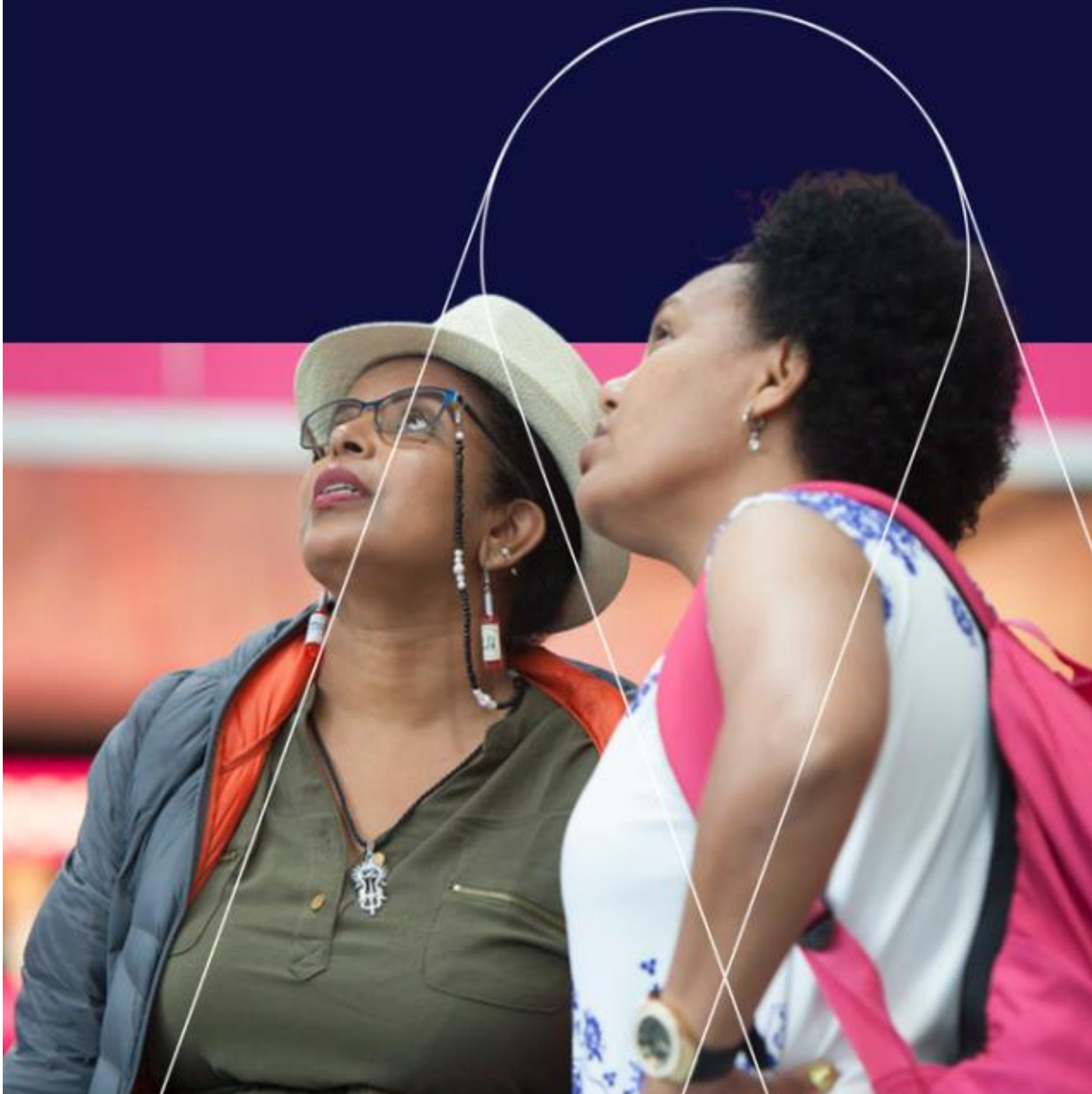


EP07 Absence and Welfare Policy



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Context

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.

We do 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. We 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 Line Managers 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 TfN can offer in order to assist their recovery and facilitate their return to work.

2. Statement of Policy

TfN is committed to supporting the wellbeing of its employees and providing appropriate support in relation to their health and attendance at work. The aims of this policy are to:

- Provide employees and Line Managers with a standard process and a consistent approach for managing, recording and reporting sickness absence
- Promote a positive culture of attendance, one that eradicates the need for presenteeism
- Minimise sickness absence levels and help facilitate employees' return to work
- Offer support and assistance to staff experiencing ill-health
- Ensuring the application of this policy is fair, reasonable and consistently applied when dealing with sickness absence issues
- Establish the roles and responsibilities of all parties involved, including employees, managers, Human Resources & Skills and Occupational Health in relation to sickness absence

- Ensure that 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 TfN can offer in order to assist their recovery and facilitate their return to work
- Confirm that TfN will adopt a case-by-case approach when working with employees who are absent from work due to ill-health, and, where advised, modify the approach to the specific health circumstances of each individual

The policy is not intended to remove any existing protections or entitlements afforded to employees under their contracts of employment or collective agreements between TfN and UNISON.

3. Reporting Procedure and Follow Up's

- 3.1. If an employee cannot attend work due to ill-health, they should notify their Line Manager of their absence by telephone as soon as possible on the first day of absence and, normally, before the start of their normal working day. (As a guide, this should be no later than 08:30am on their first day of absence).

The following details should be provided:

- The nature of the illness or injury
- The expected approximate length of absence from work
- Contact details
- Whether the absence may be due to an injury at work or otherwise perceived to be related to work
- Any outstanding or urgent work that requires attention.

- 3.1.2 The Line Manager should then email the employee's absence to **absence@transportforthenorth.com**.

- 3.1.3 If an employee does not arrive at work and does not notify their Line Manager of their absence, the Line Manager, or a member of the HR & Skills team will attempt to contact the employee, either by telephone or email, to ensure of their wellbeing. If an employee is unable to contact their Line Manager personally, in accordance with the required sickness absence reporting procedure, they should make alternative arrangements e.g. ask a family member to call on their behalf. Employees should only ask someone else to make contact with the Line Manager if it is impractical for them to do so.

- 3.1.4 If an employee fails to notify their Line Manager and does not have a valid reason for not doing so, it may be treated as unauthorised absence and may be dealt with under the relevant disciplinary procedure.

- 3.1.5 The Line Manager and the employee should maintain reasonable contact whilst the employee is absent from work due to ill-health, taking into account the nature of the absence. Contact between the Line Manager and the

employee will usually be by telephone, in the first instance, with the ongoing method of communication then mutually agreed.

- 3.1.6 Communication should focus on the employee's health and wellbeing, and their return to work, including any measures to facilitate a return. Consideration may also be given to any work that requires attention in their absence. If a Line Manager is concerned about being unable to make contact with an employee, they should contact a member of the HR & Skills team.
- 3.1.7 If the absence is of more than three 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.
- 3.1.8 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.
- 3.1.9 If an employee is taken ill or injured whilst at work, they should report this to their Line Manager as soon as possible. Where necessary, a first aider should be called. If medical treatment is deemed necessary, arrangements should be made to ensure the employee reaches hospital or their doctor safely. The employee's emergency contact should be informed as necessary.
- 3.1.10 If an employee falls ill whilst on annual leave, they should report this to their Line Manager as soon as possible, even if abroad. The usual requirements for self-certification and medical certificates in this policy will apply. For a medically certificated absence, which prevents an employee from carrying out their holiday plans, it would be possible for the employee to arrange to take the annual leave at another time.

4. 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
- ten or more consecutive days

- 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.

Assessment

If an 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 a report from the 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 in order 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 and GDPR. Refusal to supply medical evidence or undergo a medical examination may result in a decision regarding the 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 prior to four weeks of an 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.

An 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 five 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-month 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 of 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 for a period of ten consecutive days following 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 for a period of ten consecutive days following 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 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 consecutive 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 as to 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 the appeals section of this policy.

5. Long-Term Absence

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

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

- what assistance, if any, 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 four consecutive weeks.

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 prior to four weeks of the 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 employee's 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 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 employee's ability to return to work including timescales where appropriate
- any reasonable adjustment that can be made to the employee's 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 five 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 TfN's Grievance Policy.

6. New Employees

An employee who is absent on at least two occasions or 10 consecutive 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.

7. Mental Health Wellbeing and Employee Assistance Programme

Mental Health Wellbeing

What is stress?

The Health and Safety Executive (HSE) defines stress as: 'The adverse reaction people have to excessive pressures or other types of demand placed on them.' While some degree of pressure and demand is to be expected in the workplace to ensure the efficient running and productivity of any business, there are factors that can lead to employees feeling excessive pressure, and if not properly managed, these can lead to increased sickness, anxiety, depression or other mental ill-health.

The HSE also emphasises that it is important not to medicalise stress, as stress is a state, not an illness; however, if mismanaged it can lead to the development of mental and physical illnesses. They also acknowledge the difference between pressure and stress. Pressure can be positive and a motivating factor and is often essential in a job. It can help us achieve our goals and perform better. Stress occurs when this pressure becomes excessive. Stress is a natural reaction to too much pressure but is never positive.

Stress both inside and outside work can affect our wellbeing. We can experience excessive pressure and demands outside work, which can also contribute to how we are at work. Stress tends to build up over time because of a combination of factors that may not all be work related. Conflicting demands at work and home can lead to excessive stress. Often home and work lives are so interwoven that it may not be possible to identify any single cause of stress. Our employee assistance programme is a free and confidential service available for all colleagues and is there to provide support regardless of the causes of stress. You are actively encouraged to take advantage of the support that is available for you whenever you need it.

Signs and symptoms of stress

It's important to pay attention to yourself and your colleagues, so if you notice signs that a person maybe feeling stressed you can provide or seek appropriate support.

Hybrid working and wellbeing

All TfN employees should take care of their own health and safety and that of others.

When working from home, TfN employees are encouraged to:

- stay in regular contact with their Line Manager and colleagues
- talk to their Line Manager about workloads and be open about how they are feeling
- take regular breaks during the day and use their annual leave.

Employees who think work is affecting their mental health or wellbeing should contact their General Practitioner (GP) or consider TfN's Employee Assistance Programme.

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.

Mental Health First Aiders

All employees are encouraged to reach out to TfN's Mental Health First Aiders if they would like to raise any concerns about their own health and wellbeing or health and wellbeing of their colleagues.

More information on Mental Health First Aiders can be found on TfN Intranet page under 'Your Wellbeing Centre' section.

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.

If you are a member of a Trade Union (TU) you can also speak to your TU representative. Any concerns you raise will be handled in a supportive and sympathetic way. Employees are also encouraged to consider, and if needed, use the free confidential services available from the employee assistance programme, provided by TfN.

Employees are also encouraged to investigate health and wellbeing opportunities and look after their physical and mental health, whilst recognising the importance of taking annual leave which can support overall wellbeing.

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.

Line Managers should also promote and encourage team members to access health and wellbeing initiatives, but also create a safe space to have a discussion around workloads and any stressors. Confidentiality must be respected and maintained, and personal circumstances are not discussed with others without consent, unless in exceptional circumstances where this level of confidentiality cannot be guaranteed if there are health and safety concerns for fellow colleagues or partners of TfN.

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 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
- Monitor stress-related sickness absence across TfN
- Work with Line Managers to ensure appropriate actions are being taken
- Contribute to the development of the organisation so that work-related stress does not impact negatively on service delivery

Occupational Health Responsibilities:

- professional advice on health-related issues

- advice on:
 - phased return to work
 - if appropriate advice on flexible working hours/revised duties
 - if feasible medical redeployment

8. 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 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 leave and their sickness continues into the authorised leave period, they may be permitted to delay their leave. This will only be permitted with the authorisation of the Head of HR and providing the employee provides relevant medical notification from a doctor or hospital.

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

9. 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 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 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 worked 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.

10. 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 workplace, 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.

An employee who is found to have falsely claimed sickness payments from 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.

11. 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.

12. 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.

For details on other leave that may be applicable, please see TfN's Leave of Absence Policy or seek guidance from the HR & Skills team.

13. Menopause

The menopause is a natural transition stage in most women's lives, with people's experience of the menopause differing greatly, with some women experiencing no adverse symptoms, and others experiencing a range of potentially debilitating symptoms throughout the three stages of the menopause (perimenopause, menopause and post menopause).

Line Managers are responsible for fostering a supportive and inclusive working environment, where employees feel comfortable in instigating conversations or engaging in discussions about the menopause, and therefore supporting practices of the symptoms/effects someone who is going through the menopause is experiencing.

Any employee impacted by the menopause will be given the same care and attention with regards to support and management as those with protected characteristics for example disability or maternity.

TfN will aim to ensure that all employees struggling with menopause are fully supported and have a 1-2-1 meeting scheduled with their Line Manager or a member of HR & Skills team as soon as possible.

For further guidance, please refer to the 'Menopause – Colleague Guidance' available on the TfN intranet.

15. Endometriosis

Endometriosis is a condition where tissue similar to the lining of the womb grows in other places, such as the ovaries and fallopian tubes.

Endometriosis can affect women of any age, including teenagers.

Line Managers are responsible for fostering a supportive and inclusive working environment, where employees feel comfortable in instigating conversations or engaging in discussions about endometriosis and other related menstrual health issues, and therefore supporting practices of the symptoms/effects someone suffering from endometriosis is experiencing.

Any employee impacted by endometriosis will be given the same care and attention with regards to support and management as those with protected characteristics for example disability or maternity.

TfN will aim to ensure that all employees struggling with endometriosis are fully supported and have a 1-2-1 meeting scheduled with their Line Manager or a member of HR & Skills team as soon as possible.

For further guidance, please refer to the 'Endometriosis – Colleague Guidance' available on TfN intranet.

15. Disability

Employees with a disability may 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 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.

16. 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.

17. 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 |

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 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 TfN's Sick Pay Scheme. This is subject to the employee agreeing to refund to 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 TfN's Sick Pay Scheme.

If an employee is found to have failed, without satisfactory explanation, to observe the conditions of 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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