



# **Sickness Absence Policy**

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## **1. Policy principles**

- 1.1. The University recognises the benefits of having a healthy and committed workforce whilst at the same time having a robust, clearly understood procedure for managing sickness absence.
  
- 1.2. The University understands that employees will occasionally be absent from work due to sickness. The University has developed a policy and procedure for managing sickness in a fair and transparent way.
  
- 1.3. The University takes a work-focussed approach to help minimise the impact of ill- health on an employee’s attendance. Being ill or injured does not always prevent an employee from undertaking work. A work-focussed approach involves:
  - Early intervention to enable any help and support to be identified;
  - A greater emphasis on the line manager and employee working together to remove barriers to work.

- 1.4. Managers will support employees in achieving a good level of attendance by helping them to remain at work when they experience ill-health, or to return to work as soon as possible following a period of absence due to sickness.
- 1.5. Line managers are responsible for the effective management of absence due to sickness and its impact upon work performance and service levels.
- 1.6. During a continuous absence due to sickness, review meetings will take place to provide an opportunity for the employee and line manager to identify any help needed to enable the employee to return to work as soon as they are well enough.
- 1.7. Where levels of absence due to sickness becomes a cause for concern, line managers will take appropriate steps to improve attendance, which may include formal action. Line managers will use 'improvement review periods' and set expected levels of attendance to improve attendance at work.
- 1.8. Dismissal or redeployment will only be considered as a final option where the level of sickness cannot be supported and impacts on the operation of the University.
- 1.9. This policy does not form part of the employees' terms and conditions of employment and may be subject to review.
- 1.10. The following principles and aims underpin the Sickness Absence policy and procedure:
  - Generally, being in work is good for physical and mental health and well-being;
  - The University is committed to promoting a culture of attendance where employees feel valued and supported;
  - Attendance will be managed fairly and effectively in a clear and transparent way;
  - Attendance discussions will focus on what the employee can do rather than what they cannot, enabling them wherever possible to remain at work instead of being absent from work;
  - The University is committed to reducing the number of working days lost through sickness absence and the impact this has on the operation of the University and other employees.
- 1.11. The policy is based on the assumption that, if the University suspects there to be misconduct, the Disciplinary Policy will apply. For example, the University may take disciplinary action if there is evidence that:

- absence is not genuine or not for the reason provided;
- the employee is undertaking inappropriate activities while absent from work due to sickness, such as carrying out work for another organisation; or
- the correct sickness absence notification and evidence process has not been followed.

## **2. Scope of policy**

2.1. This policy applies to all employees who have passed their probation, including those on temporary contracts and fixed term appointments. It does not apply to agency workers or contractors.

## **3. Definitions**

- "Period of sickness absence" or "instance of sickness absence" means any continuous period of sickness absence, of whatever length, during which the employee does not work.
- "Short-term sickness absence" means any period of sickness lasting 1 to 27 calendar days.
- "Long-term sickness absence" means any period of sickness lasting 28 calendar days or more.
- "Formal review period" means a defined period during which an employee is required to show an improvement in their sickness absence levels.
- 'Trigger points' are used to monitor sickness absence to highlight levels or patterns that require further attention. They may also determine whether action is needed by managers.

## **4. Responsibilities**

4.1. The employee should be familiar with this policy, the need to keep absence from work to a minimum, follow the requirements, such as reporting absence and providing the medical information needed.

4.2. The role of HR is to act impartially in advising and guiding the line manager and employee and to ensure that the policy is followed.

4.3. Employees have the right to be accompanied by a St Mary's University workplace colleague or recognised trade union representative to any formal meetings under this procedure. There is no right to be represented at the informal, investigation stage.

If an employee's representative is unavailable at the time a meeting is scheduled, the University may request the employee seeks an alternative companion, however this is the responsibility of the employee.

- 4.4. Occupational Health will provide support to the employee and provide further information to line managers. However, any Occupational Health appointments are entirely voluntary.

## **5. Reporting absence**

5.1. On the first day of sickness absence, the employee must inform their line manager as soon as reasonably practicable that they will not be attending work due to sickness or injury. The employee should notify their line manager of non-attendance by telephone before they are due to start work. If a working day begins before 6 am the employee should call their line manager the day before if possible. If the employee's line manager is unavailable, the employee should contact the next most appropriate person within the department. Notification of sickness absence must be via telephone, rather than text message or via social media. Email notification may be used if pre-agreed with the line manager however telephone is preferred. In exceptional circumstances where the employee is unable to telephone (for example, because of hospitalisation), another person such as a friend or relative can contact the line manager on their behalf.

5.2. Sickness absence that begins part way through the day will count as one full day's sickness absence if the employee leaves before completing 50% of their working day. Where sickness absence begins after the employee has completed 50% of their working day, this should be recorded as half a day's absence.

## **6. Updating the employee's absence record**

6.1. When the line manager is notified of an employee's sickness absence the line manager should record the absence on the employee's absence record on PeopleManager. This should record the dates of the employee's absence, and the reasons for the absence (i.e. the nature of the illness or injury that has led to the employee's absence). Staff are also able to record their own absence on Employee Self Service. Further guidance is available on Staffnet.

## **7. Contact during sickness absence**

### **7.1. Short term sickness**

- For each subsequent sick day after the first day of absence, the employee should telephone their manager as soon as reasonably practicable in the morning. Line managers can use their discretion and can agree different arrangements with the employee, for example if the employee is hospitalised.

### **7.2. Long term sickness**

- It is the joint responsibility of both the line manager and the employee to maintain contact throughout the sickness absence period. The employee's line manager should contact the employee to agree the method and frequency of contact. Contact should be on a regular basis and at least weekly.
- In some circumstances, contact with an employee on long-term sickness absence can be maintained via home visits. Home visits will take place only with the prior consent of the employee at mutually agreed times.
- Home visits will be conducted by the employee's line manager who may be accompanied by a representative from HR if appropriate.
- If the employee would prefer not to be visited at home, another location near the employee's home (such as a local cafe) could be mutually agreed.

## **8. Certification**

8.1. For absences of seven calendar days or less, the employee must complete Part 1 of the Return to Work Form and submit it, on the day of return, to the manager or their nominee.

8.2. For absences lasting longer than seven calendar days, the employee must obtain a statement of fitness to work (a 'fit note') from their GP covering any further periods of sickness in the same absence period. This statement must be posted or scanned to their line manager on the same or next day.

8.3. The fit note will provide advice from the GP as to whether the employee is 'fit or unfit' to return to work.

8.4. An employee may return to work at the end of the period stated on the fit note, or sooner if their manager agrees it is appropriate.

8.5. On the first day of the employee's return, a Return to Work meeting must take place.

- 8.6. When calculating an absence period, the system will calculate the absence based on the employee's working pattering. Rest days will not be counted as absence.
- 8.7. Entitlement to sick pay is subject to the employee's compliance with their obligations under this Procedure.
- 8.8. Each employee's contract of employment will set out the extent of their eligibility to receive sick pay.
- 8.9. If an employee is not eligible for Statutory Sick Pay (SSP), or if their SSP entitlement is coming to an end, the University will provide the employee with a form SSP1 explaining why.
- 8.10. Where an employee is entitled to receive (Occupational Sick Pay) OSP, the extent of their entitlement shall be set out in their contract of employment.
- 8.11. If an employee does not qualify for OSP, they may still be entitled to SSP and should seek advice from their line manager.
- 8.12. The University reserves the right to withhold or suspend sick pay under its contractual sick pay scheme at its discretion. Circumstances in which contractual sick pay may be withheld include where:
- the employee has failed to comply with the University's sickness absence notification and evidence requirements;
  - the employee makes or produces any misleading or untrue statement or document concerning their fitness to work.
- 8.13. The employee will normally be entitled to receive SSP when contractual sick pay is withheld or suspended, although the University can withhold or suspend SSP if it is not satisfied that the employee is ill, and no evidence of sickness is provided. Employees will be given written notice if their SSP or contractual sick pay is being withheld or suspended.

## **9. Trigger Points**

9.1. In order to ensure consistency of approach the following trigger points have been identified for short term sick absence:

- No more than 4 instances of absence adding up to a total of 10 days within a rolling period of 12 months; OR

- unacceptable patterns or trends e.g. regular Friday or Monday absences before or after Bank Holidays; OR
- failure to follow the notification procedure.

9.2. The following criteria has been identified for long term sick absence:

- Once an employee has been absent for 28 calendar days, or as soon as it is confirmed that they will be absent for at least 28 days (for example, a fit note has signed them off for that period), their manager should arrange a first long-term sickness absence formal meeting.

## **10. Return to work**

10.1. A return to work meeting must take place on the 1<sup>st</sup> day that the employee returns to work. Further information on how to conduct a return to work meeting can be found in the guidance pages.

10.2. Where appropriate the employee may be referred to Occupational Health further assessment or support.

## **11. Referral to Occupational Health**

11.1. At various stages of managing an employee's sickness absence, a manager should obtain advice on the employee's fitness for work from Occupational Health.

11.2. Referrals to Occupational Health provide support to the employee and provide further information to line managers, however they are voluntary.

11.3. If an employee does not wish to be referred to Occupational Health the line manager will make decisions with regards to the absence from the information available.

## **12. Medical appointments**

12.1. The University recognises that employees will, from time to time, need to attend medical appointments, and reasonable time off to attend will be given.

12.2. Employees should endeavour to arrange medical appointments in their own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the University.

12.3. Where time off for medical appointments becomes frequent or regular, or starts to cause difficulties for the employee's department, the line manager has the discretion



either to require the employee to make up for the time off by working extra time on another occasion, or to grant any further time off without pay. Further guidance is available on Staffnet.

### **13. Part-time workers**

13.1. For part-time workers, the trigger points will be pro-rated and rounded up to the nearest day.

### **14. Sickness absence and annual leave**

14.1. Sickness during holiday: Where an employee falls sick or is injured while on holiday, the University will allow the employee to transfer to sick leave and take replacement holiday at a later time. This policy is subject to the following conditions:

- The total period of ill health must be fully certificated by a qualified medical practitioner.
- The employee must contact the University (by telephone if possible) as soon as they know that there will be a period of sickness during a holiday.
- The employee must submit a written request no later than 5 working days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when they fall ill or are injured, evidence must still be produced that the employee was ill by way of a medical certificate.

### **15. Formal Sickness Absence Procedure - First formal Stage**

15.1. When an employee reaches a short term or long-term sickness absence trigger point, the employee's line manager will invite them in writing to a first formal sickness absence review meeting. In advance of the meeting, the line manager will have evidenced the levels of sickness absence and supported documents including:

- the employee's absence record;
- any letters previously sent to the employee about their absence levels; and
- any medical evidence such as occupational health reports, GP's letters, fit notes etc.

15.2. The written invitation to the first formal sickness absence formal review meeting should give the employee at least 5 working days' notice of the meeting. The letter should:

- advise the employee who will be present and that they can be accompanied by a work colleague or recognised trade union representative.

- explain to the employee that the purpose of the meeting is to review the employee's unsatisfactory attendance levels.
- remind the employee that a possible outcome of the meeting is that they may be subject to a formal review period.

15.3. The first formal sickness absence review meeting will be chaired by the employee's line manager. The line manager will be accompanied by HR and summary notes will be taken.

15.4. For cases of short-term sickness, at the meeting the line manager will:

- explain to the employee that the purpose of the meeting is to discuss the employee's unsatisfactory attendance in the previous 12 months;
- make clear to the employee that the aim of the meeting is to find ways to improve their attendance;
- allow the employee to share their views;
- try to establish any underlying reasons for the employee's poor attendance levels;
- discuss and agree any steps that can be put in place to support the employee to improve their attendance;
- refer the employee to occupational health/encourage the employee to book an appointment with their GP, if this has not already been done;
- remind the employee of the support that is available to the employee, including the employee assistance programme; and
- after a short adjournment, inform the employee of the outcome of the meeting and state that the outcome will be confirmed in writing to them within 5 working days.

For long term sick the line manager should also:

- establish the current state of health of the employee and the likely length of their absence, taking into account the advice in the employee's fit note or occupational health report;
- discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations);
- explain to the employee their sick pay entitlement;
- confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).

15.5. After the meeting, the line manager will set out in writing what the outcome of the first formal meeting. The letter, which should be provided to the employee within 5 working days of the meeting, should include details of any steps or targets that have been agreed to help the employee to improve their attendance, and any support that the University can provide to the employee.

#### 15.6. Possible Outcomes

- No further action: In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of a first formal sickness absence review meeting could be that the line manager decides that it is not appropriate to move the employee to a formal review period. If the decision is that no further action will be taken, the letter should inform the employee of this and provide an explanation for the decision
- Formal review period: An outcome of the formal review meeting could be that the manager decides that the employee should be moved to a formal review period. The letter should explain that the employee has a period of time, to be determined by the line manager, to show an improvement in their attendance levels. The 'improvement' period begins on the day after the outcome letter is issued. It is for the manager to determine a suitable review target which will allow the individual to demonstrate an improvement.

#### 15.7. Improvement achieved

Where, during the review period, there has been a clear improvement in the employee's attendance they should be advised in writing that:

- No further formal meetings will take place as long as the improvement is maintained;
- A failure to maintain a satisfactory level of attendance during the following 12 months will result in the next Formal Stage taking place immediately.

#### 15.8. Failure to achieve improvement

Where the required improvement in attendance has not yet been achieved, or there has been significant deterioration before the end of the review period, the next formal stage of the procedure will commence.

## 16. Second Formal Stage

16.1. The employee will be given at least 5 working days' written notice of a Second Formal Meeting, advised of its purpose and of the employee's right to be accompanied by a recognised Trade Union colleague or work representative and provided with copies of supporting evidence.

16.2. The letter should advise the employee that a possible outcome of the meeting is that their case may proceed to a hearing to consider dismissal. The employee should also be advised that, if they fail to attend, the meeting can be held in their absence and appropriate action taken. Meetings may only be rescheduled once.

16.3. The second formal meeting

The meeting will be chaired by the employee's line manager and HR should be present at the meeting. Summary notes will be taken. Documentation as outlined in the first formal stage should be prepared by the line manager in advance of the meeting. The meeting should follow the procedure as outlined in stage 1 (see s15.4).

16.4. Second Formal Stage Outcomes

After the meeting, the manager will set out in writing their decision. The letter should be provided to the employee within 5 working days of the meeting.

The manager may decide that the case will proceed to a further meeting to consider dismissal. Alternatively, and in exceptional circumstances the manager may decide to instigate a further formal review period. The employee will have a period of time, to be determined by the line manager, to show an improvement in their attendance levels. The formal review period begins on the day after the outcome letter is issued.

Improvement achieved

Where, during the review period, there has been a clear improvement in the employee's attendance they should be advised in writing that:

- No further formal meetings will take place as long as the improvement is maintained;

- A failure to maintain a satisfactory level of attendance during the following 12 months will result in the next Formal Stage taking place immediately

Failure to achieve improvement

Where the required improvement in attendance has not yet been achieved, or there has been significant deterioration before the end of the review period, a hearing will take place to consider dismissal.

## **17. Hearing to Consider Dismissal**

17.1. On reaching a decision to proceed to a hearing to consider dismissal a manager senior to the manager who chaired Stage 1 and 2 will be appointed by the Director of HR. This manager will not have had any previous involvement in the case. The manager will invite the employee, in writing, to a hearing to consider dismissal.

17.2. The meeting will be chaired by the appointed manager and HR should be present at the meeting. Summary notes will be taken. In advance of the meeting, the line manager should provide the appointed manager and HR advisor with the documents relevant to the employee's case.

17.3. The written invitation to the hearing to consider dismissal should give the employee at least 10 working days' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a work colleague or recognised trade union official representative.

17.4. The letter should explain to the employee that the purpose of the meeting is to decide whether employee's continued unsatisfactory attendance level can be supported by the University and that a possible outcome may be dismissal.

17.5. Where the employee is unable to attend the hearing, and provides a good reason for failing to attend, the hearing will be adjourned to another day. The employee will receive 3 working days' notice of the rearranged hearing. Unless there are special mitigating circumstances, if the employee is unable to attend the rearranged hearing, it will take place in the employee's absence. The employee's work colleague or recognised trade union representative may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

17.6. The purpose of the hearing to consider dismissal will be for the employee to have an opportunity to explain their case to the nominated manager and to submit any reasons or mitigation to support a claim that their contract of employment should not be terminated.

17.7. The nominated manager must be satisfied that they have sufficient information on which to make a decision and should also be satisfied that all the appropriate procedures have been followed, that reasonable adjustments have been considered (where appropriate) and that the employee has previously been advised that their employment with the University could be terminated.

17.8. Where the nominated manager determines that dismissal is not appropriate, the employee will be notified in writing. The nominated manager should also indicate what further action needs to be taken to support the employee in improving their attendance and how this will be monitored and assessed.

17.9. Outcomes may include:

- a decision for the employee to remain on sick leave until they have recovered (typically where an approximate return date can be identified);
- if applicable, further steps to pursue ill-health retirement
- an offer to make adjustments to the employee's work; this could include altering working patterns, providing an aid, making a change to the premises etc • redeployment with the employee's agreement; or • a decision to dismiss the employee.

Where the decision made to dismiss, the employee will be issued with notice of termination of employment, in accordance with their contract of employment. The employee must be informed of their right of appeal against the decision, the timescales for doing so and the person to whom it should be addressed.

## **18. Appeal**

18.1. An employee who is dismissed under this procedure has the right of appeal. The appeal should be sent in writing to the Director of HR and set out the grounds on which the employee believes that the decision was flawed or unfair.

18.2. The employee should lodge their appeal within five working days of receiving written confirmation of the sanction imposed on them by the University.

18.3. An appeal hearing will be convened within 10 working days after the appeal is lodged. The appeal hearing will be chaired by a manager appointed by the Director of HR, who will be accompanied by HR. Summary notes of the meeting will be taken.

18.4. The employee will be entitled to be accompanied by a work colleague or a recognised trade union official.

18.5. At the hearing, the decision to issue the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

18.6. The outcome of the appeal will be confirmed to the employee in writing within 5 working days of the appeal hearing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

## **19. Temporary reassignment**

19.1. Where an employee has been on long-term sickness absence, but is unfit to return immediately to their substantive role, even on a phased basis, their line manager should consider temporarily reassigning the employee to another role with the advice of Occupational Health.

19.2. The possibility of a temporary role will depend on the availability of work elsewhere and the employee's agreement to undertake the role. The employee's line manager should initially consider whether or not a different role is available within their department and, if it is not, widen the search to include other departments. The line manager should do this by asking HR about available vacancies in departments in areas in which the employee's skills could be utilised.

19.3. The employee's existing rate of pay will be protected during the temporary reassignment and their salary will be paid by the department in which the employee normally works. Temporary placements to help an employee on long-term sickness absence will normally last no longer than 3 months.

## **20. Permanent redeployment**

20.1. The University will consider permanent redeployment where it appears unlikely from the medical advice from Occupational Health that an employee on long-term sickness absence will be able to return to their existing role.

20.2. Any offer to redeploy the employee will be entirely at the University's discretion. Such an offer will be made only where the University is confident that the employee is no

longer able to continue to work in their current role and will be able to perform well in the redeployed role. A period of review will usually be set.

20.3. Any refusal to accept reasonable redeployment will result in dismissal.

20.4. Should the employee choose to accept permanent redeployment, they will be asked to agree to a variation of contract. Should an employee not accept permanent redeployment and all other options have been exhausted the employee may be dismissed.

## **21. Terminal illness**

21.1. Where an employee has been diagnosed as terminally ill, the University will endeavour as far as possible to accommodate their wishes and to provide the most financially advantageous arrangements for them and their family.

21.2. This will be reviewed regularly to ensure that both safety and wellbeing is at the heart of any long-term decision.

- **Date Written:** May 2020
- **Author:** HR (Lisa Bath)
- **Version number:** 1
- **Person responsible:** Fiona Hnatow
- **Effective from:** 1<sup>st</sup> June 2020
- **Review date:** June 2022
- **History (where discussed / who circulated to / committees considered:** UOB, Equality & Inclusion committee, UCU and Unison.