NIGALA
NI Guardian Ad Litem Agency
a voice for children

NIGALA ABSENCE
MANAGEMENT POLICY
January 2014

Based on the Regional Absence Policy for the HSC
INTRODUCTION

The Northern Ireland Guardian Ad Litem Agency (NIGALA) has a commitment to provide a service to children and the courts in Northern Ireland. This commitment places an obligation upon the Agency to consider the impact that non-attendance by its employees may have upon the services it provides, the delivery of the organisations objectives and on other employees.

PURPOSE

The purpose of this Policy is to assist managers and employees achieve and maintain an optimum level of attendance at work, and to ensure that absenteeism will be dealt with in a fair, consistent and proactive manner by providing clear and effective guidelines to the management and monitoring of absenteeism. The Policy applies to employed staff only. Arrangements for self employed members are covered in their contract for services.

AIMS

The Agency’s Absence Management Policy is based on the following aims

- Absenteeism is dealt with in a fair, consistent and proactive manner.

- Clarification of the roles and responsibilities in relation to the management of attendance.

- Encouraging staff to take responsibility for attending work and supporting employees who have genuine grounds for absence for whatever reason. This support includes:-
  a. A flexible approach to the taking of annual leave;
  b. Access to support services e.g. Occupational Health and the Agency’s counselling service, Carecall.
  c. Where necessary, support any rehabilitation programmes that may assist an employee’s return to work.

- It is the responsibility of the Agency to ensure the effective management of casework issues during any period of absence through contact with the absent employee as appropriate.

- The Agency’s Disciplinary Procedure will be invoked if an explanation for absence is not forthcoming, or is not deemed to be satisfactory. The Agency reserves the right to seek clarification from
the Northern Ireland Social Care Council (NISCC) with regard to any potential breaches of the Professional Standards and Code of Conduct for social work qualified employees. In certain circumstances the Agency may have a statutory obligation to officially refer instances of suspected misconduct or malpractice. [http://www.niscc.info/registration/pdf/employer_referral.pdf](http://www.niscc.info/registration/pdf/employer_referral.pdf)

- We respect the confidentiality of all information relating to an employee’s sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.

### ROLES AND RESPONSIBILITY

NIGALA management and employees have a fundamental role to play in the management of attendance and it is anticipated that everyone will undertake these roles in accordance with their contractual responsibilities to attend work.

### MANAGERS RESPONSIBILITIES

- To manage absence in accordance with this policy by recording, monitoring and investigating the absence levels of all employees for whom she or he is responsible and by taking appropriate and timely action when required to ensure that all staff are aware of their obligations under the policy and the importance of good management attendance.

- To respect the confidentiality of any information provided to them through the operation of this policy

- To ensure that all employees are aware of the correct notification procedures when reporting sick for work and in particular to whom they should report.

- To maintain regular and effective contact with employees who are on sick leave. The frequency of which will depend upon the circumstances of the absence and normally agreed with the employee.

- To ensure timely and accurate records relating to absence are communicated to the Salaries & Wages Department and the Human Resources Directorate.

- To maintain accurate records in relation to return to work interviews.
• To seek specialist advice from Human Resources and Occupational Health when appropriate.

• Arrange and participate in meetings with Occupational Health and Human Resources, the employee and the employee’s representative when appropriate.

• To facilitate and support employees when possible in relation to adjustments and rehabilitation programmes as recommended by Occupational Health and other medical and allied Professions.

• Where necessary, initiate action in accordance with the Disciplinary or Incapacity procedures to deal with poor attendance and/or failure to attend work.

• To support staff with genuine medical conditions that reasonable adjustments will be made to facilitate their ongoing employment.

• To support staff with other issues impacting on their welfare and attendance such as:
  o Domestic violence
  o Health issues relating to carers
  o Drugs and alcohol addiction
  o Disabilities

EMPLOYEE RESPONSIBILITIES

• To ensure regular attendance at work in accordance with their contractual obligations.

• Notify their Line Manager of absence in accordance with notification procedures. **Contact must be by telephone.** Contacts by text or emails are not acceptable.

• Agree a timetable for regular contact with their manager during the period of absence.

• Ensure they are aware of and meet their obligations under this policy and recognise the consequences of poor attendance at work.
• Ensure that relevant sick certificates and medical reports are forwarded within the timescales indicated and that they cover the whole period of absence.

• Comply with the request to attend Occupational Health Service on time unless for some exceptional reason they cannot attend. In those exceptional circumstances they must contact a member of the Human Resources Directorate at the Business Services Organisation who will re-schedule the appointment.

• Participate, when requested in meetings relating to their absence and co-operate in the development of return to work and rehabilitation plans with managers and trade union representatives as required.

• Not work elsewhere in paid or unpaid employment whilst on sick leave unless prior permission is received from the Human Resources Directorate and the Line Manager. Staff that are found to be working elsewhere and have not complied with the above requirements may be subject to disciplinary proceedings.

• Understand that sick pay is for ill health and not for other purposes such as carrying out caring responsibilities which are covered by other policies.

• On a strictly confidential basis, make their line manager aware of any issue which may interfere with normal attendance at work

### NOTIFICATION OF ABSENCE

1) All employees are required to notify their line manager by telephone as soon as it is practicable and at the latest by 9.30am of their impending absence. Emails or text messages are not acceptable forms of communication. Where the manager is unavailable, the employee should leave a message with another member of the management team. Relatives should only make the call if the employee is unable to do it personally e.g. due to hospitalisation.

2) If the employee does not contact their line manager by the required time, the line manager will attempt to contact the employee at home/on their work mobile phone.

3) The employee must give a clear indication of the nature of the illness or injury, and an anticipated date of return to work. An employee may not always feel able to discuss their medical problems
with their line manager. Managers will be sensitive to individual concerns and make alternative arrangements, where appropriate.

4) The manager will discuss with the employee whether there are any specific tasks or responsibilities to be covered during their period of absence.

5) If the period of absence is known in advance e.g. A scheduled admission to hospital, it is expected that the employee will discuss workload implications with their manager prior to the date of the absence, and facilitate management of work.

6) If an employee remains absent for longer than 3 days, they should again contact their manager on the fourth day of absence to give an indication of the likely duration of their absence. If contact is not made, then the manager will attempt to contact the employee in order to assess what further arrangements for cover may be necessary.

**ARRANGEMENTS FOR CERTIFYING ABSENCE**

Under the Terms of the Agency’s Occupational Sick Pay Scheme, employees are required to submit the following certificates as appropriate to their line manager:

1\(^{st}\) – 3\(^{rd}\) day of absence: A certificate is not normally required except where the absence spans a weekend in which case Saturday and Sunday will be counted as part of the sickness period and a self-certificate required.

4\(^{th}\) day of absence: Self-certificate. This should be dated from the first day of absence and received on your return to work.

8\(^{th}\) day of absence: Medical Certificate from a General Practitioner or a Hospital Certificate to be received within 9 days of the 1\(^{st}\) day of absence. Further certificates are required when the sickness continues and must be supplied within 2 days of expiry of the
previous certificate. Managers must be advised that a further certificate is to be expected.

It is the employee’s responsibility to ensure all necessary notification is received by their manager in accordance with the above timeframes. If certificates are not received by their due date then the absence may be viewed as unauthorised and disciplinary action may be taken.

**MANAGEMENT OF SHORT TERM ABSENCE**

Short term absence is a single period of absence lasting less than 20 days. The pattern is usually 1, 2 or 3 days at regular intervals. It can also manifest itself in excessive use of certification processes of more than 3 days which would fall below 20 days.

The triggers for management action in respect of short term absence are as follows:

a) 3 episodes of absence within a 12 months rolling period.

b) 2 episodes of absence totalling 10 working days or 2 calendar weeks within a 12 month rolling period.

c) 1 episode of 10 days within a 12 month rolling period.

Once a trigger point, as set out above, is reached the line manager should consider the circumstances of the case and take action as appropriate. Account should be taken of the individual’s circumstances and when a trigger point is reached discussions at the return to work interview along with the previous history/action will determine one of the following three courses of action to be taken:

- Mitigation
- Manage in context of medical condition
- Manage in context of no medical condition

_Evidence of mitigation_

Following a review of the circumstances of each case which may establish extenuating personal circumstances (previous history and/or job related factors) which may contribute to the absence level a decision may be taken
that a verbal warning under the disciplinary procedure may not be seen appropriate at this stage.

Particular care must be taken when dealing with staff who have a disability, caring responsibilities for people who have a disability or pregnancy related absences and advice from HR must be requested.

Managers should in all circumstances reinforce the need for improvement in the level of attendance and discuss options including:

- Reduction in hours (temporary or permanent),
- Different start and finishing times.

It is essential that the employee understands that it is expected that they will demonstrate and sustain an improvement in attendance.

If the employee is unable to sustain an improvement and the Line Manager is satisfied that circumstances of the case have been addressed and there are no health issues to explore then consideration should be given to taking disciplinary action as detailed below.

**Management action where there is evidence of medical condition/ health issue**

If there is a common reason for short term absence or where the employee indicates at the return to work interview that they have a medical condition which is contributing to their absence level a referral should be made to Occupational Health to determine if there is an underlying health problem.

If it has been established by Occupational Health that periods of short term absence are caused by an underlying health condition line managers should consider the information provided by Occupational Health and consider what appropriate adjustments could be made. In these circumstances managers should not attempt to reinterpret medical advice. These adjustments must be with a view to enabling the employee to stay in work.

Adjustments may include:

a) Changes to the employee’s working pattern

b) Changes to work tasks or work environment if possible

c) Redeployment to a different job
d) Reasonable adjustments in accordance with the disability discrimination legislation

Such adjustments should normally be for a temporary period only and it is important to remind the employee that they are responsible for their own attendance and as such must contribute to finding solutions which will enable them to provide regular attendance.

Confirmation of a medical condition/illness does not preclude further action being taken and the employee should be advised that an improvement in attendance is expected. Any agreed adjustments should be confirmed to the employee in writing, outlining agreed time periods and the requirement for monitoring.

Should there continue to be an unacceptable level of short term absence, discussion at the return to work interview should include reference to previous meetings and action that has been taken to assist the employee.

Further advice should be sought from Occupational Health if appropriate and if there are no further adjustments that could reasonably be made the employee should be advised that consideration may have to be given to re-deployment or termination on the grounds of ill health.

Where there is no improvement in attendance, but the reasons for absence are unrelated to the health issue, consideration may be given to further disciplinary actions which may result in the contract being terminated in accordance with relevant incapability or disciplinary procedures or ill health retirement procedures.

*Management action where there is no underlying medical condition*

If a manager is satisfied after discussion with the employee that the short term absences are not related and that there are no mitigating circumstances, underlying medical condition or a disability under the Disability Discrimination Act, then an employee should be advised that a further period of absence may lead to an oral warning under the Disciplinary Procedure.

This is to caution the employee that an improvement in attendance is expected.

Should there be a further period of absence and after investigation of the circumstances at the return to work interview the manager should refer to the previous warning given and advise that an oral warning is now being considered and the employee should be invited to a separate meeting and
given the opportunity to bring a representative in accordance with the Disciplinary Procedure.

At the meeting under the Disciplinary Procedure, the Manager should outline the absences to date and refer as appropriate to previous discussions at return to work interviews. The employee will be advised that an oral warning is being issued in accordance with the Disciplinary Procedure and they are expected to demonstrate and sustain an improvement in their level of attendance.

The oral warning must be confirmed, in writing, to the employee advising of the right of appeal to the next line manager and that the warning will be current for a period of 6 months.

The employee should be advised that a further absence during this 6 month period may lead directly to a formal Disciplinary Hearing.

**FORMAL DISCIPLINARY ACTION WHERE THERE IS NO UNDERLYING MEDICAL CONDITION**

Where there is no improvement in the level of attendance and there is sufficient evidence that informal action has been taken to address the level of absence it may be necessary to commence formal Disciplinary Procedures.

The Manager should ensure that the employee understands that formal action is being taken.

The Disciplinary Panel will be constituted in accordance with the Disciplinary Procedure. The Line Manager of the employee will present all the facts of the case and the employee and/or his/her Representative will have the opportunity to present a response and raise any issues which they consider to be relevant.

**MANAGEMENT OF LONG TERM ABSENCE**

Long term absence is defined as continuous absence of 4 calendar weeks or more when a member of staff commences sick leave which is likely to be long term. It is important that the manager establishes the reason for absence and establishes a frequency and method of contact from the outset. The normal expectation would be that weekly or fortnightly contact is maintained throughout the period of illness depending upon the circumstances of the sickness.
Early interventions in a period of sickness absence which is likely to be long term are more effective than waiting for a 4 week indicator to trigger action. The management of long term absence may be assisted by the efficient medical management of the case in close co-operation (where appropriate) between Occupational Health Service and the General Practitioner. This may minimise time off and identify at an early stage the employee’s capacity to return to work. In some circumstances it is appropriate to make an immediate referral. These include: stress, injury at work, musculoskeletal injury and absence following maternity leave.

**OTHER RELATED ISSUES**

In situations where there is a combination of both long and short term absence the Line Manager must explore the reasons for both at the return to work interview before taking action. If the short term absences are unrelated to a health issue and the employee has reached a trigger point it may be necessary to proceed with action under the procedures outlined earlier.

**FAILURE TO ATTEND MEETINGS**

It should be noted that at any stage of this process if an employee is unable to attend a meeting, contact should be made with their manager advising of the reason for non attendance in advance of the meeting taking place. Where failure to attend is due to circumstances outside of the employee’s control then another date will be offered. Where there is no reason for non attendance or evidence of repeated cancellation the employee should be aware that decisions may be made in their absence and disciplinary action may be taken.

**HAVING SURGERY OUTSIDE THE UK/EU**

Employees who are travelling overseas for surgery may be entitled to Occupational Sick Pay. They should discuss their intention with their Line Manager to ensure that arrangements for communication are agreed and that they provide appropriate medical certification throughout their period of absence. Managers should seek advice from Human Resources before the employee commences sick leave.

**SICKNESS AND ANNUAL LEAVE**

Where an employee has booked a period of annual leave and either becomes sick before or during a period of annual leave they must immediately report sick for work in the normal way and provide certification from their General Practitioner as soon as possible so that the annual leave can be returned to them where appropriate.
If the sickness occurs before the annual leave is to take place and the member of staff wishes to take their annual leave, they must report to their Line Manager on the day annual leave is to commence, to enable the Line Manager to record the sickness.

If an employee is on sick leave and has been advised by their Medical advisor that a holiday would be beneficial to their recuperation then the employee must inform the line manager of their intention to travel prior to that travel.

An employee who is on long term sick leave and is unable to use their annual leave quota as a result of that absence, will now be permitted to carry over a maximum of 28 days (5.6 weeks) from the previous year to the current. An employee who has been permitted to carry forward untaken annual leave must use the carried forward annual leave as soon as is reasonably possible in the next leave year and in line with service needs. Part-time workers will receive the same entitlements on a pro-rata basis to full-time employees. It should be noted that this arrangement is effective from 01 April 2013, for leave accrued and carried from the 2012/13 leave year. It should also be noted that outstanding annual leave can only be paid for upon leaving your organisation. This is a decision of the European Court of Appeal which affects annual leave carry over provisions following long term sick leave (Stringer Judgement).

**EMPLOYEES CONTINUE TO ACCRUE ANNUAL LEAVE WHilst ON SICK LEAVE UNTIL PAY HAS BEEN EXHAUSTED**

Employees, who return to work with accrued annual leave, should discuss this with their Manager so that the leave can be used appropriately. This may include returning on a part time basis due to the accrued leave. Where an employee remains on sick leave and the new leave year commences the employee can carry over annual leave in accordance with established policy.

**SICKNESS AS A RESULT OF SPORTS INJURY/SECONDARY EMPLOYMENT**

An employee should seek to refrain from any secondary employment or activities that may affect their capacity to provide regular and effective employment. Where an absence has been attributable to a sports injury or secondary employment managers should remind employees of this at the earliest opportunity. Where there is evidence of recurring frequencies or excessive amounts of absence due to either of the above, this may prevent the employee from receiving Occupational Sick Pay in the future. Statutory sick pay will continue to be paid.
SICKNESS DURING PREGNANCY

Periods of sickness during pregnancy which are directly related to that pregnancy should not be counted towards the trigger points for managing short term absence. The absence should be recorded as normal and the Line Manager should carry out a return to work interview to discuss and explore options that will support the employee. It may be necessary to temporarily adjust the employees work tasks or work environment for an agreed period of time to enable the employee to remain in work.

GOING HOME SICK

Where an employee reports for work, but then has to leave due to sickness, should be recorded as a sick day in local records. If this happens on a third occasion within a 12 month period the employee should be advised that absence will be reported as formal sick leave.

NEW EMPLOYEES

When a new employee commences employment all aspects of their performance should be monitored closely including attendance. The importance of regular attendance should be provided with access to the protocol in either hard copy or electronic format.

RETURN TO WORK

Employees are required to give adequate notice of their intention to return to work, and must submit a statement of fitness from their GP stating the individual is fit for work

On the employee’s first day back at work (or within the first week if this is not possible), their line manager will meet with them to discuss:-

- Any relevant circumstances relating to the period of absence, previously unknown
- Any support required by the employee in dealing with issues/concerns relating to both their home and work circumstances
- Arrangements for re-orientation into the workplace if the employee is returning after a period of long-term absence
- On occasion Occupational Health may advise the Agency to make reasonable adjustments to facilitate an employee’s return to work. These include:-
  - Flexible working hours e.g. part-time
  - Temporary redeployment
o Rehabilitative care e.g. phased return to work, flexible working patterns, career break
o Homeworking (where feasible)

REVIEW OF PROCEDURE

This procedure will be regularly reviewed to ensure continued effectiveness, and proposed revisions will be addressed and ratified through the Joint Consultative Committee forum.

EQUALITY SECTION 75 – SCREENING OF POLICIES

This policy has been screened for equality implications as required by Section 75 and schedule 9 of the Northern Ireland Act 1990. Equality Commission guidance states that the purpose of screening is to identify those policies, which are likely to have a significant impact on equality of opportunity so that the greatest resources can be devoted to these. Using the Equality Commission’s screening criteria, no significant equality implications have been identified.

HUMAN RIGHTS

This policy has been reviewed under the terms of the Human Rights Act. The Act makes it unlawful for public authorities to act in a way that is incompatible with a right contained in the European Convention on Human Rights. The outcome of the review is that the proposed policy does not identify any incompatibility in relation to the Convention Rights contained in the Act.
APPENDIX 1

RETURN TO WORK INTERVIEW REPORT FORM

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<th>NAME</th>
<th>BAND</th>
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Nature of Absence

1st Day of Return to

Duration of Absence | From: | To: |
|--------------------|-------|-----|

Was absence work-?

If yes, how?

<table>
<thead>
<tr>
<th>Notification process followed:</th>
<th>YES</th>
<th>NO</th>
<th>N/A</th>
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<tbody>
<tr>
<td>Certification process followed:</td>
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<td></td>
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<tr>
<td>Doctor consulted:</td>
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<td>Occupational Health Appointments kept:</td>
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<td>Absence Record shared with employee:</td>
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<td>Counselling appropriate:</td>
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<td>Discipline appropriate:</td>
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<td>Is a pattern emerging:</td>
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<td>Is Occupation health referral appropriate?</td>
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<td>Management referral?</td>
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<td>Self-referral?</td>
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**Other Comments:** (including problems identified, action to be taken, re-interview appointments)

Manager’s signature ___________________________ Date ________________

Employee’s signature __________________________ Date ________________
APPENDIX 2

MANAGEMENT REQUEST FOR ADVICE FROM THE OCCUPATIONAL HEALTH SERVICE

Please complete all sections to avoid delay in being offered an appointment with an Occupational Health Professional.
Completed forms may be sent via post or email. Incomplete forms will be returned.

1. EMPLOYEE’S PERSONAL DETAILS

<table>
<thead>
<tr>
<th>Surname:</th>
<th>Maiden Name:</th>
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<tr>
<td>Circle as appropriate:</td>
<td>PROF/DR/MR/MRS/MISS/MS/OTHER</td>
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<td>Forename:</td>
<td>D.O.B.</td>
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<tr>
<th>Job Title:</th>
<th>Weekly Hours of work:</th>
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<th>Department:</th>
<th>Superannuable: YES / NO</th>
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<th>Work Address/Location:</th>
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<tr>
<th>Home Address:</th>
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<tr>
<th>Tel No:</th>
<th>Mobile No:</th>
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<th>Employee’s email</th>
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| Does this employee have any other job in the BSO or elsewhere in NHS? YES / NO |
|---|----------------|
| Details: |            |

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<tr>
<th>Commenced employment on:</th>
<th>National Insurance No:</th>
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2. REASON FOR REFERRAL

Date sick leave commenced (if currently off work)
<table>
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<tr>
<th>Currently Off:</th>
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<tbody>
<tr>
<td>Returned to Work:</td>
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<td>Return date:</td>
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<tr>
<td>Not off work:</td>
<td></td>
<td></td>
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<tr>
<td>Please give details of nature of illness/absence:</td>
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<tr>
<th>Does the member of staff attribute the illness/absence to an accident/incident at work?</th>
<th>YES / NO</th>
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3. SUPPORTING INFORMATION (Background, discussions with employee, identified work issues) – this information is vital:

Please provide background information, including any questions you would like the Occupational Health Professional to answer (please note if you do not include background information and questions, the referral will be returned to you for completion) – continue on a separate page if necessary:

Specific questions you would like answered:

4. SICKNESS ABSENCE RECORD (ESSENTIAL INFORMATION)
The absence record for the past 5 years is summarised as follows (please indicate working days lost and reasons for absence), include spells when sent off duty. 17
<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
<th>Working Days absent</th>
<th>Nature of Incapacity (if known)</th>
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N.B. Alternatively, please attach a copy of the individual’s sickness absence record (with details of causes of absence)

5. PREVIOUS REFERRALS

Has this person been referred to Occupational Health previously? YES / NO

If Yes, please specify the number of occasions:

Name of Occupational Health Professional(s):

Please specify recommendations which were made by the Occupational Health professional in previous reports or adjustments which you as Line Manager have already put in place:

Have these recommendations been actioned? YES / NO

Please give details (including reasons why recommendations have not been actioned):
6. **CONFIRMATION OF THE EMPLOYER’S AWARENESS OF REFERRAL TO THE OCCUPATIONAL HEALTH SERVICE**

I confirm that the **contents of this form** have been discussed with the employee, including the background information and questions which have been asked.

I recognise that the **Organisation** will be responsible for the fee for any G.P./ Specialist reports requested by an Occupational Health professional.

<table>
<thead>
<tr>
<th>Manager’s Name:</th>
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<tr>
<td>Manager’s Work Location/full postal address:</td>
<td></td>
</tr>
<tr>
<td>Job Title:</td>
<td>Service Group:</td>
</tr>
<tr>
<td>Manager’s Contact Tel. No:</td>
<td></td>
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<tr>
<td>Manager’s Email:</td>
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<tr>
<td>Report to be sent to:</td>
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<tr>
<th>Signed:</th>
<th>Date:</th>
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**OFFICE USE ONLY**

**Date referral form received by HR:**

**Appointment to be made with:**

<table>
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<th>Date of appointment:</th>
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<td>Date appointment booked:</td>
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<tr>
<td>Date appointment sent:</td>
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**Appointment sent by:** Letter/Phone/email

**Appointment changed by:** OHD / Client / Manager

**Date of new appointment:**