

# Sickness Absence Procedure

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## Introduction

This procedure outlines the absence management process. If the staff member has a disability, or it is thought they may need additional support because of a disability, for example reasonable adjustments, please contact HR for further advice.

### 1. Types of absence

**Short-Term Absence** can be defined as single, frequent, intermittent, or sporadic absence for short periods (normally 1 or more periods of absence totalling 8 days or less) attributable to minor ailments that may be unrelated.

**Long-Term Absence** can be defined as continuous absence through ill-health covering a prolonged period (normally exceeding 28 calendar days). It may also include repeated periods of absence due to an on-going medical condition.

### 2. Absence notification

A staff member must notify their manager on the first working day of absence, normally no later than one hour after their normal start time. If a staff member is unable to contact their manager, they should contact an alternative manager. If a staff member is too ill to phone, a close relative or family member may make initial contact, but the staff member should phone as soon as possible.

A staff member is expected to advise their manager of the reason for their absence but does not have to reveal confidential personal details.

When notifying the manager of the absence and staff member should:

- Explain the nature of the sickness absence in general terms so the manager can decide what support may be needed
- Indicate the approximate number of days absence expected Advise of any work commitments which need to be completed or covered.

Staff should keep their manager informed of their progress and should contact their manager on the third and fifth working day of the absence and upon receipt of a fit note (where appropriate). If a staff member is unable to contact their manager, they should contact an alternative manager.

Failure to report a sickness absence may exceptionally result in disciplinary action or loss of pay.

### 3. Certification

Staff who are absent for 8 calendar days or more (i.e., including weekends and bank holidays) are expected to produce a medical fit note obtained from their GP.

Upon receipt of a fit note the staff member should contact their manager and confirm whether their GP has signed them as unfit for work, or that they may be considered fit, subject to recommendations. The fit note should be submitted to their manager at the earliest opportunity. Upon receipt the manager should forward this to HR.

A staff member confirmed as unfit should refrain from work for the duration of the fit note. Should a staff member continue to work during this period, by choice, the time will still be recorded as sickness. Further fit notes should be provided if the absence exceeds the original period of certified absence.

Staff confirmed as unfit should agree the frequency of future contact with their manager during sickness absence. The aim is for the manager to provide support to the staff member during absence e.g., contacting Occupational Health, providing information on sick pay, and for the staff member to continue to keep the manager up to date with their situation.

The manager should consider any GP comments, if the adjustments recommended by the GP can be agreed, then the manager should discuss the temporary changes to the staff member's hours and/ or job with them, and the staff member should return to work at the earliest opportunity.

If a phased return is agreed for the majority of a staff member's hours, and the staff member has the ability to resume their hours of duty within a reasonable timeframe, the staff member's pay will be unaffected. However, the University reserves the right to reduce pay to reflect the hours worked or if an extended phased return is recommended.

If the adjustments cannot be agreed (e.g., there are no suitable alternative duties) the staff member can undertake whilst recovering from illness/injury then the staff member will be deemed not fit for work. The staff member does not have to revisit their GP to get a revised fit note.

It may be necessary to refer the staff member to Occupational Health for further advice on the timescales and/or adjustments recommended by the GP.

If a staff member does not obtain or supply the appropriate certificates it may result in the staff member being regarded as absent without leave, which may lead to disciplinary action and/or pay being stopped.

#### **4. Sickness absence recording**

If the absence is between 1- 7 days, the staff member should record this in Unified upon their return. If the absence duration is 8 days or longer then the line manager will record this in Unified on their behalf.

#### **5. Sick pay**

Staff absent from work due to sickness will receive sick pay in accordance with the terms and conditions of their contract of employment.

The payment of occupational sick pay is specified in the contract of employment and depends on the correct reporting of absence and submission of the relevant fit notes to explain the absence.

Sick pay shall include, where appropriate, Statutory Sick Pay and shall not exceed full (ordinary) pay. For the purposes of calculating sick pay the University uses a rolling 12-month period.

#### **6. Return to work discussion**

All managers should aim to have an informal return to work discussion with a staff member irrespective of the length of the absence within the first 3 days back at work. The manager should meet with the individual to discuss the absence and should complete a return-to-work form and retain it locally for a period of 12 months (see Appendix B).

In cases of long-term absence, the meeting should take place prior to the staff member resuming work, following clearance from Occupational Health.

If the immediate manager is not available during this period, an alternative manager may conduct the return-to-work discussion.

If the staff member's absence has reached one of the triggers levels, then the manager should follow the informal process (see Section 9).

#### **7. Obtaining medical information**

A manager may make a referral to seek advice from Occupational Health about a staff member's medical condition. A manager should complete a referral via the HML portal at the earliest opportunity to ensure that the appropriate advice and support is provided to both the staff member and the manager. The manager should inform the staff member that they are going to refer them to Occupational Health and gain their consent to the referral.

Upon receipt of the referral request, HR will review the request and approve it or reject it for further information. Once approved Occupational Health will contact the staff member with an appointment date. Staff will be able to access their referral in the portal and review all documentation relating to it.

Occupational Health may wish to contact the staff member's GP or specialist. Before a request can be made by Occupational Health the staff member should be informed of the right to:

- Agree that the GP/specialist can be contacted

- Withhold consent to the application being made to the GP/specialist
- Request to see the report and if so whether before or after it is sent to Occupational Health
- Withhold consent to the GP's report being supplied to Occupational Health
- Request amendments to the GP's report.

Medical information will be held confidentially by Occupational Health and will not be disclosed.

The request by a staff member to have access to their GP/specialist report, must be included in any correspondence to the GP/specialist. The staff member will be informed by Occupational Health when the request has been sent to the GP/specialist.

The staff member must contact their GP/specialist to arrange access to the report within 21 days of Occupational Health making the request. If the staff member has not been in contact with the GP/ specialist within this time period, the GP/specialist will send the report to Occupational Health. However, the staff member maintains the right to access the report from their GP/specialist for 6 months from the date the request was made.

If the GP/Specialist refuses, the staff member has the right to ask for a statement to be attached to the report reflecting the staff member's view on any matters of disagreement.

If the staff member considers the report to be incorrect, they may make a written request to their GP/specialist to make appropriate amendments and should notify Occupational Health of the requested changes.

If a staff member refuses to co-operate in providing medical evidence, the staff member will be informed in writing that a decision on how to manage their absence will be taken on the basis of the information available, which may result in formal action.

Where there is reasonable doubt about the nature of the illness or the injury, the University reserves the right to ask the staff member to agree to a second medical opinion being obtained.

The University reserves the right to manage the absence in accordance with the advice provided by Occupational Health. Where there is differing medical opinion the manager/HR will consider, in exceptional circumstances, obtaining further independent medical advice.

## 8. Annual leave

A staff member who is ill during a period of authorised annual leave must contact their manager on the first day of illness. The days lost to illness may be reclaimed subject to the production of a GP certificate (irrespective of the length of the illness) upon their return.

A staff member will accrue annual leave during paid periods of sickness absence and statutory minimum paid holiday during periods of unpaid sickness absence.

A staff member is entitled to take, and be paid for, annual leave during periods of authorised sickness absence.

If a staff member is unable to take annual leave during periods of authorised sickness absence, the manager will need to consider how best to manage the taking of annual leave upon the individual's return to work

## 9. Managing absence

The trigger levels for initiating management action are:

- Three separate periods of short-term absence, irrespective of length, during a 3-month period
- 9 days absence within any rolling 12-month period
- 28 days continuous absence
- Any recurring recognisable patterns (e.g., Mondays / Fridays)

- Other reasons for absence which cause concern e.g., stress/depression, work-related issues/concerns.

Early intervention and support before a staff member reach or exceed the trigger levels is more likely to reduce the need for formal action and help the staff member maintain an acceptable level of attendance. A manager should consider a referral for the staff member to see Occupational Health (especially when the university triggers have been reached) who can provide advice and support.

Reports are issued on a frequent basis by HR to Deans and Directors highlighting sickness absence within the Faculty or Directorate and identifying staff who meet the trigger levels.

NB. Any patterns which reveal absences due to workplace stress should be closely monitored in conjunction with HR.

### **Short-term absence**

Where the short-term sickness absence reaches or exceeds the trigger levels, the manager should have an informal discussion with the staff member and fill out the sickness absence trigger form with the staff member (Appendix C).

The staff member may request to be accompanied by a trade union representative or workplace colleague to the discussion. The manager is encouraged to consider this request.

The sickness absence trigger form can be scanned and attached to the employers record on Unified and may be used as supporting evidence should the matter proceed formally.

At the end of the duration of required improvements the manager should meet with the staff member to review progress and will either:

- Confirm the staff member has met the improvements required and that attendance is now at the required standard so that no further action will be taken
- Decide there has been insignificant improvement in the staff member's attendance

The outcome should be confirmed in writing to the staff member within ten working days. If the standard of attendance has failed to improve the manager should normally proceed to the Stage One of the Capability Procedure (see Capability Procedure).

### **Long-term absence**

For cases of long-term sickness, the manager is responsible for referring the staff member to Occupational Health.

Following the medical assessment, Occupational Health will advise the manager and HR if there is an underlying medical condition and the possible impact on the staff member's ability to carry out their role or the next course of action required e.g., assessment or Access to Work. Confidential medical information will not be disclosed.

The manager should then arrange to meet/contact the staff member following receipt of the medical report from Occupational Health to discuss the advice issued.

## **10. Returning to work after long term absence**

Occupational Health advice should be obtained before a staff member is able to return to work after a long-term absence to identify foreseeable return to work date and / or any adjustments / support needed. Any adjustments made will be in line with the Equality Act 2010. See [Appendix D](#) for guidance.

If the staff member has returned to work and has a relapse within a 4-month period, the manager should refer the staff member to Occupational Health and seek advice from HR.

## 11. Continuing long term absence

The advice issued by Occupational Health may be that the staff member's absence will continue and one of the following options may be recommended:

- The staff member is not fit to return to their current role but is fit to undertake a suitable alternative role within the University and redeployment should be considered (it may also be necessary to consider reasonable adjustments)
- The staff member is not fit to return to their current role and there is no suitable alternative role within the university, regardless of any reasonable adjustments that could be made, but the staff member meets the criteria to be considered for early retirement on the grounds of ill-health (See Appendix E)
- The staff member is not fit to return to their current role or any other suitable alternative role, despite any reasonable adjustments that could be made and does not meet the criteria to be considered for early retirement on the grounds of ill-health and the matter should proceed formally to stage 3 of the Capability procedure.

Where Occupational Health have confirmed that a staff member is able to return to work on a phased return basis for the majority of contracted hours and has the ability to resume full contracted hours and duties within a reasonable timeframe (normally between 4 to 6 weeks), the staff member's pay will be unaffected.

The University reserves the right to normally reduce pay to reflect the hours worked, or if Occupational Health recommend an extended phased return to work.

On returning to work, the manager should meet with the staff member to conduct a return-to-work discussion

If the staff member's sickness absence continues, Occupational Health must be informed to ascertain next steps in conjunction with HR and the manager.

## 12. Redeployment

Where Occupational Health has recommended that redeployment should be considered and confirmed the staff member is fit to return to a suitable alternative role, the University will, for a limited time period (3 months maximum), seek to find redeployment.

Redeployment is dependent on the availability of suitable alternative roles within the University, which cannot be guaranteed. A suitable alternative vacancy should not be created especially for the staff member.

The staff member will be provided with a nominated representative from HR who will maintain contact and provide support during the redeployment period.

The University is responsible for proactively seeking alternative roles, where possible, and will work together with the staff member to ensure suitability. Alternative roles will be found on the University job pages on the intranet.

A staff member will be interviewed for any suitable alternative role, providing they can demonstrate they meet all the essential criteria for that role.

Prior to interview a staff member will be required to complete a work health assessment to establish their fitness for the role and/or to identify any adjustments or adaptations to assist with that role.

A staff member who successfully obtains a suitable alternative role within the University, is entitled to be offered a trial period of 4 weeks. The staff member's terms and conditions, including their salary, will remain the same during the trial period.

A staff member who does not notify HR by the end of the 4-week trial period will be considered to have accepted this suitable alternative post.

If the trial period proves successful, the staff member will be issued with a formal offer of employment at the appropriate grade and salary of the role, and salary protection will not apply.

If the trial period does not prove successful, the staff member can pursue further alternative roles within the University during the remainder of the redeployment period.

If by the end of the redeployment period, no suitable alternative employment has been confirmed there may be no alternative but to consider terminating the staff member's employment via Stage 3 of the Capability Procedure (see Capability Procedure).

### **13. Formal action – Capability procedure**

Where a decision is taken to manage the long-term absence formally, the manager should refer to Stage 3 of the Capability Procedure.

Prior to progressing the manager must be satisfied and able to demonstrate evidence that all stages of the Sickness Absence Procedure have been exhausted and that the staff member is incapable of carrying out their role or any other role to the required standard within the University on the grounds of their ill-health.

Before invoking the formal Capability Procedure, advice should be sought from HR.

At the point of advertising, the Recruiting Manager should indicate the DBS check requirement (including type and level) via Unified and ensure the job description is updated to include the requirement for a DBS in the person specification under the essential criteria.

HR Operations will check the online vacancy details form and cross reference with the job description and advert before placing the advert.

HR Operations will ensure applicants who will require a DBS check are notified and provided with a copy of the procedure on the Recruitment of Ex-offenders and have access to the DBS Code of Practice.

When applying online, all applicants (regardless of whether they need a DBS check) will need to declare if they have any unspent (current) criminal convictions.

For posts that require a DBS check, applicants will also be required to declare any spent criminal convictions that are not protected as defined by the Recruitment of Ex-offenders Act. Where appropriate, applicants will need to disclose the details of those convictions to HR, marked in a confidential envelope to the HR Director. HR will be responsible for assessing the information prior to the interview stage.

#### **14. Successful applicant stage**

Appointed applicants will be sent an activation email containing a link and instructions on how to complete the registration process. Following completion of the on-line form the applicant will arrange to have their ID documents verified either within HR or a local Post Office (subject to an additional fee) This should be carried out as soon as possible: the offer of employment is subject to a satisfactory DBS clearance.

HR will check the identity documents. In each case an original document must be presented as photocopies are not acceptable. Valid ID documents are outlined during the completion of the on-line process and details can be found on the DBS website

HR will check the information supplied by the applicant. If the applicant claims to have changed their name by deed poll or any other mechanism, then evidence of that change must be requested. A previous DBS disclosure document will not be considered as evidence of identity unless they have subscribed to the updating service.

DBS checks on staff will all be processed by HR who will maintain a central register of all staff checked. The disclosure information will only be made available to the Faculty Dean/Head of Directorate/Recruiting Manager.

Recruiting Managers should not normally agree on a start date until clearance has been received. Only in exceptional circumstances and with agreement from HR, should staff commence work prior to receiving clearance. In line with the Recruitment of Ex-Offenders Policy, the Recruiting Manager will be required to complete a risk assessment to demonstrate safeguarding practices will apply in those exceptional circumstances where staff start work prior to clearance.

Once clearance has been received by the Individual, and confirmed by the recruitment team, the recruiting manager will be notified that all pre-employment checks have been completed and a start date can be agreed. In most cases, the manager will be provided with the DBS disclosure date and number for their records.

It is the responsibility of any Recruitment Agency to provide all necessary pre-employment checks including a DBS Disclosure for all agency staff recruited into posts that require a DBS check. The Recruiting Manager/HR should ensure the evidence is provided by the agency and recorded. All temporary and hourly paid lecturers should be checked in the same way as full-time contractual staff.

It is the responsibility of faculties and directorates to advise HR of existing posts where a DBS check becomes necessary as a result of new or changing duties bringing contact with vulnerable people.

#### **15. Renewal stage**

Disclosures do not have a period of validity. The disclosure is only a snapshot of the position at the time when the information was checked and therefore renewal checks will be completed for all posts requiring DBS clearance.

The renewal period for most posts will be every three years, unless otherwise required by law or a regulatory body or if the post changes whereby a check is no longer required. If the staff member has subscribed to the



DBS update service, then there may be no requirement to apply for a new certificate as the University, with the staff member's consent can check the status online.

For renewals, HR will contact the staff member and the manager three months prior to the expiry date of the current check. The member of staff will be sent an activation email containing a link and instructions on how to complete the registration process. Following completion of the online form the applicant should make arrangements to have their ID documents verified either by HR or a local Post Office (subject to an additional fee) This should be carried out as soon as possible.

HR will notify the line manager if a staff member has failed to complete the renewal form in time. The line manager will be responsible for meeting with the staff member to follow the matter up.

## **16. Managing DBS Disclosures with convictions**

A copy of the disclosure will only be sent to the individual. HR will be responsible for checking the disclosure information when it is returned. If a conviction is highlighted, the relevant HR Advisor will be consulted for guidance.

The HR Advisor will check the applicant's application form to check whether the conviction was disclosed at the outset of the recruitment process. Failure to reveal information that is directly relevant to the position could lead to the withdrawal of an offer of employment. The HR Advisor will then discuss the situation with the Recruiting Manager and escalate if required.

The Manager should undertake a full risk assessment to demonstrate the decision-making process. The Manager should assess the relevance of the conviction to the role and weigh up the risks associated with employing the applicant in that capacity and provide a copy of the assessment to HR.

If convictions are disclosed prior to the DBS application, the HR Deputy Director will consider the information and discuss with the Recruiting Manager. Where appropriate, the Manager should make best use of discussing the nature of the convictions with the applicant as this information will form part of the evidence base of the risk assessment.

The Manager should ensure that an open and measured discussion takes place on the subject of any offences that might be relevant to the position.

The Manager should discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. It is important to seek clarification on the details of the conviction.

The Manager should also seek advice from HR prior to meeting with the individual and prior to withdrawing any offer of employment.

Having a criminal record will not automatically bar applicants from a position that requires a DBS check. However, it may be a criminal offence to make an appointment for employment in certain areas. The Recruiting Manager should keep an open mind and consider the nature of the crime, the circumstances involved, the requirements of the job, the safeguards against offending at work and the potential impact on the University.

If the applicant disputes the information contained within the disclosure, then the matter should normally be resolved before making the decision to confirm the provisional offer.

The applicant can also contact the DBS disputes directorate to resolve such matters. Disputes must be raised within three months of receipt of the disclosure.

Where information is separately provided by the police the information must not be discussed with the applicant and must be kept confidential to the University. Any such cases should be referred to the Legal Team for advice on how the matter should be handled.

Any Faculty or Directorate aware of a staff member who is dismissed from the University due to harming a vulnerable adult or child must refer the matter to the University's Legal Team who will inform the DBS.

