

## (Management of) Sickness Absence Policy & Procedures

### 1. Purpose

1.1 The purpose of this policy is to detail both the support that will be available to employees and the steps that the University of Manchester Conferences Limited (UMC Ltd) (“the company”) will take to monitor and manage absence.

### 2. Scope

2.1 This policy applies to all staff employed by UMC Ltd (“the company”).

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 company’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 company for a number of reasons.

3.2 Through the application of this policy the company aims to:

- i. Reduce the level of sickness absences through early intervention and support;
- ii. Ensure a fair and consistent approach to the management of sickness absence without discrimination by all organisational units within the company;
- iii. Limit the consequences for staff and the company’s activities when such absence does occur;
- iv. Support employees through periods of ill health with the aim of securing their early and sustained return to work or other resolution as appropriate;
- v. Minimise the likelihood of sickness absence, by identifying causes of absence and recommending, where practical, changes necessary in working practices or environment;
- vi. Ensure that UMC Ltd complies with Disability Discrimination legislation and any other relevant statutory requirements.

- 3.3 This policy and its associated procedures should be read in conjunction with other relevant policies where appropriate, e.g. Drug and Alcohol Abuse, Stress at Work.

#### **4. Application of the Policy**

- 4.1 The provisions of this policy will apply to all employees.
- 4.2 It should be stressed that responsibility for applying the provisions of the policy lies with the senior manager, and their delegated representatives, in consultation with the appropriate Human Resources representative.

#### **5. General Provisions**

- 5.1 The company places a high value on the health of all employees and encourages health promotion and improvement, through the University's Wellbeing initiatives and through occupational health advice and intervention; and practical support from the Disability Advisory Support Service (DASS).
- 5.2 In addition to interventions by the company, any employee may seek advice or guidance from Occupational Health or DASS at any time on a self-referral basis.
- 5.3 The Senior Manager is responsible for the effective management of absence due to ill health and its impact upon work performance and service levels.
- 5.4 It is imperative that all managers, supported by Human Resources, acquire the skills and training needed to conduct relevant processes in a competent and caring manner.
- 5.5 In applying this policy and its associated procedures, decisions will be made by the senior manager on the basis of information obtained through interview findings, attendance data and medical advice.
- 5.6 Information relating to sickness absence must not be divulged to a third party that is 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 employee's health problems and reduce levels of absence, enabling the company 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 their teams, which involves monitoring levels and patterns of absence, conducting

Return to Work Interviews and taking appropriate action in accordance with the Sickness Absence Procedures.

- 6.3 Managers must also follow the Absence Management Reporting Procedures for themselves in the event of being unable to attend work due to injury or illness.
- 6.4 When absent from work due to sickness or accident, employees are required to adhere to the Notification and Certification Procedure, compliance with which is a requirement for entitlement to and payment of Statutory Sick Pay (SSP) and Occupational Sick Pay (OSP), where appropriate.
- 6.5 The company uses a system of trigger points to determine when further action is required, which are also kept under review for their effectiveness to be evaluated on an annual basis, as part of the monitoring of this policy.

## **7. Contact during an absence**

- 7.1. During periods of absence employees are required to maintain contact at a reasonable frequency (as set out in Procedure 10.) with their line manager to ensure appropriate support is received.
- 7.2. On receipt of a fit note from their GP, employees must contact their manager immediately to discuss their fitness to work.
- 7.3. Payment of sick pay is also dependent on employees adhering to the notification procedures (see 6.4 above).

## **8. Contact on Return to Work**

- 8.1. Line managers must make contact with an employee returning to work after each spell of sickness absence, and thereafter arrange to meet with individual at the earliest opportunity upon their return to work, which should be carried out, sympathetically and in private on the day the employee returns.
- 8.2. In certain circumstances it may be appropriate to hold a conversation by telephone. In either case, the aims of the discussion will include whether the individual has sufficiently recovered to return to work; confirming the cause of the absence and ascertaining whether the employee needs any further support in making a successful return to work; and ensuring the situation is being managed to minimise further absences.
- 8.3. Where appropriate the employee may be referred to Occupational Health for further assessment or support.

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

## **9. Redeployment and Accommodation of Disability**

9.1 As a matter of policy and in accordance with the provisions of the Equality Act 2010, the company will endeavour to accommodate an employee in their current post if s/he is suffering from ill health or disability or a developing disability.

9.2 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 within the company will be pursued.

9.3 In pursuing its policy of attempting to accommodate or redeploy employees the company will make full use of the advice and assistance of Occupational Health, DASS and appropriate external support agencies.

9.4 Employees will be fully involved in discussions and in identifying appropriate solutions.

9.5 Where this results in the redeployment of an employee any training identified as necessary to undertake the new role will be provided.

## **10. Sickness Absence Notification and Certification Procedures**

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

10.2 Notification requirements related to sickness must be brought to the attention of all employees, including details of:

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

10.3 Initial notification:

- i. 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;

- ii. 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;
- iii. The approximate duration and where possible details of the reason for absence should be given, as early notification will enable appropriate cover or re-allocation of duties to be arranged.

#### 10.4 Continuing absence notification (as a minimum requirement):

- i. If the illness persists for several days, the member of staff should contact their manager no later than the fourth day to confirm his/her continuing absence;
- ii. 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.
- iii. They must maintain contact at regular agreed intervals during the period covered by the Fit Note. Frequency of contact will vary dependent on the employee's condition but will be at least monthly.

### 11. Absences related to personal/sensitive reasons

11.1 Employees who are absent for reasons that are personal or sensitive, are not exempt from the Sickness Absence procedure; however, they may not initially wish to discuss the reasons for the absence with their manager, or present their Fit Note to their manager; In such circumstances, the employee must discuss this with a UMC-designated Human Resources colleague, and must also explain to their manager that they have done so.

11.2 There may also be circumstances when an employee wishes to discuss their health with a member of staff of the same gender, possibly 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 staff from Human Resources, and again they must also explain to their manager that they have contacted Human Resources.

### 12. Certification

12.1. For absence of seven days or less, a UMC Ltd Self Certification / Return to Work Form must be completed and submitted on the day of return to the manager or their nominee.

12.2. Following the seventh day, the member of staff must submit a Fit Note from their doctor, covering any further periods of sickness in the same absence period, which must be sent to their manager or nominee on the same or next day.

- 12.3. The Fit Note will provide advice from the GP as to whether the member of staff 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 company.
- 12.4. If the Fit Note indicates they may be fit to work the employee must contact their line manager immediately to explore this option.
- 12.5. The line manager will consider what adjustments can be accommodated to enable the employee to return to work and, after consultation with a suitable Human Resources colleague and Occupational Health where appropriate, agree these with the employee.
- 12.6. 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.
- 12.7. An employee may return to work at the end of the period stated on the Fit Note or sooner if their manager agrees, after consultation with a suitable Human Resources colleague and Occupational Health where appropriate; confirmation of fitness to return will no longer be provided by General Practitioners (GPs).
- 12.8. When calculating an absence period, note that weekends and/or rest days are counted as days of absence, although only working days will be subject to 'further consideration' (see 16. Trigger Points and Actions).

### **13. Data Protection**

- 13.1. Where possible it is recommended that the person who performs the role of receiving notification of absence also assumes responsibility for recording and reporting absences for monitoring purposes, however for practical reasons it may be necessary to nominate other colleagues to undertake this responsibility.
- 13.2. Employees performing the above role and handling confidential, sensitive data must be made aware of the requirements of the Data Protection Act to ensure the correct handling and usage of all information collated, for which guidance notes and training is available through the University of Manchester's Records Management Office.

### **14. Monitoring and Reporting**

- 14.1. Managers must also report all sickness absence through 'Sickness Absence Management System (SAMS), which will not only inform payroll and enable them to calculate sick pay, but will also provide statistical information for management reports, allowing progress in sickness-absence reduction and trends of absence to be monitored.

14.2. Managers must retain self-certification forms and Fit Notes securely and confidentially; periodically, usually in the case of long-term sickness-absence, these will be requested by payroll.

14.3. Return to Work forms for each occasion of absence should also be securely and confidentially maintained.

## **15. Employees currently working with permission from the UK Border Agency**

15.1. UMC Ltd is obliged to inform the UK Border Agency of unauthorised absences in the following circumstances:

- i. if a member of staff does not turn up for their first day of work on the expected date;
- ii. if a member of staff is absent from work for more than 10 working days without permission;
- iii. Managers must report all unauthorised absences immediately to HR Services and with the support of Human Resources as appropriate, undertake immediate, reasonable enquiries to determine the employee's situation with regard to their absence or requirement to attend work.

## **16. Trigger Points and Actions**

16.1. It is necessary to identify criteria that will cause an absence record to be subject to further consideration, to ensure consistency of approach.

16.2. The following criteria have been identified for full-time employees:

- i. 3 or more periods of absence in the previous three months.
- ii. 6 or more work days' absence in the previous three months.
- iii. 6 or more periods of absence in the previous twelve months.
- iv. 15 or more work days' absence in the previous twelve months.
- v. 4 weeks continuous absence.

16.3. Part-time employees will have the above trigger-points applied to any sickness-absence monitoring on a pro-rata basis based upon their contracted hours of work

16.4. 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.

- 16.5. Once an individual has reached any of these trigger points the manager will raise this with the appropriate Human Resources colleague/s to discuss an appropriate course of action
- 16.6. It should be emphasised that not all cases that meet the criteria for sickness- absence review will require action, formal or informal; as such, the line manager will keep a record of all decisions and actions taken, which may include:
- i. Keeping the case under review;
  - ii. Referral of the employee to Occupational Health and, if appropriate the Disability Support Office and/or Counselling Services;
  - 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.
- 16.7. 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 the appropriate Human Resources colleague/s.

## **17. Summary of Approaches to High Levels of Sickness Absence**

- 17.1. Sickness absence falls into several categories and each demands a different management response, and 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. Long term illness.
  - iv. Absences due to minor unrelated illnesses.
  - v. Absences due to disability, maternity/pregnancy or a work place accident.
  - vi. Absences due to stress or other mental health conditions

## **18. A one-off absence.**

- 18.1. In these cases, for example a minor operation, the absence will have usually remedied an employee's ill health and no further action will be necessary.
- 18.2. 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.



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

19.1. Absences falling into this category may require Occupational Health 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 9 of the policy.

19.2. These types of absences will normally be dealt with in accordance with the procedures set out below (20.) for dealing with long term sickness.

**20. Long term illness.**

20.1. Absence cases which do not lend themselves to adaptation of job duties or redeployment, may lead 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 38 and 39.

**21. Absences due to minor unrelated illnesses.**

21.1. 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.

21.2. 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 UMC Ltd requires improvement.

21.3. 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.

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

22.1. Where absences fall within this category, managers must seek advice from Human Resources to ensure that all legislative requirements are met.

**23. Absences due to stress or other mental health conditions**

23.1. 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.

23.2. 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.

## **24. Attendance at Formal Meetings**

- 24.1. The employee will be entitled to be accompanied by a workplace colleague or trade union representative at all formal meetings.
- 24.2. Where attendance at meetings is unduly difficult due to the employee's medical condition, they may nominate a representative to act on their behalf.
- 24.3. In some circumstances it may be appropriate for the meeting to take place at the absentee's home, the arrangements for which must be agreed with the employee.
- 24.4. Written notice must be given for all formal meetings of at least 5 working days, setting out the matters to be considered along with copies of any relevant information, and confirmation of the right to be accompanied.
- 24.5. A Human Resources colleague may also attend to provide guidance on applying the Sickness Absence Policy.
- 24.6. 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.
- 24.7. 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.
- 24.8. In the event that the employee is unable to attend the meeting and submits substantial reasons for non-attendance in advance, which may include the unavailability of an accompanying trade union representative, then the meeting will be rearranged.
- 24.9. Equally, the employee is unable to attend a notified meeting, if they wish, they may request or agree that the meeting proceeds in their absence with a representative acting on their behalf, and in these circumstances the manager will request that the representative gives assurance that permission has been given.
- 24.10. If the employee 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, then the original meeting and subsequent decision would be declared null and void and a further meeting will be re-arranged with a different manager.
- 24.11. This rearranged meeting will proceed with or without the employee in attendance.

## **25. Referrals to Occupational Health**

- 25.1. It is important for employees to attend arranged appointments at Occupational Health.
- 25.2. If an employee is unable to attend with good reason, they must telephone immediately to rearrange.
- 25.3. Failure to attend a second appointment will normally result in disciplinary action.
- 25.4. If the employee 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.

## **26. Referrals to the Disability Support Office**

- 26.1. Referrals to DASS are only made with the employee's consent; however, if employees do not consent to this referral, the support and advice that can be provided may be limited.

## **27. Capability procedure for dealing with high levels of Short Term Absence**

- 27.1. 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 or other unacceptable patterns of absence, for example regular absence on Mondays or Fridays.
- 27.2. All cases should in the first instance be referred to a Human Resources colleague for advice.
- 27.3. 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 (from 27.4).
- 27.4. A Human Resources colleague 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.
- 27.5. At any stage of this procedure it may be appropriate to refer the employee to Occupational Health for assessment and/or support. Human Resources will recommend when this is necessary.
- 27.6. 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. Human Resources will again advise.

27.7. 'Redeployment and Accommodation of Disability' (9.) also applies to this part of the procedure where appropriate.

## **28. Informal Stage**

28.1. 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; for example, there may be personal, work or health issues which need to be addressed.

28.2. 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 improve their attendance to an acceptable level.

28.3. The manager will keep a written record of the meeting, although it will not be necessary to formally write to the employee.

## **29. First Formal Stage, Verbal Warning**

29.1. If the informal stage fails to yield a satisfactory and sustained improvement, then the manager will again convene a meeting with the employee.

29.2. 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.)

29.3. A Human Resources colleague may be present.

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

29.5. The employee will be advised of their right to appeal.

29.6. A written record of the meeting will be kept on the employee's personal file and be copied to the employee.

## **30. Second Formal Stage, Written Warning**

30.1. Should the first formal stage fail to result in a satisfactory improvement, the matter will normally be referred to the Senior Manager.

- 30.2. A meeting will be arranged by the Senior Manager or delegated representative to discuss the reasons for the continuing absences, at which a Human Resources colleague may be present.
- 30.3. If no new evidence has emerged from Occupational Health of an underlying and on-going medical condition, a written warning may be given, and this will be issued to the employee in the form of a letter from the manager, setting out the reason for the warning and the improvement required.
- 30.4. 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.
- 30.5. The employee will be advised of their right to appeal.

### **31. Third Formal Stage, Final Written Warning**

- 31.1. 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 Senior Manager or delegated representative, at which a Human Resources colleague will be present.
- 31.2. 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, and this will be in the form of a letter setting out the reason for the warning, emphasising that a failure to improve will result in dismissal.
- 31.3. The employee will be advised of their right to appeal.

### **32. Expiry of Warnings**

- 32.1. Warnings issued under the terms of this procedure will be disregarded after a satisfactory and sustained improvement in attendance during period of time, applicable to each warning stage, as follows:
- i. First Formal Stage, Verbal Warning - 6 months
  - ii. Second Stage, Written Warning - 12 months
  - iii. Third Stage, Final Written Warning - 12 months
- 32.2. Where attendance is satisfactory throughout the aforementioned periods, 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.

### **33. Appeal against Warnings**

33.1. An employee who wishes to appeal against a warning should write to the UMC-designated Human Resources (HR) Partner within ten working days of receiving written confirmation of the warning, setting out the grounds for the appeal.

33.2. The UMC-designated HR Partner Manager or an HR Partner who has had no previous involvement with the case will then hear the appeal.

33.3. The employee will have the right to be represented at the Appeal Hearing.

### **34. Dismissal**

34.1. If attendance continues at an unacceptable level and there remains no evidence of an underlying medical condition from Occupational Health, a further meeting will be held by the Senior Manager or delegated representative, at which the UMC-designated HR Partner Manager or an HR Partner who has had no previous involvement with the case will be present, and whereby termination of the employment will be considered.

34.2. If appropriate, the employee will at this stage be given notice of the termination of their employment on the grounds of capability.

### **35. Appeals against dismissal**

35.1. Any appeal against dismissal should be in writing and addressed to the UMC-designated Human Resources Partner, who will refer this to the Board of Directors for UMC Ltd. The grounds for appeal should be clearly stated.

35.2. The appeal will be heard in accordance with the Appeals against Dismissal Procedure (UMC Ltd)

### **36. Dealing with Long Term Sickness Absence**

36.1. The company may consider 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” depending on the particular circumstances.

36.2. It is recommended that a manager should automatically contact their UMC-designated Human Resources Partner to discuss an appropriate approach to the employee and their absence.

36.3. The approach taken in each case will be appropriate to the stated cause and likely duration of the absence.

36.4. The employee will be kept fully informed and consulted throughout their absence.

36.5. It is expected that both the line manager and the employee make regular contact with each other during the period of absence in order to determine appropriate action, with the main aim being the employee's return to work as early as possible with the appropriate support.

### **37. Referral to Occupational Health**

37.1. 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.

37.2. 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.

37.3. 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.

37.4. The referral to Occupational Health will 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 there is any need to make any reasonable adjustments, or whether redeployment should be considered.

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

### **38. Redeployment and Accommodation of Disability**

38.1. As a matter of policy and in accordance with the provisions of the Equality Act, UMC Ltd will endeavour to accommodate an employee in their current post if they are suffering from ill health or disability or a developing disability.

38.2. Accommodation may include modifying the job or working environment where this is practicable.

38.3. If this proves not to be possible then the option of redeploying the employee into a role that is suitable will be pursued; the company will make full use of the advice and

assistance of Occupational Health, DASS and appropriate external support agencies here, as appropriate.

38.4. Employees will be fully involved in discussions and in identifying appropriate solutions.

38.5. Where this results in the redeployment of an employee any training identified as necessary to undertake the new role will be provided.

### **39. Ill Health Retirement**

39.1. If the absence or repeated absences continue and a return to work or resolution cannot be facilitated by an alteration to the employee'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.

39.2. The employee must be advised of the potential courses of action in writing at as early a stage as possible by Human Resources, and no decision to pursue this option will be taken without reviewing the medical evidence available at that time and consulting personally with the employee.

39.3. 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.

39.4. Ill health retirement is not automatic, as it is only granted after the approval of the relevant pension fund's trustees and their decision is based on the medical evidence presented.

39.5. The UMC-designated Human Resources Partner will be responsible for advising the employee on the process by which they can make an application for Ill Health Early Retirement.

39.6. 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:

- i. Through their line manager and the UMC-designated Human Resources Partner
- ii. A direct self-referral to Occupational Health.

### **40. Termination of employment on grounds of Capability/Incapacity**

40.1. 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,



and in the absence of redeployment or accommodation possibilities, termination of employment on grounds of capability/incapacity will be considered at a meeting with the Senior Manager or delegated representative accompanied by the UMC-designated Human Resources Partner.

#### 41. Appeals against Dismissal

- 41.1. Employees wishing 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 UMC-designated Human Resources Partner 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). This will be referred to the UMC Ltd Board of Directors.
- 41.2. The Appeal Hearing will be conducted in accordance with the Appeals against Dismissal Procedure (UMC Ltd). The Appeal Hearing decision is final.

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