

# **MANAGING SICKNESS ABSENCE POLICY & PROCEDURE**

## **1. Introduction**

- 1.1 This policy and procedure applies to all employees of Loughborough University, regardless of contract type or duration, other than those employed on an irregular bank/casual basis. It has been written following consultation with employee representatives and Occupational Health (OH).
- 1.2 The procedures outlined in this document have been developed to ensure that sickness absence is dealt with fairly, sympathetically and effectively. The rights and responsibilities of all parties are clearly outlined.

## **2. Policy Statement**

- 2.1 Loughborough University is committed to promoting and maintaining the health, safety and welfare of all employees. The University recognises the need for an understanding and supportive approach towards staff on sick leave and will take into consideration individual circumstances, as appropriate, in the application of this policy and procedure.
- 2.2 The University also recognises the significant impact of ill-health and sickness absence on the cost and quality of service delivery and wishes to encourage a culture of good attendance.
- 2.3 This policy applies to absence resulting from an employee's personal sickness or injury. Absences resulting from other circumstances, such as the sickness or injury of a dependant, are to be dealt with using annual leave, flexi time or special leave, as agreed with the Head of Department. Similarly, sick leave should not be taken in respect of appointments at a doctor, dentist etc

## **3. Equality & Diversity Statement**

- 3.1 It is the aim of the University to provide a Managing Sickness Absence Policy & Procedure that ensures appropriate and equitable responses to employee sickness absence, in a fair and efficient manner. This document takes into account current employment legislation and must be implemented in conjunction with the University's Equalities Scheme and the Equality Policy and Procedure.
- 3.2 In particular, the University will seek to ensure that staff with disabilities (as defined in the Equality Act 2010), are not treated unfairly, through the application of these procedures.
- 3.3 Absences due to the disability (within the meaning of the Equality Act 2010 s.6(1)) of an employee, or due to pregnancy, will be recorded

separately from sickness absence records, but will still count in the computation of sick pay entitlements.

#### **4. Guiding Principles**

- 4.1 The aim of this document is to provide a clear procedure for dealing with sickness absences that ensures fair treatment and consistency of approach and is understood by all managers and employees.
- 4.2 This procedure provides a standard framework for reporting, monitoring and managing sickness absences.
- 4.3 The University will respect the confidentiality of all information relating to an employee's sickness. This policy and procedure will be implemented in line with data protection legislation and the Access to Medical Reports Act 1988.

#### **5. Responsibilities**

##### **5.1 Employee Responsibilities**

- To attend work regularly and punctually,
- In the event of an absence due to sickness, to follow the Departmental reporting procedures
- To attend a return to work interview upon return from a period of sickness absence of more than 7 days, or as required by the responsible manager.
- To provide GP or hospital medical certificates covering absences of longer than seven calendar days, or as otherwise required, in a timely manner.
- To provide the University, through the manager or Occ Health, with information regarding the nature of the illness and to declare any health problems, as diagnosed, if there are any work related implications
- To attend meetings with the Occupational Health Department, as required
- If more than one post is held within the University, to ensure that they discharge these responsibilities for all departments
- To take steps to minimise the impact of any health condition on their ability to attend work regularly
- To remain in regular contact with their manager, or appropriate nominee, during any period of sickness absence and to attend meetings as required

##### **5.2 Head of Department/Section (or nominee) Responsibilities:**

- To develop departmental sickness reporting procedures and ensure that they are brought to the attention of each member of staff within the Department.

- To nominate an individual to accurately and promptly record sickness absences on the Trent HR system.
- To support the line manager in situations where absence becomes problematic, such as long term absences, or short term intermittent absences.
- To ensure Human Resources is informed of any actual or expected, long term absences (i.e. over 4 weeks)
- To consider all recommendations and implement any reasonable steps that the Department can take to support the individual in their work activities.
- To ensure that the University's accident reporting procedures are followed, where the absence is attributable to an accident at work.

### 5.3 Manager/Supervisor Responsibilities

- To ensure that the relevant paperwork is completed and passed to the individual responsible for the recording of sickness information on Trent.
- To monitor absences and provide feedback on attendance to individual employees, addressing any problems that may be identified.
- To ensure that employees are aware of the Managing Sickness Absence Policy & Procedure.
- To maintain appropriate contact with employees during their absence.
- To conduct return to work interviews on employee's return and record details.
- To maintain accurate records of employee absences and report to HR/Payroll on a regular basis.
- To ensure that employees' absences are certificated appropriately
- To notify and seek support from the Human Resources Department when an employee's absences become a concern.
- To ensure records of attendance of all employees are maintained and regularly monitored.
- To initiate, monitor and pursue action in relation to the management of short and long-term absences.
- Through relevant HR Adviser, to refer employees to Occupational Health, as appropriate.
- To ensure that the outcome of any sickness review meeting is communicated to the employee in writing.
- To treat all employees fairly, sensitively and consistently, ensuring that the confidentiality of any personal information, including medical diagnosis, is preserved.
- To support staff who are covering for a colleague's absence due to sickness.
- To encourage a culture of attendance and help employees to minimise absence.

#### 5.4 Human Resources Responsibilities:

- To provide advice and guidance to managers and employees on how to effectively deal with sickness absence at departmental or individual level.
- On behalf of managers, to refer individuals to Occupational Health where an assessment would be beneficial to the management of the case. *(As a guideline, absence lasting longer than 4 weeks should be referred to Occupational Health, or 2 weeks, or more, for stress related illnesses.)*
- To provide regular reports to the Heads of Department, detailing sickness absence within their respective areas of responsibility, assisting with the analysis and recommending appropriate management action.
- To provide training for managers on the application of the policy and procedure
- To encourage a culture of attendance and help employees to minimise absence.
- To assist managers with the fair and consistent application of the policy and procedure.
- To provide advice to employees and managers concerning individual sickness issues.

#### 5.5. Occupational Health Responsibilities:

- To maintain the confidentiality of information provided, whilst producing meaningful reports to the responsible manager/HR Adviser, with copy to the employee.
- With the consent of the individual employee, seek medical reports from the GP, Specialist or other appropriate practitioner.
- To provide recommendations, to both the department and the individual, as to how to effectively minimise the impact of any health condition on work.
- To undertake workplace assessments, where appropriate.
- To provide impartial advice to managers and/or employees about an individual's fitness to attend work and perform their duties. This will include prospects of returning to work, potential adjustments to work and likely future sickness absence.
- To provide confidential advice to members of staff who have concerns about the impact of their work, or working environment, on their health.
- To encourage a culture of attendance and help employees to minimise absence.

## **6. Sickness Reporting Procedures**

- 6.1 It is the responsibility of the Head of Department to develop a departmental sickness reporting procedure, in accordance with the principles below and ensure that all staff are aware of this procedure. This departmental procedure must clearly state how and when to contact the Department and who to contact within the Department, in the event of sickness absence.
- 6.2 Employees are expected to report their sickness absence as soon as practicable, normally no later than one hour after their start time. If they are unable to do this themselves, due to sickness, then they should arrange for someone to do so, on their behalf.
- 6.3 When notifying their manager of the absence, the employee should state:
- why they are absent
  - the date their illness started
  - whether they have contacted, or intend to contact their GP
  - how long they are likely to be absent from work.
- 6.4 Employees are required to maintain regular contact with their manager during their absence from work and notify their manager prior to their return to work.
- 6.5 Certification. Employees should use a self-certification form to cover the first 7 days of absence. For absences of more than 7 (calendar) days, employees will be required to submit a medical certificate from a doctor.

## **7. Absence for part of the working day**

- 7.1 When an employee is taken ill at work, or suffers an accident, they, or someone on their behalf, should notify their manager without delay. The employee should normally either be given a period to rest, or be allowed to go home, with pay.
- 7.2 If an employee attends work prior to leaving due to sickness, it will not normally count as a sick day for sick pay purposes. However, in order to accurately monitor sickness absence levels it will be recorded as follows:
- When the employee leaves work during the first half of their working day/shift a half-day of absence will be recorded.
  - When the employee leaves work during the second half of their working day/shift no absence will be recorded.

## **8. Conduct During Sickness**

- 8.1 Whilst on sick leave, employees will be expected to behave in a manner that will assist their recovery and return to work – e.g. adhere to the advice of healthcare professionals. Employees should not

engage in any activity (either paid or unpaid), which is inconsistent with the nature of their illness/injury. Advice may be obtained from Occupational Health or Human Resources.

- 8.2 Employees should not undertake other paid work during the period of their normal working hours, irrespective of whether or not they are in receipt of sick pay.
- 8.3 Where the University has reason to believe that an employee's conduct during sick leave has been prejudicial to their recovery, sick pay may be withheld, following an investigation into the circumstances.

## **9. Sick Pay**

- 9.1 Subject to compliance with the reporting requirements, employees who are absent from work due to sickness, will receive occupational sick pay in accordance with their conditions of service.
- 9.2 In the event of an employee failing to provide the required self certificate and/or medical certificate, without satisfactory explanation, the University reserves the right to withhold sick pay.
- 9.3 Sick pay will not normally be payable where an employee is absent due to an accident, if damages may be recoverable from a third party. However, the University may, in such circumstances, advance to the employee a sum not exceeding the sickness allowance otherwise payable, subject to an agreement by the employee to refund to the University from the damages received.

## **10. Return to Work Meeting**

- 10.1 All staff will be invited to a return to work meeting with their manager, or nominee, following all periods of sickness absence, lasting more than 7 calendar days, or at such other times as the manager may determine.
- 10.2 The purpose of the return to work interview is to discuss the absence, identify any support that may be necessary to promote well-being and minimise future absences. This may include:
  - welcoming the employee back to work
  - ensuring the employee is fully fit to return to work
  - identifying the reason for the absence and confirming the length of absence
  - referral to Occupational Health
  - confirming how their absence has been recorded e.g. uncertified, self-certified or medically certified.
  - identifying and addressing any problem (work-related or otherwise) that may be causing or contributing to the absence
  - discussing and/or identifying any adjustments to the workplace/hours/duties that may reduce/eliminate absences

- agreeing the priorities for the post-absence period and up-dating the employee
- 10.3 Employees returning to work following a period of long-term sickness absence should be cleared as fit to return to work by their own GP or Occupational Health. .

## **11. Occupational Health**

- 11.1 The University has the right to seek the opinion of the Occupational Health Department with regard to an employee's ability to undertake their employment and it is a condition of employment, that employees attend OH, as required.
- 11.2 Occupational Health professionals will assess individuals, taking account of any reports or information received from the GP or Consultant(s) and provide a report to the responsible manager, giving likely prognosis and identifying the impact of work upon health and vice versa. This assessment will evaluate an individual's health and wellbeing and the job to be undertaken, as well as identify areas of potential difficulty. The Occupational Health report to the responsible manager/HR may also provide recommendations.

## **12. Staff Support During Sickness Absence (*in addition to OH*)**

- 12.1 Counselling Services - Free counselling is available to all employees Further information regarding the counselling services is available from Occupational Health.
- 12.2 Management of Stress Policy - The University has an agreed Occupational Stress Policy, which can be found on the University website
- 12.3 Trade Union Representatives - If employees are members of a trade union, they may wish to contact their representative for support.
- 12.4 Confide Advisers - The University has a number of Confide Advisers who have been trained to support staff who feel that they may be suffering from bullying or harassment.

## **13. Accrual of Benefits During Sick Leave**

- 13.1 Annual Leave is accrued during sickness absence.
- 13.2 Annual leave should be taken in the leave year in which it is accrued and cannot be replaced by a payment in lieu, except where the employee's contract is terminated. Where an employee is unable to take their annual leave due to their sickness absence, a maximum of 28 days (pro rata for part time staff) can be carried over into the new leave year, to be taken subsequently, subject to prior approval from the Head of Department.

13.3 Sickness absence can be broken to enable the employee to take their annual leave entitlement, prior to year end, but advice should be sought from HR, before taking such action.

13.4 Where an employee falls sick during a period of annual leave, he/she may substitute sick leave for annual leave, subject to the provision of appropriate medical certificates.

#### **14. Right to be Accompanied**

14.1 All employees have the right to be accompanied, by a trade union representative or colleague, at any stage of the managing sickness absence procedure, with the exception of the return to work interview.

#### **15. Monitoring of Sickness**

15.1 Each employee's sickness absence record will be evaluated according to his or her individual circumstances and frequency, duration, causation, and pattern of absence.

#### **16. Right of Appeal**

16.1 Where an employee considers that they have been treated unfairly in respect of the management of their sickness absence they are entitled to raise the matter under the Grievance Procedure.

#### **17. Doctor and Dentist Appointments**

17.1 Doctor and dentist appointments should, wherever possible, take place outside normal working hours. If this is not possible, the employee should try to make an appointment at the start or end of their working day, or at a time when the absence will have the least impact on the service and take flexitime, or make up the hours.

17.2 Outpatient appointments should, wherever possible, also be arranged outside normal working hours. Time off with pay may be given by the responsible manager, subject to evidence of the appointment.

#### **18. Medical Suspension**

18.1 In exceptional circumstances, it may be necessary to medically suspend an employee, if they are unfit, on health grounds, to undertake the duties of their post. Advice must be sought from Occupational Health and Human Resources prior to medical suspension taking place. An employee who is medically suspended will continue to receive full pay.

#### **19. Failure to comply with University's Managing Sickness Absence Policy and Procedure**

19.1 Unauthorised absence, failure to observe the requirements of the sickness absence reporting procedure, or misuse of the University's sick pay scheme, may be deemed as misconduct and may lead to disciplinary action.

## **PART 2**

### **MANAGEMENT OF INTERMITTENT SHORT TERM SICKNESS ABSENCE**

#### **1. Definition of Intermittent Short-Term Absence**

- 1.1 Intermittent short-term sickness absence is defined as:
- multiple periods of absence totalling 8 days or more in a rolling 6 month period, or
  - 4 separate episodes within a rolling 6 month period, where an episode is defined as any period of absence lasting one day or more.
- 1.2 This procedure may also be instigated and applied in circumstances where employees demonstrate a recognisable pattern of short-term sickness absences, e.g. days preceding or following weekends etc.

#### **2. Return to Work Interview**

- 2.1 Managers (or a nominated deputy) are required to meet with an employee on the employee's return to work following all periods of sickness absence, lasting more than 7 calendar days or at such other times as the manager may determine. This should be conducted in line with the return to work guidelines in Appendix 1.

#### **3. Recommended Timescales**

- 3.1 All employees will be given a reasonable period of time in which to demonstrate an improvement in their attendance, following concerns being raised about their sickness absence record.
- 3.2 The timescales for review will be at the manager's discretion, although these will not be less than six weeks, or longer than three months.
- 3.3 Review periods will be defined in accordance to the frequency, duration, occurrence, and pattern of absence of the employee.

#### **4. Review Meetings**

*(Employees should normally be given at least 5 calendar days notice of any formal review meeting and reminded of their right to be accompanied by a trade union representative or colleague. A representative from Human Resources will normally also be present at each of the review meetings.)*

##### **4.1 Stage 1 – First Review Meeting**

- 4.2.1 When an employee surpasses one of the trigger points, as identified in Section 1 above, the manager should convene a review meeting with the employee. The purpose of the first review meeting is to discuss the employee's recent sickness and to explore ways in which to support the employee to improve their attendance in future.

- 4.2.2 The meeting will provide an opportunity for:
- the manager to advise the employee of the concern regarding their level of absence
  - the employee to identify any underlying cause for the absence
  - the manager to provide assistance to alleviate any problems identified wherever possible
  - the manager to advise the employee of the standard by which further absences will be measured during the review period
  - the manager to consider a referral to Occupational Health
  - the manager to set a review date.

#### 4.2 Stage 2 – Second Review Meeting

4.2.1 The purpose of the second review meeting is to review the employee's attendance during the review period and to agree an appropriate way forward. This meeting will provide an opportunity for:

- the employee to identify any further problems which might be contributing to their level of absence
- the manager to provide assistance to alleviate any problems identified, wherever possible
- the manager to review any information already obtained from occupational health, , or to consider if a referral to occupational health is now required
- the manager to consider whether there has been an adequate improvement in the employee's attendance

4.2.3 Following a brief adjournment, the manager will make a decision, supported by HR, regarding any further action to be taken.

4.2.4 Where there has been improvement in the employee's attendance, the manager may decide to extend the monitoring period, or end the formal process at this stage.

4.2.5 If the absences remain unacceptable during the review period, and no satisfactory explanation given, the manager may decide to issue a first written warning (valid for 12 months). In this case, the manager must notify the employee of their right of appeal against the warning. The employee must be advised of the standard by which further absences will be measured during the next review period and the consequences of failing to achieve an improved attendance record.

#### 4.3 Stage 3 – Third Review Meeting

4.3.1 The purpose of the third review meeting is to review the employee's attendance during the second review period and to agree an appropriate way forward. This meeting will provide an opportunity for:

- the employee to identify any further problems which might be contributing to their level of absence
- the manager to provide assistance to alleviate any problems identified, wherever possible

- the manager to review information obtained from Occupational Health, as appropriate
  - the manager to consider whether there has been an adequate improvement in the employee's attendance
- 4.3.2 Following a brief adjournment, the manager will make a decision, supported by HR, regarding any further action to be taken.
- 4.3.3 Where there has been improvement in the employee's attendance, the manager may decide to extend the monitoring period, or end the formal process at this stage.
- 4.3.4 If the absence levels remain unacceptable during the review period, the manager may decide to issue a final written warning (valid for 2 years). In this case, the manager must notify the employee of their right of appeal against the warning. The employee must be advised of the standard by which further absences will be measured during the next review period and the consequences of failing to achieve an improved attendance record, which may include termination of their contract.
- 4.3.5 At this point, the manager must refer the employee to be seen by Occupational Health, before a stage 4 meeting can be held.
- 4.4 Stage 4 – Final Review Meeting
- 4.4.1 The Head of Department (HoD) (or nominated deputy) must conduct this review meeting, supported by a representative from Human Resources. The employee's immediate line manager should attend the final review meeting to present details of the employee's sickness history.
- 4.4.2 The purpose of the final review meeting is for the HoD, assisted by the line manager, to review the employee's attendance record during the review period, taking into account the content of the feedback from Occupational Health.
- 4.4.3 Where there has been improvement in the employee's attendance, the HoD may decide to extend the monitoring period or end the formal process at this stage.
- 4.4.4 If the absence levels remain unacceptable:
- the employee should provide details of any mitigating circumstances to explain their unacceptable levels of absence
  - the HoD to dismiss the employee on grounds of incapability due to ill health, if insufficient mitigating circumstances are put forward by the employee
  - the HoD to advise the employee of their right of appeal against their dismissal.

## **5. Occupational Health Referral**

- 5.1 A referral to Occupational Health can be considered at any stage of the managing short-term sickness absence procedure. A referral to Occupational Health must be made prior to proceeding to Stage 4 of the procedure.

## **6. Alternative Actions**

- 6.1 During the review meetings the manager can, with advice from Occupational Health, recommend alternative measures to assist in improving sickness levels, e.g. changing shift patterns or making adjustments to duties.

## **7. Monitoring of Sickness Absence**

- 7.1 If there has been a significant and sustained improvement in an employee's sickness absence, the manager is able to conclude the sickness absence review process. If at any time in the future, the sickness absence levels deteriorate, the review meetings should be reinstated.
  - 7.2 It will be at the manager's discretion whether it is necessary to resume previous sickness absence proceedings, or whether it would be more appropriate to instigate new review processes and start from Stage 1 of this policy. This decision will be made in accordance to the extent, causation, and duration of sickness absence displayed, in addition to the time elapsed since prior implementation of this policy.
  - 7.3 In any event, if the sickness absence review process has previously been concluded, all employees will be entitled to a further review before being referred to Stage 4 of the policy.
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### **Part 3**

#### **MANAGEMENT OF LONG-TERM SICKNESS ABSENCE**

1. It is recognised that employees may be on long-term sick leave (i.e. over 4 weeks) for a variety of reasons e.g. injury, medical condition, convalescence or a long-term disability. Each case will be considered individually, assessed sensitively and with fairness. The manager, Occupational Health and Human Resources will explore the reasons for the absence, to ascertain what action to take.

#### **2. Attendance at Meetings**

2.1 Employees may be required to attend meetings with their manager and Human Resources during periods of long-term sickness absence. If an employee is unable to attend University premises for such a meeting, or would prefer for the meeting to be at their home, a home visit can be arranged, subject to their agreement.

#### **3. Review Meetings**

3.1 The purpose of review meetings is for:

- the employee to provide information on the progress of recovery, details of any other factors which may affect recovery and/or return to work and a possible date for return to duty
- the manager to offer help and support which could be given to the employee to assist in a return to work
- the manager (via HR) to refer to Occupational Health, if appropriate

#### **4. Occupational Health Referrals**

4.1 Where the length of absence is in excess of 4 weeks, the employee should be referred to Occupational Health for an opinion and to see if a likely date for return to work can be established.

4.2 The Occupational Health Adviser/Practitioner will normally see the employee and may ask the employee for permission to approach their GP or other medical practitioner, as appropriate, in order to obtain more detailed information. The Occupational Health Adviser/Practitioner will produce a report for the employee's manager advising, if:

- it is currently possible to determine whether or when the employee will be able to return to work
- the employee will be unable to return to their current job in the foreseeable future
- the employee will be able to return to work, in the foreseeable future, if short-term adjustments are made to their duties/hour or on a phased return
- the employee has a medical condition or disability and would be able to return if long-term or permanent adjustments were made to the workplace / hours / duties of the post
- the employee will be able to return to work if redeployed into an alternative post
- whether it may be appropriate to submit an application for ill-health retirement.

## **5. Case Conferences**

- 5.1 During an employee's absence, it may be helpful to convene a case conference between the employee, their representative, the manager and Human Resources. Occ Health may also be asked to attend in appropriate cases. The purpose of the conference, is to enable all parties to openly discuss the management of the employee's sickness absence, the likely prognosis, the medical/occupational health advice and to agree a way forward.

## **6. Procedure**

- 6.1 Where an employee is absent for a prolonged period, in excess of 4 weeks, or recurrent periods of time with a serious health problem the following procedure should be followed:
- Regular contact between the manager and employee
  - Appropriate investigation of the medical facts
  - Exploration of all available employment options including: return to existing job, with or without adjustments, a phased return to work, redeployment to an alternative post, ill health retirement and dismissal on the grounds of incapability due to ill health.
- 6.2 Employees on long-term sickness absence must have a review meeting before their sick pay ends.

## **7. Non-attendance at Review / Occupational Health Meetings**

- 7.1 Employees are expected to co-operate in the management of their sickness absence. This expectation extends to making all reasonable efforts to attend review and occupational health meetings. Where an appointment has been made which is inconvenient for the employee, it is their responsibility to contact the Occupational Health and rearrange the appointment for a more suitable time and date.
- 7.2 Persistent failure to attend review and occupational health meetings without good reason (whether notice of the intention not to attend has been given or not) will be viewed as the refusal to follow a reasonable management instruction and may lead to disciplinary action being taken against the employee.
- 7.3 Where employees refuse to attend Occ Health and/or give permission to Occ Health to obtain medical reports from GPs, hospital consultants etc, management will be entitled to draw conclusions from the information that is available.

## **8. Where the Return Date is known**

- 8.1 Where the approximate period of absence is known in advance and is expected to be no more than six weeks e.g. as a result of an operation, the employee must be signed fit to return to work by their General Practitioner. Alternatively, the manager should refer the employee to Occupational Health prior to the employee's return, wherever possible. The purpose of the referral is to ensure that the employee is fit to return

to work, to advise whether a phased return to work is required or whether any adjustments to hours/duties/workplace, are necessary.

## **9. Where the Return Date is not known**

- 9.1 Where the length of absence is uncertain and likely to be prolonged beyond 4 weeks, the employee and manager should maintain regular contact. Depending upon the circumstances of each case, this may include telephone calls to the employee and the invitation to attend review meetings, in addition to a referral to Occupational Health.
- 9.2 Employees should take responsibility for contacting their manager upon any changes in circumstances, or receipt of information that may affect the duration of their sickness absence and advise as to any potential return to work timescale.
- 9.3 Employees and managers should ensure that during periods of long-term sickness absence communication between the parties occurs at least once in every 21 days, through either written or verbal communication.

## **10. Phased Return to Work**

- 10.1 There may be occasions when employees who have been off on long-term sickness, would benefit from returning to work, for a short period, on reduced hours. In this situation Occupational Health will provide the manager with recommendations relating to the phased return.
- 10.2 Phased returns will not normally last longer than four weeks; although in exceptional circumstances may be extended for a further two weeks, in accordance with Occupational health recommendations, depending upon the length of sickness absence experienced and individual requirements of the employee. If Occupational Health were to recommend a phased return that continues beyond six weeks, consideration may be given to a reduction in contractual hours, on a temporary or permanent basis.
- 10.3 The implementation of a phased return is unlikely to be necessary, or appropriate, for all employees returning from long-term sickness absence and the duration of the return will be at the manager's discretion. For individuals returning from shorter periods of absence, it may be recommended that only a one or two-week phased return is necessary and this would be a matter for discussion with the employee and representative, based on OH advice.
- 10.4 During the phased return, the employee will be paid full pay for the hours actually worked and the remainder of the contractual hours will be paid at the appropriate rate of sick pay. Employees may use their annual leave entitlement to make up to their contractual hours, if their sick pay has been exhausted.

- 10.5 In circumstances where the health condition impacts on the individual's ability to return to their normal working pattern after this agreed period, the University will consider whether a short term or long term reduction in hours is possible. If agreed, this will represent a change to terms and conditions of employment and the individual will be paid for the new hours. Alternatively, an individual may use their annual leave to top up their working hours to their normal working pattern, on a temporary basis.

## **11. Return to Work with Adjustments**

- 11.1 Occupational Health may advise that the employee is fit to return to work with adjustments to either their duties or hours of work, or with the aid of equipment. The recommendations will be sent to the manager and Human Resources. The employee will be required to attend a meeting with their manager and Human Resources to discuss the recommendations made by Occupational Health.
- 11.2 Consideration may also be given as to whether would be appropriate for an employee to work from home for a temporary period without loss of pay. If an employee is to work from home, an appropriate risk assessment should be carried out.

## **12. Redeployment**

- 12.1 If Occupational Health considers that the employee is permanently incapable of returning to their substantive post, or incapable of returning to that post in the foreseeable future, redeployment should be considered. The employee and Human Resources will work together to identify suitable vacant posts for redeployment and any adjustments that might be necessary in the case of disabled employees. A trial period may be offered in new posts. During the search for redeployment, employees should avail themselves of opportunities to enhance existing skills or develop new skills through training.
- 12.2 The search for redeployment will normally take place over two months after which time the prospects of redeployment will be reviewed. If an employee accepts an alternative post, they then transfer to the terms and conditions commensurate with the post.
- 12.3 Where a search for redeployment is unsuccessful, the following options will be considered:
- **Ill Health Retirement**  
If Occupational Health considers the employee to be permanently incapable of returning to work, then retirement on the grounds of ill health should be considered in accordance with the provisions of the pension scheme, to which the employee belongs.

▪ **Dismissal On The Grounds of Incapability<sup>1</sup>**

If Occupational Health considers the employee to be permanently incapable of returning to work, or there is no indication of a likely return to work within the near future, the employee may be dismissed on the grounds of incapability due to ill health.

The employee should be invited to attend a final review meeting with the HoD/HoS (or nominated deputy) and Human Resources.

The employee must be advised that they may have their contract terminated as a result of the meeting.

This final review meeting should take place within 12 months of the start of the employee's sickness absence.

Before taking the decision to terminate the employee's contract, the following points must be considered:

- whether the managing sickness absence procedure has been followed and that full discussions have taken place
- whether adjustments to hours or duties of the current post or redeployment to an alternative post have been considered
- whether it is reasonable to conclude that the level of sickness absence can no longer be supported by the University
- whether ill health retirement has been considered as an option

If the manager takes the decision to terminate the employee's contract they should notify the employee of the following:

- that the termination takes immediate effect
- the length of the notice period
- the arrangements for final payments etc, including pay in lieu of notice, if applicable.
- the decision to dismiss will be confirmed in writing
- their right of appeal against the dismissal

12.4 Managers and employees should be aware that it is not necessary for an individual's entitlement to sick pay to be exhausted prior to instigation of the managing sickness absence policy & procedure, or any review stage detailed therein.

### **13. Review and Monitoring**

13.1 This policy and procedure will be monitored and reviewed by the Director of Human Resources in consultation with representatives of recognised trade unions

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<sup>1</sup> NB – The termination of employment of Academic staff is currently covered by University statute, which is currently under review in association with UCU.

## **MANAGEMENT GUIDELINES ON RETURN TO WORK INTERVIEWS**

### Purpose of Interview

- To welcome the employee back to work
- To update the employee on any news/changes while they were off
- To ensure the employee is fully fit to return to work
- To identify the reason for the absence and confirm the length of absence
- To confirm how their absence has been recorded e.g. uncertified, self-certified or medically certified.
- Discuss any help that might be needed to ease employee back to work.
- To identify and seek to address any problem (work-related or otherwise) that may be causing or contributing to the absence
- To discuss and/or identify any adjustments to the workplace/hours/duties, that may help to reduce/eliminate absences
- Find out if the employee has a disability and whether the provisions of the Equality Act 2010 apply, such as making a reasonable adjustment.
- To agree the priorities for the post absence period and to up-date the employee

### Preparing for the Interview

A return to work interview provides an informal forum for the member of staff's sickness record to be discussed. Prior to the interview, managers should make themselves aware of all relevant information regarding the employee's absence record, giving consideration to the following factors:

- Is the member of staff's absence regular or erratic?
- Does the absence precede or follow annual leave?
- In which part of the week do their absences occur?
- What is the average length of their absence?
- What is the reason given for the absence?
- Are the reasons varied, or is there a pattern?
- How does the absence record compare with those of the other staff in the department?

### Conducting the Interview

The interview must be held in private and must be handled in a sensitive, professional and competent manner. The following structure should be followed:

- Welcome back
- Enquire about health
- Any consequences of absence
- Agree future action
- Completion of formalities, i.e. certification etc

During the interview, ensure that the member of staff is given every opportunity to discuss any concerns that they may have with regard to their absence. The manager should not be judgmental, become over-involved, make assumptions about their absence, or attempt to give any advice, which they may not be qualified to give. The opportunity should be given for the individual to discuss and health concerns with OH or HR, if they wish to do so.