SICKNESS MANAGEMENT POLICY & PROCEDURE

April 2011
1. PURPOSE AND SCOPE

The University is committed to improving the health, well-being and attendance of all employees. We value the contribution our employees make to our success. When an employee is unable to work for any reason, we miss that contribution. This absence policy explains:

- what we expect from managers and employees when absence occurs
- how UWL will work to reduce levels of absence to a minimum.

This policy has been written after consultation with trade union representatives and we welcome their continued involvement in implementing it.

This policy and procedure applies to all employees of the University other than senior post holders, as defined in the Articles of Government.

2. POLICY PRINCIPLES

The University’s absence policy is based on the following principles:

(i) We will support employees who have genuine grounds for absence for whatever reason. We will ensure we exercise our duty of care as an employer through:

- Special/Discretionary Leave for necessary absences not caused by sickness
- a flexible approach to the taking of annual leave (see Annual Leave guidelines on the Intranet)
- access to the University’s Employee Assistance Programme and the University’s counsellors,
- special arrangements for employees with chronic conditions and/or covered by the Disability Discrimination Act, for example reasonable adjustments to the work role or working environment/location, etc
- 3 -

- managing sickness in a caring and sympathetic manner, for example through having in place effective arrangements to cover sickness absence and implementing the University’s Stress management policy

http://intranet.tvu.ac.uk/Health_and_Safety/Documents/Manage ment_Stress_Policy.doc and the Problem Use of Alcohol, Drugs and Substance procedure.

http://intranet.tvu.ac.uk/Health_and_Safety/Documents/misuse_ drugs_alcohol_2_Aug_08.pdf

(ii) We will seek Occupational Health (OH) advice (Appendix B) where appropriate:

- to help identify the nature of an employee’s illness,

- to advise if an employee is likely to be covered by the Disability Discrimination Act and, if so, advise on reasonable adjustments

- to determine whether short term absences reflect a longer term medical problem (e.g. asthma in the case of frequent respiratory sickness) or disability not known to the University and whether the employee has sought appropriate medical advice

- to determine whether absences are the consequences of premature returns to work before fully fit or without medical diagnosis

- to advise the employee and their manager on the best way to improve the employee’s health and well-being and manage their return to work.

HR will work with the line manager to ensure every endeavour is made to implement OH advice wherever operationally possible.

(iii) We may use the University’s disciplinary procedure if an explanation for absence is not forthcoming or is not thought to be satisfactory.

(iv) We undertake to provide payments to employees who are unable to attend work due to sickness in accordance with their terms and conditions of employment, providing the employee has complied with UWL’s sickness notification procedures.

(v) In most cases, employees who are absent due to an Accident at Work will not be subject to the provisions of this policy, although a referral to Occupational Health may be appropriate.
(vi) We are committed to maintaining the highest standard of service provision. Regular attendance in accordance with the requirements of the role is essential to achieve this. Wherever possible Managers will agree a flexible working pattern on a temporary or permanent basis where this will enable employees to reduce their level of sickness absence.

(vii) We respect the confidentiality of all information relating to an employee’s sickness. The policy will be implemented in line with all data protection legislation, the Access to Medical Reports Act 1988 and Access to Health Records Act 1990.

(viii) No formal action will be taken against Trade Union representatives until the circumstances of the case have been discussed with a full-time official of the union.

(ix) In cases where the formal stages of this procedure need to be invoked, employees will have the right to be accompanied by a trade union representative or colleague.

(x) The manager, in liaison with HR, is responsible for ensuring that any necessary and practicable workload and workplace adjustments are made prior to moving to the next stage of the procedure.

(xi) Managers will implement reasonable adjustments subject to operational requirements, (short term and/or long term) to facilitate a prompt return to work or to reduce future absences due to sickness. (Appendix C)

(xii) The University recognises the need for monitoring the possible causes of ill health, for example:

- The working environment (e.g. room temperatures, poor ventilation or air conditioning).

- The nature of the job (e.g. excessive or stressful workload). Managers will ensure appropriate support mechanisms are in place and will refer to the Management of Stress policy for guidance.

- Information on numbers of grievances and/or staff turnover statistics broken down by department or faculty may indicate that the University needs to investigate a particular area to establish whether any issues need to be addressed. HR will provide sickness data to JMSCC on a quarterly basis.
Pregnancy

It is unlawful to discriminate against an employee for pregnancy or maternity reasons. An employee’s entitlement to sick pay will not be affected by absences due to pregnancy-related sickness. Absence due to pregnancy-related sickness will not be included in monitoring data when reviewing attendance records of employees. If an employee is absent due to pregnancy-related sickness in the last four weeks of their pregnancy, their maternity leave will start automatically.

As soon as a Manager is informed by an employee that she is pregnant, s/he should undertake a risk assessment.


3. TYPES OF SICKNESS ABSENCE

Not all patterns of absence fall neatly into one of the following groups and/or the pattern may change over a period of time, so some flexibility of approach may be needed

(i) Repeated Short Term Sickness Absence for unrelated reasons

This is where an employee has been absent from work through sickness or injury on a number of occasions within a defined time frame or where there is a pattern of absence over the same period.

(ii) Long Term Sickness Absence and absences due to a long-standing medical condition resulting in frequent absences

When an employee has been or is expected to be absent from work for more than four consecutive weeks.

4. PROCEDURE FOR NOTIFICATION OF SICK LEAVE

If an employee is unable to attend work because of illness or injury, the procedure detailed below must be followed:
• On the first day of absence the employee must inform his/her line manager or designated alternative person (as determined by the Faculty/Department) within an hour of the expected start time, unless prevented by the seriousness of the situation. In exceptional circumstances, for example in the event of hospitalisation, someone else may notify the employee’s manager on their behalf. Notification should include the reasons for absence and the expected date/time of return to work.

• For any period of absence of more than seven consecutive calendar days (including weekends and other non-working days) a doctor’s fit note should also be provided. Medical certificates should continue to be provided until the employee is fit to return to work.

• There is a shared responsibility for the manager and the employee to maintain contact at regular intervals. Each time contact is made, the timing of the next contact and the initiator of the contact should be agreed. In cases of short term absences, contact should be at least weekly. For long term absence, contact should be at least fortnightly in most cases.

When contact is made, especially once the employee is starting to feel ready to prepare to return to work from long term absence, the manager should consider whether it would be appropriate to arrange a meeting. This should be at a location agreed with the employee or, if the employee agrees, at the workplace. Employees on long term sick can easily feel cut off from the workplace and they may welcome such contact once they are starting to feel better. Managers should also update employees on developments within the department and across UWL. In some cases, and always if the absence is due to stress, anxiety or depression, the manager should ensure the employee has details of the Employee Assistance Programme and the counselling service at the University.

• On return to work, regardless of the period or number of days of absence, the Line Manager or delegated person within the Faculty/Dept will record the sickness using MyView. Employees will receive an email confirming the dates of sickness recorded which can be viewed at any time via MyView.

• For employees that are off sick continuously for over 4 weeks the sickness will be recorded and submitted by the Line Manager or delegated person without an end date and will be classified as ‘long term sick’. The system will continue to record the sickness until the employee has returned from sick leave. On the employees return from ‘long term sick’, the Line Manager or delegated person must inform HR of the return date and any return to work interview information.
• Failure to comply with the above procedures may be regarded as a disciplinary matter. Such incidents will be investigated, and may disqualify the employee from receiving Statutory Sick Pay (SSP) and/or Occupational Sick Pay (OSP).

• If an employee is diagnosed with a notifiable or contagious disease, they must inform Health and Safety as soon as possible. An employee who has contracted TB must not come into the University until they have been certificated as cleared by a treating medical professional. The employee’s manager should remind the employee of these requirements.

• In the event of an employee becoming ill at work, they should notify their line manager or other appropriate person, before leaving for home or to visit their GP. Thereafter the contact process will be as above.

• If the University has evidence to believe that an employee has reported sick when fit to attend work, an investigation under the University’s disciplinary procedure will be undertaken which may result in warnings or, in certain circumstances, dismissal. Use of disciplinary action for absence will be limited to the following circumstances:
  - Unauthorised absence;
  - Falsely claiming sick leave and sick pay when sickness is not the cause of absence.

5. GRIEVANCES IN RELATION TO MANAGEMENT ACTION WITHIN THIS PROCEDURE

In cases where the employee raises a grievance against the actions of the University in relation to his/her sickness, the grievance procedure will not normally be available to the employee whilst the sickness procedure is being considered. However, there may be cases where it is agreed there are grounds for hearing the grievance first. Due consideration will be given as to whether in these particular circumstances the grievance should be dealt with before proceeding with the sickness procedure. In such cases it is likely that another line manager of equivalent grade will deal with the grievance. Any formal outcome from the sickness procedure will not be decided upon until the grievance has been heard.

6. RECORD KEEPING

Accurate record keeping is an integral part of each manager’s responsibilities and will ensure a fair and consistent managerial approach to managing attendance at work. Accurate records will ensure that each employee is dealt with fairly. The most important aid to effective absence control is MyView. See Appendix A for breakdown of Absence recording via MyView.
7. **EMPLOYEE PENSION SCHEMES – EFFECT OF REDUCTION IN PAY DUE TO LONG TERM SICKNESS ABSENCE**

Entitlement to pay while absent due to sickness is detailed in employees’ contracts of employment. While in receipt of sick pay (whether full pay or half pay), service for pension purposes continues to accrue at the full rate, and there will be no effect on the amount of the employee’s final pension. However, once the employee moves onto “no pay” it is likely to affect accrual of pension rights. Human Resources will discuss the details with individuals as cases arise.

8. **ROLE OF HUMAN RESOURCES DEPARTMENT**

The Human Resources Department (HR) has a responsibility to both the manager and the employee to assist in dealing with specific cases.

HR will advise on the interpretation and implementation of all aspects of the policy to ensure it is implemented fairly and consistently. A representative from the Human Resources Department will advise at all stages and will be present at all formal stages of this procedure. All referrals to Occupational Health (OH) will be made through the Human Resources Department. On receipt of the report from OH, the Human Resources representative will contact the manager to notify them of the recommendations in the report.

If the report indicates that the employee will be able to return to work but will require a phased return, an adjustment to their role or some other support to facilitate the return to work, HR will discuss how this can be implemented with the manager. The manager may decide to invite the employee to a meeting before they return to work to agree how the return to work will be managed. The HR representative may attend this meeting in an advisory capacity. (See third bullet point under Section 4 for more details of contact during sickness absence, Appendix B for details of OH referrals and Appendix C for details of Rehabilitation and Reasonable Adjustments.)

HR will notify employees in good time of changes to sick pay entitlement i.e. dates of reduction to half pay or no pay.

The Human Resources Department will provide monthly reports of sickness absence for managers and support them in identifying actions to reduce absence in their departments.
9. **DOCTORS, HOSPITAL AND DENTAL APPOINTMENTS**

Time off with pay will be allowed for hospital, doctor and dentist appointments or for emergency medical or dental treatment. Staff are expected to make every effort to ensure that routine appointments are made before or after work wherever possible.

Where this is not possible, staff should seek to arrange appointments at the beginning or end of the working day or at a time that will cause the least disruption to their work pattern.

Managers may request to see appointment cards. If the appointment is of a sensitive nature, the employee may choose to give a copy of the card to a member of the Human Resources department or, in exceptional circumstances, to Occupational Health.

10. **SICKNESS DURING ANNUAL LEAVE**

If an employee falls sick whilst on annual leave, normal reporting and certification arrangements apply. Annual leave may be reclaimed for the days the employee is sick provided that a medical certificate is supplied to cover these days.

Where an employee is abroad for this period, he/she should seek to get a medical certificate and this should be translated if the original is not in English. Each case will be reviewed with the Human Resources Department before any agreement to re-instate annual leave is given.

11. If an employee is unable to take annual leave during the year due to sickness, they will be entitled to carry forward untaken leave into the next annual leave year at the statutory rate (pro rata for part-time employees).

No cash payment will be made in respect of leave which may be lost except on termination of employment.

http://www.intranet.tvu.ac.uk/support_departments/Human_Resources/Documents/Annual_Leave_Guidelines_09.pdf

12. **RETURN TO WORK DISCUSSION**

Managers or, in their absence an appropriate deputy, should speak to the employee on their first day back at work. The aim of this discussion is to let the employee know they were missed, to ensure they are fit to return to work and to up-date them on any work issues that have arisen in their absence. It also provides an appropriate forum for the employee to voice any concerns that they may have, and to identify any domestic, welfare or work-related problems. The discussion should take place in a confidential environment to allow the employee to raise any personal issues that may have led to the sickness absence. The number of days absence and previous sickness
record will determine the length of the return to work discussion. The manager should keep a brief record.

13. PROCEDURES FOR MANAGING SICKNESS

13.1 FREQUENT/PERSISTENT SHORT TERM SICKNESS ABSENCES

Frequent and persistent short-term absences relate to situations where an employee is absent as a result of unconnected minor ailments. These absences may or may not be covered by medical certificates. In most circumstances this will be when the employee’s absence reaches three periods of absence or ten days in a six month period.

Managers should use their discretion when deciding whether to move to the informal stage of the procedure. For example, in most cases it will not be appropriate to take any action if an employee has had ten days absence in a single period, or where an employee has had three periods of absence but the manager is aware that this is due to the employee returning to work too early after an initial absence and subsequently being absent on a second occasion very soon afterwards.

13.1.1 INFORMAL STAGE

Where the employee’s absence record gives cause for concern, the line manager should discuss this with the member of staff on an informal one to one basis in the first instance. Before arranging the meeting, the manager should seek advice from HR. Issues to consider are:

(a) The reasons for the absences; to establish whether absences are entirely health-related or are there work-related or personal issues affecting their ability to fulfil their role on a regular basis;

(b) Does the employee require additional support from their manager and what form could this support take;

(c) Referral to Occupational Health for advice on support and/or reasonable adjustments that may enable the employee to attend on a more regular basis;

(d) Possible organisational factors (consideration of the Policy Principles at Section 2 of this document, e.g. paragraph xii)
If the employee does not wish to discuss the matter with his/her line manager, the line manager should inform Human Resources Department who will advise on how to take the matter forward.

Possible outcomes of the meeting include:

1. If the employee explains the recent absences and the manager concludes that future sickness absence will reduce to an acceptable level, the matter will be closed unless the improvement is not achieved or maintained over an agreed period;

2. Agree management support and/or adjustments to the role with a time frame for implementation;

3. Occupational Health referral (Appendix B).

The employee’s absence will continue to be monitored in the normal manner over the following three to six month period. If the level of absence continues to cause concern, the manager should meet with the employee again. If the employee has not already been referred to Occupational Health, the manager should request HR to arrange a referral. On receipt of the OH report, Human Resources will discuss the advice with the manager. The manager should then meet with the employee to discuss implementation of the OH recommendations and to any issues e.g. where it may not be operationally feasible to follow all the OH advice.

### 13.1.2 FIRST FORMAL STAGE

After all support and adjustments have been implemented, if the level of absence continues to cause concern, the manager may decide to request a move to the first formal stage of the procedure. In this case, the manager should compile a report which should include the employee’s absence record, details of support and adjustments made to assist the employee and reasons why the manager considers that the level of absence is a cause for concern.

A manager with no prior knowledge of the case will be designated to chair the meeting. The report will be forwarded to the chair who will review it to decide if it is appropriate to proceed to the formal stage or if s/he requires more information before making the decision. If the chair concludes that the first formal meeting should go ahead, s/he will write to the employee to invite them to the meeting, giving at least 15 days notice of the meeting unless an earlier mutually convenient date has been agreed. The employee will be entitled to be accompanied at the meeting by a Trade Union representative or colleague. A member of the HR department will
attend the meeting in an advisory capacity. The line manager will also attend. The letter inviting the employee to the meeting will enclose a copy of all the information provided by the line manager.

At the meeting, the line manager will explain the reasons that the employee’s absence is a cause for concern and give details of support given to assist the employee to attend more regularly. If relevant, s/he should explain why Occupational Health advice has not been followed or requests from the employee for specific support have not been implemented.

The employee will then have the opportunity to explain their absence and to raise any other issues relevant to the matter.

Throughout the meeting, the chair may ask questions of the line manager and employee.

The manager chairing the meeting should consider all relevant factors of the case, which will include:

(a) The reasons for the absences, are these entirely health-related or are there personal or work-related issues such as staff shortages affecting attendance;

Organisational factors that may be causing the level of absence (consideration of the Policy Principles, see Section 2 above).

(b) Management support given to the employee. For example:

- Reasonable adjustments to the post – could further adjustments be made without affecting operational effectiveness?
- A change to the pattern of work such as flexible start/finish times to avoid rush hour, or working from home.
- A change to contracted hours on a temporary or permanent basis.
- Any other support.

(c) Further referral to occupational health.

The chair will write to the employee to confirm the outcome of the meeting within five working days of the meeting.

If the chair considers that further support should be given to the employee by management, this will be made clear in the letter. A copy of the letter will be sent to the line manager and their manager.
If the chair agrees that the level of absence is a cause for concern and that all appropriate support has been provided, the letter will include a first level warning, and will set a monitoring period and target level of attendance. The chair may also decide to remove the self certification privilege i.e. the employee is required to provide a doctor’s certificate for all absences during the monitoring period. (If the employee incurs a cost for the provision of a certificate, this will be reimbursed by the University.) The warning will advise the individual that the level of their sickness absence is unacceptable and that improvement in the level of attendance over a specified period is required. Failure to achieve this may result in a move to the second formal stage of the procedure. This could ultimately lead to termination of the contract on the grounds that the individual’s attendance record is such that s/he is not able to adequately and consistently carry out the duties of the post.

A copy of the letter will be sent to the line manager. This letter and warning will be held on the employee’s personal file for 12 months from the date of the formal meeting and will be taken into account in any discussions about attendance issues during that period.

The employee will be informed of their right of appeal.

13.1.3 SECOND FORMAL STAGE

At the end of the monitoring period, if a satisfactory attendance level has been achieved, the line manager will meet with the employee to confirm this. There will be no further action unless there is subsequently a return to similar patterns of high levels of sickness. In these circumstances the manager will review the overall sickness record and may decide to take into account the previous management action, and proceed at the appropriate point in the process. The manager should seek advice from a Human Resources representative before making this decision.

At the end of the agreed monitoring period, if the improved level of attendance has not been achieved, the manager should submit a further report to the manager who chaired the first formal meeting explaining the up to date situation. Before taking this decision, it may be appropriate to make a further referral to Occupational Health.

The Chair will review the report to decide if it is appropriate to proceed to the second formal stage or if s/he requires more information before making the decision. If the chair concludes that the second formal meeting should go ahead, s/he will write to the employee to invite them to the meeting, giving at least 15 days notice of the meeting unless an earlier mutually convenient date has been agreed. The employee will be entitled to be accompanied
at the meeting by a Trade Union representative or colleague. A member of the HR department will attend the meeting in an advisory capacity. The line manager will also attend. The letter inviting the employee to the meeting will enclose a copy of all the information provided by the line manager.

At the meeting, the line manager will explain the reasons that the employee’s absence is a cause for concern and give details of support given to assist the employee to attend more regularly. If relevant, s/he should explain why Occupational Health advice has not been followed or requests from the employee for specific support have not been implemented.

The employee will then have the opportunity to explain their absence and to raise any other issues relevant to the matter.

Throughout the meeting, the chair may ask questions of the line manager and employee.

The manager chairing the meeting should consider all relevant factors of the case, which will include:

(a) The reasons for the absences are these entirely health-related or are there personal or work-related issues such as staff shortages affecting attendance?

Organisational factors that may be causing the levels of absence (consideration of the Policy Principles, see Section 2 above).

(b) Management support given to the employee. For example:

- Reasonable adjustments to the post – could further adjustments be made without affecting operational effectiveness?
- A change to the pattern of work such as flexible start/finish times or working from home.
- A change to contracted hours on a temporary or permanent basis.
- Any other support.

(c) Further referral to occupational health.

(d) Is it likely that redeployment would enable the employee’s level of absence to improve to an acceptable level? (OH advice should be sought prior to taking this forward.)

The chair will write to the employee to confirm the outcome of the meeting within five working days of the meeting.
If the chair considers that further support should be given to the employee by management, this will be made clear in the letter. A copy of the letter will be sent to the line manager and their manager.

If the chair agrees that the level of absence is a cause for concern and that all appropriate support has been provided, the letter will include a first level warning, and will set a monitoring period and target level of attendance. The chair may also decide to:

- Remove the self certification privilege i.e. the employee is required to provide a doctor’s certificate for all absences during the monitoring period. (If the employee incurs a cost for the provision of a certificate, this will be reimbursed by the University.)
- Recommend that the possibility of redeployment is investigated. Occupational Health advice will be sought on the suitability of redeployment opportunities.

The warning will advise the individual that the level of their sickness absence is unacceptable and that improvement in the level of attendance over a specified period is required. Failure to achieve this may result in a move to the second formal stage of the procedure. This could ultimately lead to termination of the contract on the grounds that the individual’s attendance record is such that s/he is not able to adequately and consistently carry out the duties of the post.

A copy of the letter will be sent to the line manager. This letter and warning will be held on the employee’s personal file for 12 months from the date of the formal meeting and will be taken into account in any discussions about attendance issues during that period.

The employee will be informed of their right of appeal.

13.1.4 FINAL STAGE

If, after the monitoring period or while the second formal warning remains on the employee’s file, the level of attendance does not meet the needs of the University, the line manager will submit a further report to the manager who chaired the formal meetings. If s/he considers it is appropriate to recommend the termination of the employment contract, they should forward the report with their recommendation to the Vice Chancellor. A copy of the report will be sent to the employee.
The Vice Chancellor will initially review the case based on a number of factors including, but not exclusively, Occupational Health advice, adjustments made and support given to the employee, and the impact that the absence has on the delivery of the service. Within ten days of receipt of the file, the Vice Chancellor will take any of the following actions:

(a) Require the manager to submit further information;

(b) Require the manager to instigate a further monitoring period;

(c) Write to the staff member requesting that they, accompanied if they wish by a Trade Union representative or colleague, attend a meeting to discuss the case. This meeting will be chaired by the Vice Chancellor. The senior manager who submitted the report will also attend the meeting. A member of the HR department will attend in an advisory capacity. At the meeting the case will be reviewed and the employee will be given the opportunity to make representations in support of why their contract of employment should not be terminated.

The Vice Chancellor will review the evidence and make a decision on whether or not to terminate the contract of employment. Alternatively, he may decide that the monitoring process should continue and/or request further information from Occupational Health. Within five working days of the meeting the employee will be advised in writing of the outcome of the meeting. The letter will also give details of the right of appeal. The individual will be entitled to receive pay in lieu of their notice period.

14. LONG TERM SICKNESS ABSENCE AND FREQUENT SHORT-TERM ABSENCES FOR RELATED REASONS

For the purpose of this policy, long term sickness absence is identified as absence certified as sickness which lasts for more than four weeks.

It is recognised that there are occasions when individuals may need to take a protracted period of absence to recover from serious health conditions. These types of absences fall into two general categories.

- Long/medium term planned absence to cover health conditions where the length of absence can be predicted (e.g. broken bones or in-patient operative procedures requiring rehabilitation).

- Long/medium term unplanned absence or absences where it is much more difficult to predict the likely duration of the sickness absence period (e.g. glandular fever, depression etc.).
The manager should ensure that the employee understands that whilst the University has a sympathetic, supportive and flexible approach towards long term sickness absence, ultimately, if the individual is unlikely to return to work within one year the relevant senior manager may deem it necessary to recommend to the Vice Chancellor that the contract of employment be terminated on the grounds of capability. Prior to such a recommendation being made, all options will be considered including:

- reasonable adjustments to the existing post (Appendix C),
- flexible working arrangements such as working from home, flexible start/finish times, and/or reduced hours on a temporary or permanent basis,
- the possibility of redeployment,
- ill health retirement.

In addition, the overall pattern of absence, the absence record in the previous 52 week period, the employee’s length of service, the likelihood of improvement in attendance and the effect of past and future absences on the organisation will be taken into account.

14.1.1 PROCESS FOR MANAGING PREDICTABLE/PLANNED LONG TERM SICKNESS ABSENCE

Where an employee has a condition for which they are likely to need a predictable period of leave, the individual should submit certificates as soon as they receive them. The manager should keep in regular contact with the employee throughout the absence, usually at least once every two weeks. The employee should update the manager on their progress and give an indication at the outset of their likely date of return to work. The manager should ensure that the employee is aware that, subject to agreement from their GP or Occupational Health, they may be able to return on a phased return basis i.e. not fulfilling the full role on a temporary basis (Appendix C). If the duration of the sickness absence extends significantly beyond the original anticipated return date, the employee may be referred to Occupational Health for an assessment (Appendix B).

If, due to unforeseen complications, it becomes apparent that unfortunately the employee is not likely to be able to return to work as planned, the manager will consider whether it would be appropriate to manage the employee as detailed below.
14.1.2 PROCESS FOR MANAGING UNPREDICTABLE/ONGOING LONG TERM SICKNESS ABSENCE

The manager should keep in regular contact with the employee throughout the absence, usually at least once every two weeks. The employee should update the manager on their progress, submitting medical certificates immediately they receive them and informing the manager as soon as they have an indication of their likely date of return to work.

The manager should ensure that the employee understands that whilst the University has a sympathetic, supportive and flexible approach towards long term sickness absence, ultimately, if the individual is unlikely to return to work within one year the relevant senior manager may deem it necessary to recommend to the Vice Chancellor that the contract of employment be terminated on the grounds of capability due to ill health.

Where an employee has been absent for four weeks and there is no predictable return date, the manager should request that HR refers the employee to Occupational Health (Appendix B). If the advice from Occupational Health states that the employee is likely to be fit to return to work imminently, no further action will be required.

In all other cases, or if the employee does not return at the time indicated by Occupational Health, the manager should write to the employee, inviting them to attend a meeting at a mutually convenient time. The employee may be accompanied by a trade union representative or colleague. A member of the HR department will attend in an advisory capacity. If the employee is unable to attend the meeting due to ill health, they may request that their representative attend in their place, or they may submit a written report for consideration at the meeting. It may also be appropriate to consider holding the meeting at a location nearer the employee’s home if that would enable them to attend. Alternatively the employee may request that the meeting be re-arranged within two weeks from the original date of the meeting. If they are unable to attend this meeting, the meeting will be held in their absence.

At the meeting the manager will try to determine whether there is likely to be a return to work in the foreseeable future, when regular attendance will resume, if the return to work will be to full duties or what work the employee feels they will be able to do. If the employee is unable to resume full duties, the manager will investigate how duties or hours of attendance could be re-arranged to suit the needs of both the employee and the University, or whether there is another position in the University that would better suit the employee’s capability. This may involve the employee
agreeing to a permanent reduction in their contracted hours. Alternatively re-deployment to an alternative role may be considered to the same or one grade below their current grade. In this case, the employee will have pay protection for one year.

If there is no possibility of alternative duties, the manager should consider whether there is any other factor that justifies a delay in seeking retirement on the grounds of ill health for the employee.

The employee will be informed of the right of appeal at each of the formal sickness management meetings.

15. ATTENDANCE AT MEETINGS

Meetings will be arranged at a mutually agreed time. In the event that, due to ill health, an employee is unable to attend a meeting to discuss their attendance, the University will ordinarily re-arrange the meeting for a subsequent date within the following two weeks. If the employee is still unable to attend the meeting, the University will ask the employee to either make submissions in writing and send them in advance of the meeting and/or arrange for the meeting to be attended by a trade union representative or colleague on their behalf. If the employee does not comply with this the manager will proceed based on information available to him/her.

16. ILL HEALTH RETIREMENT

If the decision is to seek ill health retirement, Human Resources will submit an application to the relevant pension scheme body. The application will include a report from Occupational Health (OH). The OH report is compiled using information from OH appointments with the employee, information from the employee’s GP and, if relevant, treating specialist/consultant. On receipt of the response from the pension scheme administrator, a senior manager will invite the employee to a meeting as at the fourth paragraph of 13.1.2. The employee may choose not to attend the meeting, for example if they are in agreement with the ill health retirement option.

Following the meeting, the manager will write to the employee within five working days to notify them of the decision. If the decision is to proceed with ill health retirement, the manager will submit a written report to the Vice Chancellor recommending ill health retirement. The Vice Chancellor will review the report and write to the employee to notify them of his decision.

If the Vice Chancellor’s decision is that the manager should re-consider options such as reasonable adjustments, alternative duties, and/or change to working hours, the manager will ensure this is taken forward as quickly as possible. However, it is very unlikely that agreement to ill health retirement will be overturned at this stage.

For members of the Teachers Pension Scheme, if the employee refuses to accept the University’s recommendation to apply for ill health retirement, the
manager will review the position and may decide to proceed in accordance with the Capability procedure.

The terms of the Local Government pension scheme are such that ill health retirement can be implemented without the member’s consent.

The employee has the right to appeal against the ill-health retirement decision by the granting authority. This right to appeal will not delay the University’s processes up to the point of appeal against the Vice Chancellor’s decision to uphold the ill health retirement recommendation.

If the request for ill health retirement is not agreed by the pension scheme administrators the manager will review the options which will include whether to proceed in accordance with the Capability procedure. The employee has the right to appeal to the pension scheme administrators against a refusal to grant ill health retirement.

17. TERMINAL ILLNESS

Where terminal illness has been confirmed, no further formal action under this procedure is appropriate. Such cases will always be dealt with sympathetically and every possible support will be given to the employee, particularly in respect of pay and pension arrangements. In some cases ill health retirement may be the most beneficial option for the employee, in which case this will be taken forward by Human Resources as quickly as possible.

18. APPEALS

The employee has the right to appeal against the outcome of all formal stages of the sickness management process. Any appeal should state the grounds of the appeal and include any documentation the employee wishes to be considered and must be submitted within ten working days of the date of the letter notifying the employee of the outcome of the meeting. An appeal hearing cannot increase the severity of the original decision. The right to be accompanied by a Trade Union representative or colleague applies to appeal hearings. A member of the Human Resources department will attend all appeal hearings in an advisory capacity to the chair of the appeal hearing.
18.1 APPEAL AGAINST ALL FORMAL STAGES WITH THE EXCEPTION OF A DECISION TO TERMINATE THE CONTRACT OF EMPLOYMENT

The appeal hearing will normally be held no later than 10 working days after receipt of the notice of appeal, or as soon as possible thereafter in cases where the chair of the appeal hearing has requested further information.

The Chair must be a senior manager with no prior involvement in the case, and of at least equivalent grade to the manager who chaired the original meeting.

At the appeal hearing the manager will present the findings of the case. The employee and trade union representative or fellow employee will be given the opportunity to state their grounds for appeal in full. The Chair has the power to adjourn the appeal hearing if s/he considers there is a need to investigate more fully or to consider additional points.

Subject to the above, the decision and the reasons for the decision will be notified to the employee in writing within 5 working days of the appeal hearing. The decision of the Chair will be final.

18.2 APPEAL AGAINST TERMINATION OF THE CONTRACT OF EMPLOYMENT

An appeal against termination of the contract of employment must be made in writing to the Clerk to the Board of Governors within ten working days of the date of the letter notifying the decision to dismiss to the employee.

The appeal will be heard by a panel of three members of the Board of Governors. The hearing will normally be held within 15 working days of receipt of the appeal, unless the circumstances are such that this is not practicable.

The decision and the reasons for the decision of the appeal panel will be notified to the employee in writing within five working days of the appeal hearing. The decision of the panel will be final.
APPENDIX A

Guidance for the recording of absence via MyView

1. Sickness absence should be recorded via MyView by the Line Manager or delegated person for the area on the employee’s first day of absence and should be submitted on their return to work.

2. In the case where someone is on ‘long term sick’ then the absence should be recorded and submitted without an end in order for the system to record the absence and make the necessary adjustments to pay.

3. MyView should be used to record all forms of absence including leave, compassionate leave, jury service, hospital/doctors appointments etc

4. Please note that it is very important that sickness is recorded promptly and accurately so that any adjustments to pay can be made on time and staff records are correct within HR and MyView.

5. Medical certificates should be sent to HR. In general, the rules applicable are as follows:

   - Absence from 1 – 7 days  - Self Certification Form.
   - Absence for more than 7 days  - Doctor’s certificate required

     ✤ Please note that Saturdays, Sundays and other non-working days must be included for sick pay purposes.

6. Further guidance and help can be obtained from within MyView or from the Human Resources Department.
APPENDIX B

Occupational Health Referrals

1. Referrals to the Occupational Health (OH) physician will be made for a variety of reasons. The general aim is to provide managers with advice on issues such as:

- support for a particular employee to enable them to fulfil their role
- support to facilitate a return to work after a long absence
- support to enable an employee to attend work on a more regular basis
- the likelihood of further absence
- the potential date of return to work following prolonged absence.

OH will also confirm if it is likely that the employee is covered by the Disability Discrimination Act and give recommendations of reasonable adjustments that may assist the employee to return to work (see Appendix C). Human Resources (HR) are responsible for processing all medical referrals and dealing with medical reports.

2. The manager and HR will ensure that the employee is aware of the purpose and content of the OH referral. A copy of the referral must be sent to the employee. For employees based in Ealing and Slough, if OH considers it is necessary to obtain information on the employee’s condition and progress of treatment from the employee’s GP or consultant, they will gain written consent from the employee during the OH appointment. Reading campus staff will be asked to provide this permission at the time of the referral being made to OH. If the employee refuses to give consent, the relevant manager will make an assessment of how to manage the individual’s case based on the information available to him/her.

3. The referral will provide Occupational Health with detailed information regarding the employee’s absence history and reasons, including a copy of the employee’s job description and person specification and any other relevant information that may assist them to make an accurate medical assessment of the employee.

4. OH will send the employee a copy of their report. Human Resources will also receive a copy. Human Resources will inform the manager of the content of the report, including any recommended action. A copy of the report will only be given to the manager if the employee gives their consent. The manager should hold a meeting with the employee to discuss the contents of the report. If appropriate, a member of the Human Resources Department will attend this meeting.
5. If an employee feels able to return to work before the end of a certificated period of absence, they will need to provide a certificate from their GP confirming the date they will be fit to return to work. In most cases this will be a standard doctor’s certificate with “box a – you need not refrain from work” ticked. If the employee has a certificate with a return to work date, they may return to work prior to their Occupational Health appointment.
APPENDIX C

Rehabilitation and Reasonable Adjustments

The University will positively consider rehabilitation and the use of any reasonable adjustments that may be appropriate to assist the employee in returning to work and/or resolve issues relating to attendance generally received from Occupational Health, the employee's General Practitioner or Consultant. Occupational Health may be requested to carry out further reviews of the employee. Recommendations from OH may include, for example:

- Phased return to work.
- Adjustments to working conditions or duties.
- Assistance to help the employee at work.
- Redeployment.

Pay protection during a phased return to work recommended by Occupational Health, the GP or consultant will normally be available for four weeks. In exceptional circumstances, this period may be extended. A phased return is a temporary arrangement that may include a combination of working short days or fewer days in the week, working from home, or exemption from some duties of the role. If Occupational Health advises a continuation in reduction of hours the employee’s salary will be calculated on a pro rata basis according to the hours the employee works and the remaining hours recorded as sickness absence and paid at the appropriate rate of sick pay.

When Occupational Health advice indicates that an employee has a disability as defined in the Disability Discrimination Act as amended in 2005, the line manager should consider making reasonable adjustments to the job, working conditions, working arrangements and/or the physical environment. Reasonable adjustments may be made on a temporary or permanent basis as recommended by OH and within the operational requirements of the University and may include a permanent or temporary change in working hours (with a pro rata reduction in salary), flexibility of starting/finishing times, working from home, etc. They may also include a review of the duties of the role, and re-allocation of specific duties. Financial assistance is available through the government funded Access to Work scheme. This scheme provides money to offset most of the cost to employers of providing special equipment to assist with attendance at work such as special IT programmes for employees with visual impairment or dyslexia. In addition, the university has allocated money to support departments/faculties in meeting these costs.
Redeployment and Retraining

If redeployment and/or retraining due to medical/health reasons is recommended by OH, or this seems to be a possible way to assist the employee to return to work, Human Resources and/or the manager will assist the employee with completion of a redeployment pro forma. HR will then assess the employee against the essential requirements for any vacant posts at the same grade or one grade lower than the employee’s substantive post. Posts at a higher grade will have to be applied for in the normal manner.

The types of posts to be considered for redeployment would have to be deemed medically suitable for the employee by Occupational Health. While the employee is awaiting redeployment they will normally remain on sick leave and be paid the appropriate rate of sick pay. Any appointment will be subject to a trial period of two months. The employee will be entitled to pay protection for one year if redeployment is to a post one grade below their substantive grade.

If at the end of two months it has not been possible to find the employee an alternative post or the trial period is unsuccessful, a meeting will be held under the formal Managing Sickness process.