

Freedom of Information request 417-22

Request

With reference to the management of long term sickness absence, Agenda for Change refers to a 'Final Review meeting for long term absence'. Can you provide the following information -

1. The number of employees with whom such a meeting was held in 2021.
2. How the board defines such a meeting in relation to NHS One for All, Attendance policy and the three formal stages defined therein (viz. Stage 1, Stage 2 or Stage 3) or some alternative definition.

Response

1. In 2021 there were <5 employees with whom such a meeting was held.
2. Please find below the definition of such a meeting:

Stage 1 –

The outcome of the Stage 1 final review meeting will be one of the following:

- the employee has met the required attendance levels set and no further action is required
- the employee has not met the attendance levels set due to extenuating circumstances and improved attendance is anticipated therefore the review period is extended
- the employee has not met the attendance levels set and the matter is progressed to Stage 2

At the final Stage 1 review meeting, the outcome and next steps will be discussed. Where the required improvement has not been achieved during the agreed timescale and the manager has concluded that there is a need to progress to the next stage, the evidence and rationale for this decision will be discussed with the employee.

Where the employee has been advised that an extension of the review period is appropriate, they should be advised that should the required attendance level not be achieved, the matter will be referred to Stage 2.

Stage 2 –

Stage 2 meetings will follow the same format as Stage 1 meetings, with any updated or new documentation/information.

There will be a review of previously identified support measures including any proposed reasonable adjustments and / or support initiatives in line with OHS advice and The Equality Act 2010. This will involve a review of ongoing supports and whether alternative and/or additional adjustments including redeployment are appropriate. An account will be taken of any further OHS advice received.

Reasonable adjustments must be explored. These will normally include:

- adjustments to the workplace and/or workstation
- reduction in working hours
- redesign or modification of duties

- redeployment in line with local redeployment policies

Following any interim reviews, a final review meeting will be arranged. The outcome of the Stage 2 Final Review meeting will be one of the following:

- the employee has met the required attendance level set and no further action is required
- the employee has not met the attendance level set due to extenuating circumstances and improved attendance is anticipated, therefore the review period is extended - if the required improvement is not achieved after the extended timeframe, the matter may be progressed to Stage 3
- the employee has not met the attendance level set and the matter is progressed to Stage 3

At the final review meeting, the outcome and next steps will be discussed. Where the required improvement has not been achieved during the agreed timescale and the manager has concluded that there is a need to progress to the next stage, the evidence and rationale for this decision will be discussed with the employee.

The outcome of all Stage 2 review meetings will be confirmed to the employee in writing within 7 calendar days.

Stage 3 –

Where the required level of improvement is not achieved, a Stage 3 hearing will be convened.

The Stage 3 hearing panel will consist of a Chair with the authority to dismiss in line with the scheme of delegation and an HR representative. To ensure impartiality, panel members must have had no prior involvement in the case.

Please note that as NHS Borders is such a small Board the number of employees is very small, and to provide further details of these could allow individuals to be identified and we would be in breach of the Data Protection Act 2018. We are therefore withholding all other data under Section 38(2)(ii) of the Freedom of Information (Scotland) Act 2002. This is also in accordance with the Code of Practice for Official Statistics any number that is less than five, actual numbers and potentially identifiable information is withheld to help maintain patient confidentiality due to potential risk of disclosure. Further information is available in the ISD Statistical Disclosure Control Protocol.

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 **417-22** 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.