**Managing Attendance at Work Policy**

**Supporting Frequently Asked Questions**

**September 2019**

Background

The Managing Attendance at Work policy was approved at the extraordinary Welsh Partnership Forum on 28 September 2018 and issued to the Service on 16 October 2018. An initial review was undertaken in January 2019 and the comments considered at the joint partnership group meeting on 6 March. It was agreed that a sub group be set up to consider the comments in detail and to establish whether changes to the policy were required at this stage or whether the comments would be better addressed through a set of FAQs. The view of the group is that the necessary guidance can be addressed through FAQs and these are included below.

FAQs

Q1.  With reference to section 4.14 – Medical Appointments, is there flexibility to give staff paid time off to attend hospital appointments?

A1.   Yes, managers will fully consider giving employees reasonable paid time off to attend appointments when it is: part of their programme of care in respect of a known disability / health and wellbeing condition; where the date and/or time arranged is beyond the control of the employee; and to attend alternative dates and/or times will result in the employee being put back further on the list.

Q2.  With reference to the How to Procedure Managing Long Term Sickness Absence section 2, Third/Final formal meetings, can there be more than three long term sickness meetings?

A2.  Yes, there is likely to be a number of long term sickness meetings. However, termination can only be considered at a third/final formal meeting. The reason this meeting is referred to as third/final as there may be a combination of long and short term sickness episodes included in the sickness absence history. There will be a number of meetings offered to the employee to explore opportunities to return to work, before their circumstances are escalated to a third/final formal meeting. No sickness absence case will progress to a third/final formal meeting without prior discussions with all parties being fully aware of the nature of the meeting.

Q3. Should a manager arrange for a review meeting every 3 months at each stage of the process?

A3. For the purposes of providing wellbeing and support, the manager and/or employee can request a review at any time throughout the process or agree a mutually agreeable time period for reviews.

Q4. If an employee was rostered to work a Bank Holiday but had booked it as leave and was then subsequently sick, should they get the day’s leave back?

A4. In line with 14.9 of the NHS terms and conditions of service, where an employee’s sickness absence falls on a Bank Holiday there is no entitlement to an additional day off in any circumstances.

Time off for bank holidays will have been allocated as a proportion of overall leave. However, this is not part of an employee’s occupational annual leave allowance and therefore, in line with terms and conditions, there is no entitlement to have the time back to take time off elsewhere.

Bank Holidays are not accrued during sick leave, and therefore, if an employee is sick over a bank holiday, that entitlement (pro-rata if part time) will be deducted from their total bank holiday allocation.

Q5. Tailored Adjustments can be implemented as a preventative support measure to support an employee who has not had a period of sickness absence and to help prevent them from going off sick. If such an adjustment is to reduce hours on a temporary basis, could the same principles with regard to reduction of hours in relation to phased return be used?

A5. Yes, managers could consider this approach in the short term as it may help to keep an employee in work, as the alternative may be that the employee goes off sick with immediate effect. Managers should apply discretion and regularly review the situation and circumstances with the employee. Similar principles to a phased return could be applied.

Q6. Will an employee receive unsocial hours payments even if tailored adjustments are made as per Q6 to support an employee to stay in work?

A6. Yes, employees will be paid at their full contractual pay during an agreed period of phased return, including any contractual enhancements.

Q7. Will annual leave taken during a continuous period of sickness absence count towards the total number of days sickness absence?

A7. Yes, as period of sickness absence is not broken by utilising annual leave “whilst sick”. However, for the period of payment annual leave on full pay will be received and any half pay/full pay will be extended by the number of leave days taken. This has a benefit for the employee by ensuring their annual leave is not lost and extending the period in which they are eligible to receive payment.

Q8. The policy states that where an employee is in receipt of reduced level of occupational sick pay and/or statutory sick pay, the salary will be topped up to the value of the contractual occupational sick pay using annual leave. How does this work in practice?

In order to do this the employee’s occupational sick pay should simply be suspended and annual leave taken. When the annual leave is completed the occupational sick pay would recommence. The period of sickness absence is not broken by utilising annual leave “whilst sick”. Manager’s must notify payroll of an employee’s intention to take annual leave during a period of sickness absence.

However, for the period of payment annual leave on full pay will be received and any half pay/full day will be extended by the number of leave days taken.

Q9. The policy states that the manager can refer to Occupational Health even if the employee does not give consent. Is this practical given that the employee is unlikely to attend the appointment, and this would be a waste of an appointment slot?

A9. The manager can explore the reasons why the employee is resistant to attending occupational health, and providing that the offer of a referral has been made; the employee’s refusal to attend has been documented, the manager does not need to formally refer the employee to occupational health. However, the employee should be made aware that any decisions made on the likelihood of continued employment will be based on the absence of occupational health information.

Q10. Where a manager decides at the final formal meeting that termination of employment is not appropriate does the further review period need to be for 12 months?

A10. No, shorter review periods can be put in place up to a period of 12 months. This should be considered and clearly outlined as part of the final formal meeting outcome.

Q11. If during a Return to Work interview, the employee does not accept the rationale for proceeding to a formal meeting, what should be recorded on the form?

A11. The manager’s rationale for proceeding to the formal meeting should be documented as well as the employee’s reasons for not accepting. Both parties should then sign the form.