff members.

## **9. Medical Health Advice and Support.**

9.1 All Wales Ambulance Services Limited will rely on the Staff members own Doctor for any decision or outcome relating to sickness. The Company will work with the Doctor to support and raise awareness of health issues with staff to:

- ✚ Advise on fitness for work with a view to supporting staff to continue at work.
- ✚ Advise on reasonable adjustments.
- ✚ Help and advice on rehabilitation for staff returning to work following a period of ill health.
- ✚ Advise on capability issues.

9.2 Employees may be referred by their manager to a Doctor of the Company's choice for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible. A copy of the individual's job description should accompany the referral document.

9.3 The referring manager must explain clearly to the employee why he/she is being referred and what advice is being specifically sought. The employee will receive a copy of the medical report and the manager will use these to inform all informal and formal stages of sickness management.

9.4 The Company will firstly request permission from the employee to approach the GP and/or other health professional if they require further information.

9.5 Both employees and their managers can request to be referred to occupational health in anticipation of a health concern without attendance being identified as a concern.

9.6 Where stress is reported as the reason for sickness, the employee will immediately be asked to seek medical advice from their GP and be told that, until such advice is given, they should not attend work for Health & Safety reasons to themselves, their attending crew member and patients.

## **10. Transfer to Short Term Suitable Alternative Role due to Ill Health.**

10.1 A transfer into a suitable alternative role may be agreed whilst a staff member is being managed for long term sickness absence, taking into account Occupational Health advice.

**10.2** Before the transfer is agreed there must be a clear understanding and agreement of the position regarding pay that will be authorised by the Company. There are two options that are available, depending on the needs and wishes of the employee and their substantive line manager as follows:

a) During longer term transfers, sickness absence will not be recorded however the employee will continue to be monitored under the Company's Sickness Absence Policy to ensure they are supported and to discuss a return to their substantive role in the foreseeable future. This would be arranged where the employee undertakes a longer term transfer with the intention of finding suitable alternative employment. In this circumstance, the employee will receive the pay, terms and conditions, associated with their new role.

b) During shorter term transfers, sickness absence will continue to be recorded, and as such, the staff member will continue to receive the pay and conditions associated with their substantive role. In this circumstance, the employee intends to return to their substantive role, however until they are fully fit to do so, they wish to be placed temporarily into a different role as a development experience and to keep them occupied and therefore engaged with the Company whilst they are on long term sick.

**10.3** During either arrangement, it is the responsibility of the Operations Manager to maintain contact and hold the relevant sickness meetings during this time.

**10.4** If management receive advice that a staff member's assignment into a temporary, alternative role may jeopardise their recovery then their transfer may be withdrawn, depending on advice received from their GP.

**10.5** In normal circumstances the base station where the staff member will be located for the duration of the secondment will become their official base.

## **11. Notification of Sickness Absence**

11.1.1 The employee is required to notify all absence via the Operations Manager as soon as possible and no later than three hours before the commencement of their scheduled shift. The reason for absence and likely date of return or next contact date must be given.

11.1.2 The Operations Manager will record the date of when an employee books sick, and will then transfer the employee directly through to the CEO or Finance Director, depending on availability. A booking sick conversation must take place between the employee and direct manager within a 24 hour period.

11.1.3 The employee must also immediately notify the Company through the Operations Manager when they are fit to return to work as soon as possible to give early notification of return to aid in shift/ work planning. This will then enable a return to work to be carried out and for the sickness episode to be closed on the Company's payroll systems.

11.1.4 Calls to the Operations Manager may be recorded for the purpose of employee monitoring and training.

11.1.5 Once the initial return to work has been recorded by the Operations Manager He will notify the employees direct manager who will then conduct a return to work interview within seven days to then record conversation and email documentation to Finance.

11.1.6 The requirement for notification applies whether the employee is working at their usual workplace or is on a training course, secondment or placement in another organisation.

11.1.7 If the employee is at an address other than their home address during their sickness absence it is their responsibility to advise the Company of their contact details.

11.1.8 The manager and employee are required to stay in contact during sickness absence for both welfare and operational purposes.

## **11.2 Medical Certificates**

11.2.1 Managers must ensure that employees know about the regulations governing the submission of medical certificates. The length of absence applies to all staff and is not pro-rated for part-time staff.

11.2.2 Absences up to and including 7 calendar days do not require certification as the nature of this absence will be recorded in the return to work interview and a record of this retained on personnel files and recorded file.

11.2.3 Absences over 7 calendar days require a GP certificate (fit note) to be forwarded to the Operations manager. These certificates must be signed by a doctor registered with the General Medical Council (or other registered medical practitioner if the member of staff is not in the UK when they become ill).

11.2.4 Sickness will be entered as appropriate and the sick notes and return to work interview paperwork will be forwarded to HR for filing electronically.

11.2.5 During long-term sickness it is the employee's responsibility to ensure that their absence is covered by a current certificate to authorise any payments to which he/she may be entitled.

11.2.6 Backdated sickness notes will not be accepted by the company unless there is evidence of exceptional circumstances and agreed with HR.

11.2.7 GP Fit Notes will be monitored by Operations Managers. Failure to provide the correct certificate cover for periods of sickness absence may result in any payment being stopped and action being taken for being absent without permission and may result in disciplinary action.

## **12. Categorisation Of Sickness Absence**

12.1 The Company categorises sickness absence as short and long term, and has separate procedures for each. The procedures are set out in Appendix A.

12.2 Where an employee has multiple short spells of sickness absence within a rolling 12-month period, this is termed intermittent short-term sickness absence.

12.3 Long term absence is one continuous period of sickness absence exceeding 28 calendar days.

### **13. Short Term Sickness**

#### **13.1 Formal Sickness Triggers**

13.1.1 While the Company recognises that sickness absence can occur from time to time, it requires regular and sustained attendance in order to deliver high quality patient services. An employee's sickness absence and attendance are of concern and will be reviewed when the employee has had within a rolling 12 month period:-

- ✚ 4 separate occasions of sickness absence or
- ✚ 10 calendar days of sickness absence in any 12 month rolling period.

13.1.2 It is important that managers are discussing any concerns early where necessary so that any issues that may be impacting on an employee's ability to provide acceptable attendance at work are not left unresolved.

13.1.3 A 'rolling year' means that when an episode of sickness occurs, the manager should review the 12 month period preceding that specific period of absence from the return to work date. Managers should include all absences in this rolling year regardless of whether they have been subject to previous attendance action/part of a previous target for attendance.

### **14 Return to Work Meetings**

14.1 Return to work dates are confirmed by the Operations Manager/s who capture the initial information for reporting and shift planning purposes. This information is then emailed to Directors who will complete a detailed return to work interview within a seven day period. This meeting can take place via the telephone when circumstances prevent a face to face meeting. The completed return to work interview will then be recorded by the direct manager/Director onto file and documentation emailed to HR Services to save on personnel file.

14.2 A meeting should always be conducted by the employee's Manager after any episode of long term absence to welcome them back to work, undertake or plan any necessary assessments, ensure they are safe to work and to discuss any changes within the Company. The manager will take notes of the return to work meeting to then email to HR Services to save on personnel file.

## **15 Long Term Sickness Absence**

15.1 Long term sickness absence (a period of continuous absence exceeding 28 days) must be handled sensitively and with care. It is very important for employees to stay in contact with the Company while they are absent. Managers/Supervisors should agree with their member of staff the best way for keeping in touch in order to support the employee whilst they are absent. This may include sending company communications and other relevant information.

15.2 As a guide, employees can expect regular contact of at least once a month from their Operations manager. Through both these informal contacts and the formal meetings laid out in the process at Appendix A, the focus will be on ensuring open communication about the nature of the health condition and ongoing exploration of support and adjustments that may enable the employee to return to employment, either to their existing role, or where this is contrary to health advice, to a suitable alternative role if one can be identified.

15.3 The long term sickness procedure is underpinned by Occupational Health through the Company's HR consultancy advice service and it is important that employees engage with this service fully to enable all parties to be informed by medical evidence, advice and guidance. Where an employee does not engage with the Occupational Health Service the Trust will continue to manage the sickness absence without this information.

## **16 Responding to Patterns of Absence**

16.1 Following each period of absence, managers have a responsibility to review the individual's entire long and short term sickness history to determine if any pattern exists in relation to certain days, weekends or short term sickness or on days where leave was declined.

16.2 Short term sickness absence preceding, following or during a public bank holiday will be monitored, and two incidences within a 12 month period will result in the employee being called to a Formal Attendance Meeting.

16.3 Where a pattern has been identified in an individual's short term sickness absence the individual will immediately be called to a formal meeting where the pattern will be explored with them. Where there is no satisfactory explanation for the concern, the matter may be referred to the HR Consultant for the area where a decision will be taken to investigate under the Company's Disciplinary Policy.

16.4 Where a pattern has been identified in long term sickness then the individual will be called to a Final Formal Attendance Meeting the pattern and the whole sickness history will be discussed and termination of employment/contract considered.

16.5 Where there has been a cycle of unacceptable attendance followed by an improvement and deterioration, employees who have attended a Formal Attendance meeting in consecutive years will be invited to a 'final formal attendance management meeting' on the third occasion. An outcome of this meeting could be a decision to terminate employment.

16.6 All targets will run from the date of the hearing. This should take place within 3 weeks of the trigger being met. Where the hearing is not run within these timescales, any targets will be backdated to the previous return to work date.

## **17. Reviewing Secondary Contracts/Employment**

17.1 Staff must not undertake secondary employment whilst on sick.

17.2 A review will take place of any member of staff who is at an informal stage one or formal stage two under this policy to ensure additional hours worked under overtime or secondary contracts of employment will not undermine the individual's ability to maintain a satisfactory attendance record.

17.3 The Company's authorisation of any additional employment or work will be reviewed and a decision made as to whether this should be suspended until such a time as attendance levels improve.

## **18 Representation**

18.1 At all stages in the formal procedure, including formal investigation interviews, the employee will have the right to be accompanied by a fellow worker, not acting in a legal capacity. The employee is responsible for arranging the attendance of their representative.

18.2 Prior to any hearing, the employee should inform the Operations Manager of their representative's name, status and contact address. All subsequent relevant information will then be copied to the employee and representative.

## **19 Support for Staff Wellbeing**

19.1 When employees are identified as showing signs of trauma stress, either as a result of something which they have experienced work (Such as a sudden death or traumatic scene) or by the observations of their manager, they will be encouraged to access the bespoke trauma counselling service provided by the NHS Ambulance Trusts.

## **20 Returning to Work after Long Term Absence/transfer to alternative roles during Ill health**

20.1 Annual leave may be used to assist a phased return to work which may be considered for a period of up to a maximum of four weeks. This will be dependent on the circumstances of the absence and the availability of a role to undertake and taking into account relevant medical advice. Where it is considered appropriate for the return to work to take place over a longer period, this can be agreed through a Case Management Review with directors and representation from HR.

20.2 A transfer into a suitable alternative role may be agreed whilst an employee is being managed for long term sickness absence, taking into account occupational health advice. This may be for a short period to enhance prospects for redeployment, a longer period to enable recovery or as a permanent move.

20.3 During a temporary transfer it is the responsibility of the Operations manager to maintain contact and hold the relevant sickness meetings during this time. If management receive advice that an employee's recovery is jeopardised due to the temporary work, the transfer may be withdrawn.

20.4 Before any transfer, advice and agreement on the pay and contractual arrangements must be sought from the company's HR consultancy service.

20.5 Where a return to work following long-term sickness absence is not possible due to the nature of the sickness or injury, and where all practicable alternatives including suitable alternative roles and reasonable adjustments to the role have been fully explored, termination of the employment contract on the grounds of ill health or capability will be considered. The Company will offer support during the process and will ensure that the employee is informed of their entitlements and options. The directors and HR Consultancy service will assist the individual in any applications for ill health retirement.



## **21 Industrial Injury**

21.1 In line with Health and Safety legislation employees have a responsibility to report accidents at work. Any work injury must be recorded on the accident report book within 24 hours of the incident.

21.2 If the employee continues long-term sickness absence they may be entitled to Injury Allowance (IA). The individual should seek advice directly from Department of Work and Pensions.

## **22 Sickness and Annual Leave**

22.1 Employees will not be entitled to an additional day off if sick on a statutory holiday.

22.2 Employees may choose to take annual leave during periods of long-term sickness absence. In such cases staff must obtain approval in advance from both their Operations Manager on advice from the Company's HR Consultancy service. If a period of leave is approved, the Operations Manager will complete a notification of change form to the HR Services Department and the employee's period of absence will be suspended and recorded as annual leave for payment purposes. This annual leave must also be notified to the finance director.

22.3 Should sickness continue following the period of annual leave, the period of sickness will be considered to be linked for reporting purposes.

22.4 Annual leave will only be carried over where an individual has been absent for a whole year or a significant majority of the leave year.

22.5 For the purpose of calculating how much Statutory Holiday an employee has remaining in any holiday year, any contractual or Bank holiday hours taken will be deducted.

22.6 In the case of an employee leaving the company due to ill health, the manager should establish how much leave is outstanding and arrange for this to be paid as appropriate. Any payment for outstanding leave for the current year will be based on the employee's contractual entitlement. Whereas any payment for outstanding leave from the previous leave year will be determined in accordance with the statutory leave entitlement detailed above.

## **23 Unauthorised Absence**

23.1 Unless the employee can demonstrate a satisfactory reason, if an employee fails to notify the Company and their manager of their absence or fails to provide a Medical Certificate within 10 days of the first date of absence, they will not be paid for those days of absence and they will be recorded as “unauthorised”. Backdated certificates will not be accepted unless there are exceptional circumstances and are authorised by HR. Unauthorised absence constitutes a breach of contract and may be dealt with under the Company’s Disciplinary Policy.

23.2 Employees are expected to adhere to the responsibilities outlined in section 5 Failure to do so will be reviewed by Operations management, and taking into account all relevant mitigation, may result in the sickness absence being recorded as unauthorised.

## **24 Supporting Documents**

24.1 To assist staff and managers to understand and interpret the requirements of this policy further guidance is maintained and published by the HR Consultancy service. This advice includes: -

- ✚ The notification of absence procedure;
- ✚ The return to work procedure;
- ✚ Carryover of annual leave from one leave year to another;
- ✚ Medical suspension;
- ✚ Injury Allowance (IA) guidance notes

- Explaining how and when decisions are made the entitlement criteria.

## **25 Policy Monitoring and Review**

25.1 The effectiveness of this policy will be monitored and reviewed at the HR management team meeting three months before the review date. Recommendations will be recorded and shared via the recognised policy approvals process in time for the policy review date.

**Absence Management Procedures**

**Short Term Absence Procedure**

**Stage 1 - Attendance Meeting**

The Operations Manager will inform the directors when an employee has been placed on an automatic 12 month review following 4 separate occasions or 10 days of absence (to reach stage one under the sickness absence policy) within a twelve month rolling period.

The manager will arrange a stage one sickness meeting within a three week period, with all the relevant documentation. This is an informal meeting, and so it is at the discretion of the employee should they wish to bring representation. The manager will give as much notice as possible in order that representation can be arranged.

Should the employee fail to attend the meeting, a second date will be convened. Following on from which, if the employee does not attend, the manager will review the information in the employee's absence.

The Operations manager will review the employee's attendance record. The employee/representative will then be given the opportunity to discuss absences and any possible mitigating circumstances as well as to suggest/request any support or other measures which they think could help to improve their attendance.

To conclude the meeting, the manager will consider any mitigating circumstances that may reduce or remove the automatic 12 month target review period that is set from the most recent period of sickness absence, subject to the approval from the directors.

The line manager will review all possible factors that may have contributed towards the employee's sickness absence, such as overtime shifts completed during recent months, secondary employment agreements, patterns of sickness absence such as D&V, or regular shifts or days that have resulted in sickness absence. Managers/Directors will also consider possible actions/support and will set an appropriate target to improve the employee's attendance.

- ✚ Targets can be removed, 6 or 12 months following a return from the episode of sickness that caused the attendance to drop below the required standard. However, this may be reduced depending on mitigation discussed and subject to the approval from the Directors.
- ✚ The employee will be informed that should their attendance not show satisfactory improvement during this period of time, then a formal attendance management meeting would be arranged.

The Operations Manager/Supervisor may also request an Occupational Health Referral at this stage should it be deemed necessary to help inform what support is required for the employee.

If necessary, the Operations manager has the discretion to consider the removal of the individual's overtime shifts, and secondary employment agreements for a period of time during the review period. The manager may also advise employees that a stage one sickness meeting may be considered during the individual's potential development or job opportunities, appraisal outcomes, and will be noted by the directors who may follow up with an additional letter outlining concerns.

Depending on the matters discussed during the stage one sickness meeting, the Directors may decide to send an additional letter outlining the importance of adhering to the Company's Sickness Absence Policy as their contractual obligation.

Following this meeting the resulting actions/support and target will be confirmed in writing to the employee within 7 calendar days.

## **Stage 2 - Formal Attendance Meeting**

Where targets set at the attendance meeting have not been met, a formal attendance meeting will be convened.

It may be necessary to obtain an Occupational Health report prior to this meeting. The Operations Manager/Supervisor will arrange the formal meeting within 3 weeks, providing at least 10 calendar days' notice. The employee will be informed of the date and time in writing and will receive all relevant documentation prior to the meeting.

At the meeting, the Supervisor/Operations Manager will present information relating to the individual's sickness record and reasons for sickness and outline any support and actions that have taken place to date.

The employee/representative will then be given the opportunity to discuss absences and any possible mitigating circumstances as well as to suggest/request any support or other measures which they think could help to improve their attendance.

Having listened to the information, the employee's Line Manager/Supervisor will then consider possible actions/support and set an appropriate target to improve the employee's attendance.

- ✚ Set an appropriate target to improve the individual's attendance. Targets are set for a 12 month period following a return from the episode of sickness that caused the attendance to drop below the required standard. The employee/staff member will be informed that should their attendance not show satisfactory and sustained improvement during this period of time, then a final formal attendance meeting will be arranged where an outcome could be termination of employment.

Following this meeting the resulting actions/support and new target along with the subsequent action should this target not be achieved, will be confirmed in writing to the employee within 7 calendar days.

If necessary, the Operations Manager/Supervisor has the discretion to consider the removal of the individual's overtime shifts, and secondary employment agreements for a period of time during the review period. The manager may also advise employees that the stage two sickness meeting will be considered during the employees potential development or job opportunities, appraisal outcome as detailed below, and will be noted by the Directors who may decide to send a follow up letter outlining concerns.

The employee is advised the formal stage two sickness meeting will be considered as part of their appraisal, and may demonstrate, depending on the mitigation discussed, the employee's lack of performance within their role, which would warrant the prevention of their progression along the pay increment.

Depending on the matters discussed during the stage two sickness meeting, the Directors may decide to send an additional letter outlining the importance of adhering to the Company's Sickness Absence Policy as their contractual obligation.

Following this meeting the resulting actions/support and target will be confirmed, in writing, to the employee within 7 calendar days.

The individual will be informed of their right to appeal against the decision of a formal attendance meeting. This must be in writing to the Directors within 7 days from the date of the meeting.

### **Stage 3 – Final Formal Attendance Meetings**

Where a target at the formal attendance meeting has not been met, a final formal attendance meeting will be arranged.

Within a 3 week period, the Operations Manager/Supervisor will arrange the meeting providing at least 10 calendar days' notice. The employee will be informed of the date and time in writing including the warning that an outcome at the third stage could be termination of employment and will receive all relevant documentation, in the form of a management statement of case (MSoC) prior to the meeting.

The hearing will be listened to by a Senior Manager (with authority to dismiss) and will be supported by Human Resources.

The panel will consider both the Manager's and the individual's information in order to reach a decision on the action to be taken and therefore both sides should have every opportunity to state their case.

In reaching their decision, the panel will take into consideration:

- ✚ The overall attendance record;
- ✚ The reasonableness of any target set by previous panels/managers;
- ✚ Any mitigating factors presented by the employee for having failed to meet the required attendance standard;
- ✚ The fairness, consistency and merits of the information presented;
- ✚ The efforts made by the employee/staff member to improve their attendance;
- ✚ The degree to which the employee/staff member may have contributed to failing to meet the standard set e.g. reluctance to accept support, adjustments, advice etc.;
- ✚ Reasonable adjustments which have been made or not made.

Having considered all of the above, the panel must then determine whether to:

- ✚ Dismiss the employee/staff member on grounds of capability due to poor health or attendance;
- ✚ Set a further target for improvement and if appropriate a further referral to Occupational Health to take place.

Where possible the employee will be informed of the decision at the end of the hearing and the outcome confirmed in writing within 7 calendar days of the hearing.

Should the panel defer a decision in order to obtain further medical information or advice, the timeframe for any decision will be defined by the panel.

The individual will be informed of their right to appeal against the decision. This must be in writing to the Directors of within 7 days from the date of the hearing.

On dismissal, the employee must be given written confirmation of any pay in lieu of notice due under the terms of his/her contract and any outstanding annual leave entitlement.

The employee has the right to appeal the decision of a final formal attendance meeting and the appeals procedure is described at Appendix B.

### **Long Term Absence Procedure**

The Company recognises that from time to time employees ill health may prevent them from attending work for a prolonged period of time. The Company is committed to supporting employees in these situations, taking into account the affect ill health has on an individual's personal circumstances balancing these with the needs of the service. Escalation through the process is dependent on the circumstances of the absence and is not dependent on an individual contractual right to sick pay.

The Company considers sickness as long term when it exceeds 28 calendar days. Where staff return from long term sickness absence, as formal attendance triggers have been reached (as per section 13), the Company will set appropriate attendance targets. Targets are set for a 12 month period following a return from the episode of sickness that caused the attendance to drop below the required standard.

Targets can be set as a part of long term sickness meeting where a return to work has been agreed. Where this is not possible, a meeting will be reconvened on the employees return to work and targets set using the process underlined in appendix A for Short Term Sickness Absence. Managers should also consider the impact of long term patterns, as per section 16 of this policy on the employees return to work.

### **Maintaining Contact**

When an employee is absent from work long term, the Operations Manager will contact (and record on file) them on a regular basis and the said individual also has a responsibility to maintain regular contact with their manager.

The most appropriate method of contact will be agreed. This approach is to ensure the employee is supported during the period of absence, is kept up to date with any relevant changes within the Trust and the manager are aware of the expected length of absence where known.

### **Stage 1 – Formal Attendance Meeting**

Once an employee enters a period of long term sickness (28 days) the Operations Manager will contact the individual to invite them to a meeting providing at least 7 calendar days' notice. This meeting can be held at the workplace or at the person's home. The employee may be accompanied by a representative or a work colleague and the manager may also take a colleague or a member of the HR team.

Where no date of return can be established or where the prognosis is unclear, the employee may be referred to Occupational Health. If the employee declines to attend or does not consent to their doctor being contacted by Occupational Health, they will be informed that any future decision about their future employment will be made without the benefit of medical advice.

The employee will be provided with a written summary of this meeting and any agreed actions within 7 calendar days.

Where an Occupational Health Report is obtained the content will be discussed with the employee as soon as reasonably practicable after the Occupational Health assessment and consideration will be given to the recommendations of the report including any reasonable adjustments that would enable the employee to return to work. These adjustments may include workplace adjustments, light duties, phased return to work or restricted duties.

Where the absence exceeds four months, continues to be of concern or if no return to work date can be established within the foreseeable future, the employee will be invited to a stage 2 Formal Review.

## **Stage 2 – Formal Attendance Meeting**

The manager will conduct a meeting with the employee accompanied by an appropriate Company representative. This meeting will ordinarily take place following 4 months of absence where there is no planned date for return in the near future.

A Management Statement of Case (MSOC) will be produced containing all the relevant documentation relating to the individual's sickness.

The employee will be given a copy of the MSOC at least 10 calendar days' in advance along with a letter outlining the date, time and purpose of the meeting. The possible outcomes will also be clearly set out in the letter.

At the meeting the individual's sickness record will be discussed and the recommendations of any Occupational Health Report considered. This will include consideration of reasonable adjustments which may enable the employee to return to work. Where possible the employee will be informed of the decision at the end of the hearing and the outcome confirmed in writing within 7 calendar days of the meeting.



### **Stage 3 – Final Formal Attendance Meeting**

Where the employee has been unable to return to their role following the stage two sickness meeting, or there is further uncertainty as to the prognosis, the employee will be invited to a stage three meeting where the future of their employment will be considered. This will ordinarily occur after 6 months absence where there is no planned date for return in the near future.

The manager will convene a meeting chaired by a manager with the authority to dismiss, accompanied by an appropriate HR Business Partner. A management representative will formally present the Management Statement of Case (MSOC) containing all the relevant documentation to be considered at the Meeting.

The employee will be given a copy of the MSOC at least 10 calendar days' in advance, along with a letter setting out the date, time and the purpose of the meeting. The possible outcomes will also be clearly set out in the letter. The employee will be advised that their contract of employment may be at risk and reminded of their right to representation.

At the meeting the Management Statement of Case will be presented and consideration will be given to reasonable adjustments including possible changes to employment arrangements or any training which might enable the employee to remain in employment.

Every effort will be made to identify suitable alternative employment. Where this is agreed as an option, the employee will be invited to apply for vacancies and, where suitable, will be guaranteed an interview prior to any other candidate to establish their suitability for the post. Employees should note that alternative employment in place of dismissal on ill health grounds does not attract protection of earnings.

Where no suitable alternative employment can be found or, if the employee unreasonably refuses an offer of suitable employment, the employment contract may be terminated.

The outcome of the meeting will be confirmed in writing to the employee within 7 calendar days.

The employee has the right to appeal the decision of a final formal attendance meeting and the appeals procedure is described at Appendix B.

## **Appeal Procedure**

All employees have the right of appeal against the outcome of a final formal attendance meeting heard under this policy

An appeal must be made in writing to the Directors.

The written appeal must be made within 7 calendar days of receipt of the written confirmation of the outcome of the hearing. The reason for the appeal must be clearly stated, and should normally be on the grounds of one or more of the following:

- ✚ Investigation and substantiation of issues (adequacy and sufficiency);
- ✚ Procedural (regularity and fairness);
- ✚ Action (unreasonable).

The appeal hearing should take place at the earliest opportunity, and should be chaired by an appropriate manager. In cases of dismissal, the panel will consist of 2 Senior Managers, one of whom should be a Board member. None of the panel members should have been involved in the case prior to the appeal.

The employee should be given at least 10 calendar days written notice of the appeal hearing detailing the date, time and venue, with their right to be represented detailed.

If the employee wishes to present any documentary evidence at the appeal hearing, a copy of this must be submitted to the HR Department at least 5 calendar days before the appeal hearing. It is then the HR Department's responsibility to arrange for copies to be distributed as appropriate. If the employee wishes to call witnesses, the HR Department must be informed of this at least 5 calendar days prior to the hearing.

The employee member will receive written confirmation of the outcome of the hearing within seven calendar days of the decision being made. This confirmation will detail:

- ✚ The issues considered at the hearing;
- ✚ Those present at the hearing, and their roles;
- ✚ The decision taken;
- ✚ The reason for the decision;
- ✚ (In cases of dismissal) The employee's notice entitlement (if applicable);
- ✚ (In cases of dismissal) The effective date of termination.

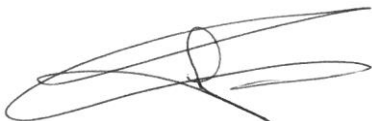
The conclusion of the appeal hearing will be final. In cases involving dismissal employment will not be extended to facilitate an appeal.

**Appendix C**

**Version Control Sheet**

Version	Date	Author	Summary of changes
2.1	20.06.16	G.Llewellyn	Review complete policy and update.
2.2	29.06.16	G.Llewellyn	Check through and update "NHS Constitution", Bribery and Corruption statement. Finalise and convert to PDF format for web site.

Signed on behalf of All Wales Ambulance Services Limited:



Name: Gareth Llewellyn (CEO)

Date: 29/06/2016