

## Sickness Absence Policy

This policy sets out the University approach to sickness absence.

### 1. Procedure

Staff members who are absent from work due to sickness or accident should normally adhere to the following:

- 1.1. On the first day of absence they should where practically possible telephone their line manager by the start of their normal starting day/shift to give details of their absence; early notification is expected where arrangements must be made to cover shifts or duties. They should leave a contact number.
- 1.2. Staff members should make every reasonable effort to keep their line manager informed on a daily basis unless their absence is documented by a medical certificate which has been sent to the HR Department.
- 1.3. If they return to work after no more than seven calendar days' absence, they must complete a self-certification form. This form is available from the HR department or the University's e-portal.
- 1.4. If the absence lasts for longer than seven days, a medical certificate / fit note will be required and the certificate should be forwarded to the HR department.
- 1.5. Regardless of the length of absence a self-certification form must be completed on the staff member's return.
- 1.6. Following any period of sickness absence all staff should discuss their return to work with the relevant line manager.
- 1.7. Should a staff member wish to return to work prior to the date a medical practitioner has stated on their medical certificate/fit note the staff member must complete a self-certification form.
- 1.8. Staff members who have had a significant period of sickness absence (2 months or more) may be required to obtain a medical certificate from their medical practitioner stipulating that they are fit to return to work.

A staff member who fails to comply with notification or certification procedures or who otherwise abuses St Mary's University rules on sickness absence may be liable to action under the disciplinary procedure.

## 2. Long Term Sickness Absence

- 2.1.1 In instances of long-term sickness absence, the Human Resources Department will normally seek to establish the reasons for absence and its likely duration. The staff member may be asked to see a medical practitioner or an Occupational Health Professional (OHP) appointed by the University to enable a medical report to be prepared for St Mary's. The purpose of the report will be to establish whether any adjustments can be made to assist the staff member's return to work.

The staff member may be asked to consent to the University, or an OHP appointed by the University, contacting his or her doctor in order to establish the likely length of absence and any long term effect on ability in relation to job performance and attendance at work.

- 2.2 In cases where the staff member may be disabled within the meaning of the Equality Act 2010, HR may ask the staff member to consent to the University contacting his or her doctor in order to establish the nature of the condition, the likely duration and its effect on the staff member's ability to carry out his or her job. The staff member may also be asked to attend an appointment with a medical practitioner or OHP appointed by St Mary's University to facilitate the preparation of an appropriate medical report to enable the University to:

- make reasonable adjustments to accommodate the staff member's short term or long term requirements;
- consider offering alternative employment or other adjustments to the staff member's role as may be reasonable in the circumstances.

- 2.3 The staff member may commission an *Access to Work* report to assist in identifying relevant reasonable adjustments.

Please see St Mary's University Disability Policy for further details<sup>1</sup>.

## 3. Requests for Medical Reports

St Mary's University or a nominated OHP will request details from medical practitioners about the state of health of staff members only when that information is considered essential for employment purposes. Staff members will be fully informed of their rights of access to any such reports.

### Procedure

- 3.1 The decision whether to request a medical report will rest with the HR department.

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<sup>1</sup> This policy is to be still to be developed and approved. Please contact Human Resources for further information on *Access to Work*

- 3.2 The HR department will establish whether or not the provisions of the Access to Medical Reports Act 1988 and/or the Data Protection Act 1998 apply to the particular request.
- 3.3 Permission from the staff member to approach the medical practitioner must be obtained in writing. The HR department will explain fully to the staff member the reasons for the request.
- 3.4 At the time permission is sought the individual must be informed in detail of his or her rights under the Access to Medical Reports Act 1988 and/or the Data Protection Act 1998 (if appropriate).
- 3.5 If individuals have any queries on their rights, they should refer to an HR Advisor with the Human Resources Department.
- 3.6 A staff member may refuse to give permission for St Mary's University to obtain a report. However the inability to obtain up-to-date medical information may affect a decision made about a staff member's employment with the University.
- 3.7 A staff member who consents to St Mary's University applying for a medical report must complete an "Access to Medical Records Form" (retaining a copy) and also indicate on that form whether or not he or she wishes to see the report before it is released to the University. Where necessary, the name and address of the GP or consultant must be provided.
- 3.8 The form should be returned to the HR department.
- 3.9 When applying to the medical practitioner for a report the HR department, in consultation with the staff member and/or their line manager, will set out in as much detail as necessary the reasons for the application.

Note: Medical practitioners are required by law to show the staff member, or give them a copy of, any report that they write about them for employment purposes before it is sent,

- i) unless; the staff member has already indicated they do not wish to see the disclosure;
  - ii) or it would be likely to cause serious harm to the staff member or anyone else;
  - iii) or disclosure would be likely to reveal information about another person who does not consent to the disclosure.
- 3.10 Where a staff member who has obtained access to a medical report believes that information contained in it is inaccurate or irrelevant, he or she may ask the doctor to make amendments accordingly.
- 3.11 Once the staff member has seen the report, the University expects the staff member to give consent to it being released (and/or make representations on its contents to the practitioner) as soon as reasonably practicable.
- 3.12 When the report has been received by the University, further consultation will take place with the staff member concerned before any decisions are made regarding the individual's employment with St Mary's University.
- 3.13 Where a staff member chooses not to give consent to it being released to the University, the line manager with a representative from HR will consult the individual concerned. The line manager will advise that the University prefers to base decisions on the fullest medical evidence but where such evidence is not available, a decision will have to be made on the basis of such information as is known at the time.

3.14 Information acquired by the University on staff members' health is to be treated at all times in the strictest confidence in accordance with current data protection legislation.

#### **4. Annual Leave during Sickness Absence**

During periods of sickness absence annual leave entitlement is accrued at the normal rate up to the statutory minimum, as specified under the working time regulations.

A staff member who falls sick during annual leave may take the balance of holiday at a later date, subject to providing a medical certificate/fit note to cover the sickness absence days. Where the absence is 7 days or less the University will, on production of a receipt, reimburse the staff member (up to BMA recommended limits). The staff member will be regarded as being on sick leave, rather than annual leave, from the date specified on the certificate.

#### **5. Medical and Dental Appointments**

Staff members do not have a contractual right to paid time off work to attend medical and dental appointments. Therefore these must, as far as is practicable, be arranged outside normal working hours or, if this is not possible, near the beginning or end of normal working hours. If medical appointments are made within working hours, the line manager or Head of School or Service should be notified in advance, they may request documentary evidence of the appointment date/time. It is expected that where staff members attend medical appointments during the day they will only be absent for the time necessary to attend the appointment.

#### **6. Local Variations to the Sickness Procedure**

Local procedures and practices may apply that have been developed in line with the business needs of individual Schools and Services. Local sickness procedures cannot contradict or supersede the provisions of this policy.

#### **7. Inappropriate use of Sickness Absence**

Where a staff member's sickness absence record demonstrates frequent short periods of self-certified absence, totaling more than 4 weeks in a rolling 12 month period, or where it is such that it gives significant cause for concern to the line manager/HR, the following procedure will apply.

Where appropriate, and after initial assessment of, the staff member's absence(s), the line manager will have a meeting with the staff member to explore the reason(s) for his or her absence. If the pattern involves frequent short term periods of sickness absence, the line manager will meet with the staff member and:

- identify the reason(s) for the absences and ensure that the staff member is aware that the absence record is giving cause for concern.
- advise the staff member to seek proper medical advice if appropriate. A medical report may be requested. The University reserves the right to ask a staff member to provide a medical certificate and/or to undergo a medical examination by an OHP nominated by the University.
- give consideration to any personal problems the staff member may have and possible ways of helping the staff member resolve them
- agree a reasonable period of time over which the staff member's attendance can be monitored and improved.

Following the meeting a letter from the line manager confirming the facts, the action to be taken and specifying what will happen if attendance is not improved will be sent to the staff member.

If, during the agreed timescale, the staff member's attendance record does not improve and the University has no reasonable grounds to believe that there will be an improvement in the foreseeable future, the University will write to the staff member asking them to attend a formal meeting. St Mary's will notify the staff member of the right to be accompanied at the meeting. The staff member must make every reasonable effort to attend the meeting. At the meeting itself, the staff member will be given a full opportunity to make representations. The staff member will have the right to appeal the outcome of the meeting.

Where there has been no improvement to the staff member's attendance record the disciplinary/capability procedure may be invoked.

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