

## **ABSENCE MANAGEMENT POLICY AND PROCEDURE**

### **1 Introduction**

- 1.1 Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.
- 1.2 This policy and procedure sets out the process for reporting absence and for the management of absence in a fair and consistent manner and applies to all employees irrespective of their job role or grade.
- 1.3 Breach of this policy may be addressed via the University's disciplinary and code of conduct policies.
- 1.4 This policy and procedure will be reviewed by the Human Resources department on a 3-year basis or amended in response to changes in future legislation and/or case law.

### **2 Ownership**

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

### **3 Organisational Scope**

This Absence Management Policy and Procedure is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

### **4 Policy Statement**

- 4.1 The University considers the health and wellbeing of its staff a key priority and will do all it can to interact with staff experiencing ill health with empathy,

sensitivity, and supportive of recovery.

- 4.2 It is important that a consistent approach to managing absence is adopted, providing support to staff and recognising individual circumstances, whilst ultimately aiming to secure their return to work.
- 4.3 However, in situations where persistent or prolonged non-attendance arises the University must take a positive and proactive approach to managing the absence of its employees. Non-attendance constitutes a significant cost to the University and places pressure on colleagues who have to cover the work of others in both the long term and the short term.
- 4.4 The policy and procedure includes all forms of ill health both mental and physical. The University endeavours to increase the understanding of Mental Health and how to support those affected. In cases of mental ill health these will be handled with the upmost sensitivity and support.

## 5 Key Principles

- 5.1 We wish to ensure that the reasons for absence are understood in each case and explored to provide appropriate support.
- 5.2 We will acknowledge the different needs of staff, including neurodivergent needs, when enacting the policy and procedure including making reasonable adjustments to the procedure in line with those individual needs. Adjustments may include, but are not limited to, allowing more time in meetings, allowing additional support in attendance at meetings, or following a different process that meets the same outputs.
- 5.3 Where reasonably practicable, measures will be taken to assist those who have been absent due to sickness or injury to return to work.
- 5.4 In order to help us to understand the right support that's needed we may use the services of the Occupational Health provider where appropriate. It is expected that staff will fully cooperate and attend appointments when arranged. Failure to attend appointments when requested may prohibit our ability to support a return to work.

- 5.5 We respect the confidentiality of all information relating to an employee's absence.
- 5.6 The University is aware that the reasons for sickness absence may be covered by the provisions of the Equality Act 2010 such as due to a disability or pregnancy related. At each stage in the management of sickness absence, particular consideration will be given to whether there are reasonable adjustments that could be made to the job or other aspects of working arrangements that will provide support at work and/or assist in a return to work.
- 5.7 We undertake to provide payments in accordance with Appendix 1, to employees who are unable to attend work due to sickness or injury, provided they comply with the University's requirements on notification, the provision of ongoing medical evidence and attending occupational health appointments where requested.
- 5.8 The University reserves the right to withhold Occupational sick pay if the appropriate procedures are not followed.
- 5.9 We recognise that although an employee may not be able to continue in their current post due to capability, there may be other posts in the university that would enable the employee to continue to work. In this instance the Redeployment Policy and Procedure will be applied, before termination of contract on grounds of capability is being considered.
- 5.10 Further guidance on leave covered by the Equality Act 2010 and other types of leave can be found in the University's Time off and Special Leave Policy and Procedure.
- 5.11 Managers will seek advice from HR before taking formal action under this procedure.
- 5.12 Unauthorised recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

## 6 Responsibilities

### 6.1 The University is responsible for:

- Providing a safe environment in which to work and adhering to Health & Safety legislation and procedures.
- Providing an environment conducive to the health & wellbeing of its employees.
- Formulating and regularly reviewing policies that encourage and provide for work life balance.

### 6.2 Employees are responsible for:

- Fulfilling their contract of employment in terms of hours and productivity and maintaining a satisfactory attendance record.
- Notifying their line manager or nominated representative of any absence as detailed in 7.1.1.
- Maintaining contact throughout the absence and engaging in requests to discuss ill health with managers and HR
- Ensuring they are aware of local absence notification arrangements.
- Providing relevant documentation without delay, for example Statement of Fitness to Work (Fit Note).
- Ensuring their contact details are up to date with their line manager and HR.
- Attending Occupational Health appointments where requested.

### 6.3 Line Managers are responsible for:

- Undertaking Absence Management Training
- Supporting staff through their ill health, showing concern for their wellbeing and making reasonable adjustments.
- Ensuring their staff know their responsibilities if they are absent.
- Notifying HR the same day if an employee doesn't report to work when expected and doesn't make contact.
- Ensuring the appropriate recording and internal reporting procedures are followed and in line with the General Data Protection Regulation (GDPR).
- Monitoring the absence levels of their staff.

- Maintaining reasonable contact with employees who are absent from work in line with the procedure.
- Actively and sensitively managing all cases of sickness absence whether short-term or long-term.
- Carrying out return to work discussions either in person or virtually, but always through interactive conversation and providing HR with a Return to Work Document.
- Considering recommendations from the Occupational Health provider and information provided by the employee about their health such as relevant comments by the employee's medical practitioner in a fit note, including reasonable adjustments
- Discussing phased return to work plans with employees, reviewing and follow up in line with reasonable adjustments and recommendations.
- Ensuring all documentation is sent to HR in a timely manner.

#### 6.4 Human Resources are responsible for:

- Supporting managers and employees through periods of absence, phased return to work and related processes.
- Maintaining accurate records of absence in line with GDPR responsibilities.
- Ensuring appropriate payments are made to employees in line with the University's sickness benefit (See Appendix 1).
- Notifying employees when they are due to enter into half pay or their sick pay has been exhausted under the University sickness benefit (see appendix 1).
- Liaising with the Occupational Health provider and Health and Safety.
- Monitor and review the service from the Occupational Health provider.
- Providing appropriate training in relation to sickness absence management to managers.
- Reviewing support available to employees.

## 7 Procedure

### 7.1 Notification of Absence

7.1.1 If an employee is due to be working and is unable to work due to sickness or injury, they must notify their line manager (or the nominated alternative contact):

- by telephone, wherever possible, as soon as possible before their expected start time so that appropriate cover can be arranged if needed. Sending a text or email notification is acceptable if locally agreed or telephoning is difficult. Local agreements should be reviewed if there is a change in line manager. Employees should expect to be contacted by their line manager if they have not been able to speak to them and it is reasonable to do so.
- of the reason for the absence; and
- the expected duration of the absence where known.

7.1.2 If an employee does not make contact, their manager will endeavour to contact them using the contact details that the individual has provided and held within the HR system.

7.1.3 If an employee is unable to call they may ask someone to make contact on their behalf. They must ensure that they speak with their line manager as soon as practicable thereafter.

7.1.4 Sickness absence must be reported as such; employees should not be tempted to work from home intermittently or take annual/flexi leave instead as this may affect their recovery.

7.1.5 If an employee is sick or injured during their normal work time and needs to stop working as a consequence, they, or a colleague should report this to a member of the management team. Where the employee is on University premises consideration should be given to whether first aid is required before leaving and that it is safe for them to make their own way home.

7.1.6 Part day absence will be recorded to the nearest half day.

7.1.7 Employees should keep line managers informed of their progress throughout their period of absence. Employees will normally be expected to make contact on the first day of absence and regularly thereafter as agreed with the line manager. For longer term absence further contact should be made at weekly intervals unless agreed otherwise. In the event an employee is unable to make contact themselves a member of their family or a friend can do so on their behalf. Failure of an employee to keep in touch without explanation may be considered unacceptable conduct and will be dealt with under the University's Disciplinary Policy and Procedure.

## 7.2 Advance notification of absence

7.2.1 Where an employee knows they will have a period of sick leave, for example following treatment, they should inform their manager as soon as possible. Employees may be asked for a copy of any appointment letters they have received in relation to the treatment.

Sick pay will be made from the day of treatment providing the requirements under section 7.4 are met.

### 7.2.2 Travel abroad for treatment

The University understands that some employees may wish to travel abroad for essential medical treatment. Where treatment is considered essential and is not complementary or elective cosmetic surgery, occupational sick pay may be paid from the date of the treatment, providing conditions in 7.4 are met. Travel time must be taken as annual leave unless signed off work by their medical practitioner.

## 7.3 Unauthorised Absences

7.3.1 Where an employee is absent from work and does not make contact, the line manager will attempt to contact the employee. If it is not

possible to establish contact with the employee, their absence may be considered to be unauthorised resulting in a deduction of pay and possible formal action under the University's Disciplinary Policy and Procedure.

7.3.2 The line manager should notify their HR contact as soon as a period of unauthorised absence has been identified.

7.3.3 If no contact is made on the second day of absence the employee will be written to and asked to make contact with their line manager.

7.3.4 If still no contact is made their absence may be dealt with under the Disciplinary procedures.

#### 7.4 Certification of Sickness Absence

##### 7.4.1 7 Calendar Days or Less:

- Where an absence is for 7 calendar days or less employees can self-certificate their absence. Once the absence is recoded in U4BW employees will receive an email including a self-certificate form and a return to work form. On return to work this should be completed and sent to their manager in preparation for a return to work discussion.

##### 7.4.2 More than 7 Calendar Days:

- An employee absent due to sickness or injury for more than 7 calendar days must obtain a Statement of Fitness for Work ('fit note').
- A fit note should be sent to HR as soon as possible after receipt. Any delay may impact payment of occupational sick pay or return to work arrangements if reasonable adjustments are to be considered and implemented as part of the return-to-work plan.

- If adjustments have been recommended, the University will endeavour to accommodate them but if it is not reasonable to do so, the University will use the fit note as if it the medical practitioner had advised 'not fit for work'. Employees will not have to return to their medical practitioner to obtain a further fit note.
- If an employee feels able to return to work prior to the date stipulated on their latest fit note, they should contact their line manager or HR representative to discuss the matter further. The University may require an employee in such circumstances to visit their medical practitioner for additional advice before returning.
- There may be occasions, for example where an employee has a high level of sickness absence or there is reason to doubt the absence is genuine, when the University requires proof of medical evidence for periods of less than 7 calendar days. Any cost of providing certification is reimbursed by the University through expenses.
- Where the appropriate fit notes have not been received, the University reserves the right not to make payments for this period. Upon receipt of the appropriate fit notes the University reserves the right not to pay back-dated occupational sick pay but will pay any statutory sick pay entitlement.
- Medical notes received from overseas Doctors that are not written in English must be translated into English by a certified translator at the employee's expense. Information required is name, start of sickness, duration of sickness, reason, and Doctor's name.

## 7.5 Occupational Health Referral

- 7.5.1 The purpose of Occupational Health is to provide the University with advice and guidance in supporting employees through a period of sickness absence, to enable a return to work by providing recommendations for reasonable adjustments or to provide advice on ongoing fitness for work in cases of ill health capability or retirement.
- 7.5.2 It should be noted that employees own medical practitioners such as their GP or consultants and their advice, will take precedence over that of Occupational Health. The Occupational Health provider does not diagnose, treat or have the ability to sign employees unfit for work with a Fitness to Work Statement.
- 7.5.3 The University recognises the value that Occupational health referrals can add to discussions, however in some cases arrangements for returning to work and reasonable adjustments can be identified through conversations between the employee, line manager and HR, by discussing the difficulties the employee is still experiencing and identifying what can reasonably be done to support.
- 7.5.4 Where further information or advice is required the employee should be referred to the Occupational Health provider following advice from HR.
- 7.5.5 An employee may be referred, with consent, at any point during employment where the manager and HR considers that it may be beneficial to the employee and the University. If an employee has any concerns about the information which may be disclosed to the University via Occupational Health, they should discuss this with their HR contact. Employees have the right to view any report before it is shared with University HR.
- 7.5.6 In cases where sickness absence is unsustainable, or there are concerns about long term capability and fitness to work, referrals to Occupational Health must be made in most cases, before any decisions are made regarding ill health termination. It should be noted that

withholding consent means the University can only make decisions on the information available. Exceptions may be where the employees own medical practitioners have provided documentation that means a referral will not add anything further.

7.5.7 Occupational health referrals and their resulting reports are stored in line with GDPR obligations. The contents are confidential and will only be shared with consent and may include the line manager and Health and Safety.

7.5.8 It is important to be aware that any recommendations from the occupational health provider about adjustments are advisory only. It is for the Faculty/Department to decide whether adjustments are reasonable, in consultation with their HR representative, and the employee.

7.5.9 Repeated failure to attend a scheduled Occupational Health appointment without good explanation may result in the cost being deducted from salary and will result in decisions being made with the information available.

## 7.6 Disability

7.6.1 Where the employee has an impairment or is defined as disabled under the terms of the Equality Act 2010 and requires reasonable adjustments to enable them to attend work or to undertake their duties the line manager and HR will work with the employee to identify and implement these reasonable adjustments. As each individual is different it is imperative that the employee is involved in these discussions to help line managers implement the most appropriate support. Advice from the Occupational Health Provider will be sought where appropriate. In some cases, this may include seeking suitable alternative employment within the University (Refer to Redeployment Policy and Procedure).

- 7.6.2 The University recognises that an employee with a disability may require access to leave to cope with the effects of their disability. Employees can request Disability Leave under the Time Off and Special Leave Policy. This is usually planned leave for a disability related reason for example to attend medical appointments, to receive treatment or rehabilitation, after a blood transfusion or dialysis, or to recover from treatment. Time off requested under this policy related to a disability will not be monitored for the purposes of Absence Management or contribute towards absence triggers.
- 7.6.3 Sickness absence related to a disability will be dealt with in accordance with this policy and will be recorded as such.
- 7.6.4 Disability Leave and disability related sickness absence are not included in an employee's absence record for purposes of selection for recruitment, training or redundancy.
- 7.7 Occupational Sick Pay Entitlement ('OSP')
- 7.7.1 Employees are paid in accordance with the sick pay schemes detailed in the University's Sickness Benefit (Appendix 1).
- 7.7.2 Occupational sick pay may be withheld in the following circumstances:
- If the absence over 7 calendar days is not covered by a fit note.
  - If, after investigation, the employee is found to be in breach of this policy and procedure.
  - If the employee fails to attend OH appointments or absence related meetings without good reason
  - In cases where notification is later than the first day, the time prior to notification will be treated as unauthorised absence. Pay may be withheld unless a satisfactory explanation is given.
  - If the University has evidence to document that the employee is misrepresenting the reason for the absence.

- If the employee acted in a manner inappropriate to ensure rapid recovery from illness for example not following documented medical advice.
- If the absence is due to the employee's misconduct, for example not following University health & safety procedures resulting in an injury.
- If the employee has a live disciplinary warning for absence.

## 7.8 Return to Work

7.8.1 It is important that all line managers speak with their team members on return from absence, either face to face or via video call, to complete a Return to Work discussion immediately or as soon as practical on their return, following every period of absence.

7.8.2 The primary purpose is to clarify the reason for absence, establish their fitness for work and identify what further support might be required for them.

7.8.3 In some cases a phased return to work may be required, for example where there has been a long period of absence, to help the employee reacclimatise to work. This will be discussed between the manager, the employee and HR, taking into account any medical advice provided, prior to the return-to-work date. It should be reviewed at the return-to-work meeting to make sure nothing has changed.

7.8.4 Absence issues are addressed most effectively when identified early. If it is evident that a further absence may hit a trigger point detailed below, or a pattern of absence is emerging, line managers and employees should also:

- discuss the incidences of absence and identify any internal/external circumstances that may be influencing the employees absence
- explore what support may be required to assist the employee

- clarify expectations regarding attendance define the improvement required and any associated timescale
- explain the next steps should the employee not achieve the required improvements within the agreed time scales.

7.8.5 Where the absence is directly linked to a known disability, implementation or review of reasonable adjustments may be required and should be discussed with the relevant HR contact.

7.8.6 Line managers should record on the Return to Work form a note of the conversation including expectations for improvement.

7.8.7 The employee should be made aware that if there are any further absences within an agreed timescale they may be subject to action under the procedure as detailed below.

## 7.9 Absence Trigger Points

7.9.1 The University has set trigger points to determine the level of absence at which further action in line with this procedure may be applied.

These trigger points are:

1. 3 or more occurrences in a rolling 6 month period ('short-term')
2. Absences forming specific patterns for example always during school holidays/following annual leave/1<sup>st</sup> week of the month
3. 28 days of continuous absence ('long-term')

7.9.2 The University recognises that employees who are defined as disabled under the Equality Act 2010 are more likely to experience increased periods of ill health and sickness absence or increased recovery time from illness. When considering if an employee with disability related sickness absence has reached any of the trigger points and if they should be progressed to formal procedures, their circumstances will be considered on a case by case basis. Trigger points may be adjusted in these circumstances, determined through consultation with Occupational Health, HR and the employee.

## Management of Frequent Short-Term Absence

7.10 Where employees reach the short-term absence trigger their line manager will address the issue through the short-term absence process.

### 7.11 Informal Stage

The line manager will discuss during the return to work meeting:

- the reason for the absence(s);
- if there are any underlying reasons;
- if there any problems not related to work;
- the reasons for any underlying patterns of absences;
- any remedial help/support that may be required and
- agree an action plan for improvement.

7.12 The aim of the discussion is to jointly identify problems, causes and possible solutions. Where absence is due to non-sickness related reasons consideration should be given to whether the issue can be resolved utilising any of the University's other policies on leave or flexible working.

7.12.1 Managers should be constructive by encouraging and motivating the employee and the discussion should not be treated as punitive.

7.12.2 An action plan must be agreed as a result of the discussions confirming the following:

- the areas in which the employee is not meeting the expected standards of attendance, the improvement required, and the timescale in which it is required;
- any steps the manager or the employee has agreed to take for example seeking advice from Occupational Health

- the length of the review period and when the plan will be reviewed.

The manager will follow up in writing to confirm the action plan.

7.12.3 Should there be any further absence within the review period the employee may be subject to formal action as detailed below. The line manager will gather all of the relevant information including the absence record and return to work documentation and hold an investigatory meeting with the employee to understand the basis for the absences, identify what support is needed and to clarify expectations.

7.12.4 Following the investigatory meeting the line manager will decide whether the employee should be referred to a formal Absence Meeting. Before deciding whether formal action should be followed consideration should be given to whether the absences are due to disability related sickness or if there are other mitigating circumstances, such as upcoming treatment that is likely to resolve the issue. In these cases, the manager should discuss with HR before progressing.

### 7.13 Stage One – First Formal Absence Meeting

7.13.1 The employee will be invited to a formal meeting to discuss their absence and will normally be provided with no less than 5 working days notification. The employee will be informed of the meeting in writing and will be provided with details of their absence(s) in advance.

7.13.2 The meeting will be chaired by a manager of at least the equivalent level to their own line manager and the employee may choose to be accompanied by a colleague or trade union representative. An HR representative will also be present to provide procedural guidance and advice to ensure consistency and equity of treatment.

7.13.3 The manager chairing the meeting will review the history of the case including any previous comments made by the employee, any medical advice from the Occupational Health provider regarding the individual's capability to perform their duties, and any support measures put in place, as well as any potential barriers to improvement. The employee will also be given the opportunity to explain why their attendance remains below the standards expected and to raise anything that they wish to have considered, for example mitigating factors including work or personal problems.

#### 7.13.4 Possible Outcomes

- The employee may be issued with a first written warning which will be live on their employment record for a period of six months, and the employee will be formally notified of this in writing along with their right of appeal.
- Alternatively, it may be decided that no formal action is taken, however the employee may be made aware of expected improvements or support that will be provided to assist him or her.

7.13.5 The employee will be provided with notes from the meeting and will be made aware of the improvements expected in their levels of absence for the future, and a review period will be set, (the length of time that the warning is live) within which the improvements are expected. If appropriate, support measures may be put in place to assist the employee in improving their levels of sickness absence.

7.13.6 If at the end of the review period the employee has made improvements and is meeting the attendance levels required, no further action will be taken. If the employee has any further periods of absence whilst the warning is still live, a further investigatory meeting will be held with the line manager who will decide whether to progress to Stage Two of the formal process.

## 7.14 Stage Two –Second Formal Absence Meeting

7.14.1 The process should follow the format as outlined for stage 1 and the employee will again be given the opportunity to explain why their attendance remains below the standards expected and to raise anything that they wish to have considered.

### 7.14.2 Possible Outcomes

- At this stage a final written warning may be issued which will be live for a period of twelve months and the employee will be formally notified of this in writing along with their right of appeal. It is also possible that the first written warning is re-issued.
- Alternatively, it may be decided that no formal action is taken, however the employee may be made aware of expected improvements or support that will be provided to assist the employee.

7.14.3 The employee will be provided with notes from the meeting and will be made aware of the improvements expected in their levels of absence, and a review period will be set, (the length of time the warning is live) within which the improvements are expected. If appropriate, support measures may be put in place to assist the employee in improving their levels of attendance.

7.14.4 If at the end of the review period the employee has made improvements and is meeting the attendance levels required no further action will be taken. If the employee has any further periods of absence whilst the warning is still live a further investigatory meeting will be held with the line manager. The employee may be referred to Occupational Health to gain a medical assessment of their fitness to work. This will not be necessary in all cases and will be sought with advice from HR. The line manager will then decide whether the employee will be referred to Stage Three of the formal process.

## 7.15 Stage Three – Third Formal Absence Meeting

- 7.15.1 The employee will be invited to a third formal absence meeting, one outcome of which may be dismissal on the grounds of capability or conduct.
- 7.15.2 The employee will be invited in writing to attend the meeting and will normally be provided with at least 5 working days notification. The invitation will include details of the absence(s) and will state that as a consequence of the discussion the contract of employment may be terminated on the grounds of capability or conduct.
- 7.15.3 The meeting will normally be chaired by a manager more senior than the employee's line manager and the employee may choose to be accompanied by a colleague or trade union representative.
- 7.15.4 Before any decision is reached, the Chair will:
- review the history of the case, including the employee's previous sickness record and the notes from the informal and formal stages, including any previous representations made by the employee.
  - consider the impact of the absence on the organisation.
  - review any medical advice from the employee's medical practitioners and/ or Occupational Health regarding the individual's capability to perform their duties, including the nature, duration and effect of the employee's ill health.
  - consider whether all reasonable adjustments and opportunities have been explored, including potential alternative employment where appropriate.
  - The employee will also be given the opportunity to explain why their attendance remains below the standards expected and to raise anything that they wish to have considered.
- 7.15.5 Having fully reviewed the case the Chair will make a decision as to whether the employee should be dismissed on the grounds of

capability or conduct, or whether an alternative approach can be taken e.g. redeployment, or whether further adjustments are considered reasonable and should be tried before taking any further action.

7.15.6 If a decision to terminate employment is made, it will be confirmed to the individual in writing (normally within 5 working days) stating the reason for dismissal, effective date of dismissal, and noting their right of appeal.

7.15.7 The University reserves the right to make a payment in lieu of notice in cases of dismissals within this procedure.

## 7.16 Appeal

An employee has the right to appeal against a warning or dismissal within this procedure. Appeals must be made in writing to the Director of Human Resources within 5 working days of receipt of the outcome letter stating the grounds on which the appeal is made. Appeals will be conducted in line with the procedure outlined in the University's Disciplinary Policy and Procedure.

## Management of Long-Term Absence

7.17 The University defines absences for a continuous period of 28 calendar days or more as 'long-term' and early intervention in such cases by the line manager is key to ensuring sufficient support for employees and in effectively facilitating their return to work.

7.18 Regular contact should be maintained between the employee and their line manager during a period of long-term absence including face to face meetings where appropriate. The method and frequency of contact should be determined by the case in question. An HR representative may be present in meetings to ensure appropriate advice is provided for all parties and to answer any questions which may arise.

7.19 Contact with an absent employee is needed in order for the line manager to:

- get an update on their condition and whether there is any change.
- help minimise any feelings of isolation that their employee might experience while being absent.
- provide their employee with relevant updates about any major workplace developments.
- gauge, where possible, an indication of when the employee might be able to return to work.
- discuss with the employee any support that they might need while they are absent, including potential arrangements to facilitate their return to work for example a phased return or reasonable adjustments.

7.20 Occupational Health Referrals for Long-Term Absences

7.20.1 Where an employee who is on long-term absence is referred to the Occupational Health provider, the University will usually ask for advice on the employee's fitness for work, likely recovery time, how flare ups for chronic conditions may subside or reoccur, and any advice on how best to facilitate their return, for example a phased return or the introduction of reasonable adjustments to the workplace.

7.20.2 Once advice has been received from the Occupational Health provider, the individual will usually be invited to a meeting with his/her line manager and an HR representative, to discuss the advice and to agree next steps.

7.20.3 If the individual is unable to travel, the meeting may take place at a venue nearer to his/her home, at their home address within a reasonable distance from the University, or via video call.

7.21 Outcomes following Occupational Health Advice

7.21.1 Fit to Return to Work

If the employee is considered by the Occupational Health provider to be fit for work, with or without reasonable adjustments, this will be

discussed with the individual. The line manager and HR will consider any recommended adjustments made by Occupational Health, the employee's doctors or from the individual themselves and in discussion with the individual determine if they are reasonable prior to the return to work date. It should be remembered that recommendations from Occupational Health are not instructions and have to be considered in context. Where adjustments cannot be accommodated it must be justified and recorded.

The individual may be asked to discuss this with their medical practitioner and the University may request a medical report from the GP or from a Specialist Consultant, where the University Occupational Health Provider does not agree with the employee's GP. The employee GP or specialist view will take precedence over Occupational Health in this regard.

In exceptional circumstances, if he/she does not return to work on the date advised, entitlement to Occupational Sick Pay may be withdrawn and disciplinary action may be taken. Entitlement to Statutory Sick Pay will not be affected if the continued absence is covered by a Fit Note. An appropriate return to work plan will be agreed with the individual and a provisional return to work date will be set.

Once the employee has returned to work, the manager should hold a Return to Work discussion with them and any advice given by the Occupational Health provider or their own doctors necessary to support a sustained return to work will be discussed, as well as any retraining that may be required.

#### 7.21.2 Likely to be Fit to Return to Work within a Reasonable Time Frame

If the Occupational Health provider indicates the employee is unfit to return to work immediately but believe they would be likely to be fit to return within a reasonable time frame, it may be appropriate to make a referral for a follow-up assessment.

A reasonable timeframe will depend on the nature of the employee's role, structure of the department, effect on the rest of the team, prognosis for the employee.

In addition, if an employee is deemed to be likely to be fit to return to work within a reasonable time frame, the line manager will consider, in consultation with the employee, whether any reasonable adjustments recommended by Occupational Health or suggested by the individual or their doctor could be made to facilitate their return to the workplace such as a phased return, amended duties or a temporary change in working hours.

An appropriate return to work plan will be agreed with the individual and a provisional return to work date will be set.

Once the employee has returned to work, the manager will hold a return to work interview with them and any return to work plan previously agreed will be discussed, as well as any re-training that may be required.

### 7.21.3 Unfit for Work with No Timescale for Improvement

If the Occupational Health provider indicates an employee is unfit for work and are not able to foresee an improvement within a reasonable timeframe, the University will consider, in consultation with the employee, whether any reasonable adjustments could be made to facilitate their return to the workplace or redeployment into another type of work.

It may also be appropriate to request a medical report from the employee's GP or specialist consultant in order to gain additional information or specialist advice on the employee's medical situation. Any such request would be done in consultation with the employee.

In some cases, where an employee is in an organisational pension scheme, consideration may be given to whether the employee can take early retirement on the grounds of ill health; this would need to

be explored in accordance with the relevant pension scheme arrangements.

Once all the above options have been explored and no alternative approach has been identified, consideration will be given to termination of his/her employment on the grounds of capability.

## 7.22 Consideration of Termination on the Grounds of Capability

7.22.1 If an employee is on long-term sick, has unacceptable levels of absence, or is unable to undertake their full duties due to their health and all other alternatives have been exhausted the employee will be invited in writing, to attend an initial meeting to discuss their sickness/absence. Normally at least 5 working days notification will be provided. The invitation will include details of the sickness/absence(s)/ issues and will state that as a consequence of the discussion the contract of employment may be terminated on the grounds of capability.

7.22.2 The meeting will be chaired by a manager more senior than the employee's line manager within the Faculty/ Department and the employee may choose to be accompanied by a colleague or trade union representative.

7.22.3 Following the meeting the Chair will review all the information available including attendance records, whether all reasonable adjustments and opportunities have been explored, any medical advice from the Occupational Health provider and the employees own GP or specialists regarding the individual's capability to perform their duties

Notes will be taken during the meeting and the employee will be given a copy for their own records. A timeframe for outcome will be given to the employee.

7.22.4 Before considering whether employment should be terminated the chair will take into account:

- the nature, duration and effect of the employee's ill health as advised by Occupational Health.
- the employee's previous sickness record.
- the impact of their absence on the organisation.
- pursuit of all options with regards to alternative employment opportunities, including whether reasonable adjustments can be made.
- the representations made by the employee, work colleague or trade union.
- whether ill-health retirement is an option.
- whether there is any further investigation to be undertaken before a decision is made.

7.22.5 Once the meeting chair has considered all the information and is satisfied that all information has been presented the employee will be invited to a final meeting to discuss the outcome.

Where the decision to terminate on the grounds of capability is taken this should be confirmed in writing to the individual (normally within 5 working days), stating the reason for dismissal, effective date of dismissal and noting the right of appeal.

7.22.6 The employee will have the right to appeal against the decision to dismiss and must do so in writing to the Director of Human Resources within 5 days of receiving written confirmation of the outcome. Appeals will be conducted in line with the procedure outlined in the University's Disciplinary Policy and Procedure.

Where the decision is not to terminate employment, the case will be referred back to the line manager along with recommendations for next steps, including reasonable adjustments or further referral to Occupational Health.

### 7.23 Unable to Attend Meetings

Where an employee is unable to attend any of the meetings detailed in this policy, one attempt to reschedule will be made. If the employee is still unable to attend other options will be offered such as to hold the meeting by phone or video conferencing, at an alternative location within a reasonable distance from the Campus, or to submit a statement in writing or via a representative.

Where an employee is medically unable to attend meetings in person alternative options to face to face meetings will be discussed in the first instance and an approach agreed.

If all these options are refused or not suitable, a decision may be made in the employees' absence.

### 7.24 Terminal Illness

When an employee is diagnosed as having a terminal illness and belongs to one of the University's pension schemes, advice must be sought from the payroll team without delay. This will ensure that the employee receives appropriate advice regarding their pension options and any benefits available through employment with the University.

### 7.25 Sickness During Annual Leave

Please refer to the Annual Leave guidance for full details.

### 7.26 Falling Ill While Abroad

Normal reporting procedures will apply and medical certificates must be provided at the appropriate times, including from overseas doctors. Medical notes received from overseas Doctors that are not written in English must be translated into English by a certified translator at the employee's expense. Information required is name, start/duration of sickness, reason, and Doctor's name.

Arrangements must be made to ensure regular contact between the employee and their manager continues throughout the period of illness and also at times when there is an update on the condition. As it is more expensive or difficult to call from abroad the line manager may offer to call the employee or agree it is more suitable to allow e-mail updates.

Normal reporting and contact procedures will apply on return to the UK.

#### 7.27 Sickness Related to Pregnancy

Please refer to the Maternity Leave policy/procedure for full details.

#### 7.28 Time Off for Medical Appointments

The University normally expects employees to arrange all medical, dental, optician and similar appointments outside normal working hours where possible.

Please refer to the Time off and Special Leave Policy and Procedure for further details.

### **8 ASSOCIATED DOCUMENTS**

Disciplinary Policy and Procedure  
Code of Conduct  
Return to Work form  
Annual Leave Guidance  
Maternity Leave Policy and Procedure  
Time off and Special Leave Policy and Procedure

### **9 APPROVAL PROCESS**

TU Liaison 26/04/2022  
UMT

## 10 EQUALITY IMPACT ASSESSMENT

Completed

## 11 Version Control

<b>Version Control</b>		<b>Approval record</b>	
Author:	HR	Approval:	Board Approval 23/06/2015
Date written:	Spring 2015	Updates:	October 2018 April 2022
Current status:	Approved		TU Liaison 26/04/2022 UMT 17/05/2022 Board Approval N/A

### Record of Amendments

<b>Date</b>	<b>Details of Change</b>	<b>Approval</b>
June 2018	Updated template with new branding	18/10/2018
June 2018	Harmonised Occupational Sick pay benefit for support staff to equal academic staff in terms of length of service and benefit received.	18/10/2018
June 2018	Increase focus on wellbeing and empathy in Policy statement and responsibilities	18/10/2018
June 2018	Inclusion of Mental health focus in policy statement	18/10/2018
June 2018	Introduce possible withdrawal of sick pay if fail attend occupational health appointments	18/10/2018

June 2018	Introduce process for advanced notification of absence and overseas illness or treatment	18/10/2018
June 2018	Input section for GDPR	18/10/2018
June 2018	Minor changes to wording for clarity throughout	18/10/2018
April 2022	Introduce recognition of individual needs during procedures including neurodivergent needs.	17/05/2022
April 2022	Clarity on when the Redeployment Policy and Procedure will be used	17/05/2022
April 2022	Additional points added to responsibilities of the employee, line managers and HR to ensure clarity, improved process and support	17/05/2022
April 2022	Process changes regarding working from home to account for smarter working	17/05/2022
April 2022	Clarity in absence of 7 calendar days or less.	17/05/2022
April 2022	Additional information on the use and role of Occupational health alongside employee own medical practitioners	17/05/2022
April 2022	Clarity on reasonable adjustments and employee involvement where there is a disability	17/05/2022
April 2022	Management of frequent short term absence process updated to reflect better practice including meeting timing and notification.	17/05/2022
April 2022	Management of long term absence added elements to cover chronic conditions and reasonable adjustments	17/05/2022

April 2022	Outcome following Occupational Health updated	17/05/2022
April 2022	Additions made to termination on grounds of capability	17/05/2022
April 2022	Minor changes to account for smarter working and use of technology	17/05/2022
April 2022	Minor changes to wording for clarity	17/05/2022
April 2022	Moved some sections for better flow	17/05/2022
April 2022	Appendix 1 Occupational sick pay - service accrued with other HE of FE institutions will count towards service for sick pay for those on support contracts.	17/05/2022

## Appendix 1

### Occupational Sick Pay (OSP)

Subject to the provisions of this scheme a member of staff who is absent from work due to illness or injury may receive occupational sick pay (OSP) as follows:

#### Academic Contracts

During the first year of service:	full pay for one month; and  after completing four calendar months' service before the start of the period of absence through illness, half-pay for two months.
During the second year of service:	full pay for three months; and  half-pay for three months.
During the third year of service:	full pay for four months; and  half-pay for four months.
During the fourth and successive years:	full pay for six months; and  half-pay for six months.

Continuous service with other Higher and Further Education Institutions in the United Kingdom will be counted in calculating sickness entitlements.

For the purposes of OSP entitlement a 'year' begins on 1 April and ends on 31 March. OSP entitlement will be calculated in the year in which the first day of the period of continuous sickness falls. If an employee is sick on 31 March and continues to be sick on 1 April all days from 1 April until the return to work date will be counted as part of the previous year's entitlement. When the employee returns to work a new entitlement to OSP begins for the current year.

### Hourly Paid Lecturing Staff ('Associate Lecturers')

Sick Pay will be paid at the average rate of pay over the 12 weeks prior to the first sickness absence date. Please refer to the previous page; academic staff sick leave and pay, for details of OSP entitlement.

### Support Contracts

During the first year of service:	full pay for one month; and  after completing four calendar months' service before the start of the period of absence through illness, half-pay for two months.
During the second year of service:	full pay for three months; and  half-pay for three months.
During the third year of service:	full pay for four months; and  half-pay for four months.
During the fourth and successive years:	full pay for six months; and  half-pay for six months.

Continuous service with other Higher and Further Education Institutions in the United Kingdom will be counted in calculating sickness entitlements.

OSP entitlement is calculated on a rolling year basis i.e. the amount and rate of OSP due will be ascertained by deducting from the entitlement any OSP days paid during the 12 months immediately preceding the first day of sickness absence.

### Nil Hours Support Staff

Sick Pay will be paid at an individual's average rate of pay over the 12 weeks prior to the first sickness absence date. Please refer to 'Support Contracts' for details of OSP entitlement.