

# EXTENSION TO SICK PAY GUIDANCE

May 2024



## 1. Introduction

This document is to provide guidance and support to employees and managers on the process for requesting an extension of sick pay including how an employee can apply for this.

NHS Lanarkshire has adopted the Dying to Work Charter principles, supporting employees who are faced with terminal illness, ensuring they have the right to choose their own path without the worry of the financial implications.

This guidance should be read in conjunction with Section 14 of the Agenda for Change Terms and Conditions of Service Handbook.

Extensions to sick pay may be granted by the employer in accordance with: -

14.9 Sick pay for those who have exhausted sick pay entitlements should be reinstated at half pay, after 12 months of continuous sickness absence, in the following circumstances:

- staff with more than 5 years reckonable service:- sick pay will be reinstated if sick pay entitlement is exhausted before a final review meeting for long term absence has taken place;
- staff with less than 5 years reckonable service:- sick pay will be reinstated if sick pay entitlement is exhausted and a final review does not take place within 12 months of the start of their sickness absence.

14.10 Reinstatement of sick pay should continue until the final review meeting has taken place. Reinstatement of sick pay is not retrospective for any period of zero pay in the preceding 12 months of continuous absence.

14.11 These arrangements will be in accordance with local sickness absence procedures, established in accordance with Annex 26, and will only apply where the failure to undertake the final review meeting is due to delay by the employer. This provision will not apply where a review is delayed due to reasons other than those caused by the employer.

14.12 Employers will also have discretion to extend the period of sick pay on full or half pay beyond the scale set out in paragraph 14.2 in this Section:

- where there is the expectation of return to work in the short term and an extension would materially support a return and/or assist recovery, particular consideration should be given to those staff without full sick pay entitlements;
- In any other circumstance that the employer deems reasonable

For Medical and Dental Staff, the guidance outlined within the various Terms and Conditions Handbooks should be followed. Full details of the various medical and dental terms and conditions can be obtained from the Medical Staffing Department.

The same process and principles, however, will be applied to all staff groups.

## **2. Extension to Sick Pay**

### **a) Who is eligible to make a request for extension to sick pay?**

A request for an extension to sick pay can be made by any NHSL employee.

The request to extend sick pay can be made directly by the employee or on their behalf by their line manager.

### **b) When is an extension to sick pay payable?**

Each request for an Extension of Sick Pay will be considered on an individual basis. The decision will be made taking account of the supporting information submitted along with the request and in line with the parameters set out in accordance with terms and conditions of employment.

A request can only be approved where it is evidenced that Policies and Procedures have not been applied correctly; where it is felt that the extension will aid the recovery of the employee and therefore facilitate a return to work in the short term, where the employee has a terminal illness or for any other reason deemed reasonable by the employer.

### **c) When is an extension to sick pay request unlikely to be approved?**

A request for extension to sick pay will not be approved where it is not clear that the extension of pay is being made to facilitate a return to work in the short term or if there has been no failures in applying the Attendance Policy.

## **3. Extension to Sick Pay Process**

### **a) Who makes the decision to approve a request to extend sick pay?**

A panel will meet on a monthly basis to consider any requests to extend sick pay. The panel will meet in the first full working week of the month. The panel will be chaired by a senior member of Occupational Health & Safety. The panel will consist of senior management representatives from Acute Services, PSSD and HSCP, as well as an experienced Trade Union representative. An HR Manager will provide guidance on policy and procedure. The panel will be quorate with the chair, one management representative, an HR Manager and Trade Union representative. To ensure confidentiality, no management deputies will participate.

### **b) How does an employee make a claim for an extension of sick pay?**

An employee can make a claim for Extension of Sick Pay by completing the form attached at Appendix B of this guide and submitting this, along with any other relevant documentation, to

their Line Manager. The Line Manager will arrange for the application to be submitted to HR through HR Service Now in a timely manner. The Line Manager will ensure that any relevant supporting information is included with the submission.

Please note that the request to extend sick pay can be made directly by the employee or on behalf of the employee by their Line Manager.

All forms must be received by the end of the last full week of the month in order to be considered for the following month's panel. A designated person within HR will ensure that a record of the application is retained. This person will arrange for the application form to be circulated to the panel in advance of the meeting. The designated person will ensure that a record of the application is retained.

The panel will then consider all available information relating to the application.

The employee can attend the meeting, if they wish and can be accompanied by their trade union representative or work colleague. Or alternatively, the panel can consider the application and relay their decision in writing.

The outcome will be communicated by the HR Manager to the employee and their line manager within 7 days of the panel hearing the case.

The Chair will notify the employee of the outcome.

If the application is approved, the HR Manager will inform the payroll department by sending a copy of the approved Appendix B to ensure the appropriate systems are updated and the extension is processed.

### **c) Can an employee appeal the decision?**

The employee has a right to appeal the decision within 14 calendar days of receiving the outcome letter. Any appeals should be submitted to the Chair of the panel, who will acknowledge receipt of the appeal. The employee must provide the reason for their appeal in writing.

An appeal panel will be arranged to hear this.

The appeal panel will be chaired by an OH Senior Manager. The panel will also consist of an Acute Services Site Director, the PSSD General Manager and a HSCP Head of Health, as well as the Employee Director. The Director of HR/Head of HR will provide guidance on policy and procedure. The panel is quorate with one management representative, HR and Trade Union representative. To ensure confidentiality, no management deputies will participate.

The appeal panel will consider the following:

- the reasons given for refusing the request
- any alternative options explored
- other points discussed and documented in the outcome letter

All paperwork considered as part of the initial request along with any additional information submitted by the employee.

The employee can attend the meeting, if they wish and can be accompanied by their trade union representative or work colleague. Or alternatively, the panel can consider the application and relay their decision in writing.

The Chair will notify the employee of the outcome.

If the application is approved, the HR Director/ Head of HR will inform the payroll department by sending a copy of the approved Appendix B to ensure the appropriate systems are updated and the extension is processed.

**d) What information will an employee need to submit with an extension to sick pay request?**

It is important that the request includes as much information as possible to enable an informed decision. This may include: -.

- All relevant medical information including advice from Occupational Health Service;
- A statement of support from the Line Manager confirming the reason for the request, the steps that have been put in place to manage the absence to date, the timeframe for the extension being requested and details of any return to work plans and timescales.
- The employee's sick leave record covering the previous 2 year period. Including details of any previous extensions of sick pay.

Other additional supporting evidence may also be submitted if it is felt that this will help make an informed decision.

**e) Is there any qualifying period for Extension of Sick Pay?**

No. A request for submitting an extension of sick pay is not dependent on the employee's length of service however this does affect the employee's entitlement to both full and half sick pay.

**EXTENSION TO SICK PAY REQUEST  
PROCESS**