MANCHESTER 1824
The University of Manchester

(Management of) Sickness Absence Policy & Procedures

1 Introduction

1.1 The purpose of this policy is to detail both the support that will be available to staff and the steps that the University will take to monitor and manage absence.

2 Scope

2.1 This policy applies to all employees employed by the University.

2.2 The policy and its associated procedures relate to absence due to ill health and its effect on the ability of employees to carry out their duties and should be distinguished from unauthorised absence which is an issue of conduct that may fall within the scope of the University's disciplinary procedures.

3 Aims

3.1 Whilst it is accepted that employees may, from time to time, be absent from work due to sickness, the management of sickness absence is vital to the University for a number of reasons. Through the application of this policy the University aims to:

- reduce the level of sickness absences through early intervention and support.
- ensure a fair and consistent approach to the management of sickness absence by all organisational units in the University without discrimination.
- limit the consequences for staff and the University's activities when such absence does occur.
- support staff through periods of ill health with the aim of securing their early and sustained return to work or other resolution as appropriate.
- minimise the likelihood of sickness absence, by identifying causes of absence and recommending, where practical, changes necessary in working practices or environment.

- ensure that the University complies with equality legislation and any other relevant statutory requirements.

This policy and its associated procedures should be read in conjunction with other relevant policies where appropriate, e.g. Substance Misuse, Stress at Work.

4 Application of the Policy

4.1 The provisions of this policy will apply to all employees. The procedures are separate for employees Grades 1 – 5 and employees covered by the provisions of the University of Manchester's Statute XIII and its associated Ordinances. If a Head of School/organisational unit* foresees any difficulty in this s/he should discuss the matter with the appropriate member of the People Directorate.

4.2 It should be stressed that responsibility for applying the provisions of the policy lies with Heads of School or other organisational units, and their delegated representatives, in consultation with the appropriate member of the People Directorate.

5 General Provisions

5.1 The University places a high value on the health of all employees and encourages health promotion and improvement, through its Wellbeing initiatives and through occupational health advice and intervention and practical support from the Disability Advisory and Support Service (DASS). In addition to interventions by the University any employee may seek advice or guidance from Occupational Health or the Disability Advisory and Support Service at any time on a self- referral basis.

5.2 Heads of School/organisational units are responsible for the effective management of absence due to ill health and its impact upon work performance and service levels. It is imperative that all managers, supported by a member of the People Directorate, acquire the skills and training needed to conduct relevant processes in a competent and caring manner.

5.3 In applying this policy and its associated procedures, decisions will be made by Heads of /organisational units on the basis of information obtained through interview findings, attendance data and medical advice. Information relating to sickness absence should not be divulged to third parties not involved in the process without the permission of the employee, which will not be unreasonably withheld.

6 Recording and Monitoring Sickness Absence

6.1 Monitoring absence in a systematic fashion has been shown to facilitate the early identification of an individual's health problems and reduce levels of absence. It also enables the University to identify working practices or environments which may be contributing to absence through ill health.

6.2 It is the responsibility of managers to record, report and monitor the attendance of all their employees . This involves monitoring levels and patterns of absence, conducting Return to Work Interviews and taking appropriate action in accordance with the Sickness Absence Procedures. Managers must follow the Absence Management Reporting Procedures.

6.3 When absent from work due to sickness or accident, members of staff are required to adhere to the Notification and Certification Procedures, compliance with which is a requirement of entitlement to and payment of SSP and Occupational Sick Pay, where appropriate.

6.4 The University uses a system of trigger points to determine when further action is required. These trigger points will be kept under review and their effectiveness evaluated on an annual basis, as part of the monitoring of this policy.

7 Communication

7.1 Contact during an absence

7.1.1 During periods of absence both managers and employees are required to maintain contact at a reasonable frequency (as set out in Procedure 1.1 and 1.3) to ensure appropriate support is received. On receipt of a fit note from their GP, employees must contact their manager immediately to discuss their fitness to work.

7.1.2 Payment of sick pay is also dependant on staff adhering to the notification and certification procedures (see 6 above).

7.2 Contact on Return to Work

7.2.1 Schools/organisational units should make contact with an employee returning to work after each spell of sickness absence. Managers should normally meet with employees face to face, however, in some circumstances it may be appropriate to hold a conversation by telephone. Meetings or discussions should be carried out, sympathetically and in private, by a specified person on the day the employee returns. The aims of the discussion will include confirming the cause of the absence and ascertaining whether the employee needs any further support in making

a successful return to work; concern for the welfare of the employee ; and ensuring the situation is being managed to minimise further absences. Where appropriate the employee may be referred to Occupational Health or the Disability Advisory and Support Service for further assessment or support.

7.2.2 Advice on the conduct of such meetings/discussions can be obtained on StaffNet in Return-to-Work Guidance Notes for Managers.

8 Redeployment and Accommodation of Disability

8.1 As a matter of policy and in accordance with the provisions of the Equality Act 2010, the University will endeavour to accommodate an employee in their current post they have ill health or a disability or a developing disability. Accommodation may include modifying the job or working environment where this is practicable. If this proves not to be possible then the option of redeploying the staff member into a role that is suitable will be pursued.

8.2 In pursuing its policy of attempting to accommodate or redeploy staff the University will make full use of the advice and assistance of Occupational Health, the Disability Advisory and Support Service and appropriate external support agencies. Employees will be fully involved in discussions and in identifying appropriate solutions. Where this results in the redeployment of an employee any training identified as necessary to undertake the new role will be provided.

* Where reference is made to Head of School/organisational unit this should be deemed to include “or nominated representative”.

** Throughout this policy the words ‘organisational unit’ should be understood as referring to the relevant School/Faculty/Directorate or other equivalent organisational unit in the University.

Sickness Absence Procedures

1 Notification and Certification

1.1 Entitlement to and payment of SSP and Occupational Sick Pay is subject to employees complying with these notification and certification procedures.

1.2 Notification requirements related to sickness must be brought to the attention of all employees . This should include details of:

- the manager or their nominee to whom an absence must be reported and by when,
- the frequency of ongoing contact required should the absence be more than one day in length,
- the type of certificate/statement that must be supplied depending on the length of the absence, and
- the manager or their nominee to whom certificates/statements must be sent and by when.

1.3 Local procedures will be based on the following guidelines, however, contacting arrangements will vary according to the circumstances and a member of the People Directorate will provide advice on what is reasonable.

i. Initial notification –

Where an employee is prevented by sickness or accident from reporting for duty, they should notify the manager or their nominee prior to their normal start time, or where this is not possible, within one hour of the planned starting time on the first day of absence. Employees should make every effort to speak directly to their manager or their nominee, (texts and emails are not acceptable); notification by some other person will only be accepted where the circumstances make it impossible for the employee to do this themselves. The approximate duration and where possible details of the reason for absence should be given. Early notification will enable appropriate cover or reallocation of duties to be arranged.

ii. Continuing absence notification - as a minimum requirement -

If the illness persists for several days, the employee should contact their manager no later than the fourth day to confirm their continuing absence.

When an employee's absence is of a longer duration they must contact their manager immediately on receipt of a fit note, in order to either confirm their continuing absence or to discuss the possibility of returning to work. They must maintain contact at regular agreed intervals during the period covered by the fit note. Frequency of contact will vary dependant on the individual's condition but will be at least monthly.

Absences related to personal/sensitive reasons

1.4 Employees who are absent for reasons that are personal or sensitive are not exempt from the University's Sickness Absence notification procedures. However, they may not initially wish to discuss the reasons for their absence with their manager or present their statement of fitness to work to their manager. In such circumstances, the individual must discuss this with a member of

the People Directorate. The employee must also explain to their manager that they have contacted the People Directorate.

1.5 Also, there may be circumstances when an employee wishes to discuss their health with an employee of the same gender. This could be due to the nature of the health issue, or for reasons of religion, belief or culture. In such circumstances, the employee must discuss this with a member of the People Directorate. They must also explain to their manager that they have contacted the People Directorate.

Certification

1.6 For absence of seven calendar days or less, a University Self Certification / Return to Work Form must be completed and uploaded onto Oracle Fusion. Further guidance on how to record sickness absence can be viewed in the Sickness Absence Knowledge Article.

1.7 After seven calendar days, the employee must obtain a statement of fitness to work (a 'fit note') from their GP covering any further periods of sickness in the same absence period. This statement should be uploaded to Oracle Fusion either by the employee or their manager (or nominated delegate) on the same or next day.

1.8 The fit note will provide advice from the GP as to whether the employee is 'unfit for work' in which case they shall remain off sick, or 'may be fit for work' if suitable support can be given by the University. If the fit note indicates they may be fit to work the individual must contact their manager immediately to explore this option. The manager will consider what adjustments can be accommodated to enable the employee to return to work and agree these with them. The manager may wish to seek further advice from Occupational Health, the Disability Advisory and Support Service or a member of the People Directorate. If it is not possible to make suitable adjustments, then the employee will remain off sick and treat the fit note as if it had advised 'not fit for work'. A further note confirming this is not required.

1.9 An employee may return to work at the end of the period stated on the fit note, or sooner if their manager agrees it is appropriate. Confirmation of fitness to return will no longer be provided by GPs.

1.10 When calculating an absence period, note that all calendar days including weekends and/or rest days are counted as days of absence.

2 Monitoring and Reporting

2.1 Managers must maintain the following records in order to monitor attendance:

- Absence records for each employee .
- Return to Work forms for each occasion of absence.

2.2 Once an employee has contacted their line manager as per section 1, they will be required to submit their sickness record in Oracle Fusion.

2.3 Any medical certification, such as a self-certification or doctors note, should be uploaded onto Oracle Fusion when the absence is recorded.

2.4 A notification will be sent to the line manager notifying them that a sickness absence has been recorded, and managers are required to acknowledge the sickness absence.

2.5 Line Managers can submit an employee's sickness on their behalf if they are unable to report their sickness due to illness or other reasons).

2.6 Further guidance on how to record sickness absence can be viewed in the Sickness Absence Knowledge Article.

Employees who currently have permission from the UK Border Agency to work in the UK

2.4 The University is obliged to inform the UK Border Agency of unauthorised absences (i.e. if employees are absence and do not report in sick) in the following circumstances:

- if an employee does not turn up for their first day of work on the expected date, OR
- if an employee is absent from work for more than ten working days without permission.

2.5 Managers must report all unauthorised absences immediately to a member of the People Directorate.

Trigger Points and Actions

2.6 It is necessary to identify criteria that will cause an absence record to be subject to further consideration, to ensure consistency of approach. The following criteria have been identified:

i. 3 or more periods of absence in the previous three months, OR
ii. 6 or more days absence in the previous three months (pro rata for part-time staff), OR
iii. 6 or more periods of absence in the previous twelve months, OR
iv. 15 or more days absence in the previous twelve months (pro rata for part-time staff), OR v. 4 weeks continuous absence.

2.7 Employees are allowed reasonable time off with pay to attend medical appointments, i.e. appointments should be made for the beginning or end of the working day, or wherever possible outside of working hours. Reasonable time off will not be classed as sick leave and therefore will not count towards reaching the above trigger points.

2.8 Once an individual has reached any of these trigger points the manager may seek advice from a member of the People Directorate to discuss a course of action. It should be emphasised that not all cases that meet the criteria will demand action. The manager will keep a record of all decisions and actions taken. Action can include:

i. keeping the case under review.
ii. referral of the employee to Occupational Health, the Disability Advisory and Support Service and/or, if appropriate the University Counselling Service.
iii. advising an employee about unacceptable levels of absence.
iv. the issuing of a warning in accordance with the procedures for Dealing with High Level of Short Term Sickness Absence.
v. action to make work safe/healthy.

2.9 However, if managers are concerned about any case that does not meet the criteria, or persistently falls just outside the criteria, they should raise the case with an appropriate member of the People Directorate.

3 Summary of Approaches to High Levels of Sickness Absence

3.1 Sickness absence falls into several categories, and each demands a different management response. Examination of the records and information gathered through Return-to-Work Interviews will determine into which of the following categories of absence the case falls:

i. a one-off absence (e.g. minor operation).
ii. a series of absences due to one or more diagnosed cause.
iii. serious long-term illness.
iv. absences due to minor unrelated illnesses.
v. absences due to disability, maternity/pregnancy or a workplace accident.
vi. Absences due to stress or other mental health conditions

A one-off absence

3.2 In these cases, for example a minor operation, the absence will have usually remedied an individual's ill health and no further action will be necessary. The manager may, however, want to satisfy themselves that the problem will not recur by referring an employee to Occupational Health when they return to work.

A series of absences due to one or more diagnosed cause/s.

3.3 Absences falling into this category may require Occupational Health and/or Disability Advisory and Support Service advice as to the advisability of reasonable adjustments or exploration of the possibility of redeployment of an employee into another job or job re-design as described in section 8 of the policy. These types of absences will normally be dealt with in accordance with the procedures set out below for dealing with long term sickness.

Serious long term illness.

3.4 Absence cases which do not lend themselves to adaptation of job duties or redeployment, may to ill-health early retirement or termination on grounds of capability or incapacity and will be dealt with in accordance with the procedures set out in sections 4.2 and 5.2 /5.3.

Absences due to minor unrelated illnesses.

3.5 Where there have been a number of absences due to minor and unrelated illnesses managers should share their concerns with an employee about their level of sickness absence during the Return to Work Interview.

3.4 It should be stressed that the aim of any discussion and resulting actions would not be to cast doubt on the legitimacy of absences, but to indicate that they were having adverse operational effect and that the University requires improvement.

3.7 In cases, where there is no improvement as a result of such discussions, this could lead to the issuing of a warning in accordance with the procedures set out below for dealing with short term sickness and ultimately to dismissal.

Absences due to disability, maternity/pregnancy or a work place accident

3.9 Where absences fall within this category, managers must seek advice from a member of the People Directorate to ensure that all legislative requirements are met.

Absences due to stress or other mental health conditions

3.9 Where there is a suggestion that the absence may be due to a mental health condition, stress related or reported to be caused by work, it is particularly important for managers to arrange an early referral to Occupational Health and to meet with the individual as quickly as possible to establish the cause. In all cases of this nature, if an early referral to Occupational Health hasn't already been made for any reason, then this should be arranged as soon as possible after 4 weeks of sickness absence.

Attendance at Formal Meetings

3.10 The employee will be entitled to be accompanied by a workplace colleague or trade union representative at all formal meetings. Where attendance at meetings is unduly difficult due to the individual's medical condition, they may nominate a representative to act on their behalf. In some circumstances it may be appropriate for the meeting to take place at their home. Written notice, (of at least ten working days for staff covered by Statute) setting out the matters to be considered, copies of any relevant information, and explaining the right to be accompanied, must be given for all formal meetings. A representative from the People Directorate may also attend to provide guidance on applying the Sickness Absence Policy.

3.11 In view of the nature of the consultation with the employee it is also necessary to outline what will happen should the employee not attend an arranged meeting.

3.12 In the event that the employee fails to appear at the meeting to discuss potential courses of action without prior notification and the submission of a justifiable reason, then the meeting will be rearranged.

3.13 In the event that the employee is unable to attend the meeting and submits substantial reasons for non-attendance in advance, then the meeting will be rearranged if they wish. Alternatively, the individual may request that the meeting proceeds in their absence with the representative acting on their behalf. In these circumstances the manager will request that the representative gives assurance that permission has been given.

3.14 If the individual fails to appear on a second occasion, then the meeting will proceed in their absence. However, in exceptional cases, should the employee subsequently produce substantial evidence of a significant reason for non-attendance such as a sudden unforeseen and serious domestic crisis, this will be taken into account and the original meeting and subsequent decision may be declared null and void and a further meeting may be arranged with a different manager. This meeting will proceed with or without the employee in attendance.

Referrals to Occupational Health

3.15 It is important for staff to attend arranged appointments at Occupational Health. If an employee is unable to attend with good reason, they must telephone immediately to rearrange. Failure to attend a second appointment will normally result in disciplinary action. If the individual refuses without giving a good cause to consent to medical reports being obtained, and /or to attend appointments, management and hearing panels will make decisions based on the information available to them.

Referrals to the Disability Advisory and Support Service (DASS)

3.16 Referrals to the Disability Advisory and Support Service are only made with the consent of the employee. However, if individuals do not consent to this referral, the support and advice that can be provided may be limited.

4 Sickness Absence Procedures for Grades 1 -5

Part 1 - Capability procedure for dealing with high levels of Short Term Absence for Grades 1- 5

4.1 This procedure is intended for use in dealing with cases of high short-term sickness absence which can be in the form of a number of absences due to ill health that meet the criteria described in (d) of Procedure 3, or other unacceptable patterns of absence, for example regular absence on Mondays or Fridays.

4.2 All cases should in the first instance be referred to People Directorate. In some, following review of the evidence, it may not be necessary to take any action other than to keep the case under review. In other cases, however, it will be necessary to have recourse to the procedure described below.

4.3 A representative from the People Directorate may attend the formal stages outlined below to provide guidance and the individual has the right to be accompanied by either a Trade Union representative or workplace colleague.

4.4 At any stage of this procedure it may be appropriate to refer the employee to Occupational Health for assessment and/or support. People Directorate will recommend when this is necessary. If it emerges that there is an underlying medical condition, the Manager will decide whether to continue following this procedure (in which case the medical condition must be taken into

account,) or to treat as a long-term illness as described below. A member of the People Directorate will again advise.

4.5 'Redeployment and Accommodation of Disability' (4.2.3) also applies to this part of the procedure where appropriate.

Informal Stage

4.6 When at the Return to Work Interview, it is established that the employee has met one of the trigger points, the manager will normally arrange a further meeting to explore the reasons for this and how absence may be reduced. There may be personal, work or health issues which need to be addressed. It is important for the manager to impress on the individual the unacceptability of high levels of absence, although the aim of the meeting will be to seek to help the individual improve their attendance to an acceptable level. The manager will keep a written record of the meeting, although it will not be necessary to formally write to the employee.

First Formal Stage – Oral

4.7 If the informal stage fails to yield a satisfactory and sustained improvement, then the manager will again convene a meeting with the employee. Written notice (of at least ten working days) of the meeting will be given in advance together with any information to be used during the discussion, the employee is entitled to be accompanied or represented by a workplace colleague or trade union representative. (The same procedure of notification and right to representation also applies to the second, third and dismissal stages described below.) A representative from People Directorate may be present. The manager should follow the procedure described in the informal stage above.

4.8 If appropriate the manager will formally warn the individual of the consequences of a failure to improve their attendance and explain the level of improvement required. The employee will be advised of their right to appeal. A written record of the meeting will be kept on the individual's personal file and be copied to the employee .

Second Stage – Written Warning

4.9 Should the first formal stage fail to result in a satisfactory improvement, the matter will normally be referred to the Head of School/organisational unit. A meeting, with at least ten working days' notice, will be arranged by the Head of School/organisational unit or delegated representative to discuss the reasons for the continuing absences, at which a representative of People Directorate may be present.

4.10 If no new evidence has emerged from Occupational Health of an underlying and on-going medical condition, after consulting People Directorate, a written warning may be given. This will be issued to the employee in the form of a letter from the manager. It will set out the reason for the warning and the improvement required. It should be emphasised the intention is not to punish the employee, but to warn them of the consequences of failing to improve their attendance to a satisfactory level and to support them in achieving that goal. The employee will be advised of their right to appeal.

Third Stage – Final Written Warning

4.11 If the previous stages do not produce a satisfactory improvement and less than one year has elapsed since the written warning was issued, then a further meeting will be convened providing at least ten days' notice, by the Head of School/organisational unit or delegated representative, at which a member of the People Directorate will be present. Assuming no new medical evidence emerges from Occupational Health indicating a possible on-going and underlying condition, a final warning of the consequences of a failure to improve may be issued. This will be in the form of a letter and will set out the reason for the warning and emphasise that a failure to improve will result in dismissal. The employee will be advised of their right to appeal.

Expiry of Warnings

4.12 Warnings issued under the terms of this procedure will be disregarded after a period of one year if there has been a satisfactory and sustained improvement in attendance during that time, oral warnings after six months. Where attendance is satisfactory throughout this period, only to lapse thereafter, such a pattern will be borne in mind when deciding the severity of any subsequent warnings and the length of any subsequent review period.

Appeal against warnings

4.13 An employee who wishes to appeal against a warning should write to the relevant Director of People within ten working days of receiving written confirmation of the warning. The letter should set out the grounds for the appeal. A member of the People Directorate who has had no previous involvement with the case will then hear the appeal. The employee will have the right to be represented at the appeal hearing.

Dismissal

4.14 If attendance continues at an unacceptable level and there remains no evidence of an underlying medical condition from Occupational Health, a further meeting, providing at least ten days' notice, will be held by the Head of School/organisational unit or delegated representative, at which the People and OD Partner will be present, and at which termination of the employment will be considered. If appropriate, the employee will at this stage be given notice of the termination of their employment on the grounds of capability.

Appeals against dismissal

4.15 Any appeal against dismissal should be in writing and addressed to the Director of People. The grounds for appeal should be clearly stated. The appeal will be heard in accordance with the Appeals against Dismissal Procedure for Support Staff.

Part 2 - Dealing with Long Term Sickness Absence for Support Staff

4.16 The University considers any single absence of duration of four or more weeks, or a series of regular short or medium term absences that are attributable to the same cause/s, as "long term" as described in (b) and (c) in procedure 3.

4.17 It is recommended that a school /organisational unit should automatically contact a member of the People Directorate to discuss an appropriate approach to the employee and their absence. The approach taken in each case will be appropriate to the stated cause and likely duration of the absence. The employee will be kept fully informed and consulted throughout their absence. It is expected that both the manager and the employee make regular contact with each other during

the period of absence in order to determine appropriate action (see 1.1 and 1.3). The aim is to manage the individual's return to work as early as possible with the appropriate support.

Referral to Occupational Health

4.18 The underlying cause will be determined through discussion with the employee, based on the information provided on the fit note from the GP and may be supported through a referral to the Occupational Health department, who may take advice from other medical professionals as appropriate.

4.19 Where there is a suggestion that the absence may be due to a mental health condition, stress related or reported to be caused by work, it is particularly important for managers to arrange an early referral to Occupational Health and to meet with the employee as quickly as possible to establish the cause. In all cases of this nature, if an early referral to Occupational Health hasn't already been made for any reason, then this should be arranged as soon as possible after 4 weeks of sickness absence.

4.20 Referrals to Occupational Health provide support to the employee and provide further information to management, for example, some idea of the length of the absence; prognosis; whether the Equality Act 2010 might apply; and whether reasonable adjustments may be necessary, or whether redeployment should be considered.

4.21 If the underlying nature of the absence may be covered by the Equality Act, a referral to the Disability Advisory and Support Service can provide advice on the type of support and adjustments which could help. This may entail seeking external funding for equipment, support workers, travel to work costs etc.

Redeployment and Accommodation of Disability

4.22 As a matter of policy and in accordance with the provisions of the Equality Act 2010, the University will endeavour to accommodate an employee in their current post if they have ill health or a disability or a developing disability. Accommodation may include modifying the job or working environment where this is practicable. If this proves not to be possible then the option of redeploying the employee into a role that is suitable will be pursued.

4.23 In pursuing its policy of attempting to accommodate or redeploy employees the University will make full use of the advice and assistance of Occupational Health, DASS and appropriate external support agencies. Employees will be fully involved in discussions and in identifying appropriate solutions. Where this results in the redeployment of an employee any training identified as necessary to undertake the new role will be provided.

Ill Health Retirement

4.24 If the absence or repeated absences continue and a return to work or resolution cannot be facilitated by an alteration to the individual's current role or redeployment, and there has been due regard to the requirements of the Equality Act, if there is no probable improvement likely to occur in the foreseeable future, then ill health retirement or termination of employment should be considered. The employee must be advised of the potential courses of action in writing at as early a stage as possible by People Directorate. No decision to pursue this option will be taken without reviewing the medical evidence available at that time and consulting personally with the employee. .

4.25 Where an employee is a member of a relevant occupational pension scheme and the medical evidence indicates that their condition could qualify them for ill health retirement, this will be pursued as the first option. Ill health retirement is not automatic, it is only granted after the approval of the relevant pension fund's trustees and their decision is based on the medical evidence presented.

4.26 A member of the People Directorate will be responsible for advising the employee on the process by which they can make an application for Ill Health Early Retirement. It should also be noted that an employee can apply for Ill Health Early Retirement without being absent from work provided that they fulfil the requirements of the relevant pension fund. If an employee wishes to explore this option there are two routes by which to pursue this, either through their manager and the appropriate People Partner or by making a direct self-referral to Occupational Health.

Termination of employment on grounds of Capability/Incapacity due to ill health

4.27 For who are ineligible for an ill health pension under the terms of relevant occupational pension schemes or are not members of an occupational pension fund, in the absence of redeployment

or accommodation possibilities termination of employment on grounds of capability/incapacity due to ill health will be considered at a meeting with the Head of School/ organisational unit or delegated representative accompanied by the People Partner.

Appeals against dismissal

4.28 Employees who wish to appeal against the decision to terminate their employment on the grounds of capability/incapacity must submit notice of their appeal in writing to the Director of People within ten working days of receiving notification. The grounds for appeal should be clearly stated and include appropriate medical evidence in support of the appeal (where appropriate).

4.29 The appeal hearing will be conducted in accordance with the Appeals against Dismissal for Support employees. The Appeal Hearing decision is final.

5 Sickness Absence Procedures for Academic and Academic-related Employees

5.1 The procedures set out below must be followed when dealing with any cases of continued sickness as they meet the requirements of the University Statutes XIII and Ordinances XXII, XXIV and XXV , and apply to all academic, research and academic related staff.

Part 1 – Capability procedure for dealing with High Levels of Short-Term Absence for Academic and Academic-related employees

5.2 This part of the procedure is intended for use in dealing with cases of high short-term sickness absence which can be in the form of a number of minor absences due to ill health that meet the criteria described in (d) of Procedure 3, or other unacceptable patterns of absence, for example regular absence on Mondays or Fridays.

5.3 All cases should in the first instance be referred to People Directorate for advice. In some cases, following review of the evidence, it may not be necessary to take any action other than to keep the case under review. In other cases, however, it will be necessary to have recourse to the procedure described below.

5.4 A representative from the People Directorate may attend the formal stages outlined below to provide guidance and the individual has the right to be accompanied by either a Trade Union representative or work place colleague.

5.5 At any stage of this procedure it may be appropriate to refer the employee to Occupational Health for assessment and/or support. The People Directorate will recommend when this is necessary. If it emerges that there is an underlying medical condition, the manager will decide whether to continue following this procedure (in which case the medical condition must be taken into account,) or to treat as a long-term illness as described below. A member of the People Directorate will again advise.

5.6 'Redeployment and Accommodation of Disability' (4.2.3) also applies to this part of the procedure where appropriate.

Informal Stage

5.7 When at the Return-to-Work Interview, it is established that the employee has met one of the trigger points, the manager will normally arrange a further meeting to explore the reasons for this and how absence may be reduced. There may be personal, work or health issues which need to be addressed. It is important for the manager to impress on the individual the unacceptability of high levels of absence, although the aim of the meeting will be to seek to help the employee to improve their attendance to an acceptable level. The manager will keep a written record of the meeting, although it will not be necessary to formally write to the individual.

First Formal Stage – Oral

5.8 If the informal stage fails to yield a satisfactory and sustained improvement, then the manager will again convene a meeting with the employee. Should the manager feel it necessary they will appoint another manager (not from People Directorate) to investigate the facts and report these at the meeting. Written notice of the meeting will be given in advance together with any information to be used during the discussion. An employee is entitled to be accompanied or represented by a workplace colleague or trade union representative. (The same procedure of notification and right to representation also applies to the second, third and dismissal stages described below.) A representative from People Directorate may be present.

The manager should follow the procedure described in the informal stage above.

5.9 If appropriate the manager will formally warn the employee of the consequences of a failure to improve their attendance and explain the level of improvement required. The employee will be advised of their right to appeal. A written record of the meeting will be kept on the individual's personal file and be copied to the employee.

Second Stage – Written Warning

5.10 Should the first formal stage fail to result in a satisfactory improvement, the matter will normally be referred to the Head of School/organisational unit. A meeting will be arranged by the Head of School/organisational unit or delegated representative to discuss the continuing absences, at which a representative of People Directorate may be present.

5.11 If no new evidence has emerged from Occupational Health of an underlying and on-going medical condition, after consulting the People Directorate, a written warning may be given. This will be issued to the employee in the form of a letter from the Head of School/organisational unit. It will set out the reason for the warning and the improvement required. It should be emphasised the intention is not to punish the employee, but to warn them of the consequences of failing to improve their attendance to a satisfactory level and to support them in achieving that goal. The employee will be advised of their right to appeal.

Third Stage – Final Written Warning

5.12 If the previous stages do not produce a satisfactory improvement and less than one year has elapsed since the written warning was issued, then a further meeting will be convened by the Head of School/organisational unit or delegated representative, at which a member of the People Directorate will be present. Assuming no new medical evidence emerges from Occupational Health indicating a possible on-going and underlying condition, then a final warning of the consequences of a failure to improve may be issued. This will be in the form of a letter and will set out the reason for the warning and emphasise that a failure to improve may result in dismissal. The employee will be advised of their right to appeal.

5.13 If attendance continues at an unacceptable level and there remains no evidence of an underlying medical condition from Occupational Health, termination of the employment will be considered under part 3 of this procedure.

Expiry of warnings

5.14 Written warnings issued under the terms of this procedure will be disregarded after a period of one year if there has been a satisfactory and sustained improvement in attendance during that time, oral warnings after 6 months. Where attendance is satisfactory throughout this period, only to lapse thereafter, such a pattern will be borne in mind when deciding the severity of subsequent warnings and the length of any subsequent review period.

Appeals against warnings

5.15 An employee who wishes to appeal against a warning should write to the Registrar and Secretary within ten working days of receiving written confirmation of the warning. The letter should set out the grounds for the appeal. A Manager who has had no previous involvement with the case will then hear the appeal. The employee will have the right to be represented at the appeal hearing. The Manager's decision is final. They may confirm the decision of the Head of School or amend or overturn the decision. The Registrar and Secretary will notify the employee of the decision in writing within ten working days of the meeting.

Part 2 - Dealing with Long Term Sickness Absence for Academic and Academic-related Staff

5.16 The University considers any single absence of duration of four or more weeks, or a series of regular short or medium term absences that are attributable to the same cause/s, as "long term" as described in (b) and (c) in procedure 3.

5.17 It is recommended that a school /organisational unit should automatically contact the People Directorate to discuss an appropriate approach to the employee and their absence. The approach taken in each case will be appropriate to the stated cause and likely duration of the absence. The employee will be kept fully informed and consulted throughout their absence. It is expected that both the manager and the employee make regular contact with each other during the period of

absence, in order to determine appropriate action (see 1.1) and 1.3). The aim is to manage the individual's return to work as early as possible with the appropriate support.

Referral to Occupational Health

5.18 The underlying cause will be determined through discussion with the employee, based on the information provided on the fit note from the GP and may be supported through a referral to the Occupational Health department, who may take advice from other medical professionals as appropriate.

5.19 Where there is a suggestion that the absence may be due to a mental health condition, stress related or reported to be caused by work, it is particularly important for managers to arrange an early referral to Occupational Health and to meet with the employee as quickly as possible to establish the cause. In all cases of this nature, if an early referral to Occupational Health hasn't already been made for any reason, then this should be arranged as soon as possible after 4 weeks of sickness absence.

5.20 Referrals to Occupational Health provide support to the employee and provide further information to management, for example, some idea of the length of the absence; prognosis; whether the Equality Act 2010 might apply; and whether reasonable adjustments may be necessary, or whether redeployment should be considered.

5.21 If the underlying nature of the absence may be covered by the Equality Act, a referral to the Disability Advisory and Support Service can provide advice on the type of support and adjustments which could help. This may entail seeking external funding for equipment, support workers, travel to work costs etc.

Redeployment and Accommodation of Disability

5.22 As a matter of policy and in accordance with the provisions of the Equality Act 2010, the University will endeavour to accommodate an employee in their current post if they have ill health or a disability or a developing disability. Accommodation may include modifying the job or working

environment where this is practicable. If this proves not to be possible then the option of redeploying the staff member into a role that is suitable will be pursued.

5.23 In pursuing its policy of attempting to accommodate or redeploy staff the University will make full use of the advice and assistance of Occupational Health, DASS and appropriate external support agencies. Employees will be fully involved in discussions and in identifying appropriate solutions. Where this results in the redeployment of an employee any training identified as necessary to undertake the new role will be provided.

Ill Health Retirement

5.24 If the absence or repeated absences continue and a return to work or resolution cannot be facilitated by an alteration to the individual's current role or redeployment, and there has been due regard to the requirements of the Equality Act, if there is no probable improvement likely to occur in the foreseeable future, then ill health retirement or termination of employment should be considered. The employee must be advised of the potential courses of action in writing at as early a stage as possible by the People Directorate. No decision to pursue this option will be taken without reviewing the medical evidence available at that time and consulting personally with the employee.

5.25 Where a is a member of a relevant occupational pension scheme and the medical evidence indicates that their condition could qualify them for ill health retirement, this will be pursued as the first option. Ill health retirement is not automatic, it is only granted after the approval of the relevant pension fund's trustees and their decision is based on the medical evidence presented.

5.26 The People Directorate will be responsible for advising the employee on the process by which they can make an application for Ill Health Early Retirement. It should also be noted that an employee can apply for Ill Health Early Retirement without being absent from work provided that they fulfil the requirements of the relevant pension fund. If an employee wishes to explore this option there are two routes by which to pursue this, either through their manager and the appropriate People Partner or by making a direct self-referral to Occupational Health.

5.27 For employees who are ineligible for an ill health pension under the terms of relevant occupational pension schemes or are not members of an occupational pension fund, in the absence of

redeployment or accommodation possibilities termination of employment on grounds of capability will be considered in line with Part 3 of this procedure.

Part 3 - Termination of Employment on the Grounds of Capability / Incapacity due to ill health for Academic and Academic-related Staff

5.28 In this situation, the People Partner must prepare a report on the actions taken so far and their outcome. This will be sent to the Registrar and Secretary with a request for the President & Vice-Chancellor to authorise a panel to be convened (as per Ordinance XXII part II) to hear the case and determine the action to be taken. The panel will meet as soon as is reasonably practical and decide whether the employment should be terminated or alternative action taken.

5.29 The panel will consist of 3 persons, with no previous involvement in the case:

i. a lay member of the Board who is not an Officer of the University,
ii. at least one member of the academic/research staff (where the employee involved is academic/research) or the academic- related staff (where the employee involved is academic-related)
iii. at least one member who holds an appropriate clinical qualification and who is independent of the University

5.30 The panel will at their discretion determine the procedure to be followed. If the employee fails to attend the hearing without good cause the panel may proceed in their absence. If, however, a good reason is subsequently provided, the panel will be reconvened.

5.31 The panel will notify the employee of their decision and the reasons for it, in writing, normally within ten working days of the hearing, including details of the right of appeal. The decision of the panel will be notified to the Board of Governors.

Appeals against termination

5.32 To appeal the employee, or their representative, must write to the Registrar and Secretary within ten working days of receiving the panel decision, setting out in full the grounds for appeal.

5.33 The Chair of the Board will be asked to authorise an appeal panel to be established (in accordance with Ordinance XXII part II. The panel will consist of 3 persons as stipulated above, with no previous involvement in the case.

5.34 The appeal may review all aspects of the case at the discretion of the panel, but will not normally take the form of a re-hearing of the evidence. The decision of the panel is final. The employee will be notified in writing, normally within ten working days.

5.35 The decision of the panel will be notified to the Board of Governors.

** Throughout these procedures the words 'organisational unit' should be understood as referring to the relevant School/Faculty/Directorate or other equivalent organisational unit in the University.

Document control box	
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Related Statutes, Ordinances, General Regulations:	Statutes XIII and Ordinances XXII, XXIV and XXV.
Related policies:	Chapter 35, Stress at Work Policy, Redeployment Policy, HIV/Aids Policy, Drugs & Alcohol Policy,
Related procedures:	
Related guidance and or codes of practice:	Return to Work Form (Fit Notes). Self Certification / Return to Work Form. Return to Work Guidance Notes for Managers, Statement of Fitness to Work Guidance,
Related information:	
Policy owner:	People Directorate
Lead contact:	Policy Manager