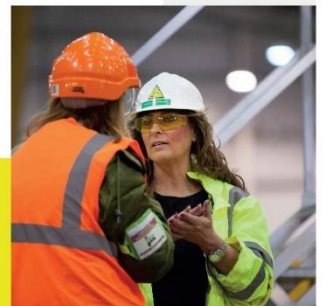
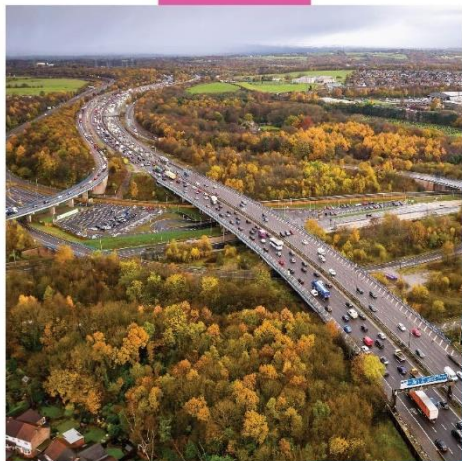


ABSENCE AND WELFARE POLICY



The purpose of this policy is to assist and support Line Managers and employees to achieve and maintain an optimum level of attendance at work. It also encourages healthy living and a work life balance culture by promoting ways by which working practices can be adapted to encourage attendance and job satisfaction and ensure that employees who are affected by either a sickness or family crisis are treated sensitively and compassionately.

Transport for the North (TfN) does not encourage or support presenteeism (i.e. employees attending work when they are sick or unfit to work) which can cause productivity loss, poor health, exhaustion and workplace epidemics. As such TfN will take all reasonable measures to ensure and encourage that employees make full use of the provisions set-out within this policy to recover and recuperate from any sickness or medical conditions ahead of either attending and/or returning to work.

1. Introduction

It is the responsibility of all Line Managers and employees to ensure that absence is, wherever possible, kept to a minimum, whilst showing concern and offering support to employees who are affected by either a sickness or family crisis.

TfN continues to actively promote and encourage good employee welfare practices and initiatives, details of which are regularly communicated. Alternatively, further information is available from their Line Manager or the HR & Skills Representative.

Employees absent from work with serious medical problems will be actively supported through regular, sensitive and compassionate contact to see how they are progressing and establish if there is any further support that the TfN can offer in order to assist their recovery and facilitate their return to work.

2. Short Term Absence

Line Managers will review the attendance records of any employee whose sickness absence equals or exceeds the following trigger points:

- three or more separate incidences, of any duration in a rolling 12 months' period; or
- ten or more consecutive days; or
- where a pattern of sickness/absence appears to be forming which, could indicate an attendance problem.

Where the attendance record of any employee identified under the above process gives cause for concern, medical or otherwise, appropriate advice should be sought from the HR & Skills Representative. A decision must be made, where appropriate, on the need to proceed with an Absence and Welfare Counselling Interview.

An employee absent on at least two occasions or 10 calendar days within the first six months of their employment with TfN could be issued with a Final Attendance Warning. If a further record of absence is recorded within the first six months of employment, then a review will take place

and the employee could be subject to dismissal or have their probationary period extended. After six months of continuous employment the employee will be subject to the normal rules in this procedure, unless they have been issued with a warning under this rule.

Assessment

If employee has a record of periods of frequent absence, the HR & Skills Representative will review the reason for absence and approach the Occupational Health Advisor for their views and recommendations on the nature of the sickness or ask your permission to seek report from employee's GP.

The primary aim of any occupational health related examination will be to ensure that TfN provides the employee with all necessary support and makes any reasonable adjustments required to fully assist the employee in their employment with the organisation and on-going attendance at work.

It may be necessary for the Occupational Health Advisor to examine the employee to reach a conclusion and/or review the employee's medical or specialist records, following the employee's explicit consent. Such disclosure of any employee's medical records will be made in full accordance with the Data Protection Act 1998. Refusal to supply medical evidence or undergo a medical examination may result in decision regarding employee's continued employment being made based on the information available and this could result in dismissal. In exceptional circumstances it may be appropriate to request a medical examination or GP report earlier than 4 weeks of employee's absence.

The Absence and Welfare Counselling Interview – General Guidance

Each stage of the Absence and Welfare Counselling Interview Process is a formal meeting in order to review the employee's attendance record, and, in cases of poor attendance, to find ways of improvement.

A HR & Skills Representative will be present at all Absence and Welfare Counselling Interviews to ensure consistency and fairness at all times.

At all stages of the procedure the employee will be entitled to be accompanied by a work colleague or a Trade Union Representative. The responsibility will be on the employee to arrange such representation.

The Fourth and Final Absence and Welfare Counselling Interview could result in a decision to dismiss an employee with notice, or pay in lieu of notice, on capability grounds and will take place only where this procedure has been exhausted

All parties involved in this procedure will be advised that these matters shall be dealt with in the strictest confidence. Any party found to be in breach of this Confidentiality Clause may be dealt with through the Disciplinary Policy.

The Absence and Welfare Counselling Interview Process Guidance

Where an Absence and Welfare Counselling Interview is to be held, the employee will be given at least 48 hours' notice. This will be in writing

from the HR & Skills Representative and will confirm the employee's right to representation.

At the Absence and Welfare Counselling Interview the Line Manager will introduce the parties present and confirm to the employee the reason for the meeting.

The Line Manager will provide information to the employee regarding their attendance record and ask the employee to provide a response to the reasons for absence.

The Line Manager may ask questions about the employee's response, where necessary and again allow the employee to put forward their version of events in mitigation.

The Absence and Welfare Counselling Interview will be adjourned to enable the Line Manager to record notes and reach a decision.

The HR & Skills Representative will confirm the decision in writing, normally within 5 working days of the meeting being held. Copies will be placed securely and confidentially on the employee's personal file.

First Absence and Welfare Counselling Interview

If an employee has been absent on three separate occasions or ten consecutive days in a 12 months' rolling period, the First Absence and Welfare Counselling Interview will be held with the employee. The intention of which is to establish the cause of absence and understand what can be done to assist the employee to overcome the problem. It should be pointed out that the absence level is causing concern but it should be emphasised that the intention is to improve attendance.

Following the First Absence and Welfare Counselling Interview, and in the event that a First Attendance Warning being issued, the attendance record will be reviewed monthly. If attendance does not improve, a Second Counselling and Welfare Interview will be held.

The First Attendance Warning will be cancelled if, in the six months following the First Counselling Interview, the attendance record is no longer a cause for concern.

Second Absence and Welfare Counselling Interview

If an employee has been absent on two separate occasions or ten consecutive days from the date of being placed on the First Attendance Warning, the Second Absence and Welfare Counselling Interview will be held with the employee. The intention of which is to establish the cause of absence and understand what can be done to assist the employee to overcome the problem. The attendance record will be reviewed and the circumstances studied to decide why there is a continuing problem, together with the steps that need to be taken to improve attendance.

It must be emphasised that, if the attendance record is still causing concern, further steps may be required to aid improvement (e.g. change of job, location of duties, hours of work) but it may be impossible to continue employment if attendance cannot be improved.

Following the Second Absence and Welfare Counselling Interview, and in the event that an Attendance Warning has been issued, the attendance record will be monitored regularly. If attendance does not improve, a Third Absence and Welfare Counselling Interview will be held.

The Second Attendance Warning will be cancelled if, in the six months following the Second Absence and Welfare Counselling Interview, the attendance record is no longer a cause for concern.

Third Absence and Welfare Counselling Interview

If an employee has been absent on two separate occasions or ten calendar days from the day they have been placed on the Second Attendance Warning, the Third Absence and Welfare Counselling Interview will be held with the employee. The intention of which is to establish the cause of absence and understand what can be done to assist the employee to overcome the problem. The reasons for poor attendance will be studied in detail and the employee's total attendance record will be reviewed. TfN will be sympathetic to any possible underlying medical, family or work-related problems, there must also be positive attempts by both parties to resolve them, involving the Occupational Health Advisor and the HR & Skills Representative. Consideration should also be given to transferring the employee to a more suitable position, where appropriate.

At this stage, an assessment will be made as to whether or not the employee's general health is consistent with the work available and an Occupational Health Medical will be required. Subject to the findings of the Medical Report, an employee may be referred to the TfN's Long Term Sickness Absence Procedure for resolution.

The seriousness of the situation resulting from the employee's continued unsatisfactory absence levels will be outlined explicitly to the employee concerned.

It will be emphasised that their employment may be at risk if there is no improvement in their attendance during the review period.

Following the Third Absence and Welfare Counselling Interview, and in the event that an Attendance Warning has been issued, the attendance record will be reviewed monthly. If attendance does not improve, a Fourth Counselling and Welfare Interview will be held.

The Third Attendance Warning will be cancelled if, in the six months following the Third Absence and Welfare Counselling Interview, the attendance record is no longer a cause for concern.

Fourth and Final Absence and Welfare Counselling Interview

If an employee has been absent on two separate occasions or ten calendar days from the day they have been placed on the Third Attendance Warning, the Fourth Absence and Welfare Counselling Interview will be held with the employee. The intention of which is to establish the cause of absence and understand what can be done to assist the employee to overcome the problem. The Manager conducting this Absence and Welfare Counselling Interview will normally be the next Senior Manager above the Line Manager involved in the case.

At this Interview the Senior Manager will review all the evidence provided and will also have the opportunity to question the employee, their representative and the Line Manager.

On the same day, wherever possible, the employee will be informed verbally of the decision and reasons given on how the decision has been reached.

The Fourth and Final Absence and Welfare Counselling Interview could result in a decision to dismiss an employee with notice, or pay in lieu of notice, on the grounds of capability.

Appeals Against Absence and Welfare Dismissals

In the event that an employee's Contract of Employment is terminated for a reason relating to their capability or unsatisfactory attendance or failure to maintain a satisfactory attendance record over a reasonable period, the employee may appeal against this decision in accordance with the appeal procedure as outlined within Appeal section of this Policy.

3. Long Term Absence

Long Term Absence will apply to all employees whose absence has exceeded 4 consecutive weeks.

Employees who have developed an acute or chronic sickness have to be given every consideration in determining:

- what assistance, if any, the TfN can give to aid their return;
- what alternative changes or adjustments to work, location or duties would enable them to remain in employment.

The following Guidance is intended to apply to all employees who have developed an acute or chronic sickness or a disability.

Sickness Absence Notification

The Line Manager will advise the HR & Skills Representative as soon as an employee's absence, due to sickness/accident, exceeds a period of 4 consecutive weeks.

Where Long-Term Sickness Absence exceeds 12 consecutive weeks, thereafter only statutory annual leave entitlement provided for in the Working Time Regulation 1998 will accrue for any further period of absence.

Assessment

The HR & Skills Representative will review the reason for absence and approach the Occupational Health Advisor for their views and recommendations on the nature of the sickness and the likely length of absence.

The primary aim of any occupational health examination will be to ensure that TfN provides the employee with all necessary support and makes any reasonable adjustments required to fully assist the employee in their employment with the organisation and on-going attendance at work.

It may be necessary for the Occupational Health Advisor to examine the employee to reach a conclusion and/or review the employee's medical or specialist records, following the employee's explicit consent. Such disclosure of any employee's medical records will be made in full accordance with the General Data Protection Regulations. Refusal to supply medical evidence or undergo a medical examination may result in decision regarding employee's continued employment being made based on the information available and this could result in dismissal.

In exceptional circumstances it may be appropriate to request a medical examination or GP report earlier than 4 weeks of employee's absence.

Subsequent Action

Depending on the decision reached by the Occupational Health Advisor on the nature of the sickness and its likely cause, the HR & Skills Representative will decide on the course of action, these may include:

- where the view is that full recovery is expected in the near future or that more time is needed to determine the nature and possible cause of the absence, no contact regarding the suitability for work will be made and the Line Manager will be advised accordingly;
- where either the Occupational Health Service Advisor, the Employees GP or HR & Skills Team require the advice of TfN's Health and Safety Manager this may be sought in respect of determining reasonable adjustments and phased return to work as part of a welfare risk management plan.
- the Line Manager will continue to monitor the employees' absence and report this to the HR & Skills Team at bi-weekly intervals at each of these intervals, up to a maximum period of six weeks, the HR & Skills Representative may decide, if necessary, that they should act as outlined in the paragraph below.

Where the view is that the reason for absence is such that the employee will be available for discussions, but still remains unable to return to work, or they would be able to return to work of a different nature either in the long or short term, the HR & Skills Representative will write to the employee requesting:

- a Welfare Meeting with the employee, their Line Manager and a representative of the HR & Skills Representative in attendance;
- the need for examination or re-examination by the Occupational Health Advisor.

In the event that an employee declines to participate in a Welfare Meeting, or, attend a meeting with the Occupational Health Advisor, a decision will have to be reached based on the information available at the time.

Seeking the Employee's Views

At the Welfare Meeting the Line Manager, in conjunction with a representative of the HR & Skills Representative, will seek the employees views as appropriate on the following:

- the nature and severity of the sickness;
- the expected period of absence;
- whether the employee could return to their current role in the short or long term, including whether any reasonable adjustments could be made to the role, work environment or place of work that would facilitate the employees return to work;
- any need for a permanent change of duties.

The employee must be advised of any possibility of eventual termination of their employment on capability grounds. It should be emphasised that dismissal for reasons related to capability may or may not involve retirement on ill-health grounds, which will always depend upon the Pension Authorities Medical Specialists recommendations.

At the employee's request they may be accompanied by a work colleague or a Trade Union Representative. The responsibility will be on the employee to arrange such representation.

Decision to Terminate an Employee's Contract of Employment

If regular attendance is unlikely to resume, or if the employee is incapable of returning to work, it may be necessary to discuss with the employee their future employment prospects with the TfN.

The decision for termination of employment on the grounds of capability will be taken when medical evidence indicates that the employee cannot return to work in the long term to their current role and the possibility of any reasonable adjustment to the employee's role or work environment, which may facilitate their return to work, has been exhausted.

Termination of employment as a course of action must include consideration being given to the following:

- up-to-date medical report regarding the nature of sickness, prognosis and an employees ability to return to work including timescales where appropriate;
- any reasonable adjustment that can be made to the employees work, work environment or place of work;
- the views of the employee concerned;
- any other relevant circumstances.

Absence and Welfare Dismissals - Appeal Procedure

In the event of an employee being dismissed for a reason relating to their capability or failure to maintain a satisfactory attendance record over a reasonable period of time, the employee may appeal against this decision. This must be in writing to the Head of HR within 5 working days from the date of the written notification of the decision. For the full appeal process, please refer to the Disciplinary Policy.

Failure to follow any part of the Absence and Welfare Policy may lead to Sick Pay being withheld and disciplinary action being taken.

Any employee who is dissatisfied in respect of the implementation of the Absence and Welfare Policy should instigate the TfN's Grievance Policy.

4. New Employees

An employee absent on at least two occasions or 10 calendar days within the first six months of their employment with TfN could be issued with a Final Attendance Warning. If a further record of absence is recorded within the first six months of employment, then a review will take place and the employee could be subject to dismissal or have their probationary period extended. After six months of continuous employment the employee will be subject to the normal rules in this procedure, unless they have been issued with a warning under this rule.

5. Employee Assistance Programme

TfN has introduced an Employee Assistance Programme providing support as part of its on-going commitment to employee welfare. Employees are actively encouraged to take advantage of the following support services:

Telephone Counselling Services

A confidential telephone counselling service with unlimited access 24 hours, 365 days per year, is available to all employees. The service which is managed by trained Counsellors and Chartered Counselling Psychologists aims to provide confidential and impartial support covering such issues as:

- work-related stress;
- relationship problems;
- anxiety and depression;
- emotional problems;
- substance and alcohol abuse;
- customer, legal and financial information and advice.

Employee Responsibilities

TfN employees are actively encouraged to maintain a healthy lifestyle in order to be capable for work.

The correct reporting procedures outlined in this Policy must be followed at all times.

Employees are also asked to ensure that they are capable of carrying out their normal duties before they return to work after a period of sickness absence.

Line Manager Responsibilities

Line Managers are responsible for managing their employees' attendance at work, providing employees with all the appropriate support and assistance during periods of absence. This includes monitoring absence levels, keeping the HR & Skills Representative up-to-date with any employee's absence and liaising with the HR & Skills Representative to arrange home visits or Occupational Health referrals as and when required.

On the first day after any period of absence (or as soon as reasonably practicable), the Line Manager should meet with the employee and have an informal Return to Work meeting.

The primary aim of the meeting is to provide the employee with all the assistance they require on their return to work. The Line Manager, where appropriate, must record the main points of the meeting, providing the employee with a copy and retain a further copy securely and confidentially should future reference be required. Line Managers are asked to discuss any underlying problems during the return to work meeting, which may have led to the absence, such as, job satisfaction or family crisis. Line Managers are also required to ensure that the employee is capable of performing their duties safely and efficiently, and inform the HR & Skills Representative, if they have any concerns over the employee's physical or mental state of health.

HR Responsibilities:

- provide support and advice to Line Managers and employees;
- oversee employees' absence and will review this with Line Managers on a regular basis;
- ensure that this Absence and Welfare Policy is applied consistently;
- liaise with Line Managers to arrange home visits or Occupational Health referrals as required.

6. Reporting Procedures

Employees who are unable to attend work must notify their Line Manager (or nominated deputy) at the earliest opportunity, normally before 8.30 am on the first day of absence, stating both the reason and an indication of the likely duration of their absence. Line Manager should then e-mail employee's absence to absence@transportfornorth.com.

If their Line Manager (or nominated deputy) is not available then employees are asked to leave a message with the most senior member of their Team available at the time, or, alternatively, contact the HR & Skills Representative.

In order to enable TfN to offer continued support during a period of absence, the employee should also specify if they are not available on their usual telephone numbers.

Employees should only ask someone else to telephone on their behalf if it is impracticable for them to do so.

Failure to make contact may mean that either a HR & Skills Representative or employee's Line Manager will make contact with them.

If the absence is of more than 3 calendar days, employees should keep in regular contact with their Line Manager/HR & Skills Representative throughout the period of illness and notify TfN the day before they intend to return to work or, if they are returning on the Monday, the proceeding Friday.

Employees who continue to be absent beyond the initial period of time indicated to their Line Manager, must continue to report their absence as agreed with their Line Manager (or nominated deputy) or most senior member of their Team available at the time, or, alternatively, contact the HR & Skills Representative.

The same arrangements should be used if an employee is not attending work due to personal problems, when emergency leave is to be taken.

Failure to follow this procedure may lead to sick pay being withheld and disciplinary action being taken.

7. Sickness before and during a holiday

Should an employee be incapacitated for work due to sickness or injury during any period of pre-booked annual leave (whether in whole or in part) TfN may in its absolute discretion reimburse the period of annual leave entitlement lost due to incapacity. Employees do not have any contractual right to reimbursement and, before considering whether reimbursement is appropriate in the circumstances, they must deliver to the TfN relevant medical notification covering the period of incapacity.

If an employee is absent from work due to sickness immediately prior to a period of authorised holiday and their sickness continues into the authorised holiday period, they may be permitted to delay your holiday. This will only be permitted with the authorisation of the Head of HR and providing the employee provide relevant medical notification from a doctor or hospital.

When you decide to retake the holiday, you will be required to follow the normal holiday request procedure.

8. Sickness Absence Certification

For absences of up to seven calendar days – a Self-Certification should be completed by the employee. Copies of the form are available from the HR & Skills Representative. Alternatively, copies of this form can be obtained from the TfN Intranet.

If an absence lasts more than seven calendar days, employees must submit a Fit Note from their doctor, covering them from the eighth calendar day of absence. This should be sent to their Line Manager as soon as possible.

Employees should be aware that rest days and weekends are included within the seven calendar days.

Employees who are eligible to participate in the TfN's Flexible Hours Scheme will be credited with their normal daily hours for each day of sickness absence. Employees who absent themselves from work during the day, due to sickness absence, will record their normal daily hours for that day.

Where an employee's absence is already covered by a Fit Note and they wish to return to work before its expiry, providing the initial welfare review is undertaken, an employee may be allowed to re-commence work on the understanding that they themselves have gone against their doctor's advice, provided that the employee does not pose a risk to TfN's other employees or to themselves.

9. Conduct whilst on sick leave

Employees should be aware that whilst they are on sick leave there may be occasions when they wish to visit their work place, to attend an office social function or meet their work colleagues out of the office. However, it may not always be appropriate or in the employee's own best interests for them to attend work (depending on the nature of the sickness). Any attendance should be agreed in advance with your Line Manager or the HR & Skills Representative. In some instances it may be appropriate to seek Occupational Health advice.

An employee who is found to have falsely claimed sickness payments from the TfN may be liable to disciplinary action under the Disciplinary Policy.

TfN reserve the right to withhold or discontinue sick pay if:

- there has been some form of abuse of the Sickness Reporting Procedure;
- the employee is absent from work as a result of injury which was caused by employee's own misconduct, including but not limited to sport injuries (only where employees participate in sports as professionals);
- the relevant documents have not been provided.

Withholding sick pay will not be considered as a sanction until any such breach of the policy has been fully investigated in accordance with TfN's Disciplinary Policy.

Entitlement to Statutory Sick Pay (SSP) may be affected if an employee leaves the country or if damages may be recoverable from a third party in relation to an accident which resulted in the sickness absence.

10. Medical Examination

As requested by the Line Manager, an employee may, at any time during a period of absence, be asked to attend a medical examination by a registered Occupational Health Advisor nominated by TfN.

In the event of a difference in medical opinion as to the employee's capability to attend work, the matter will be referred for a second opinion to a further registered Occupational Health Advisor nominated by TfN. In the event of the second Occupational Health Advisor pronouncing the

employee as capable to resume work, the allowance under the Sick Pay Scheme shall cease with effect from the date on which the second Occupational Health Advisor determines that the employee is able to return to work.

11. Time off for family emergencies

TfN fully understands that there may be times when employees have no alternative other than to take time off work to deal with an emergency involving someone who depends on them, for example a child or parent. An example of an emergency is when someone who depends on the employee is sick or involved in an accident.

It is important that the employee informs their Line Manager as soon as possible that they are going to be away from work. Employees must inform them why they are away from work and how long they expect to be off.

Employees are entitled to take off as much time as it takes to deal with the immediate emergency and make any alternative arrangements. For example, if an employee's child falls sick they can take enough time off to deal with their initial needs, such as taking them to the Doctor and arranging for their care.

If the situation requires that the employee must stay off work for a longer period to provide care themselves, the employee will need to make other arrangements with their Line Manager. Time off for family emergencies may be taken as paid annual or flexi leave, or, if requested by the employee, the absence may be authorised to be taken as unpaid leave.

Line Managers are responsible for informing the HR & Skills Representative of any employees taking such leave in order to maintain employee attendance records and process salary adjustments.

12. Disability

TfN is fully committed to providing Equal Opportunities and Diversity in all its employment practices, and recognises the valuable contribution of all its employees including those with a disability.

Employees with a disability may, however, face particular challenges and needs within the workplace and employees are actively encouraged to discuss these with their Line Manager and the HR & Skills Representative. This will ensure the TfN can provide all necessary support and make any reasonable adjustments required to assist them in their employment with the organisation.

It is necessary for TfN to set attendance targets even where this means that some disabled employees will need to be monitored. It may not be necessary to go through each level of the Absence and Welfare Counselling Interview Process, if this is not deemed to be beneficial.

Where the employee has a recognised disability within the definition of the Equality Act 2010 the employee may be required to attend a medical appointment with a specialist consultant who will be asked to provide a diagnosis and prognosis. The primary aim of the examination will be to

ensure that TfN provides the employee with all necessary support and makes any reasonable adjustments required to fully assist the employee in their employment with the organisation and on-going attendance at work.

Where a specialist foresees that the employee's sickness will reduce over a set period, the employee's absence will be monitored over the duration of this period. However, if their sickness prevents them from performing their duties despite every effort to find alternative work and after all reasonable adjustments have been made, termination of employment may be applicable on grounds of capability. If the specialist is unable to comment on the likelihood of absence then monitoring will still take place on an on-going basis.

Where an employee declines to attend a medical appointment, with a specialist consultant the HR & Skills Representative will have no alternative but to act on the information already available.

There may be some employees who become disabled during their employment. Line Managers should first confirm that the employee is disabled within the definitions of the Equality Act 2010. It will be essential to obtain a formal medical report to confirm this and to assess whether the employee can continue to perform the main functions of the role with reasonable adjustments being made to it. This will include physical adjustments and also changes to working practices, for example assigning the employee to another workstation or by making changes to their working hours.

13. Contact with infectious diseases

If an employee has or come in to contact with, a notifiable infectious or contagious disease, as set out in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) published by the Health and Safety Manager, they should notify their Line Manager who will liaise with relevant industry experts to obtain advice on whether they should attend work.

14. Transport for the North sick pay scheme

General Conditions

Periods of sickness are calculated on a rolling 12-month basis, starting from the first day of each absence.

Period of Sick Pay

Employees who are absent due to sickness will be entitled to receive Sick Pay in accordance with the following scale:

During first year of service	One month's full pay and (after completing four months' service) two month's half pay
During second year of service	Two months' full pay and two months' half pay

During third year of service	Four months' full pay and four months' half pay
During fourth and fifth year of service	Five months' full pay and five months' half pay
After five years' service	Six months' full pay and six months' half pay

Sick Pay Calculation

The rate of sick pay and the period for which it should be paid will be calculated by deducting from the period of benefit appropriate to an employee's service on the first day of absence the aggregate of the periods of absence due to illness during the 12 months immediately preceding the first day of absence. In aggregating the periods of absence no account shall be taken of any unpaid sickness absence.

For the purpose of calculating the appropriate period of sick pay all previous service under local authority shall be aggregated provided that any break of a year or more in such previous service should result in service prior to that break being disregarded.

The amount of sick pay payable under this policy shall not exceed the sum (if any) by which the total amount of benefits, allowances and payments referred to below falls short of full pay.

The following deductions shall be made from sick pay when it equates to full pay:

- The amount of Statutory Sick Pay (SSP), other State benefit, industrial injury and/or invalidity benefit receivable under the provisions of the relevant legislation.
- The amount (if any) received as a treatment allowance from the State. The dependency element only of the treatment allowance should be deducted from sick pay. The employee will therefore be allowed to retain the personal element of the treatment allowance.

In the case of 'half pay' sickness absence the employee shall be entitled to receive sick pay at the rate of half pay plus an amount equivalent to SSP and other benefits, allowances and payments receivable as described above, provided that the total sum does not exceed full pay.

Employees are obliged to declare to their employer their entitlement to any of the benefits, allowances and payments described above and any change in circumstances on which such entitlement is based. If they fail to do so TfN is entitled to determine the benefit by reference to the maximum benefit obtainable.

Where employees are receiving sick pay they shall continue to receive it if a Public Holiday falls during sickness absence. Where employees have exhausted their period of entitlement to sick pay no payment shall be made in respect of such a holiday falling during their period of sickness absence.

Additional Conditions to Sickness Payments

TfN Sick Pay will not be payable in a case of any accident due to active participation in a sport as a profession nor in a case in which the absence arises from or is attributable to an employee's own unreasonable or willfully dangerous misconduct.

Recovering Payments from Third Parties

If you are absent from work due to an accident or a condition sustained during social activities outside of your contractual working hours, any sick pay paid to you in respect of such absences will be recoverable. You will be notified of such circumstances should they apply.

Employees who are absent as a result of accidents are not entitled to the TfN Sick Pay if payment for damages may be recovered from a third party. Employees are, therefore, required to declare, if any such payment for damages is recoverable from a third party.

In this event, TfN may, on a case by case basis, advance to the employee a sum, on an interest free loan basis, not exceeding the amount of Sick Pay provided under the TfN's Sick Pay Scheme. This is subject to the employee agreeing to refund to the TfN the total amount of such payments or the proportion represented in the amount of damages received.

Where this sum is refunded in full the employee's TfN's Sick Pay entitlement will not be debited for that period. Where the sum refunded is only part of the total loan, the organisation may, at its discretion, determine the period, to be set against the TfN's Sick Pay Scheme.

If an employee is found to have failed, without satisfactory explanation, to observe the conditions of the TfN's Sick Pay Scheme or has been found guilty of misconduct prejudicial to their recovery, then the employee shall forfeit their right to any further TfN Sick Pay in respect of that period of absence. Such sanction will not be considered until any breach of the policy has been fully investigated in accordance with TfN's Disciplinary Policy.



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