



Sickness and Absence Policy

April 2020



Healthy Minds (Calderdale Wellbeing)

Sickness and Absence Policy

Policy Statement

Healthy Minds is committed to the health and welfare of its employees.

This policy is designed to ensure that all employees absent from work due to sickness are dealt with compassionately and fairly and that the organisation is able, as far as possible, to maintain staff effectiveness.

Healthy Minds recognises that the ill health of one member of staff can affect the well-being of other staff members by imposing additional burdens of work or by disrupting management and support structures. Healthy Minds will attempt to take account of the needs of the whole organisation in resolving any problems.

High levels of staff sickness generally may indicate problems with the working environment of Healthy Minds and should be investigated as such by the Board of Trustees.

The Healthy Minds managers will keep up to date on progress during absence and arrange support if appropriate.

Absence from work through sickness or because of injury does not affect continuity of employment and does not of itself exclude an employee from the right to be involved in any consultations with management that are relevant to their future employment and would, had they not been absent, have involved her/him. Staff who are absent because of sickness or injury will not, however, be required to participate in any kind of work or consultation.

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1. Sickness Procedure

Notification of sickness/absence

The employee or someone acting on their behalf must contact the office by your normal start time if possible, but never later than 10:30am. This contact is to notify the line manager of the first day of absence, indicating the nature of the illness and the expected date of return. If the illness continues beyond the expected date of return, the employee or their representative must ring in again giving the new expected date of return.

Sickness and annual leave

If staff are sick during holiday periods they are entitled to take this as sick leave and take their holidays at a later date, subject to usual sickness recording and reporting procedures. Holiday will continue to accrue during any period that an employee is off sick. In the first six months contractual holiday will accrue. After six months of sickness only statutory holiday will be accrued.

For example: a full-time employee with an annual entitlement of 40 days would accrue 20 days in the first 6 months and then 14 in the second 6 months.

Confidentiality

All staff dealing with employees who have been absent and who have access to absence records must have due regard to the need for confidentiality.

Communication

Healthy Minds will provide each employee with a copy of this statement as part of his/her induction. The Healthy Minds Service manager and employees should aim to discuss informally, as early as possible, any health matters which are of concern either to the line manager or the employee him/herself.

Other disciplinary matters

Where an employee is (or becomes) involved in other disciplinary matters, the sickness procedures may be superseded by the disciplinary procedure.

Notification and certification

The following procedure must be followed to ensure employees are paid accurately. If this procedure is not adhered to it may affect accurate payment of salaries.

Certification

Any illness of 7 days or less must be self-certificated on return to work on [this form](#). For illness of more than 7 days (including weekends) a doctor's certificate is required.

If an employee is given a 'fit note' by a doctor (i.e. a medical certificate which recommends a supported and/or conditional return to work), a Healthy Minds line manager will arrange a meeting between the employee, him/herself and a representative of the board of trustees as soon as possible to explore the possibilities of facilitating a return to work within the doctor's recommended guidelines and to establish the nature and time scale of any supportive measures that might be appropriate. If Healthy Minds is unable to agree to the doctor's suggested conditions or has not yet met with the employee, the fit note will be treated as a sick note and the employee will receive their contractual sick pay entitlement.

Sickness monitoring

The Healthy Minds management team should ensure that individual sickness records are kept for each employee, showing details of absences, reason, and whether they are self-certified or medically certified. Where possible, and where the employee concerned explicitly agrees, records should also note if the sickness absence is the direct result of a recognised disability.

On returning to work, all staff must countersign their sickness records kept by the Healthy Minds Service manager. Individual records should be updated after each absence and

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reviewed by the the Healthy Minds Service manager on a regular basis. Sickness records are confidential. They should be kept for three years and then destroyed.

Return to work contact

After each period of sickness absence the line manager should, see all employees in private either on their return to work or as soon as possible thereafter. Employees will also need to countersign their sickness record ('self-certify'). The aim of this contact is to ascertain that employees are fit for work and to check whether there are any continuing health problems or if they need support in any way. The idea is not to give any sort of disciplinary warning or threat or to treat every case as suspicious.

Employees with disabilities

In all cases of sickness absence the Healthy Minds management team must ascertain if the ill health or mental health of the employee comes under the definition of disability (as defined within the Equality Act 2010), note this on the sickness absence record if the employee concerned explicitly agrees and act accordingly. Separate records will be kept for 'disability leave' as opposed to 'sickness leave'. In general, this will mean considering whether 'reasonable adjustments' can be made to the employee's working environment or to their job description in order to accommodate the disability. It should also mean that 'trigger points' are used to consider such adjustments and not as disciplinary concerns when conducting the review procedures outlined below. It may also involve seeking specialist advice from an appropriate employment / disability agency. Where no reasonable adjustment is identified or where the resources of the organisation make such an adjustment impossible or impracticable, procedures will be as described below.

2. Short term or intermittent absence

Intervention levels - trigger points

The following trigger points will operate for formal management intervention in cases of short term sickness absence:

- a) Where the employee has had four separate absences lasting a working week or more within a twelve month period
or
- b) Where a full time employee has had twelve days of 'self-certified' absence (5-day a week staff), 9½ days (4-day a week staff), 7 days (3-day a week staff) or 5 days (2-day a week staff) within a twelve month period
or
- c) Where any unacceptable trend is identified (e.g. repeated absences linked to weekends or other breaks).

First formal review meeting

Where an employee has reached one or more of these trigger points, the Healthy Minds Service manager will carry out a review of the record at the conclusion of the current period of sickness and will formally discuss the issue with the employee. The Chair/Deputy of the Board of Trustees will be consulted and may also be present at this meeting if appropriate. The extent of the Chair/Deputy's involvement at this stage will depend on a number of factors, including the pattern of absence, the employee's record and general sickness absence levels within the team. This meeting will not necessarily imply disciplinary action, but will primarily aim to resolve difficulties, from both the perspective of the organisation and the individual employee. Since this is a formal meeting, the employee will be advised of their right to be accompanied by a trade union official or other mutually acceptable companion of their choice and will be given sufficient prior notification of the meeting to make any necessary arrangements.

An employee, who prefers not to discuss his /her medical condition with the Healthy Minds Chief Officer/Chair/Deputy because of the sensitive or personal nature of the information, may choose instead to have the matter referred to a member of the Board of Trustees of the same sex as themselves.

Following the review of the sickness record, the Chair/Deputy and Healthy Minds Chief Officer will need to agree with the employee an appropriate course of action. Some of the options for consideration are:

- agree there is no need for immediate action
- agree to continue to monitor the situation over a specified timescale (maximum one year)
- attempt to resolve any working difficulties, especially (but not exclusively) by making 'reasonable adjustments' if the absences are related to a disability
- advise the employee to consult his/her GP
- seek a medical opinion from the employee's GP or another nominated medical practitioner

Any report on an employee's health will relate to her/his absence from work and fitness for her/his employment. As required by law, Healthy Minds will always seek the written permission of the employee concerned before contacting their GP or another medical practitioner.

The outcome will be confirmed in writing within three working days.

Review period

In the period following the initial meeting the line manager may undertake follow-up action and discuss the matter further with the employee as necessary. The sickness record will be kept under review and if there is no satisfactory improvement within the specified timescale as determined at the initial meeting, a second formal meeting may take place.

Second formal review meeting

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Where absences continue at an unsatisfactory level, for example when time off for sickness continues at levels similar to those set out in section 2 above, the employee may again be

required to meet formally with the Healthy Minds Service manager and the Chair/Deputy of the Board of Trustees to explore reasons for continuing absence. The Chair/Deputy **must** be involved at this stage.

The employee will be told in writing that the purpose of the meeting is to formally express concern about the continuing level of absence with an outline of the details causing concern. He or she will be given the opportunity to be accompanied/ represented by a trade union official or other mutually acceptable companion of his or her choice and will be given sufficient notice of the meeting to make necessary arrangements (at least three working days). At the meeting, the Chair/Deputy will again outline the cause for concern and the employee (or his/her representative) will be given a chance to respond.

Before deciding on any action, the Chair/Deputy should consider:

- the overall sickness record
- any medical evidence, including any factors relating to a recognised disability
- any mitigating factors/explanations presented by the employee
- the degree of disruption caused by the absence
- the likelihood of improvement
- the employee's length of service and past work record

The Chair/Deputy may choose one or more of the following options:

- Agree, and confirm in writing, that there is no need for immediate action but to keep the sickness record under review for a specified period (maximum of one year).
- Attempt to resolve any working difficulties especially (but not exclusively) by making 'reasonable adjustments' if the absences are related to a disability.
- Defer a decision pending further medical reports or other evidence concerning the employee's health as it relates to her/his absence from work and fitness for her/his

employment. As required by law, Healthy Minds will always seek the written permission of the employee concerned before contacting their GP or another medical practitioner.

Also they may wish to:

- consider transferring the employee where possible or appropriate
- formally notify the employee in writing that their attendance is unacceptable and that this is having a detrimental effect on the performance of their duties and set a timescale for improvement (maximum of one year)
- formally notify the employee in writing that their employment is liable to be terminated due to incapability on grounds of ill-health unless an acceptable standard is reached within a given timescale
- notify the employee in writing that the reason(s) for their absence is unacceptable and you are invoking the discipline procedure and issuing a formal warning with appeal

Final review meeting

If another review period has been stipulated at the second formal meeting, and it is apparent that the desired improvement has not taken place, and there are no acceptable mitigating circumstances identified, then a further review meeting may be held on the same terms as the second meeting. The Chair/Deputy of the Board of Trustees *must* also be involved at this stage [or a further member of the Board if they are already involved]. The employee will be notified in writing that this meeting could result in the termination of her/his employment due to incapability on grounds of ill-health. The employee must always be given the opportunity to be represented/ accompanied when termination of employment is a possibility.

Any decision to terminate employment will be made by the Healthy Minds Service manager, Chair and the Deputy or additional member of the Board of Trustees involved above.

Appeal

The employee will have a right of appeal against a decision to terminate employment to a panel of up to three people selected from the remaining members of the Board of Trustees. Such an appeal will be held as soon as practicable and without any unnecessary delay.

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Non-attendance at review meetings

Where an employee fails to attend a sickness absence review meeting without evidence of good reason for non-attendance, then the Chair/Deputy and the Healthy Minds Service manager (and other Trustee representative at Stage 3) will decide how to proceed. The employee will be informed of their decision in writing within three working days.

3. Long term sickness absence

Long term sickness is regarded as a continuous absence of four consecutive weeks or more.

It is important to recognise that dealing with long-term sickness is not usually a disciplinary issue. Warnings to genuinely sick employees on grounds of ill health are inappropriate.

Many cases of long-term sickness involve substantial personal and medical confidentiality and all staff involved in the monitoring procedures must respect this.

A key element in the management of long-term sickness is to maintain regular agreed contact with employees. This contact is important both to ensure that the employee feels supported and informed during their absence and to assess the likely duration of the absence for operational purposes. Contact should, if possible, be two-way and may be achieved by post, by telephoning the employee at home or by arranging for the employee to visit the office or by visiting the employee at home (with prior agreement and notification).

The purpose of the contact is to:

- provide appropriate support
- enquire into the medical position
- establish whenever possible when the employee will be able to resume work
- ascertain what steps the employee and/or employer can take to aid recovery
- determine what action, if any, to take

Initial review

Where an employee has been absent for a continuous period of four weeks or longer, the Healthy Minds Service manager and Chair/Deputy of the Board of Trustees will meet, together with the employee if appropriate and if they wish to be present, to determine future

action. The employee need not be present if this would cause stress or anxiety or if the situation is clear. The Healthy Minds Service manager following the meeting will report back to the employee to confirm the substance of any options or decisions. These could include:

- no further action
- offering support to the employee, both in relation to the medical condition and also with regard to any working difficulties and any personal or emotional difficulties. This could, for instance, involve changes in hours, location, duties or physical aids/adaptations.
- considering a phased return to work
- examining the possibility of alternative employment, either in or outside the team
- determining if and when further review meetings will be held to consider developments

Further review meetings/ seeking medical reports

The nature of further review meetings to reconsider the above options will depend on the circumstances of the case. It is important that the situation is monitored and regularly reconsidered in the light of medical or other developments, so that both the employee and the organisation can be helped to manage the situation and to make informed decisions. However, it is also important to treat the matter sensitively and with due regard to the effects of stress and anxiety on an employee who is genuinely sick. Reviews should be approached in the spirit of offering support. Further review meetings may thus be more or less formal.

In some cases, where it is possible that termination of employment may become an option, the employee should be made aware of this and invited to bring a companion/representative to any meetings. Written notice should be given of meetings and the outcome should be

recorded and agreed. If appropriate, these review meetings may involve the Chair/Deputy of the Board of Trustees.

Further reviews may also decide to seek a medical report from the employee's GP for information about her/his health as it relates to her/his absence from work and fitness for her/his employment. As required by law, Healthy Minds will always seek the written permission of the employee concerned before contacting their GP or another medical practitioner. Seeking medical reports should not be done without good reason, for instance to get a diagnosis of the operational implications of the absence and to identify any appropriate support measures. To ensure that a relevant report is prepared, as much background information should be given as possible (e.g. current duties, job description, sickness record) together with a clear indication of the advice required. Healthy Minds will pay any necessary doctor's charges for supplying this information.

Support for those returning after long term absence

It is important to recognise that for some employees a return to work can be stressful and that anxiety can build up around this time. Prior to the employee's return the Healthy Minds Service manager must meet with them / make contact and find out what sort of support will help their re-introduction to the workplace e.g. reduced hours, reallocated duties (temporary or permanent), re-training, supervisory support or other reasonable adjustments. It is vital that a re-entry strategy is developed for employees returning after a period of long-term absence. However, the level of support offered must be realistic within the resource constraints of Healthy Minds.

Final review meeting

Unless there are exceptional circumstances, no employee will be dismissed on medical grounds where medical reports indicate that they are likely to return in the foreseeable medium term.

However, if the medical prognosis warrants it, a final review meeting may be held with the Chair/Deputy of the Board of Trustees/ an additional member of the Board to consider medical retirement or termination of employment on the basis of ill health incapability. This

meeting may make the decision to terminate employment. It will be pointed out to an employee that taking early retirement may affect future claims for benefit.

The employee must be advised of this meeting in advance and be given plenty of opportunity to be represented/ accompanied by a Trade Union representative or mutually acceptable person of their choice. Any decision made must be communicated to the employee in writing within three working days.

Appeal

The employee will have a right of appeal against a decision to terminate employment to a panel of up to three people selected from the remaining members of the Board of Trustees. Such an appeal will be heard as soon as is practicable and without any unnecessary delay.

4. Sickness pay scheme

In the event of absence through sickness or incapacity, the employee will in any twelve-month period be entitled to sickness pay as follows:

- during the probationary period, two weeks' pay inclusive of any Statutory Sick Pay
- after the probationary period but during the first year of continuous employment, one month's pay inclusive of any Statutory Sick Pay
- after two years of continuous employment, two months' pay inclusive of any Statutory Sick Pay or National Insurance benefits
- after three years of continuous employment, three months' pay inclusive of any Statutory Sick Pay
- after four years of continuous employment, six months' pay inclusive of any Statutory Sick Pay.

If sickness periods exceed these amounts then employees will be entitled to Statutory Sick Pay (SSP) only. Sickness payments (not including SSP) are at the discretion of the Board of Trustees, however sick pay will not be unreasonably withheld.

5. Other Types of Leave

Compassionate/ dependents' leave/ other time off

Compassionate leave and pay in cases of urgent domestic need, for example, the serious illness or death of a near relative or partner, compassionate leave of up to one week may be granted with salary by the Chief Officer. An extension may be granted in cases of special need. Staff requiring compassionate leave should notify the Chief Officer at the earliest convenient opportunity.

In circumstances of unforeseen sickness of a child or other dependent relative/partner, or where care arrangements have broken down, short periods of paid absence may be taken by agreement with the Chief Officer. Staff requiring such leave should notify the Chief Officer at the beginning of the day, or as soon as possible.

Definition of a dependant:

- husband / wife / civil or long-term partner
- a child for whom the employee has parental responsibility or for whom they are the named guardian
- parent
- a relative who lives in the same household as the employee, for example grandparents, aunts and uncles, siblings
- someone who *reasonably* relies on the employee for assistance (in the case of illness or injury, or where care arrangements break down)

But does **not** include

- tenants,
- lodgers,
- boarders
- paid employees.

Public Duties

Jury Service and attending Court as a Witness. We will normally grant as much time off as required if you are called for jury service or to attend court as a witness, unless the time off

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may have significant detrimental impact on Healthy Minds, in which case you may be asked to delay your Jury Service and we will support with the administration of this. You should advise your line manager as soon as you are called for jury service and produce the relevant summons and attendance instruction. Time off for Jury Service will be paid as long as you inform your manager in advance to arrange cover (at least 2 weeks' notice). Time off

to answer civil or criminal charges will be assessed on a case-by-case basis. Please inform your line manager as soon as possible and Healthy Minds (Chief Officer/Trustees) will make a decision based on the circumstances.

6. Maternity Leave and Pay

This aims to provide managers and staff with clear information around maternity provisions. Information around maternity leave, pay and arrangements around returning to work after maternity leave.

Procedure: Telling your manager that you are pregnant.

Inform your manager as soon as you know you are pregnant for Health and Safety reasons at work (you and the baby). Early disclosure also allows health and safety assessments to take place.

You will be informed about maternity rights and pay (you have the right to wait until the 15th week of pregnancy before informing the charity if you wish).

You will be required to inform your line manager in writing that you are pregnant attaching MAT B1 Certificate and indicating when you expect to start your maternity leave. You can change this date as long as you provide 28 days written notice.

MAT B1 certificate gives doctor/midwife signed expected week of childbirth – it is not always automatically issued so you may need to request it.

Entitlements: Ante-natal Care

You are entitled (during your pregnancy) to take reasonable time off work to attend ante-natal checks, scans, tests etc. This is regardless of your length of service and hours. You should give as much notice to your manager as possible and provide appointment cards after the first one. Maternity Leave:

Maternity Leave

All female staff, irrespective of length of service or numbers of hours worked have the right to 52 weeks of Maternity Leave. Ordinary Maternity Leave is 26 weeks, with a further 26 weeks of Additional Maternity Leave available. Employees are able to return to work at the end of the Maternity Leave.

The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth, and employees can choose when they want the Maternity Leave to begin.

Sick Leave during pregnancy

Sick leave taken for non-pregnancy related illnesses will be treated as sick leave in the normal way.

If an employee is off sick with a non-pregnancy related matter any time after the beginning of the fourth week before the expected birth, then this will be treated as sick leave in the normal way.

If an employee is off sick due to something connected with the pregnancy any time after the fourth week before the expected week of birth, then the maternity period will begin straight away.

Early Births

If the birth of your baby occurs before the 11th week before the expected week of childbirth or your planned date of leaving, your maternity leave will commence the day after your baby is born.

Maternity Pay

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

you have at least 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth ('the qualifying week')

you have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first six weeks of this 39 week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the eight weeks prior to the end of your qualifying week (15th week before the EWC). (See here for details of statutory rates: www.gov.uk/maternity-pay-leave/pay.)

If you do not qualify for SMP you may be eligible to receive maternity allowance. You should contact your local Job Centre for details of this benefit.

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (eg. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP entitlements. Your contractual rights remain during maternity leave.

Annual Leave Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave

and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Pension Scheme Occupational pension contributions continue during OML and during any period of paid maternity absence.

Maintaining contact during maternity leave Before you start your maternity leave, your manager will meet with you to discuss reasonable contact arrangements during your maternity leave and your preferences as regards contact from work. Below is a list of the sorts of information you may want to be kept informed about.

- Notes and important meetings.
- Internal vacancies that arise.
- Announcements at team meetings.
- Significant developments to working practices.
- Change of team structure.
- Any training offered to your team.

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep In Touch Days

You may work for up to 10 days during your maternity leave. Keep in Touch days can only be worked by mutual agreement; that is to say both you and the employer must agree to the work/training taking place. When agreeing KIT days you and your manager should agree the type of work to be carried out and the duration in advance. Particular care should be taken if the role is physical and you should talk to your manager if you need support.

Paternity Leave and pay

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have responsibility for the upbringing of the child. An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. Ordinary Paternity Leave can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, Ordinary Paternity Leave may be taken between the date of birth and up to the 56th day after the EWC.

Shared Parental Leave

Employees are entitled to SPL and will pay this subject to meeting the [eligibility criteria](#)

SPL allows working parents to share periods of leave and/or pay entitlement following the birth or adoption of a child. Up to 50 weeks statutory maternity leave (SML) and up to 37 weeks statutory maternity pay (SMP) may be available to be shared.

The leave can be shared so that it is taken at the same time as your partner or at different times. How much leave or pay can be shared will depend upon how much maternity leave and maternity pay has been used by the child's mother/primary adopter. It is only the untaken balance that can be taken

Adoption Leave and pay

To qualify for adoption leave, you must be newly matched with a child for adoption by an adoption agency. There is no length of service requirement for adoption leave. Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step parent is adopting a partner's children (full policy on SPL available to staff on shared drive and as part of induction).

7. Menopause Leave

The Health and Safety at Work Act (1974) requires employers to ensure the health safety and welfare of all workers. Under the act employers are required to carry out risk assessments (including Stress Risk Assessments) under management regulations which should include specific risks to Menopausal women employed by the company.

The Equality Act (2010) prohibits discrimination against people on the grounds of certain 'protected characteristics' and the company is aware that conditions linked to the menopause meet the definition of 'impairment' under the act and require reasonable adjustment and requests for leave will be considered on an individual basis.

The company has a positive attitude towards supporting menopause and perimenopause in staff and will work pro-actively to make the adjustments necessary to support individuals affected so that the workplace does not make symptoms worse. The company will also seek to remove any exclusionary or discriminatory practices and meet specific needs.

8. Time Off for Medical Appointments

Wherever possible routine medical/dental appointments should be arranged outside of normal working patterns. Healthy Minds recognises that this is not always possible.

One hour can be given for medical appointments at the beginning or end of the day (eg if you normally start at 9:00am you can arrive for 10:00am provided that you have nothing else booked in your calendar).

Appointments in the middle of the day should be avoided unless absolutely necessary.

Please inform your line manager of the time of any appointments.