EMPLOYEE WELLBEING & MANAGEMENT OF SICKNESS AND ILL-HEALTH POLICY

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AUTHOR | HR Business Partner
CONSULTATION GROUPS | Policy Sub Group
| Workforce Transformation Group
| Joint Partnership Committee
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POLICY SUMMARY
The Policy sets out the framework for the Trust’s approach to the achievement and maintenance of employee wellbeing in the workplace. It also sets out the management of sickness absence and ill-health processes for managers, staff and recognised accredited Trade Union representatives as well as the scope of the policy to whom it applies.

It confirms the commitment to ensure that the policy will be fair, equitable and reasonable in the circumstances

Specifically, the policy also sets out the following supporting frameworks:
- the Trust’s approach to achievement and maintenance of employee wellbeing in the workplace. It confirms the commitment to ensuring that measures taken to achieve workforce wellbeing will be fair, equitable and reasonable in the circumstances.
- the Trust’s approach to the management of staff who have an alcohol, drug or substance misuse problem.
- sets out the services that are provided by the Occupational Health and Employee Assistance Programme and the actions that should be undertaken in relation to communication with this service by Trust employees and managers.
- the Trust aims to make the workplace safe by minimising and controlling
any risks to health, including stress. It promotes good working practices and ensures that the health of the workforce is not compromised through work or the working environment. This policy aims to deliver the Core Values and Core Principles of the Trust in line with Clinical Governance.

The Policy aims to ensure that the Trust secures the maximum attendance at work of all employees throughout their normal working week. The supporting Procedures seek to provide guidelines on how to manage and support staff.

The Policy should be read in conjunction with its associated Procedures:

- HRPG26A Employee Well-Being
- HRPG26B Management of Sickness & Ill Health
- HRPG26C Occupational Health Procedure
- HRPG26E Management of Staff with Alcohol, Drug or Substance Misuse Problems
- HRPG26G Reasonable Adjustments Procedure

The Trust monitors the implementation of and compliance with this policy in the following ways;

This policy and associated procedures will be subject to review as per the agreed review schedule of Trust HR policies and as agreed by the Trust’s Partnership Committee.

Compliance with this policy and associated procedures will be monitored as follows:

- Staff Survey outcomes in relation to the health and well-being of staff.
- Sickness absence and management through monthly reporting to Finance & Performance Committee and Senior Management Team Meetings.
- Occupational Health quarterly reporting and contract monitoring.

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The Director responsible for monitoring and reviewing this policy is Executive Director of People and Culture
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ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

EMPLOYEE WELLBEING & MANAGEMENT OF SICKNESS AND ILL-HEALTH POLICY

1. ASSURANCE STATEMENT

1.1 Essex Partnership University NHS Foundation Trust (the ‘Trust’) aims to ensure that it takes a proactive approach to creating and maintaining a healthy workforce. This will be achieved by:

- Identifying, assessing and reducing organisational factors which could affect health & wellbeing.
- Providing employee education, training and support aimed at building resilience and reducing the impact of personal and workplace pressure on health & wellbeing
- Encouraging staff to take advantage of the personal support and counselling available to them through Occupational Health and counselling support and the Employee Assistance Programme (EAP).
- Providing managers and individual members of staff with information on what processes to follow should workplace employees need support in managing their health & wellbeing.
- Ensuring that the interests of employees or potential employees with Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) are protected, whilst being mindful of the interests of patients, clients and staff.

1.2 The Trust is committed to following best practice in its approach to the wellbeing of its workforce and in its management of sickness and ill-health processes.

1.3 This policy aims to establish a framework for a common understanding of the wellbeing and management processes for management and staff. The Trust will seek to ensure that any measures taken are fair, equitable and reasonable in the circumstances.

1.4 This comprehensive and clear Employee Wellbeing and Sickness & Ill-health Policy and associated procedures seeks to ensure that ill-health and wellbeing support is effectively and professionally provided to all staff, in a way that meets good practice, legal requirements and as sensitively as possible.

1.5 Excessive or inappropriate consumption of alcohol, drugs or other substances can contribute to poor work performance, absenteeism or accidents at work, which may lead to injuries to work colleagues and service users and may also damage the Trust’s reputation.
1.6 This policy and associated procedures aims to ensure that any such problems are identified early and managed in a way that protects service users and, where possible, supports the employee.

1.7 The management of absence within the Trust will be built on and demonstrate the Trust’s corporate values and behaviours. These values are in being:

- Open
- Compassionate
- Empowering

In demonstrating these behaviours and values, supporting the achievement of its strategic priorities to:

- To continuously improve service user experience and outcomes through the delivery of high quality, safe and innovative services.
- To be a high performing health and care organisation and in the top 25% of community and mental health Foundation Trusts.
- To be a valued system leader focused on integrated solutions that are shaped by the communities we serve.

2. INTRODUCTION

2.1 Poor health, both physical and mental, is a major concern for NHS employers and can place significant pressure, not only on employees but also on services if health conditions are not managed and treated promptly.

2.2 The Trust aims to promote good employment practices and recognises and values the support, contribution and commitment of all employees. The purpose of this policy and supporting procedures is to ensure that arrangements are in place for the management of absence from work in a manner that minimises the impact of absence on the employee, service users and the Trust.

2.3 All staff are expected to make a full contribution to delivering services. In supporting staff, the Trust recognises the importance of balancing the health needs of employees against the needs of the organisation and is committed to providing excellent working conditions and appropriate support to achieve that balance.

2.4 The Trust is committed to employing people with disabilities and supporting those who become disabled during their employment, and will be flexible in examining job content with employees and making reasonable adjustments, under the provisions of the Equality Act 2010.

2.5 To minimise potential risks, health care workers must ensure that high standards of clinical practice are maintained. Guidelines on infection control procedures must be followed. It is advocated that universal precautions are routinely used for patient/client contact.
2.6 Managers will be required to adhere to the policy and procedure with staff required to engage and co-operate with the application of it.

2.7 The Trust has obligations under health and safety legislation to manage the risks to employees. It means operating services in a way that minimises harm to employees’ health. The Trust will put measures in place to prevent and manage risks to employee wellbeing, together with training and support.

This policy utilises the following procedures:

- Management of Sickness & Ill-health procedure;
- Employee wellbeing procedure;
- Occupational health procedure
- Reasonable Adjustment Procedure
- Management of Staff with Alcohol, Drug or Substance Misuse Problems

3. DUTIES

3.1 The Executive Director for People and Culture

The Executive Director for People and Culture is responsible for ensuring that the Policy is communicated to all staff via Trust communication processes

3.2 Trust Directors/Service/Operational Directors

Trust Directors/Service Operational Directors are responsible for ensuring that the policy is distributed to all staff

3.3 Managers

Managers are responsible for ensuring all staff are aware and have read and understood the policy.

They will ensure that:

- They promote a working environment which supports the health and wellbeing of their staff and encourage them to take personal responsibility for their own health and wellbeing. Managers will also put measures in place to minimise risks, including the risk of stress, to employee wellbeing.

- Staff are aware of welfare facilities and safeguard the health and safety of those staff and make sure the necessary referrals to Occupational Health are made as appropriate and take due regard of the advice provided.

- No staff are discriminated or disadvantaged because of a ‘protected characteristic’ when applying this policy. Managers should liaise with HR to ensure the Trust is not open to claims of discrimination when managing sickness and absence.
Staff are aware of their rights to be accompanied by an accredited recognised trade union representative or workplace colleague at formal meetings to discuss their absence, and have in place access to other appropriate support as necessary such as through the Trust’s Employee Assistance Programme. To prevent any delays in the progress of meetings managers should liaise with accredited Trade Union representatives (where known) when setting dates of any formal meetings.

- Report accidents at work in line with Trust reporting procedures
- Put in place support and other mechanisms for staff who have a mental health condition or disability that will enable them to continue to carry out some of their duties which will ultimately support their long term wellbeing
- All reasonable adjustments should be implemented to enable staff to work effectively and maintain satisfactory attendance record. Where it is considered that an adjustment may not be possible the Trust’s Reasonable Adjustments Procedure must be followed.

3.4 Staff

Staff are expected to ensure that they have read and understood this policy, ensure that they give regular and effective attendance at work and engage and play an active role in minimising absence.

They are also expected to engage and play an active role in maintaining their own wellbeing and have a responsibility to inform their manager if they are experiencing difficulties at work. Where it is not appropriate to speak to their line manager, support and guidance should be sought from Human Resources.

An employee who is diagnosed HIV positive or develops an HIV-related disease, including AIDS, should disclose this information to their manager and/or the Occupational Health department in strict confidence. HIV infected health care workers must NOT perform Exposure Prone Procedures.

3.5 Human Resources (HR)

The HR Service will provide advice and support to managers to ensure the wellbeing of staff and on all aspects of the management of sickness and ill-health absence, with due regard to the employment legislation framework.

3.6 Occupational Health

The Occupational Health Department will provide specialist advice to help employees remain at work and to return to work after experiencing ill health.

Application of the occupational health procedure should be utilised.
3.7 Accredited Trades Unions

Accredited representatives of a recognised Trades Union representatives may accompany their members during these processes. The right for an employee to be accompanied is set out in section 10 of the Employment Relations Act 1999.

The Management of Sickness and Ill Health Procedure sets out the opportunity and right to representation at sickness absence management meetings and hearings.

Health and Safety representatives will be consulted on any changes to work practices and design that could precipitate ill health where applicable / available. They will also be able to consult with staff on issues of health and wellbeing.

4. SCOPE

4.1 This policy and its associated procedures applies to staff directly employed by the Trust.

In the case of HIV/AIDS referred to in 3.4 above, this also applies to locum, bank workers, volunteers and trainees. In the case of trainees on bursaries/grants and employees sponsored by outside agencies, the Trust aims to ensure that the appropriate responsible bodies comply with this policy.

5. DEFINITIONS

For the purposes of applying the provisions contained in this policy and its associated procedures a glossary of terms that are used are as follows:

<table>
<thead>
<tr>
<th>Protected Characteristics</th>
<th>Protected characteristics as defined by the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.</th>
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</thead>
<tbody>
<tr>
<td>Disability</td>
<td>Disability as defined by the Equality Act 2010 is a physical or mental impairment and the impairment has a substantial and long term effect on the individual's ability to carry out normal day to day activities.</td>
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6. **PRINCIPLES**

6.1 This policy and its associated procedures aims to guide managers in maintaining the wellbeing of staff by:

- Complying with its duty of care under current legislation
- Promoting a culture of consultation, participation and open communication throughout the Trust
- Providing opportunities for staff to maintain and promote their own health and wellbeing

6.2 The Trust recognises that, on occasion, employees can become unwell or subject to emergency situations, however regular attendance is a contractual requirement.

6.3 The Trust will adhere to the appropriate legislation and other frameworks such as Agenda for Change, local agreements and ACAS code of practice. ACAS is the Advisory, Conciliation and Arbitration Service.

6.4 The Trust seeks to promote fair, reasonable and consistent employment practices referring to relevant policies such as the Equality, Diversity and Human Rights Policy. In drawing up this policy, aspects of discrimination have been considered so that particular groups are not disadvantaged.

6.5 Information arising from the implementation of this Policy and related procedures will be shared, on a need to know basis, with the relevant line manager. All employees are responsible for maintaining the confidentiality of this information. This information will be held in line with the Record Management Policy.

6.6 This policy enables managers to address absence issues, both short and long term, in a fair, consistent and equitable manner. It is recognised however, that all cases must be dealt with on an individual basis because of differing circumstances; therefore, this procedure gives an outline of the principles to be observed.

6.7 Guidance and support will be provided to line managers who implement and apply policies and procedures relating to absence. All new employees will be made aware of this policy during their induction.

6.8 All Trust workers have an ethical and professional duty to protect the health and safety of patients, clients and colleagues. Those who believe that they may have been exposed to infection with HIV/AIDS, in whatever circumstances, should seek medical advice and testing, as appropriate.

6.9 All employees have the right to be accompanied at meetings by an accredited Recognised Trade Union representative or a work colleague.
6.10 All employees have the right of appeal against any sanction issued or dismissal arising from the application of this policy.

6.11 Breaches of this policy may result in action being taken through the Disciplinary (Conduct) Policy and Procedure:

- Where an employee remains absent from work for a full or part day without any contact with the Trust, in accordance with the timescales outlined in the Management of sickness and ill-health Procedure (HRPG26B) and will be treated as unauthorised unpaid absence until proven otherwise.

- Working whilst in receipt of sick pay is not permitted. Any suspected cases will be reported to the Trust’s Local Counter Fraud Specialists (LCFS) and investigated and may result in criminal prosecution as well as action in accordance with the Disciplinary (Conduct) Policy and Procedure.

6.12 Accident at work and injury benefits (work related illness/disease)

6.12.1 Where an accident or incident, such as a fall or assault has occurred at work or where an employee has a work-related illness that subsequently leads them being on sick leave with reduced or no pay, Injury Allowance (IA) may be applicable. IA is available for a maximum of 12 months only.

6.12.2 For employees applying for Injury Allowance (IA): the injury, disease, or other health condition must have been sustained or contracted in the discharge of the employee's duties of employment or where the injury is not sustained on duty but is connected with or arising from the employee's employment. Eligible staff may apply for an injury allowance, which is a top up payment of up to 85% of full pay and tops up sick pay, or earnings when on phased return or reduced pay.

6.12.3 Any accident or incident at work must be reported immediately to the line manager or nominated individual. In line with the Trust’s Adverse Incident Policy and Procedure the employee, or if unable to due to ill-health, their line manager should accurately complete a DATIX as soon as the incident/accident has occurred.

6.12.4 Failure to accurately record and report an accident or incident at work may result in injury benefits not being paid.

6.12.5 Employees claiming injury allowance are required to provide all relevant information, including medical and incident evidence, that is in their possession or that can reasonably be obtained, to enable the employer to determine the claim e.g. Medical Certificate, Occupational Health report and DATIX (Incident form). Once all documents/information have been collected the employee must send the information to the relevant HR Advisor, via email and confirm a formal request for IA. The HR Advisor will acknowledge receipt to the employee.
6.12.6 The documents/information will then be sent to the Director for the service in which the employee works, who will consider the injury, illness or other health condition and determine if further medical advice is needed. In all cases the Director should use the civil burden of proof - "on the balance of probability" (more likely to than not) - to determine the outcome within 10 working days of receiving the application for IA. Depending on the outcome, the employee will receive correspondence confirming or rejecting the IA, either outlining the payment conditions or giving the reasons for rejection. Where the employee disagrees with the employer's decision they are entitled to appeal the decision through the Trust’s Grievance Procedure.

6.13 Sick pay and incremental progression

6.13.1 If ill-health has been reported appropriately in accordance with this procedure, an employee will receive sick pay as set out in the relevant Terms and Conditions applicable to them and is inclusive of statutory sick pay. Where employees are not entitled to occupational sick pay or where this has been exhausted, statutory sick pay only will apply.

6.13.2 Extensions to occupational sick pay can only be approved in exceptional circumstances by a Director and following advice from HR.

6.13.3 Sick pay is not normally payable for ill-health caused by an accident/injury due to active participation in sport as a profession, or where contributory negligence is proven, or for voluntary procedures such as IVF or cosmetic surgery, which has no medical grounds to support it. Managers and employees should seek advice from Occupational Health or HR if they require further advice.

An employee who is absent as a result of an accident is not entitled to sick pay if damages are received from a third party. The Trust will advance to an employee a sum not exceeding the amount of sick pay payable under this scheme, providing the employee repays the full amount of sickness allowance when damages are received.

6.13.4 Trust sick pay is inclusive of Statutory Sick Pay (SSP) (provided an employee is entitled to SSP). SSP is not payable if an employee is:

- On maternity leave
- Taking part in industrial action
- Already in receipt of the full SSP entitlement
- In legal custody i.e. prison, remand or in custody
- In receipt of state benefit during the previous eight weeks (employment and support, severe disability allowance, maternity allowance).
6.13.5 If an employee is in receipt of any of the above payments they will receive a letter from Her Majesty’s Revenue and Customs (HMRC) advising how long their SSP exclusion lasts which should be passed immediately onto their manager to avoid an overpayment. All overpayments will be recovered.

6.13.6 Sick pay may be stopped, particularly if an employee:

- Fails to give their manager a satisfactory explanation for their ill-health
- Fails to report the ill-health to their line manager in line with this procedure
- Fails to submit a medical certificate within seven days of receipt
- Fails to complete the self-certificate accurately or within the time frame stated above
- Undertakes other paid employment during a period of sickness without express agreement from the Trust
- Participates in activities during sickness ill-health which are inappropriate with their reason for ill-health and prognosis for recovery e.g. involvement in DIY or sports.

6.13.7 Employees who are employed under Agenda for Change Terms and Conditions and have been absent continuously for a period of 12 months or more may have their occupational sick pay entitlements reinstated to half pay after the 12-month period has lapsed in the following circumstances:

- Sick pay will be reinstated if the final review meeting for long term ill-health has not taken place within 12 months of the start of their ill-health.
- Reinstatement of sick pay will remain until the final review meeting has taken place
- Reinstatement of sick pay will only apply where the failure to undertake the final review meeting is due to delay by the employer. This reason will not apply where the delay is due to other reasons.

6.14 Incremental Progression

6.14.1 It is imperative that anyone absent from work through sickness is not disadvantaged and that their incremental progression is not delayed unnecessarily.

6.14.2 Where the individual has not been able to demonstrate the required standards for incremental pay progression due to ill-health from work the employee will automatically progress to their next increment, in line with AFC pay scales with the exception of Bands 8c to 9 where increments will not be awarded for the final two pay points.
6.15 Ill-health and Secondary Employment

6.15.1 Staff should not work for another employer, or for the Trust (through the internal bank) whilst absent on sick leave. Any contravention of this will be treated as fraud against the employee. The Trust’s Local Counter Fraud Specialists will be notified and this may be considered as gross misconduct in accordance with the Disciplinary Policy and Procedures which could lead to summary dismissal.

6.15.2 Where staff have secondary (including bank and agency) employment and intend to continue working in this particular capacity, on the advice of a medical practitioner who deems the specific work as therapeutic, then they should inform their Line Manager of this as a matter of urgency. In these circumstances confirmation from the medical practitioner would be required. This would not prevent the Line Manager requesting a second opinion from Occupational Health if appropriate. If the individual does not provide evidence that the work is therapeutic before undertaking such work then the matter will be dealt with under the Disciplinary (Conduct) Policy and Procedures and will be reported to the Trust’s Local Counter Fraud Specialists for consideration for investigation.

7. MONITORING OF IMPLEMENTATION AND GOVERNANCE

7.1 The implementation and compliance for the Employee Wellbeing and Management of sickness & ill-health Policy will be monitored by the Human Resources Department

7.2 The Human Resources team will provide regular reports to operational managers highlighting areas of concern and ensuring that they implement the processes outlined in the procedure

7.3 This policy is subject to review as per the Trust HR policy review schedule and as agreed by the Trust’s Joint Partnership Committee.

7.4 Compliance with this policy will be against the Trust’s agreed minimum requirements /standards as detailed within its Auditable Standards and Monitoring Arrangements

7.5 An annual staff survey will take place which includes key information about health and wellbeing at work. Results of this survey are presented to the Trust Board and an action plan is developed and progress against this plan is monitored by the HR Function.
8. POLICY REFERENCES /ASSOCIATED DOCUMENTATION

- Equality Act 2010
- Employment Rights Act 1996
- Advisory, Conciliation and Arbitration Service (ACAS)
- Rehabilitation of Offenders Act 1974
- Human Rights Act 1998
- Employment Relations Act 1999
- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Act 1999
- Working Time (Amendment) Regulations 2003

9. REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

This policy should be read in conjunction with other policies in place that may be relevant. These include:

- Equality, Inclusion and Human Rights Policy
- Records Management Policy
- Capability Policy and Procedure
- Employee Wellbeing & Management of Sickness & Ill-health procedure
- Management of Staff with a Drug, Alcohol or Substance Misuse Problem Procedure
- Professional Codes of conduct
- Adverse Incidents (including SIs)
- Occupational Health Procedure
- Reasonable Adjustment policy & procedure
- Disciplinary (Conduct) policy & procedure
- Recruitment and Retention Policy and Procedure
- Leave Policy and Procedure
- Flexible Working Policy and Procedure
- Zero Tolerance
- Supervision and Appraisal Policy
- Induction, Mandatory and Essential Training Policy
- Dignity, Respect (Bullying, Harassment and Bullying) and Grievance Policy and Procedure

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