

Sickness Absence Policy

POLICY

1. Purpose of this policy:

- 1.1. Many studies have identified the important and positive impact that work can have on health and wellbeing. In the same way healthy and well-motivated staff can have an equally positive impact on the productivity and effectiveness of an organisation.
- 1.2 The effective management of staff's sickness absence is important for the running of the University so that everyone understands what is expected of them and so that staff who take time off work due to sickness are treated reasonably, consistently and fairly and given every reasonable assistance to return to work effectively.
- 1.3 Managing health, work and wellbeing is the responsibility of both the University and its leaders, managers and staff. Staff who are ill will be treated sympathetically and every effort will be made to assist their recovery and return to work. The impact of a member of staff's sickness absence on their colleagues is also recognised.
- 1.4 Staff are responsible for taking all possible steps to safeguard their own health and that of their colleagues. It is important that all staff report their sickness absence to their line manager at the earliest possible opportunity and follow the procedures in this policy in full so that they can be given support and assistance at the earliest possible point. This can be very important in helping staff to return to work effectively.
- 1.5. The broad aims of this policy are:
 - to provide a supportive environment for staff affected by ill-health;
 - to ensure sickness absence is managed responsibly, consistently and equitably;
 - to address frequent short term absence in a fair and consistent manner in order to minimise operational disruption and negative effects on team morale;
 - to balance the interests of the individual, their colleagues and the operational needs of the institution in cases of long-term sickness;
 - to provide a framework within which cases falling within the ambit of the disability discrimination legislation (under the Equality Act (2010)) can be more readily identified and supported;
 - to encourage and develop a positive culture towards attendance at work and to reduce sickness and sickness absence.

2. Scope:-

- 2.1. The procedure below applies to all members of the University staff with the proviso that for those staff covered by the provisions of Statute 25 ([see Annex A](#)) any formal action from paragraph 13.6 onwards in the Long Term Sickness Absence Procedure (section 13 below) will be taken in accordance with the relevant paragraphs of Statute 25 Parts IV (Removal for Incapacity on Medical Grounds) and V (Appeal). Similarly any formal action under the Short Term Sickness Absence Procedure (section 12 below) from paragraph 12.5 onwards would be managed under Statute 25 Part III. The procedure below does not apply to self-employed people or to individuals contracted by other Companies or on secondment to the University who are covered by their own employer's procedures.

- 2.2 Sickness is defined as the incapacity of a member of staff to be able to carry out their duties and responsibilities because of their own accident or illness. This policy applies to absence caused by personal illness or accident, but not the need to take time off due to the illness of dependants and others which is covered by Dependant Leave which is detailed within the Flexible Working and Leave Policy (see link).
- 2.3 This policy links to the [University's Health & Wellbeing Policy](#) and related guidance on Stress Management for cases where the member of staff is absent due to work-related and other stress.
- 2.4 Absence due to Alcohol and / or Drug Abuse should be managed in line with the University's Policy and Procedure on [Managing Substance Misuse](#).
- 2.5 The Sickness Absence Policy and Procedure is referred to as "the policy" and the Department of Human Resources as "Human Resources" throughout this document.
- 2.6 The processes for recording sickness absence including self-certification and ending absence are now operated through iTrent, the University's HR and Payroll system using Employee and Manager Self Service, wherever appropriate. These processes are referred to throughout this document as following the iTrent process. There is a small number of staff who for logistical reasons are not using iTrent directly and they will continue to follow their agreed processes until they transfer to the iTrent processes.

3. What The University Expects From All Staff:

- Attend work and perform their duties unless they are on authorised absence, (e.g. sickness absence, annual leave etc.) and to inform their manager (unless impossible) if they need to leave work early due to sickness;
- Consider their health, safety and welfare and that of their fellow staff at all times;
- Consider utilising the confidential counselling and support available free to all staff through the Employee Assistance Programme (EAP) - see paragraph 15.3 below.
- Be aware of this policy and follow the sickness absence procedure outlined below, including meeting with their manager and human resources, health & safety and / or occupational health staff where requested;
- Notify their manager of their sickness absence, keep them informed and attend meetings as appropriate throughout their sickness absence. During their absence staff must also send medical certificates to their manager within the required time periods and attend Occupational Health and / or Health & Safety appointments if requested to do so;
- Confirm the ending of their sickness absence and follow the self-certification process up to their first seven days of sickness absence by entering these details through iTrent Employee Self Service;
- Inform their manager without undue delay if they think their sickness absence is work related, (e.g. the result of an incident or accident at work). Accident / incident forms must be completed in such cases;
- Follow the University's [guidance on managing stress](#) (also see 2.3 above) if they are experiencing feelings of stress at work. This includes guidance on what to do where the behaviour of the line manager is a contributory factor;
- Not to attend work if they are unwell or unfit if, in so doing would affect their health and/or the health of others or affect their capability to carry out their role;
- Not undertake activity during sickness absence from the University which is not appropriate or conducive to a return to work including working for another employer (unless specified as fit to do so by their GP).

4. What The University Expects From All Managers:

- Follow this policy and the procedure outlined below and seek professional advice from Human Resources in relation to the staff that they are responsible for;
- Consider the health, safety and welfare of their staff at all times;
- Ensure that their staff are aware of arrangements for reporting sickness absence and have arrangements in place so that staff can contact them or a delegate or deputy;
- Ensure that any absence of their staff is reported to Payroll through iTrent and forward medical certificates to Payroll;
- Take reasonable steps to inform themselves of the reasons for an absence and ensure that all sickness absence is properly and promptly recorded including on iTrent, the University's Human Resources & Payroll System;
- Inform Human Resources at the earliest possible opportunity if an absence is not certificated in line with paragraphs 9.1 and 9.2 below;
- Ensure that an appropriate return to work discussion takes place following a period of sickness absence;
- Review the sickness absence records of all members of staff, identifying those with potential issues and seek advice from Human Resources so that the appropriate support and advice is provided and action is taken for these staff;
- Inform Human Resources of any sickness absence which has lasted 4 weeks or more, and / or is causing concern and/or is recorded as concerning stress, anxiety, depression or muscular-skeletal problems and seek advice on how this should be managed.
- Work with Human Resources to ensure that the health situation of a member of staff is discussed prior to their referral to Occupational Health or to a Health & Safety Advisor and wherever practicable to act upon the advice received.
- With advice from Human Resources and / or Health & Safety Advisors / Occupational Health, and in consultation with the employee to consider any possible adjustments which may assist the successful return to work or the continued attendance at work of a member of staff with underlying health issues and determine if they are reasonable and practicable.
- To properly communicate and document decisions and actions in relation to staff with sickness issues.
- Take reasonable steps to ensure that staff are fit for work and ask them to go home sick if they believe that they are unfit for work;
- Keep all documentation on the illness of a member of staff, and the information contained in it, confidential in line with the Data Protection Act (1998)

5. What The University Expects From The Department of Human Resources:

- Provide training and advice to managers on the implementation of this policy;
- Advise on the correct management of sickness absence; the handling of specific cases as appropriate; and the seeking of advice on any health and safety related matters and workstation assessments;
- Support managers to manage their staff with sickness issues with care and consideration, seeking advice where appropriate from the Occupational Health Service and / or the relevant Health & Safety Advisor and to consider and where practical implement adjustments to assist the successful return to work or the continued attendance at work of a member of staff with underlying health issues;
- To work with managers to ensure that decisions and actions are properly communicated and documented.
- Produce sickness absence reports for managers as and when required;

6. What The University Expects From the Payroll Section:

- Collate all medical certificates and maintain the reasons for and lengths of absences; Administer University sick pay and/or statutory sick pay as certificated;
- Confirm to staff and their managers through iTrent, normally in the month prior, when University staff are about to transfer into half or no pay;
- Produce sickness absence/payment reports on a monthly basis to the Department of Human Resources.

PROCEDURE

7. Sick pay:-

- 7.1 Members of staff and their line managers can find out their sick pay entitlement by referring to the Sick Pay Entitlements of the [Terms and Conditions of Employment](#). Paragraph 15.4 provides information on sick pay arrangements where the sickness has been caused by an accident.
- 7.2 Entitlement to sick pay, (including University sick pay and Statutory Sick Pay - SSP) is subject to this policy and the procedure outlined below being followed. The University reserves the right to refuse to pay any sick pay (including SSP) to a member of staff if:-
- they fail to notify their manager (or other identified suitable person where specified) of their absence within the identified timescale (see paragraph 8.1 below) or they fail to follow the self- certification process and / or provide a medical certificate form by the required date;
 - it has reasonable cause to believe, following referral to Occupational Health or investigation under the University Disciplinary procedure, that they are not genuinely sick/unwell and/or that they are abusing the sick pay scheme.

8. Reporting Absence:

- 8.1. If a member of staff is unable to attend work due to sickness or injury they must report their absence at the earliest opportunity, and within 30 minutes of their start time, by speaking directly to their line manager or appointed deputy / departmental contact person. Staff on set shifts and / or in service areas such as Accommodation & Hospitality Services must report their absence at least one hour before their shift start. They should not leave a message with another member of staff unless they have made every effort to contact their manager or appointed deputy / contact. If they get through to a voicemail / answer phone or speak to a member of staff who is not their line manager or appointed deputy, they should leave their contact details so that their line manager or appointed deputy may, if necessary, contact them directly. Where their manager considers this suitable they may, with prior agreement, send an email message giving the required information. Where they are unable for health reasons (e.g. if in hospital) to make this contact they should make arrangements for a relative or friend to contact their line manager as soon as is reasonably practicable.
- 8.2 It is the responsibility of the member of staff to confirm the following when they speak to their line manager in line with paragraph 8.1 above:-
- The reason for their sickness absence;
 - The expected duration of their sickness absence or expected date of return to work;
 - Contact details in the event their department needs to contact them, where this information is not already held on iTrent, the University's HR & Payroll system;
 - If the reason for absence is work-related including any accident at work;

8.3 It is the responsibility of the member of staff and their line manager to remain in regular contact with each other. The member of staff must contact their line manager when they become aware that they will be unable to attend work due to sickness or injury beyond the anticipated date of return and / or current certification and must submit medical certificates in line with section 9 below.

8.4 The reporting by line managers of absence for members of staff who are sent home should be in line with Human Resources guidance on this matter.

9. Certification of Absence and Absence Without Leave (AWOL):

9.1 **Self-Certification** - If the absence is for 7 calendar days or less (including weekends and public holidays), the member of staff is required to complete the self-certification process through Employee Self-Service on iTrent (which has replaced the SC1 form and process) on their return to work showing the exact dates of and confirming the reason for their sickness absence. If they have two or more different posts at the University and their absence impacts on both or all of these jobs, they should complete the self-certification process for each post.

9.2 **Medical Certificates** - If the absence exceeds 7 calendar days, the member of staff must obtain a medical certificate (MED3) which is also referred to as a Statement of Fitness for Work or 'Fit Note' by visiting their General Practitioner (GP) by the end of the self-certificated period and sending the certificate to their line manager so that it is received within 5 working days. The University may at its discretion require staff to obtain a medical certificate for shorter periods of absence, in which case it will refund any reasonable fee charged by the member of staff's GP for the certificate. It is the responsibility of the member of staff to obtain medical certificates that cover them continuously without any breaks and send these in to their line manager so that they are received within 5 working days of being signed by the GP. Backdated medical certificates (MED3) will not be accepted by the University for pay purposes.

9.3 **Absence Without Leave** - If medical certificates are not received for a member of staff in line with paragraphs 9.1 or 9.2 above or there is a break in the period covered by their certificates, the member of staff will normally be classified as 'absent without leave' (AWOL). This is a serious disciplinary matter and will normally be investigated in line with the University's Disciplinary Policy and Procedure. If, following investigation, it is established that there are no or insufficient mitigating circumstances this will be considered as potential misconduct through a disciplinary hearing under the Disciplinary Policy and Procedure. Pay (including Statutory Sick Pay) will normally be withheld and deducted from the member of staff for an uncertificated period. Absence without Leave may constitute gross misconduct.

9.4 The line manager will check and copy the medical certificate and confirm the details of the sickness absence through iTrent, the University's HR & Payroll system and pass the original certificate to the payroll section. All documentation and information in relation to the sickness of a member of staff will be maintained confidentially and in line with the Data Protection Act (1998).

9.5 **Considering 'Fit Notes'** – The focus of the (MED3) medical certificate or 'Fit Note' is on identifying what a presenting patient is able to do rather than not do. The 'Fit Note' (referred to as a medical certificate elsewhere in this document) contains an option for the GP to advise that a member of staff 'may be fit for work taking account of the following advice'. This advice may include options such as a phased return to work, flexible working, amended duties and / or workplace adaptations. Line managers should consider these GP recommendations and determine in discussion with the

employee if they can safely work with temporary changes if necessary. The line manager may need to seek advice from Human Resources and / or the relevant Health & Safety Advisor on these matters.

- 9.6 **Sickness during annual leave** - If a member of staff falls sick during the course of annual leave they are regarded as being on sick leave from the date specified on a medical certificate from a registered doctor provided that the member of staff has followed the procedure within this paragraph. They must inform their line manager of their sickness, unless this is not reasonably practicable, on the first day of sickness by telephone, e-mail, text message or letter and provide a medical certificate covering the full period of sickness absence. Where this process has been followed the member of staff will be entitled to take the balance of the annual leave at a later date after returning to work, providing the balance of the annual leave is taken, wherever possible before the end of the leave year. Where it is not feasible for the leave to be taken within the current leave year the Head of Department should agree for the leave may be carried over into the next leave year unless exceptional circumstances apply. If there is any question on this matter the line manager should consult with their relevant Human Resources Manager/Advisor.
- 9.7 **Sickness overseas** – Where a member of staff is absent due to sickness which has commenced in the United Kingdom and is considering going to another country during their period of sickness absence they are required to contact their line manager before they leave the United Kingdom and, where requested, provide their line manager with the reason for this action (e.g. for treatment or care). They must also provide their contact details and agree how they will communicate with their line manager while on sick leave abroad. Staff who fail to follow this action prior to leaving the United Kingdom may be classified as absent without leave (see paragraph 9.3 above) and be refused sick pay. When outside of the United Kingdom the member of staff is required to remain in contact with their line manager and provide medical certificates (with a certified translation provided) from the country in which they are staying in a timely manner covering all of the days of their sickness absence. Unreasonable non-compliance will normally result in the University refusing to pay sick pay to the member of staff and to them being classified as absent without leave (see paragraph 9.3 above).

10. Return to Work and Return to Work Discussions

- 10.1 At the end of a period of long term sickness absence or where there are underlying health issues, the member of staff should seek advice from their manager and/or Human Resources with regards to arranging their return to work, as it may be necessary to consider implementing any return to work adjustments (either short or longer term) which may be appropriate, (which could also involve seeking advice from the University's Health & Safety Advisors or Occupational Health).
- 10.2 When a member of staff returns to work following a period of sickness absence they should normally report to their line manager before they begin work. A return to work discussion or interview will then normally be carried out or arranged as soon as possible. The form and length of this discussion will vary greatly according to the particular circumstances of the absence. A template form is available for managers to use in the case of longer return to work interviews at [RTWI Form](#); it is advised that this form is used. This discussion or interview should be supportive and give the member of staff the opportunity to discuss any concerns they may have and be brought up-to-date on any changes that have taken place while they have been away. The line manager should also check with the member of staff that they feel fit for work, has

completed the return to work and self-certification process on iTrent and collect any outstanding medical certificates (if applicable).

11. Monitoring Sickness Absence and Categories of Sickness Absence:

- 11.1 Line managers should review the sickness absence records of all their members of staff, identifying those with potential issues and seek advice from Human Resources. The purpose of this action is to identify potential issues as early as possible so the staff concerned can be met with and supported so that these issues can be managed.
- 11.2 For the purpose of managing absence, all sickness related absences under this policy fall into one of two categories:-
- a. Long Term Sickness Absence Pattern** is defined as a period of sickness, normally with an underlying health cause which:
 - i. normally lasts for more than 4 weeks continuously or
 - ii. affects a member of staff periodically with a single diagnosed medical cause linked to a chronic long term medical condition;

 - b. Short Term Sickness Absence Pattern** is defined as sporadic episodes of sickness, normally without an identified underlying health cause.
- 11.3 As a guideline a member of staff with five or more occasions of sickness absence within a rolling twelve month period should be managed under the Short Term Sickness Absence Procedure (see section 12 below).
- 11.4 Managers identifying a particular pattern of short term sickness absence that causes them concern may commence the management of staff under the Short Term Sickness Absence Procedure (see section 12 below). It is important that a manager or a department uses a clear, consistent and appropriate method for determining when staff move into management (and their required improvement) under the Short Term Absence Sickness Procedure.
- 11.5 It should be noted that sickness absence may be a symptom of or mask other issues such as bullying and harassment, caring responsibilities, substance misuse or domestic abuse. Line managers should talk individually with staff members about their sickness absence and should show care in asking sensitively if there are any other reasons behind their absence, wherever this possible. They should seek advice and support from Human Resources, Health & Safety and / or Occupational Health where this is appropriate.
- 11.6 Where a member of staff has a continuous period of sickness absence of 4-weeks or more or reports a long term underlying health condition that may affect their ability to carry out their duties they will normally be referred into the Long Term Sickness Absence Procedure as set out in Section 13 below.

It should be emphasised that where Occupational Health or other professional advice sought by the University identifies a long term underlying health condition that may result in sporadic rather than continuous sickness absence, the member of staff should be referred into the Long Term Sickness Absence Procedure (and not the Short Term Sickness Absence Procedure) and their attendance should be monitored and reviewed in order to determine if their level of sickness absence (following the application of any possible reasonable adjustments – see section 13.5) can be sustained by the University.

12. Short Term Sickness Absence Procedure

- 12.1. The University and its line managers will normally investigate persistent short term sickness absences or a pattern of short term absences and follow the process below. If during this process it becomes clear that the absence has been caused exclusively or predominantly by a long term medical condition then the member of staff should be managed in line with the Long Term Sickness Absence Procedure (section 13 below).
- 12.2. **Review of Absence** The line manager will review the attendance record of the member of staff under the Short Term Sickness Absence Procedure. They will note any trends or patterns of absence and verify the number of days' absence and when these absences occurred, together with the reasons given and any relevant documents.
- 12.3. **Sickness Review Meeting (Stage 1)** - The line manager will meet with their member of staff on a confidential basis to discuss their attendance record, any underlying reasons for the absence and any other relevant matters. This meeting may form part of a return to work interview or take place separately. If during the meeting the member of staff raises an underlying health issue they may be asked to complete an Occupational Health Declaration Form and if this identifies health issues requiring further investigation a referral to a relevant Health & Safety Advisor or Occupational Health may be made through the relevant Human Resources Advisor. It is important that this meeting is handled sensitively and confidentially so that the member of staff feels able to raise any reasons which may be contributing to their sickness absence and any actions which might help with these. A record will be kept of the meeting and the member of staff will be given a copy of this. The member of staff will be asked to confirm the accuracy of the record or suggest amendments. The line manager will discuss with the member of staff how they could improve their attendance and set out the improvement required by them, within a defined review period. The line manager will confirm to the member of staff that if they fail to make the required improvement during the review period, a Sickness Review Stage 2 Meeting will be called as set out in paragraph 12.5 below.
- 12.4. **Review Period** - The line manager will arrange to meet with their member of staff to review their attendance record. These meetings will normally take place on a quarterly basis for a period of 12 months from the initial Sickness Review Meeting. However, they may take place more frequently if attendance continues to cause concern.
- 12.5 **Formal Sickness Review Meeting (Stage 2)** – If the member of staff's attendance does not improve to the expected / identified level during the quarterly review period or indeed a longer review period and there is no underlying health issue they will be invited to attend a Formal Sickness Review Meeting (Stage 2).

This meeting will be chaired by the line manager who will normally be supported by a Human Resources Advisor or Manager. The member of staff has the right to be represented or accompanied at the meeting by a workplace companion (see paragraph 14.1 below). If underlying health issues have not already been raised, the member of staff may be asked to complete an Occupational Health Declaration Form before the meeting to be submitted and discussed at the meeting and if this identifies health issues requiring further investigation a referral to a relevant Health & Safety Advisor or Occupational Health may be made through the relevant Human Resources Advisor.

The member of staff will be given at least 5 working days' notice of the meeting; they and their workplace companion should take all reasonable steps to attend. The meeting will only be re-arranged at the request of any of the parties in the following circumstances:

- they provide a good reason for not being able to attend
 - the workplace companion (see section 14 below) cannot attend the arranged date.
- 12.6 If the meeting has to be re-arranged they will be given at least 2 working days' notice of the revised timing. They will be expected to attend the revised meeting unless there are exceptional circumstances preventing them from attending. If they are unable to attend, they should advise their line manager as soon as is reasonably practicable before the meeting is due to take place. If the member of staff unreasonably fails to attend the rearranged meeting it will take place in their absence.
- 12.7 If the re-arranged meeting is more than 5 working days from the date of the original meeting and their workplace companion cannot make the re-arranged date, the member of staff will be required to find a replacement.
- 12.8 The following matters will normally be considered and covered in the Formal Sickness Review Meeting:
- The reasons why the member of staff's attendance has not improved to the expected level;
 - The outcome from any Health & Safety or Occupational Health assessment if relevant;
 - The impact that the member of staff's absence is having on the department;
 - The expected level of attendance and agreed formal review period, bearing in mind the circumstances outlined above;
 - Unless there are exceptional mitigating circumstances the member of staff will be given a **formal written warning** that if their attendance falls below the agreed level during this second review period they will invited to meeting at which their employment may be terminated. This warning will remain current on their file for 24 months.
- 12.9 **Formal Review Period** - The line manager will arrange to meet with their member of staff to review their attendance record. These meetings will normally take place on a quarterly basis for a period of 12 months from the Sickness Review Meeting (Stage 2). However, they may take place more frequently if attendance continues to cause concern.
- 12.10 **Improvement during Formal Review Period** - If the member of staff's attendance demonstrates a sustained improvement to the expected level or better during the formal review period, a formal review meeting should be arranged in which the member of staff is advised that the formal process will now stop. The member of staff's attendance will continue to be monitored as with all other staff. However if, during the period of the written warning, the member of staff's attendance subsequently returns to a level which continues to cause concern then the formal procedure will recommence at stage 2.
- 12.11 **No Improvement during Formal Review Period** - If the member of staff's attendance does not improve to the expected / identified level during the review period and there is no underlying health issue they will be invited to attend a Formal Sickness Review Hearing (Stage 3) in line with paragraph 12.12 below. .
- 12.12 **Formal Sickness Review Hearing (Stage 3)** - This hearing will be chaired by a manager senior to the line manager who must be sufficiently senior to be able to take appropriate action (including dismissal) as required. They will be supported by a Human Resources Manager or Advisor. The line manager supported by a different Human Resources Advisor or Manager (normally the one who has supported them at Stage 2) will also attend the meeting and will explain the procedure that has been

followed to-date. The member of staff has the right to be represented or accompanied by a workplace companion (see paragraph 14.1 below) at this meeting. They or their workplace companion will be given the opportunity to explain their reasons for their absence and produce any supportive evidence before a decision is taken. The time period and processes required to set up the meeting will be the same as those required for the Stage 2 Formal Sickness Review Meeting (see paragraphs 12.5, 12.6 and 12.7 above).

12.13 Decision - If the chair, having reviewed all relevant evidence (including any medical evidence provided), concludes the following (as set out in the bullets below) they will confirm that the member of staff's employment has been terminated with the appropriate notice for the reason of (mis)conduct due to their failure to meet an acceptable level of attendance:

- that the member of staff's sickness absence and failure to achieve the expected / identified level of attendance have been managed fairly and
- that the expected / identified level of attendance was fair and achievable and that the member of staff has been given all reasonable opportunity to improve their attendance to an acceptable standard but failed to do so.

12.14 Exceptional Further Review Period - If the chair of the hearing concludes that there are exceptional circumstances which mean that sufficient reasonable opportunity has not been given to the member of staff, they can set a further review period. The member of staff will be given a **further written warning** that if they fail to meet an acceptable and expected level of attendance during this third review period the Stage 3 Formal Hearing will be reconvened at which their employment may be terminated. This final written warning will remain live and current on the member of staff's file for 24 months after the date of the hearing.

12.15 The decision and action to be taken will be confirmed to the member of staff (and their work companion if present at the meeting) in writing following the meeting. The member of staff (and their work companion if present at the meeting) will also receive a copy of the notes of the meeting. If the member of staff considers that the notes do not properly reflect the discussion the member of staff has the right to propose amendments to the record within 5 working days. Where these are agreed, the record will be duly amended. If their proposed amendments are not agreed, their comments will be attached to the record.

12.16 Appeals

If a member of staff wishes to appeal against a written warning or dismissal under this policy, they must submit their appeal in writing to the Director of Human Resources within 10 working days of the date of the letter confirming the outcome, setting out clearly the grounds for their appeal.

12.17 The Appeal Hearing

- i. The University will aim for an appeal to be heard within four weeks of the appeal being lodged, unless otherwise agreed between the parties.
- ii. Appeals against a written warning will be heard by the Head of Department (or his/her nominee who must be senior to the manager who made the original decision and not have had any previous involvement with the proceedings). Where there is no appropriate person within the Department, an independent Head of Department (or his/her nominee) may hear the appeal. If the original sickness review meeting was held at Head of Department level, the Director of the Service or Dean of

Faculty/School should hear the appeal. A member of Human Resources will be present to advise on proceedings. Written notes of the appeal hearing will be taken.

- iii. An appeal against dismissal will be heard by a panel of three members chaired by a Pro-Vice-Chancellor or the University Secretary advised by the Director of Human Resources or his/her deputy.
- iv. After the hearing, the manager hearing the appeal will, after satisfying him/herself that all the relevant information has been gathered and properly considered, advise the appellant in writing the outcome of the appeal. There is no further level of internal appeal.

13. Long Term Sickness Absence Procedure

13.1 On-going contact between the member of staff and their manager during long periods of absence is an important means of support and has been shown to have a significant impact on the likelihood of a member of staff making a successful return to work. The member of staff and their line manager should maintain regular contact through meetings, letter, telephone, email or where it is difficult for the member of staff to come into work, and with their agreement, by meetings at their home or other appropriate off-site venues. At any formal meeting in their home or in an off-site venue the member of staff may request the presence of a work companion (see paragraph 14.1).

13.2 In order to support staff with long term sickness and identify any potential adjustments which may be possible, the University may deem further investigation is appropriate in which case the following steps will be followed:-

13.3 Step 1 - Confirmation of the medical position:

- i. The University will seek advice in order to understand the medical position underlying the absence of the member of staff. The purpose of this is to facilitate and support their return to work; in what circumstances and where possible, take necessary steps including reasonable adjustments where these are feasible to facilitate that return.
- ii. The University may refer the member of staff to its contracted Occupational Health service for consultation and advice, or to a relevant Health & Safety Advisor for a specific assessment (for example in relation to work-related stress or a workplace assessment for certain musculo-skeletal conditions) or expect the member of staff to consent to medical examination by specialists nominated by and at the expense of the University. The member of staff will be expected to consent to these examinations and / or assessments and authorise disclosure to the University of the results of any such examination and / or assessment. The University recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. The University may also wish to contact the member of staff's own doctor and request a report on their medical condition or any underlying health issue that may be affecting them. The University will notify the member of staff in writing if it intends to make such an application and in order to obtain their prior consent. The member of staff has the right to withhold their consent to an application to their doctor being made. If they do consent, they will receive a copy of any report prepared by their doctor. If there is a conflict of opinion between the member of staff's own doctor and the doctor or specialist nominated by the University, or if a medical report obtained is inconclusive, and the University considers it appropriate, the doctor concerned may be asked to amplify and clarify the report or a further specialist report may be required. In such circumstances the

member of staff may be required to see the specialist and undergo a further medical examination, in order that a further report may be provided.

- iii. If the member of staff declines to be referred to the University's Occupational Health service, or to a relevant Health & Safety Advisor for consultation and advice and / or declines to undergo a medical examination by a doctor nominated by the University and/or declines to authorise disclosure to the University of the results of any such examination and / or assessment and/or declines to allow the University to contact their own doctor, the University will not be able to take any medical / health reasons into account in the management of their absence from work. In this situation it is highly unlikely that the University would be able to consider any adjustments to assist the member of staff's return to work and would have to manage the absence as one without a medical / health cause. This may involve management of the member of staff under for example the Short Term Sickness Absence Procedure (Section 12 above), the Capability Policy & Procedure, the Disciplinary Policy & Procedure or other relevant policy and procedure.

13.4. Step 2 - Consult with the member of staff:

Once the University has obtained advice as to the nature of the long term absence, the member of staff will be asked to meet with their line manager, (or other appropriate person nominated by their line manager), to review the information received and discuss their situation. The line manager will arrange a sickness meeting with the member of staff within the University at which the member of staff has the right to be accompanied by a work companion as set out in paragraph 14.1 and at which a Human Resources Advisor or Manager may also attend.

The time period required and process for setting up this meeting will follow paragraphs 12.5, 12.6 and 12.7 above.

13.5. Step 3 - Consider any reasonable adjustments which could be made (if appropriate):

- i. Where the requested advice / report (from Occupational Health, Health & Safety Advisor, G.P. or specialist) confirms that the member of staff can return to work to their current post without adjustment, the line manager and member of staff will discuss and agree how this should be managed.
- ii. Where the requested report advises that a return to the current post may be possible subject to suggested adjustments, the line manager will carefully consider, with advice from Human Resources, the practicality and reasonableness of the suggested adjustments. Adjustments will always be considered if the condition suffered by the member of staff is deemed to amount to a disability under the Equality Act 2010. Such reasonable and practical adjustments which may be considered could include the following (this list is drawn from the Equality Act 2010):
 - 1. Phased Return
 - 2. Adjusting their work station/ premises.
 - 3. Reallocating duties.
 - 4. Re-training the member of staff.
 - 5. Transferring them to fill another vacancy (Redeployment)
 - 6. Altering their working hours.
 - 7. Providing modified equipment.
 - 8. Assigning the member of staff to a different place of work (including allowing an agreed period of homeworking).
 - 9. Allowing treatment during working hours.

10. Modifying instructions or reference manuals.
11. Modifying procedures for testing or assessment.
12. Providing a reader or interpreter.
13. Providing supervision, coaching etc.

At this meeting with the member of staff, suggested adjustments and the practicality and reasonableness of applying these will be discussed with a view to facilitating their return. During this consultation process matters to be taken into account and discussed will include the nature of the illness, the likely length of the continuing illness, the effects it will or may have on the carrying out of their tasks, the needs of the University to have particular tasks carried out, the impact and reasonableness of possible adjustments and any other relevant circumstances. This will be with a view to producing a manageable plan to which both parties consent.

An adjustment will be made if it is considered to be reasonable and practical by the University in the particular circumstances. Both temporary / short term and longer term adjustments may be considered. Where the line manager rejects a possible adjustment proposed by the member of staff or Occupational Health they will normally explain the reason(s) for their decision in writing. Where a longer term adjustment is made it will normally be reviewed on a regular basis in line with the review of the health and fitness to work of the member of staff concerned. The health and fitness to work of the member of staff is likely to change over time; this may mean that the adjustment is no longer sufficient and an alternative or greater level of adjustment will need to be considered or the member of staff's fitness may have improved and the adjustment may no longer be necessary or may be reduced. In these cases any changes (including increases, reductions or removals) to adjustments will normally be confirmed in writing to the member of staff cross-referencing the advice (e.g. Occupational Health advice) that it has been based on.

In determining the practicability or reasonableness of an adjustment, the University will take into account the following:

- The cost of making the adjustment;
 - Whether any financial assistance will be recoverable to reduce the costs of carrying out the adjustment;
 - The benefit which the adjustment would produce for the organisation and individual;
 - The impact of the adjustment on the service provided by the member of staff and their department and on the member of staff's colleagues and / or
 - Any other relevant factors.
- iii. If the balance of medical evidence indicates that the member of staff is able to return to work and the required adjustments can be practicably and reasonably implemented, the University will request the member of staff to return to work at agreed specified date with an identified plan of adjustments. It will document the reasons for its decision and the member of staff will receive a copy. If the member of staff then declines to return to work, they may be dismissed on the grounds of (mis)conduct.
 - iv. If having considered the possible adjustments it is concluded that these cannot be reasonably or practicably implemented and the member of staff is not fit to return to their current post, the line manager will move onto step 4 below.

13.6. Step 4 - Consider any alternative arrangements which could be made/ termination

If the evidence and/or advice obtained suggests that the member of staff will be unable to resume employment and carry out their original tasks and role, and it can be demonstrated that no or insufficient reasonable adjustments are possible, appropriate or reasonable in the circumstances, the University will consider whether one of the following options may be appropriate:-

(i) Redeployment

- Redeployment involves transferring the member of staff to fill an existing vacancy where a suitable alternative position is available, (taking into account the essential criteria including qualifications and skills required for the post and their personal abilities), to enable the member of staff to continue in employment at the University. The redeployment will be on the terms and conditions appropriate to the role. Although attempts to identify a suitable role for the member of staff will be made, the University cannot create a role for the member of staff and suitable alternative positions will not always exist;
- The member of staff is expected to play an active role in identifying any suitable alternative posts. They will have to be set up to have a priority status as a redeployee for applications that they make and will use the University's system for identifying and applying for possible redeployment posts;
- A trial period of 4-weeks will normally be applied to assess whether the redeployment post offered to the member of staff is an appropriate post suited for them and in which they can adequately perform its duties. If the new post being trialed is at a lower grade the member of staff will remain on their higher salary for the period of the trial and then move onto the lower salary of the redeployment post.

(ii) Ill health retirement / termination

- Where all options for their return to work have been exhausted and it is concluded that the member of staff is permanently unfit to return to work in any capacity at the University, their employment may be terminated on the grounds of incapability due to ill health;
- In this case, the member of staff may be eligible to apply for an ill health retirement pension which will facilitate the early release of their benefits. Their application must be supported by Occupational Health evidence. Whilst the University is not obliged to support ill health retirement in all such cases and has no obligation to do so prior to terminating their employment as set out in step (iii) below it will consider applications where these are supported by Occupational Health evidence, subject to the rules of the appropriate pension scheme.

(iii) Termination of employment

- Prior to any such decision being made, the member of staff will be asked to attend a formal meeting to discuss all relevant matters and in particular the reasons for their proposed dismissal. This will normally include a review of the medical evidence obtained, their prognosis and the steps taken by the University to avoid the termination of their employment.
- If the member of staff is unable to return to their substantive position and all options for their return to work have been exhausted and ill health retirement is not applicable, then the University will consider terminating their employment for reasons of (in)capability due to ill-health. Such a meeting will be chaired by the relevant Head

of Department (or nominated deputy) – described below as the “Chair of the meeting”.

- The member of staff has the right to be accompanied at this meeting by a ‘work companion’ as set out in paragraph 14.1. They will be sent copies of all the evidence to be considered at the meeting and will have the opportunity to state any points that they may wish to raise during the meeting. The member of staff should also give copies of any papers that they may intend to rely on at the meeting at least 2 working days in advance of the meeting to the Chair of the meeting.
- The member of staff will be given at least 5 working days’ notice to attend the meeting which they and where they are accompanied / represented their ‘work companion’ must make every effort to attend. The meeting will only be re-arranged if the member of staff provides a good reason why they or their ‘work companion’ are unable to attend.
- If the meeting has to be rearranged, at least 2 working days’ notice of the rearranged date will be given. The member of staff will be expected to attend the re-arranged meeting unless there are exceptional circumstances which mean that they are unable to be there, in which case the member of staff must advise the Chair of the meeting in advance of the meeting date. If the member of staff unreasonably fails to attend the rearranged meeting it will take place in their absence.
- If the re-arranged meeting is more than 5 working days from the date of the original meeting and their ‘work companion’ cannot make the re-arranged date, the member of staff will be expected to find a replacement.
- Human Resources will be present at the meeting to provide advice on the proceedings, as appropriate.
- Prior to making a decision the meeting will normally be adjourned to consider all relevant information. The meeting may also be adjourned if necessary for the purpose of clarifying or gathering additional information. If new information is gathered or clarified the member of staff will be advised of the new information and given a reasonable time to consider it prior to the meeting being reconvened.
- Following an adjournment and once the Chair of the meeting is satisfied that all relevant information has been gathered and properly considered the member of staff will be advised of the decision which will be confirmed to them (and their work companion if present) in writing. Written notes of the meeting will also be taken and a copy forwarded to the member of staff (and their work companion if present at the meeting).
- If the decision is made to terminate their employment, the member of staff will be advised of their right to appeal the decision and they will be provided with notice in accordance with the terms of their contract of employment.

14. Representation

- 14.1 A member of staff has the right to be accompanied at formal meetings under the formal procedures described in sections 12 (from paragraph 12.5 onwards) and 13 above by a ‘workplace companion’ as defined by the ACAS Code of Practice – namely a University work colleague or accredited trade union representative. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.
- 14.2 There is normally no right to be accompanied by a companion at meetings under the informal procedure although staff may seek advice on a confidential basis from a trade union representative before or after such a meeting. There may be exceptional situations where the line manager, Human Resources and the member of staff all agree for a companion to be present.

15. Additional General Matters:-

- 15.1 **Time off for medical appointments** - All GP, dentist and other medical appointments should where reasonably practicable be booked outside of the member of staff's normal working hours. Where this is not practicable, paid time off will be granted. The member of staff must ensure that in such circumstances as little disruption as possible to their work/the working day is caused by such appointments.
- 15.2 **Home working** - The member of staff should not request to or decide to work from home instead of reporting sickness absence and should not be working at home when signed off sick unless there is advice and agreement for this. Home-working may be considered as a possible adjustment under paragraph 13.5 step 3 above on a short or medium term basis where the advice from Occupational Health and / or a Health & Safety Advisor confirms that it may be manageable and assist return to work and it is practicable within the member of staff's role.
- 15.3 **Support - Employee Assistance Programme (EAP)** the University of Bath provides free confidential counselling in the interests of staff welfare and support. This is currently through the EAP service based at the Royal United Hospital, Bath. Counselling gives staff the chance to talk with a trained counsellor. Increased sickness absence may result from a range of causes including non-work and/or personal issues. Staff are encouraged to use the free confidential counselling to help them cope with a range of situations.

Counselling is completely confidential. Staff can book an appointment by contacting EAP directly on (01225) 825960 or (01225) 824484.

Details of other sources of support for staff can be found at: [Staff Support Page](#)

- 15.4 **Sickness as a result of an Accident and Related Third Party Claims** - Where an absence arises from an accident including where damages may be recoverable from a third party, the following arrangements apply:-
- The University may, having regard to the circumstances of the case, make a payment to the member of staff as an advance, of a sum not exceeding their total sick pay entitlement (as referred to in their contract and under the Sick Pay Entitlements of the [Terms and Conditions of Employment](#) referred to in section 7 of this Policy and Procedure). This advance will be subject to the member of staff undertaking to refund from any damages received as a result of the accident the total costs to the University of paying such an advance or such part thereof as the University may, having regard to the amount of damages received, determine after consulting with a member of staff or his/her representative.
 - If the accident is covered by a personal accident insurance policy e.g. holiday insurance, the member of staff shall similarly have a duty to claim against that policy to recover University's costs in providing such an advance.
 - Staff making or involved in a claim should bring the arrangements within this section (15.4) to the attention of their insurer / solicitor at the earliest possible opportunity. This should enable the University's requirements to be taken account of within the claim.
 - The requirement to refund the advance or part thereof from damages received should not extend to any sum awarded by the Criminal Injuries Compensation Board.
- 15.5 **Not following the procedure** - Action may be taken at the University's discretion under the University's Disciplinary or Capability Policies and Procedures, if a member

of staff, including managers and Human Resources staff fails to fulfil their responsibilities as set out herein or comply with this policy. Likewise, failure to adhere to this policy may give rise to a grievance.

Human Resources

January 2013

APPENDIX 1

SICKNESS ABSENCE FLOWCHART

