



Ordinance 35 Managing Sickness Absence Policy

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ORDINANCE 35

MANAGING SICKNESS ABSENCE POLICY

POLICY

1. Statement of Principles

- 1.1 The University is committed to treating staff consistently and in line with good employment practice by promoting the health and well-being of staff, and supporting them through periods of ill health.
- 1.2 This Policy & Procedure does not override or supplant in any form the provisions of the Charter & Statutes.
- 1.3 The University will work with appropriate health and other relevant professionals in promoting a healthy working environment; in seeking advice on individual cases; and in monitoring the operation of this Policy and Procedure.
- 1.4 Any deliberate misuse or abuse of this policy may result in disciplinary action.
- 1.5 The University will ensure confidentiality at all times in line with legislation and best practice. Any breach of this will be considered serious and be dealt with through the relevant disciplinary procedure.
- 1.6 All employees will have the right to be accompanied by a trade union representative or work colleague at all stages of the procedure. Information relating to an individual's absence will be shared with the Trade Union only at the request of the individual.
- 1.7 The University will ensure compliance with all relevant legislation such as the Equality Act 2010 where applicable, in ensuring that all reasonable adjustments are considered to enable the employee to carry out his/her role on a consistent basis.

2. Categories of Sickness Absence

- 2.1 There are different categories of sickness absence ranging from:
 - 2.1.1 Self-certificated sickness absence up to an including 7 calendar days;
 - 2.1.2 Sickness absence of 8 calendar days or more supported by a Statement of Fitness for Work;
 - 2.1.3 Unreasonable or unexplained absence;
 - 2.1.4 Persistent or irregular absenteeism.

3. Policy Objectives

- 3.1 The University's objective is to encourage maximum attendance at work by employees, while also providing reasonable support to employees absent for legitimate reasons. In order to achieve this objective this document sets out the policy and procedures for recording and dealing effectively with absence from work.
- 3.2 The University undertakes to operate procedures under which sickness absence can be managed in a way that is both non-discriminatory and fair to the person concerned, work colleagues and the relevant Department. The University is committed to addressing matters relating to sickness absence in a fair, confidential, lawful, timely and sensitive manner, and aims to act reasonably at all times, taking account of all the circumstances of the case.

- 3.3 The University encourages staff to remain in regular communication with their line-manager or Human Resources representative throughout the period of absence.

4 Responsibilities

4.1 Senior Managers are responsible for ensuring:

- 4.1.1 The engagement of management at all levels in recognising the importance of managing sickness absence in accordance with this policy and procedure;
- 4.1.2 That the strategy is driven via collective responsibility at Senior Management level. However, the Human Resources Director has a particular responsibility to monitor delivery and alert the Senior Management Team to any concerns;
- 4.1.3 That a watching brief is kept of any factors that may be revealed as underlying reasons for absence.

4.2 Line-Managers are responsible for:

- 4.2.1 Ensuring that they are fully familiar with the policy and procedure;
- 4.2.2 Ensuring that all sickness absence is recorded and reported to HR;
- 4.2.3 Conducting return to work interviews with individuals on their return to work promptly;
- 4.2.4 Ensuring staff are aware of the policy;
- 4.2.5 Being aware of individuals' absence records and ensuring that persistent absence is dealt with speedily, effectively and consistently in accordance with the Managing Sickness Absence Policy and the associated Procedure;
- 4.2.6 Seeking further guidance from HR where appropriate;
- 4.2.7 Ensuring that communication between line managers and employees is maintained at all times;
- 4.2.8 Ensuring that at all stages of the procedure the appropriate head of department or section is kept informed of developments;
- 4.2.9 Monitoring absence and ensuring that this Policy is implemented within his/her section or department;
- 4.2.10 Taking appropriate preventative measures to reduce sickness absence.

4.3 The Human Resources Department is responsible for:

- 4.3.1 Ensuring that awareness is raised amongst staff of the policy and the procedure;
- 4.3.2 The design and development of appropriate training and monitoring systems for the operation of this policy and procedure;
- 4.3.3 Providing advice, guidance and support to line managers to support the implementation of the Policy and Procedure;
- 4.3.4 Providing confidential advice and information to individuals who require guidance or advice in relation to the policy;
- 4.3.5 Communicating and signposting all mechanisms for accessing support, including counselling and Occupational Health Referrals;
- 4.3.6 Ensuring that all information relating to individuals is confidential and lawfully processed in accordance with the Data Protection Act 1998.

4.4 All Employees are responsible for:

- 4.4.1 Ensuring that they are familiar with the content of this policy and its procedures and that they behave in accordance with this policy;

- 4.4.2 Taking all reasonable steps to minimise the length of any sickness absence, in accordance with medical advice;
- 4.4.3 Co-operating with reasonable requests and complying with the requirements of this policy. Failure to do so may result in disciplinary action and possible withdrawal of Occupational Sick Pay. However, this will not effect an employee's entitlement to Statutory Sick Pay.
- 4.4.4 Reporting absences promptly in accordance with the procedure and participating fully in return to work interviews;
- 4.4.5 Ensuring that no other employment is undertaken whilst claiming sick pay;
- 4.4.6 Keep in regular contact with line-manger or HR representative during their period of sickness absence.

5 Training & Awareness

- 5.1 Training will be provided in this policy and procedure on sickness absence management for all managers to ensure that there is a consistent approach and standard throughout the University. Updates will be provided given changes in law and case-law, where appropriate.

6 Monitoring

- 6.1 The Human Resources Department will maintain computer records, based on information received from line managers, indicating the duration and stated reasons for all periods of absence. The information will be used to monitor absence levels, and to indicate where further action may be needed.
- 6.2 Reports on absence information and trends will be supplied to the Staffing Committee and the recognised Trade Unions.

7 Policy Review

- 7.1 This Policy and Procedure will be reviewed at intervals of not less than two years, unless to comply with statutory changes or important case-law. All reviews will include consultation with the recognised campus Trade Unions.
- 7.2 The University is committed to embedding the Single Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

8 Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.

PROCEDURE

1. Types of Absence

- 1.1. There are different categories of sickness absence ranging from:
 - 1.1.1 Self-certificated sickness absence of up to and including 7 calendar days;
 - 1.1.2 Sickness absence of 8 calendar days or more supported by a Statement of Fitness for Work (This is the new medical certificate form introduced from the 06 April 2010);
 - 1.1.3 Unreasonable or unexplained absence; and
 - 1.1.4 Persistent or irregular absenteeism.

2. Sickness Absence Reporting Procedure

- 2.1 If an employee is absent from work due to any illness or injury which incapacitates him/her from working, the employee has the responsibility to notify his/her nominated point of contact by telephone within one hour of the time the employee is expected to start work. Where no expected work start time exists, employees must endeavour to contact their nominated point of contact as early as possible on the first day of absence. If the condition or situation is serious then, if possible, a family member or colleague should advise the University.
- 2.2 Where Departments have specific arrangements for reporting absence, these should be communicated to employees on a regular basis and must be observed by all employees.
- 2.3 Employees must indicate the nature of their illness, in accordance with point 7.2, and should give some indication as to when they are likely to be able to return to work. They should also indicate details of any outstanding or urgent work that needs to be dealt with during the absence, and provide details of how they can be contacted if necessary, especially where employees are not at their home address during their absence.
- 2.4 All employees are expected to contact their line manager regularly throughout their absence by telephone to keep the line manager informed of their recovery. It is expected that contact will be made by the employee every other day in the first week of absence and regular contact maintained thereafter to be mutually agreed with the line manager. In some instances an individual may choose to contact the HR Department directly.
- 2.5 Where an employee becomes ill whilst at work and feels too unwell to continue working, s/he must speak to his/her line manager or departmental nominee prior to leaving work (either temporarily or for the day) and seek medical advice where appropriate. Absence from work for part of a working day is not recorded as sickness absence but a note should be made of a part day absence and this may be taken into account when looking at patterns of absence.
- 2.6 All employees are encouraged to discuss in confidence with their line manager any personal health concerns at an early stage in order to minimise the impact of any possible period of absence on the individual, other colleagues and the University. Early discussions may be useful in reducing the likelihood of a lengthy period of absence.

3 Sickness Absence Recording Procedure

- 3.1 All employees are responsible for ensuring that they follow the correct certification procedures.

- 3.2 For absences of between 1 and 7 consecutive calendar days (inclusive) a self-certification form should be completed and signed by the employee upon return to work. In the event of an absence of 8 days or more a self-certificate form will be sent to the individual's home address to complete and return with their first Fit Note.
- 3.3 For absences of 8 calendar days or more, employees must obtain a Statement of Fitness for Work certificate from a GP. The original must be forwarded to the Absence and Wellbeing Officer in Human Resources immediately.
- 3.4 Self-certificates/Statement of Fitness for Work certificates must be provided for the whole period of absence. Any period of absence not covered by a Statement of Fitness for Work certificate will not be eligible for Statutory Sick Pay and the University reserves the right to withhold Occupational Sick Pay.
- 3.5 Following any period of absence, employees may be required to provide a Statement of Fitness for Work certificate. The University will cover any associated costs.
- 3.6 Following a period of absence of 8 days or more and where the GP indicates that the employee may be fit for work, HR will liaise with the line-manager and the employee to review the duties and responsibilities of the job to determine if the employee can undertake any aspect of the job. The advice of the GP in this regard will be taken into account. Please refer to Section 7 for further details of the Return to Work interview.

4 Formal Sickness Absence Procedure

- 4.1 The formal sickness absence procedure will commence when an employee has 6 periods of absence totalling 12 working days in a rolling 12 month period (pro rata for part time staff).
- 4.2 Patterns of persistent absence will trigger the formal Sickness Absence Procedure. The absences may be random or may follow a pattern on particular days. Due consideration will be given to the relevant legislation such as the DDA. The procedure will be as follows:
- 4.3 HR will notify the Head of Department or nominee of the pattern of absence noted. The line manager will then arrange a supportive interview with the employee in the first instance. The following principles will apply:
 - 4.3.1 The purpose of the meeting will be to establish a supportive dialogue which will enable the issues to be explored and to resolve the matter in a way that is fair to all those affected by the sickness absence.
 - 4.3.2 It will seek to explore the reasons for the sickness absence, consider any mitigating circumstances, and any measures that can reasonably be taken by the employee and the University to mitigate or address the situation.
 - 4.3.3 A joint action plan will be developed to support an improvement in attendance.
 - 4.3.4 The University may seek advice and guidance from appropriate health or other professionals.
 - 4.3.5 The meeting will be recorded in note form and a written record of the meeting will be sent to the employee with an action plan detailing the steps to be taken by all parties as agreed and the timescales within which they will be implemented.
 - 4.3.6 A review period will be agreed, not normally exceeding two months.

- 4.4 Where an employee has been absent for 4 weeks or more the University may seek medical advice from the employee's GP about the individual's recovery, possible date of return and advice on a rehabilitation programme with the individual's written consent. In some circumstances the University will seek medical advice at an earlier stage with the agreement of the individual concerned.
- 4.5 Where an employee has been absent for 8 weeks or more the University may seek medical advice from the University's Occupational Health Adviser about the individual's recovery, possible date of return to work and advice on a rehabilitation programme, with their agreement. In some circumstances the University will seek medical advice at an earlier stage with the agreement of the individual concerned.
- 4.6 Any request for medical advice will comply with the rules laid down in the Access to Medical Reports Act 1998.
- 4.7 Where appropriate, once advice has been received the employee will be invited to a meeting with his/her line manager and a representative from Human Resources to discuss the advice, and to subsequent monthly review meetings. The following principles will apply:
- 4.7.1 The University will support phased returns to work that are supported by a jointly agreed rehabilitation programme. This will be on full pay for an initial period of up to 4 weeks (if entitlement to Occupational Sick Pay (OSP) has expired or if the individual is in receipt of half pay). This will not undermine any contractual rights to OSP held by the individual. If the normal hours of work are reduced over a longer period, a corresponding reduction in salary may result. However, the individual circumstances of the case will be taken into account.
- 4.7.2 The University will actively encourage employees to return to work in some capacity if they are able to do so. If appropriate, this may involve the employee considering a different role or location, or a reduced hours work arrangement.
- 4.8 The meeting (as outlined in 4.7) will discuss the following options:
- 4.8.1 The resumption of normal contractual duties within an agreed timescale.
- 4.8.2 Temporary reduction in duties and/or hours and patterns of working to enable the employee to complete his/her recovery and for an assessment to be made of the likelihood of the employee being able to resume normal contractual duties.
- 4.8.3 A return to normal contractual duties, but with reasonable adjustments made to the working environment in accordance with the Disability Discrimination Act 1995 (as amended) and the University's commitment to equal opportunities and dignity at work.
- 4.8.4 Redeployment, with the full agreement of the individual concerned, which may entail a change in the terms and conditions of employment.
- 4.8.5 Termination of employment on the grounds of ill health or retirement on the grounds of ill health will only be considered as a last resort.
- 4.9 The University will endeavour to ensure that any decision that was reached following the meeting will be agreed by both parties. In any changes to an individual's employment (4.8.4), there will need to be a formal agreement in place before finalising any changes.
- 4.10 During periods of medically certified absences the following principles will apply:
- 4.10.1 Line managers and employees should maintain regular contact. Contact should take place at least once every six weeks. The purpose of contact is to reassure employees

about their job, enquire about their welfare, provide relevant information (for example sick pay), discuss the likely length of sickness absence and whether any appropriate support could be provided to assist recovery and the return to work.

4.10.2 It may be necessary for a line manager and/or HR to visit an employee at home or another mutually agreeable venue at a mutually agreed time.

4.10.3 The manner in which each case of sickness absence is managed will be determined by the University on the basis of medical and other specialist advice, the views of the line manager and the person with overall responsibility for the Department within which the employee is employed and the views of the employee.

5 Medical Assessment / Managing Referrals to Occupational Health

5.1 An employee may be required to submit to a medical examination during or after any absence from work at any time during their employment that is deemed reasonable by the University. This will not normally apply where the absence is for a period of less than four weeks.

5.2 An employee's written consent will be required for a full medical report being sent to the University's Occupational Health Adviser/line manager/Human Resources. Employees will be provided with a consent form which they will be expected to take with them to the first Occupational Health appointment.

5.3 Should the University's Occupational Health Adviser require details of an employee's medical history, an employee's written consent will be required, giving permission to contact their GP or consultant for their medical records or a medical report.

5.4 An employee's rights under the Access to Medical Reports Act 1998 and Data Protection Act 1998 will be observed at all times.

5.5 An employee may also be asked to provide written consent to submit to a medical examination by an independent consultant at the University's expense.

5.6 The University's Occupational Health Adviser may be consulted at any stage in the absence procedure wherever there is a concern about the employee's health but should be consulted before any proposed course of action.

5.7 The purpose of such a referral described in 5.6 is to obtain a medical assessment of the employee's health in the context of his/her employment which will aid the University in supporting the employee and making appropriate decisions regarding his/her employment. Referral is not a sanction or form of quasi/disciplinary action and must not be used or presented in this way.

5.8 Referral for medical assessment will be made through the Human Resources Department using the Medical Referral form with the employee's written consent.

5.9 Subsequent medical assessments may be necessary over a period of time.

5.10 If a Line-Manager has any concerns about the effect of work on an employee's health, or the effects of a health problem on an employee's attendance or ability to do the job, referral to Occupational Health should be discussed with a member of the Human Resources Department.

5.11 If an employee does not attend their Occupational Health appointment, a further appointment will be made. If an appointment is missed for a second time without reasonable grounds, the line manager will arrange a review meeting with the employee with a member of Human

Resources present. Any decisions made at this meeting regarding the on-going management of the individual's absence will be based on the information available at that time and in the absence of advice that would have been available had the employee attended the Occupational Health appointment as requested.

- 5.12 If an employee refuses to give his/her medical consent to the University, s/he will be advised that any subsequent decision taken by the University will be based on the facts that are available.

6 Conduct During Sickness Absence

- 6.1 The following guidelines concern an employee's conduct and/or activities during any period of sickness absences that are unacceptable and may be considered to be an abuse of the sick pay scheme. The University would not normally expect any employee who is absent from work due to sickness to:

6.1.1 Participate in any sports, hobbies or any other activities which are in any way contrary with the employee's certificated illness and which could aggravate the illness or which could delay recovery; healthy exercise as an aid to recovery would of course be sensible and would cause no concern on management's part.

6.1.2 Undertake any other employment whether paid or unpaid or undertake voluntary work which is incompatible with the nature of the illness. If an employee declares to be incapacitated from work in relation to their employment with the University, it will be deemed gross or serious misconduct to undertake any other duties whilst off sick.

6.1.3 Engage in any activity which is contrary to medical advice.

7 Return to Work Interviews

- 7.1 Every employee who has a Statement of Fitness for Work certificate indicating that they may be fit for work or has had three periods of absence within a three month rolling period or has six periods of absence totalling twelve working days or more in a rolling twelve month period or has a pattern of sickness absence which causes concern will have a return to work interview with his/her Line Manager or his/her nominee. Alternatively an interview may be conducted following any period of absence where a Line Manager feels it would be beneficial or where the individual requests such an interview. A return to work discussion should cover all aspects of the employee's return to work and should address the following:

7.1.1 Provide reassurance that the employee is fit to return to work, taking into account any suggested adjustments made in the Statement of Fitness to Work certificate submitted;

7.1.2 Enable the University to respond appropriately to the employee's needs following the sickness absence so as to ensure that the return to work is handled sensitively and constructively;

7.1.3 Ensure that the line manager is fully aware of any health or related issues that should be taken into consideration upon a return to work;

7.1.4 Provide an opportunity for the employee to bring to the attention of the line manager any wider issues that may be related to the cause of the period of sickness absence;

7.1.5 Provide an opportunity for the line manager to update the employee of any changes that have occurred in the working environment during his/her period of sickness absence;

7.1.6 Once the Return to Work discussion has been completed, the line manager must complete the Return to Work Discussion form and return it to the Human Resources Department with a copy to the employee. If any issues have been identified during the Return to Work Discussion that the line manager feels should be addressed by the University, they should be noted in the completed form.

7.2 If an employee feels that s/he does not want to discuss the nature of his/her illness with their line manager, his/her wishes will be respected and arrangements will be made for him/her to speak to either a different line manager or a HR manager in confidence, according to the circumstances.

8 Sickness and Annual Leave

8.1 Annual leave will continue to accrue during periods of sickness absence, however annual leave cannot be taken during a period of sick leave. Accrued statutory holiday not taken due to sickness may be taken in the current or future annual leave year.

8.2 In the event that the employment relationship terminates, all employees are entitled to an allowance in lieu of leave which was not taken due to illness. This applies where the employee was on sick leave for all or part of the leave year in question.

8.3 If an employee falls sick during pre-booked annual leave, an employee should speak to his/her Line Manager the same day to discuss the situation. The employee will be permitted to cancel the booked annual leave days on submission of a medical certificate and reschedule them.

8.4 If an employee becomes ill immediately before annual leave, normally the annual leave will only be reinstated if it is supported by a medical certificate.

9 Sick Pay

9.1 The University Occupational Health Adviser may advise that a member of staff is fit to return to work in some capacity even though s/he has a GP's medical certificate for Statutory Sick Pay purposes. Where disagreement arises, it may be necessary for the University to gain the advice of a third medical expert. Any decision may affect entitlement to Occupational Sick Pay but entitlement to Statutory Sick Pay would not be affected.

9.2 Further details of the University Sick Pay scheme are available in the University Sick Pay Policy.

10. Other Relevant Documents & Procedures

10.1 At any other time during the implementation of the Sickness Absence Policy it may be appropriate to refer to the following legislation or University Policies or Procedures:

- Maternity/Paternity/Adoption Policy
- Disability Discrimination Act 1995 (as amended)
- Annual leave
- Sick Pay

- Equal Opportunities Policy
- Disability & Equality scheme
- Health & Safety Policy
- Disciplinary Policy and Procedure