

Freedom of Information request 58-22

Request

1. Can you tell me how many staff have been absent from work for more than 2 months due to Covid.
2. What is the protocol for staff – do they require doctor's certification. How long do employees get full pay.
3. What are the protocols for staff with other illnesses including cancer.

Response

1. At NHS Borders 18 members of staff have been absent from work for more than 2 months due to Covid-19.
2. NHS Borders protocol is that if an employee has Covid-19 a Form Med 3 is required once the isolation period has been completed. For the duration at which they remain certified unfit for work due to Covid-19 the board applies the NHS Scotland policy on Covid-19 related absence which entitles staff to continuation of full pay, overriding normal sick leave entitlements in relation to the term to which paid leave entitlement is in place. There is no maximum period for this payment but normal absence certification applies in relation to Form Med 3. The board continues to review this policy in line with wider NHS Scotland arrangements.
3. NHS Borders applies NHS Scotland terms & conditions for staff absence in line with nationally negotiated NHS pay policy and terms & conditions of service. Employees absent from work due to illness will be entitled to receive sick pay in accordance with the scale below:
 - during the first year of service: one month full pay and two months half pay
 - during the second year of service: two months full pay and two months half pay
 - during the third year of service: four months full pay and four months half pay
 - during the fourth and fifth years of service: five months full pay and five months half pay
 - after completing five years of service: six months full pay and six months half pay

Additional guidance has been applied during the pandemic, as below:

“As per Scottish Terms and Conditions Committee (STAC) guidance (STAC(TCS09)2020 – COVID-19 SICKNESS ABSENCE MANAGEMENT) if due to the Covid-19 pandemic, operations, post-op rehabilitation and other treatments have been delayed or cancelled and this has impacted upon an individual member of staff's ability to return to work. Consequently, an individual may have gone on to reduced or nil pay and/or hit sickness management triggers then the Agenda for Change (AfC) Terms and Conditions Handbook states that period of sick pay on full pay or half pay can be used in order to 'materially support a return to work': or in 'any other circumstances' (section 14.13). Using section 14.13, flexibilities will mean sick pay is maintained and staff do not hit nil pay where treatment or rehabilitation is delayed by Covid-19. “The guidance can be found at:

<https://www.stac.scot.nhs.uk/coronavirus-covid-19>

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the

reference number **58-22** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.