



# Ordinance 35

## Managing Sickness Absence Policy

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### 1. Statement of Principles

**1.1** It is the University's policy to encourage and ensure the regular attendance at work of all its employees and to institute fair, effective and consistent arrangements for dealing with absences and by promoting the health and well-being of staff.

**1.2** This Policy & Procedure does not override or supplant in any form the provisions of the Charter & Statutes.

**1.3** The University recognises the importance of its responsibility to manage sickness absence and will do so via procedures which incorporate mechanisms to monitor individual attendance levels and where appropriate reduce high levels of sickness absence through proactive management strategies.

**1.4** The University also recognises that employees form its most valuable resource and therefore strives to be a supportive employer and will encourage and develop initiatives to promote the health and well-being of its employees.

**1.5** 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.

**1.6** Concern and understanding will be shown to those employees who genuinely need to be absent and support will be offered during periods of ill health. However, it is recognised that this must be balanced with a need to ensure that the University's needs are also met. Any deliberate misuse or abuse of this policy may result in disciplinary action as it recognises that this practice has a detrimental impact on colleagues and the delivery of services.

**1.7** 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.

**1.8** 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.

**1.9** 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. Aims

**2.1** Through application of this policy and procedure the University aims to: -

- Provide support to those employees who are unable to work through ill health;
- Ensure a fair and consistent approach to absence which applies to all employees;
- Maximise attendance by keeping all absences to a minimum and to achieve and maintain set target levels;
- Minimise disruption to operational services and the burden placed upon employees required to cover for colleagues' absences;
- Reduce the direct staffing replacement costs and the efficiency costs associated with sickness absence;
- Deal with short term absence through the application of the triggers outlined in Section 8.5 of the Procedure;
- Deal with long term absence (i.e. a period of 4 or more weeks of consecutive absence) through Section 9 of the Procedure.

**2.2** A certain level of absence is unavoidable and this should be recognised. However, it is possible to reduce sickness absence levels through positive measures and an overall management approach.

**2.3** In the majority of cases, with proper medical intervention and support an employee's health will improve sufficiently to enable them to return to full health and duties. The objective of balancing time for health improvements with work needs will have to be met. Where the balance proves impossible to achieve, action will be taken in accordance with the procedure.

**2.4** Each sickness absence case must be judged on its merits.

**2.5** Whilst it is recognised that the individual circumstances of each case must be considered with understanding the importance of the operational effect of the employee's absence must be taken into account.

**2.6** This policy and procedure is designed to deal with genuine problems of absence due to unacceptable sickness levels. Where, following investigation, there are reasonable grounds to believe that absence is not for genuine sickness reasons the normal disciplinary procedures will apply.

**2.7** Should an employee feel aggrieved about the decision to issue a caution or terminate employment under these procedures they will have the right of appeal. (See the University's Employee Appeals Procedure)

### 3. Policy & Legal requirements

**3.1** 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 Faculty/Service 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.

**3.2** An employer has a legal responsibility under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees. Sickness absence is viewed as an issue concerning capability and dismissal on the grounds of capability is potentially a fair reason for dismissal under the Employment Rights Act 1996.

**3.3** Employees have a statutory right under the Employment Relations Act 1999 to be accompanied by a fellow worker or trade union official where they are required to attend formal disciplinary hearings. (See Section 21 "Other Relevant Documents & Procedures" – Disciplinary Policy and Procedure).

**3.4** Employers must not unfairly discriminate on the grounds of any protected characteristic under the Equality Act 2010.

**3.5** Under the Access to Medical Reports Act 1988 an employer must obtain the employee's written consent before applying for a medical report from a doctor who has been responsible for the employee's physical or mental health care. The employee has the right to see the report before it is sent to the University's Occupational Health Adviser. Employees must be made aware of these rights. The Act does not, however, apply to internal pre-employment screening.

**3.6** Under the Employment Rights Act 1996 it is unlawful to make deductions of wages at source unless the law or contract so provides, or unless the employee specifically sanctioned it. An exception to this, which is relevant to this procedure, is overpayment of wages which would include sick pay.

### 4. Responsibilities

**4.1 All employees** of the University have a role to play in minimising their own sickness absence.

**4.2** Responsibility for managing absence exists at all levels of management throughout the University. However, the primary responsibility for monitoring and controlling absence on a day to day basis rests with line managers.

### **4.3 Senior Managers** are responsible for ensuring:

**4.3.1** The engagement of management at all levels in recognising the importance of managing sickness absence in accordance with this policy and procedure.

**4.3.2** That the strategy is driven via collective responsibility at Senior Management level. However, the Director of Human Resources and Organisational Development has a particular responsibility to monitor delivery and alert the University Executive Group to any concerns.

**4.3.3** That a watching brief is kept of any factors that may be revealed as underlying reasons for absence.

### **4.4 Line managers** are responsible for:

**4.4.1** Ensuring that they are fully familiar with the policy and procedure.

**4.4.2** Ensuring that all sickness absence is recorded and reported to HR.

**4.4.3** Conducting return to work interviews with individuals on their return to work promptly.

**4.4.4** Ensuring staff are aware of the policy.

**4.4.5** 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.

**4.4.6** Seeking further guidance from HR where appropriate.

**4.4.7** Ensuring that communication between line managers and employees is maintained at all times.

**4.4.8** Ensuring that at all stages of the procedure the appropriate Faculty Manager / Head of Professional Service Department is kept informed of developments.

**4.4.9** Monitoring absence and ensuring that this Policy is implemented within their section or Faculty/service department.

**4.4.10** Taking appropriate preventative measures to reduce sickness absence.

### **4.5 The Human Resources Department** is responsible for:

**4.5.1** Ensuring that awareness is raised amongst staff of the policy and the procedure.

**4.5.2** The design and development of appropriate training and monitoring systems for the operation of this policy and procedure.

**4.5.3** Providing advice, guidance and support to line managers to support the implementation of the Policy and Procedure.

**4.5.4** Providing confidential advice and information to individuals who require guidance or advice in relation to the policy.

**4.5.5** Communicating and signposting all mechanisms for accessing support, including counselling and Occupational Health Referrals.

**4.5.6** Ensuring that all information relating to individuals is confidential and lawfully processed in accordance with the Data Protection Act 1998 and the General Data Protection Regulations 2018.

### **4.6 All Employees** are responsible for:

**4.6.1** Ensuring that they are familiar with the content of this policy and its procedures and that they behave in accordance with this policy.

**4.6.2** Taking all reasonable steps to minimise the length of any sickness absence, in accordance with medical advice.

**4.6.3** 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 affect an employee's entitlement to Statutory Sick Pay.

**4.6.4** Reporting absences promptly in accordance with the procedure and participating fully in return to work interviews.

**4.6.5** Ensuring that no other employment is undertaken whilst claiming sick pay.

**4.6.6** Keep in regular contact with line-manger or HR representative during their period of sickness absence.

**4.6.7** Attending for medical assessment as required.

## 5. Training & Awareness

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

## 6. Monitoring & Measuring absence

**6.1** The Human Resources Department will maintain computer records, 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** The measurement of absence will allow for accurate information to be compiled and analysed to:

- identify areas for management action;
- compare absence levels to those of previous periods and establish patterns and trends;
- establish target absence rates and measure progress towards achievement;
- compare performance within the University and with other Higher Education Institutions.

**6.3** Recognised Trade Unions will be consulted on the annual setting of the University's absence target rate to reduce sickness absence levels.

**6.4** Faculty PVCs and Heads of Professional Service Departments will be required to determine annual target absence rates for their department based on evidence to justify that rate. This will then become an integral part of the departmental business plan.

## 7. Welsh Language - Employee Rights

**7.1** 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

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

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

## 8. Policy Review



**8.1** 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 Trade Unions.

## 9. Impact Assessments

**9.1** The University is committed to embedding the Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

**9.2** The University is committed to embedding the Welsh Language Standards 2018 in its policies, procedures and practices. This policy has been Welsh language impact assessed in accordance with these standards.

### 1. Introduction

**1.1** Different patterns and duration of absence call for different approaches. The purpose of the procedure is to provide clear guidance on how the University will manage staff sickness absence, in terms of both how sickness should be reported and how both long term and frequent short term sickness absence will be managed.

**1.2** Not all patterns of absences fall neatly into one of the above categories and the pattern may change over a period of time. Some flexibility in approach may therefore be required.

### 2. Application

**2.1** Sensitivity may be needed where the individual indicates a preference for an individual other than their line-manager to conduct return to work interviews and requests will be accommodated where it is reasonable to do so.

**2.2** Decisions will be taken on the strength of available evidence in cases where employees decline to co-operate in the obtaining of medical evidence or to undergo medical assessment.

**2.3** Any period of sickness absence not covered by a self or medical certificate will not be paid and will be considered to be unauthorised unpaid leave.

**2.4** The University reserves the right to terminate employment in accordance with this policy prior to the expiry of occupational sick pay.

**2.5** When a manager identifies that an abuse of the absence procedure has occurred action should be taken, following an investigation, in accordance with the Disciplinary Procedure. Examples of employee conduct in relation to absence where disciplinary action is appropriate are (this list is not intended to be exhaustive):

- failure to follow the notification rules without good reason
- providing an unsatisfactory reason for being absent from work
- failure to provide medical certificates when required
- abuse of the sickness scheme
- engaging in activities which are known to be inconsistent with the nature of the alleged illness
- engaging in any activities which knowingly aggravates the nature of the illness or delays recovery
- deliberate falsification of self or medical certificates

### 3. Definition

**3.1** This procedure applies to sickness absence as defined below:

- self certification
- absence supported by a doctors Fit-Note
- short term absence which may be intermittent/persistent
- long term continuous absence

- self-certified absence which goes beyond sickness absence (i.e. due to non-sickness reasons)
- unauthorised sickness absence

### 3.2 Pregnancy related absence

**(i)** Maternity leave and time off for ante natal care is a right conferred by the Employment Rights Act 1996 and should not be recorded or monitored as sickness absence.

**(ii)** No action should be taken against those employees absent with pregnancy related conditions. However, absences during pregnancy which are not pregnancy related will be monitored and managed as any other absence.

### 3.3 Medical Appointments

Staff should make every effort to arrange visits to doctors, dentists or opticians etc outside of normal working hours. However where this is impractical, time off will not be unreasonably denied providing that the hours are made up over a period agreed with the line manager. Appointments that have to be arranged during working hours should be made to reduce, as far as possible, the amount of disruption to work and line managers should be provided with as much notice as possible of such appointments.

### 3.4 Cancer Screening, Minor Surgery and Disability related treatment

Time off for cancer screening (e.g. cervical, mammogram, prostate) and disability related treatment (e.g. rehabilitation, assessment, treatment) will be with pay. Such absences should not be recorded and monitored as sickness absence.

### 3.5 Statutory Medicals / Occupational Health Appointments

Paid time off will be given for employees to attend Occupational Health appointments arranged by the HR Department and statutory medicals and should not be recorded or monitored as sickness absence.

### 3.6 Surgery for non-medical purposes e.g. cosmetic

Time should be taken as annual leave/flexitime. There may be some circumstances where this can be varied when covered by medical support/evidence. Managers and employees should seek advice from the Human Resources Department.

## 4. Sickness Benefits scheme

**4.1** Details of the University's Sickness Benefits Scheme may be found here <https://www.aber.ac.uk/en/hr/all/#s> and includes details of employees' entitlement to Statutory Sick Pay and Occupational Sick Pay.

## 5. Notification of sickness absence

**5.1.** If an employee is absent from work due to any illness or injury which incapacitates them from working, the employee is responsible for notifying their nominated point of contact by telephone or text message as early as possible or 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 a telephone call from a family member or friend will be accepted.

**5.2.** Where Faculty/Professional Service Departments have specific arrangements for reporting absence, these should be communicated to employees on a regular basis and must be observed by all employees. Line managers must ensure that accurate records are kept for all periods of sickness absence for all employees.

**5.3.** In the notification employees must:

- indicate the nature of their illness;
- give some indication as to when they are likely to be able to return to work;
- indicate details of any outstanding or urgent work that needs to be dealt with during the absence;
- provide details of how they can be contacted if necessary, especially where employees are not at their home address during their absence.

**5.4.** All employees are expected to contact their line manager regularly throughout their absence to keep the line manager informed of their recovery. The frequency of this contact can be agreed dependant on the reason for the absence and the expected timescale of recovery. In some instances an individual may choose to contact the HR Department directly who will then notify the relevant Faculty Manager/ Head of Professional Services Department.

**5.5.** Where an employee becomes ill whilst at work and feels too unwell to continue working, they must speak to their line manager 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 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.

**5.6.** All employees are encouraged to discuss in confidence with their line manager any 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.

**5.7** If individuals fail to notify the University of their sickness absence, or are unreasonably late in informing their Department, payment of Occupational/Statutory Sick pay may be withheld, and disciplinary action may be instituted for absence without leave.

**5.8** If contact is not made by the employee as required during the absence and their absence is unexplained, the manager will take all reasonable steps to contact the employee e.g. telephone call, home visit. Where there is a need to contact the employee as part of the duty of care HR will provide the relevant information to the line-manager to do so.

## 6. Sickness Absence Recording Procedure

**6.1.** All employees are responsible for ensuring that they follow the correct certification procedures.

**6.2.** For **absences of between 1 and 7** consecutive calendar days (inclusive) a self-certification form through the PoblAberPeople system should be completed by the employee and their line-manager during their Return to Work Meeting. Saturdays, Sundays and Bank holiday days should be included as absence days. For those who work part-time or shift, days off will be counted if absence covers these periods.

**6.3.** For absences of 8 calendar days or more, employees must obtain a Statement of Fitness for Work certificate (known as a Fit note) from a GP. The original must be forwarded to the Human Resources Department immediately. The line-manager will be responsible for recording the period of absence correctly in the PoblAberPeople system for periods of 8 days or more to reflect each Fit Note received.

**6.4.** Self-certificates/Fit Notes must be provided for the whole period of absence. Any period of absence not covered by a Fit note will not be eligible for Statutory Sick Pay and the University reserves the right to withhold Occupational Sick Pay.

**6.5** Should the absence continue further appointments to see the doctor should, where practicable, be made prior to the expiry of the current certificate.

**6.6.** Following **any** period of absence e.g. absence abutting holidays, employees **may** be required to provide a Fit Note. The University will cover any associated costs.

**6.7.** Following a period of absence a return to work interview will be conducted with the employee by their line-manager. Please refer to Appendix 1 for further details of the Return to Work interview.

**6.8** Based on the absence data provided by departments standard reports providing data at individual, cost centre and departmental level will be produced by the Payroll Section on a monthly basis, and any changes in SSP or OSP entitlement will be notified to the individual through an automated alert through the PoblAberPeople system or by members of the HR Department.

## 7. Returning to Work

**7.1.** Following all periods of sickness absence all employees will be expected to participate in a Return to Work meeting (Appendix 1 – insert link) with their line-manager.

**7.2** A return to work discussion should take place on the first day of their return to work and should cover all aspects of the employee's return to work, details of which can be found in Appendix 1 to this document. It is acknowledged that for some categories of employee this may not be possible e.g. certain shift workers. In such cases the interview should be conducted at the earliest practicable opportunity following the employee's return to work in accordance with agreed departmental arrangements.

**7.3** During the Return to Work meeting the Return to Work Form should be completed and signed by both parties. The form should then be sent to the Human Resources Department. If any issues have been identified during the Return to Work Discussion that the line manager feels requires further action, they should be noted in the completed form, and the line-manager will be responsible for following these actions up.

**7.4** If, in the line manager's opinion, the employee is not fit to return to work, the employee may be asked to go home and to arrange to see their GP. Such action would normally be taken following consultation with the University's HR Department.

**7.5** In the event that a GP has issued a fit note making recommendations for work place adjustments, consideration must be given to these recommendations in conjunction with the operational requirements. It should be noted there is no legal obligation on an employer to comply with such recommendations. If adjustments cannot be accommodated the individual will remain on sick leave for the duration of the Fit Note. In such instances it may be necessary to seek further advice from Occupational Health or the individual's GP.

**7.6** For absences exceeding 14 calendar days' duration the employee may need to obtain a Fit Note from their doctor stating they are fit to return to work before they return to work if their previous Fit Note indicated that their GP wished to see them before the individual returned to work. On receipt of the Fit Note the employee must notify the line manager of the date given by the doctor for a return to work. If the doctor has recommended any restriction to duties the line manager/supervisor should be informed at this point. The Fit Note must be submitted to the line manager at the return to work interview.

**7.7** In some circumstances an employee may feel well enough to return to work prior to the expiry of the medical certificate. In such circumstances the employee must obtain a medical certificate from their doctor, before they return to work, stating they are fit for work.

**7.8** If employees have been absent for an extended period of time, the University may require the individual to attend Occupational Health prior to their return to work to seek advice on any ongoing health implications and/or possible adjustments to the individuals' working arrangements.

**7.9** In the case of employees returning from long term absence the implementation of a phased return and/or restrictions on work activities should be discussed as appropriate in accordance with section 12 of this policy.

**7.10** If an employee feels that they do not want to discuss the nature of their illness with their line manager, arrangements will be made for them to speak to a member of HR, or alternatively this will be recorded on the Return to Work form.

## 8. Management of Short-Term / Frequent Sickness Absence

**8.1** Short term absences can be the most disruptive because of the unpredictability and the difficulty in arranging work cover. Consequently, essential work may have to be undertaken by work colleagues in addition to their normal duties. The serious effects on other employees, the costs of such absences and disruption to service delivery must be kept to a minimum, therefore such absences will be closely scrutinised by managers.

**8.2** These are absences which are usually sporadic and attributable to minor ailments, in many cases medically unconnected, which are frequent and/or unacceptable due to their effects on the workplace and other colleagues. The key purpose of the procedure is to support the employee in providing effective, reliable service, and in so doing to maintaining an appropriate level of attendance at work. Managers are required to actively manage where a pattern or frequency of absence emerges which gives rise to concern both for the employee's wellbeing and the effect on the provision of service.

**8.3** If considered appropriate (for example where there are patterns of short term absences – as outlined in Section 8.5 below) the facility to self-certify sickness absence may be withdrawn by the line manager at any point in the procedure. In such circumstances the employee will be required to produce a Fit Note from their doctor on the first day of any further period of sickness absence. Failure to do so may result in suspension of sick pay. The University will reimburse the cost of obtaining any Fit Notes.

**8.4** In cases where it is suspected that unwarranted absence has been taken and ascribed to ill health the matter may be more appropriately addressed through the disciplinary procedure. In these cases, managers should seek advice from the Human Resources Department. Examples of the levels of absence that might warrant such action are set out in 8.5 below

**8.5 Short-term absence triggers** - In all cases, the manager must instigate the Management of Short-Term / Frequent Sickness Absence process in all cases where there are:

- Three or more episodes of sickness absence of any length in any rolling six month period;
- or**
- Two or more absences totalling 10 calendar days in a rolling 12 month period;
- or**
- Four periods of absence within a rolling 12 month period where none of these absences has been supported by a medical certificate;
- or**
- Recognisable patterns of absence, including any previous years, which cause concern but may not meet other triggers;
- or**
- Absence abutting annual leave/public holidays.

Note – a line manager does not have to wait for the full six or twelve month period to expire if these patterns are occurring sooner.

## 8.6 Stage 1 - First Formal Attendance Management Meeting

**8.6.1** The PobolAberPeople system will automatically notify the individual, their line-manager and the relevant HR Business Partner when the individual has triggered in accordance with paragraph 8.5 above. The line manager will then arrange to meet with the employee in the first instance. Employees will be given 5 working days' advance notice for all meetings under this Section of the Procedure.

**8.6.2** The purpose of the first meeting will be to enable a constructive discussion between the individual and their line-manager as to the reasons for the pattern of absence, further investigate the employee's absence which will have previously been discussed and recorded during return to work interviews, advise the employee on the consequences of such absence and develop, where appropriate, a joint improvement strategy. Guidance on holding these meetings can be found in Appendix 1 to this document.

**8.6.3** The individual has the right to be accompanied to this meeting by a work colleague or Trade Union representative of their choice, and a member of the HR department may also accompany the line manager to all formal meetings to support the process.

**8.6.4** Information on any long-standing medical conditions will be given consideration as to whether the reasons for the short-term / frequent absences are related to the long-standing condition.

**8.6.5** The line manager should reiterate the standards of attendance expected of all employees, discuss fully the employee absence record and reasons for absence and assess whether there is an underlying problem (medical or otherwise) which needs to be addressed.

**8.6.6** After hearing the reasons given for the employee's absence and consideration of the circumstances the line manager may determine that:-

- no further action is necessary other than to continue to monitor attendance OR
- it is necessary to inform the employee that their absence is a cause for concern, and advise them of the consequences of failure to improve attendance.

**8.6.7** Where it is established that the pattern of absence relates to a long-standing condition which may be covered by the Equality Act 2010, the matter will be dealt with in accordance with Section 9 of this policy.

**8.6.8** Where it is established that the pattern of absence does not relate to a known long-standing condition the individual will be advised, at the conclusion of the meeting, that an



improvement in absence levels is expected within the agreed timescale and failure to improve may lead to further action being taken under this procedure.

**8.6.9** A joint action plan will be developed to support an improvement in attendance and the meeting will be recorded in note form by the line-manager 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.

**8.6.10** The individual will be advised that if their short-term sickness absence record triggers one or more of the trigger points set out in section 8.5 they will progress to the stage two of the Management of Short-Term / Frequent Sickness Absence

## 8.7 Stage 2 - Second Formal Attendance Management Meeting

**8.7.1** Where the individual's pattern of sickness absence has triggered again as described in section 8.5 during the 12 months following the first formal attendance management process a second attendance management meeting will be convened by the manager. The meeting will follow the same format as the first stage meeting. And a member of the HR Department will be present.

**8.7.2** If, having reviewed the employees attendance over the review period, there is no evidence of improvement in attendance and/or a further trigger point has been reached the line manager will consider any medical/occupational health reports and evaluate the effectiveness of any support mechanisms that have been implemented.

**8.7.3** The employee will be given the opportunity to explain the reasons for non-attendance and additional support mechanisms may be considered if appropriate e.g. temporary/permanent change of hours of work, period of unpaid leave, redeployment on medical grounds. If appropriate a further action plan and review period will be agreed and a target set for improvement.

**8.7.4** The individual will be advised that should their future attendance trigger an alert (as set out in section 8.5) within 12 months of the date of this meeting they will progress to stage three of the formal attendance management process. They will also be advised that further breaches of the triggers will lead to progression through the procedure and could ultimately lead to termination of employment on the grounds of capability.

## 8.8 Stage 3 – Third/Final Formal Attendance Management Meeting

**8.8.1** Where one or more of the triggers set out in section 8.5. are breached whilst on the 12 month second formal stage of the policy a third and final formal sickness meeting will be convened by the manager who will also invite the Head of Department to attend. The individual will be advised that a potential outcome of the meeting may be the termination of their employment. The meeting will follow the same format as the second stage meeting.

**8.8.2** The final meeting will review the options explored to date to improve attendance and the individual and their representative will be given the opportunity to present their perspective on the matter.

**8.8.3** In reaching a decision about the appropriate outcome of the meeting the following matters will be taken into consideration:

- The attendance record of the employee throughout the course of their employment;
- The content and outcomes of the previous formal attendance management meetings;
- What opportunity has been given to improve;
- All medical advice available;
- Whether there is a diagnosis of an underlying medical condition;
- Any reasonable adjustments that have been considered and/or introduced;



- The likelihood of improvement in the foreseeable future;
- The needs of the service and work difficulties created by the attendance issues.

**8.8.4** Following the conclusion of the meeting and after giving full consideration of all information presented, the Head of Department will inform the individual of their decision within five working days of the meeting.

**8.8.5** If a decision to terminate employment is made this will be on the grounds of capability. The individual will be entitled to notice of termination in accordance with their statutory or contractual entitlement, or payment made in lieu of notice, whichever is most appropriate.

**8.8.6** Individuals will be advised of their right to appeal against this decision in accordance with the University's Employee Appeals procedure.

## 9. Management of long-term Sickness absence

**9.1** The line manager will maintain reasonable regular contact with the employee throughout the period of sickness absence. The frequency and form of this contact e.g. telephone calls, home visits, will depend upon the circumstances and may vary from case to case. However, a meeting should be carried out before referral to the Occupational Health Adviser. Employees are also expected to encourage participation in discussions with their line manager.

**9.2** The purpose of such contact is to reflect genuine concern for the well-being of the employee, ascertain the nature and progress of the illness, and hopefully recovery, to offer support including, where appropriate, flexibility in facilitating a return to work and to ensure that the employee is aware of, and understands, the procedures which will apply during their absence.

**9.3** Long-term absence trigger – In all cases, the manager must instigate the formal process in all cases where the individual has been absent for a consecutive period of 8 days or more within a rolling 12 month period.

### 9.4. Stage 1 - First Formal Sickness Management Meeting

**9.4.1** The PobolAberPeople system will automatically notify the individual, their line-manager and the relevant HR Business Partner when the individual has triggered in accordance with 8.5. The line manager will then arrange to meet with the employee in the first instance.

**9.4.2** The purpose of the first meeting will be to enable a constructive discussion between the individual and their line-manager as to the reasons for the sickness absence, and to consider any measures that can reasonably be taken by the employee and the University to mitigate or address the situation. A full discussion on the matter will take place having regard to received medical reports and any further investigations which may be required and potential and time for recovery. Consideration will be given to the options available under the circumstances which may include status quo, re-deployment, phased return to work or termination of employment, and if possible agreement received on the way forward. A time scale will be agreed for review of the case.

**9.4.3** Employees will be given 5 working days' advance notice for all meetings under this Section of the Procedure. Guidance on holding these meetings can be found in Appendix 2 to this document.

**9.4.4** The individual has the right to be accompanied to this meeting by a work colleague or Trade Union representative of their choice, and a member of the HR department may also accompany the line-manager to all formal meetings to support the process.

**9.4.5** Where it is established that the absence relates to a long-standing condition which may be covered by the Equality Act 2010, advice will be sought from the Occupational Health Adviser as to any reasonable recommendations that can be made to support the individual.

**9.4.6** A joint action plan will be developed to support an improvement in attendance and the meeting will be recorded in note form by the line-manager 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.

**9.4.7** The individual will be advised that should their sickness absence continue for a further period of 4 weeks or trigger an alert (as set out in section 8.5) at any time within 12 months of the date of this meeting they will progress to stage two of the formal sickness management process.

## 9.5 Stage 2 – Second Formal Sickness Management Meeting

**9.5.1** Where the individual's pattern of sickness absence has triggered again as described in section 8.5 during the 12 months following the first formal sickness management process, or where they have remained on sickness absence for more than 12 consecutive weeks a second formal sickness meeting will be convened by the manager. The meeting will follow the same format as the first stage meeting.

**9.5.2** The individual will be advised that should their sickness absence trigger an alert within 12 months of the date of this meeting they will progress to stage three of the formal sickness management process. They will also be advised that further breaches of the triggers will lead to progression through the procedure and could ultimately lead to termination of employment on the grounds of ill-health.

## 9.6 Stage 3 – Third / Final Formal Sickness Management Meeting

**9.6.1** Where one or more of the triggers set out in section 8.5 are breached whilst on the 12 month second formal stage of the policy, or the individual has remained continuously absent for more than 24 weeks, a third and final formal sickness meeting will be convened by the manager who will also invite the Head of Department to attend. The individual will be advised that a potential outcome of the meeting may be the termination of their employment. The meeting will follow the same format as the second stage meeting.

**9.6.2** The final meeting will review the options explored to date to improve attendance and the individual and their representative will be given the opportunity to present their perspective on the matter.

**9.6.3** In reaching a decision about the appropriate outcome of the meeting the following matters will be taken into consideration:

- The attendance record of the employee throughout the course of their employment;
- The content and outcomes of the previous formal sickness meetings;
- What opportunity has been given to improve;
- All medical advice available;
- Whether there is a diagnosis of an underlying medical condition;
- Any reasonable adjustments that have been considered and/or introduced;
- The likelihood of improvement in the foreseeable future;
- The needs of the service and work difficulties created by the absence.

**9.6.4** Following the established format of previous absence review meetings the situation will be discussed fully with the employee and any further medical information taken into account as appropriate. If there is no foreseeable return to work, it has not been possible and no other solution can be found to facilitate the employee's return to work the employee will be informed that their employment will be terminated on the grounds of being incapable of attending work regularly due to health reasons. The Head of Department will inform the individual of their decision within five working days of the meeting.

**9.6.5** The individual will be entitled to notice of termination in accordance with their statutory or contractual entitlement, or payment made in lieu of notice.

**9.6.6** Individuals will be advised of their right to appeal against this decision in accordance with the University's Employee's Appeals procedure.

**9.6.7** Where the employee is a member of one of the University's pension schemes, and the individual wishes to apply for early release of their pension due to medical capability please refer to section 15 of this policy.

**9.6.8** In the event that an individual is issued with notice of termination and they have two years or more of continuous service they will be entered onto the University's redeployment register for the duration of the notice period. In the event that a potentially suitable alternative employment opportunity is identified the redeployment process will apply . (Please see section 11 of this policy).

## 10. Medical Assessment / Managing Referrals to Occupational Health

**10.1** An employee may be required to submit to a medical examination during or after any period of absence from work at any time during their employment that is deemed reasonable by the University. Further details of the Occupational Health provision are available here: <https://www.aber.ac.uk/en/hr/policy-and-procedure/sickness/sickness-procedure/>

**10.2** If an employee refuses to give their medical consent to the University, they will be advised that any subsequent decision taken by the University will be based on the information available to the University.

**10.3** In the event that a full medical report from the individual's GP / Consultant / other medical practitioner is required by the University's Occupational Health Adviser/line manager/Human Resources representative the employee's written consent will be required. Employees will be provided with a consent form which they will be required to complete and submit to the Occupational Health Adviser.

**10.4** An employee's rights under the Access to Medical Reports Act 1998.

**10.5** 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.

**10.6** 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 which includes redeployment on the grounds of medical capability or termination of employment on the grounds of medical capability.

**10.7** The purpose of an Occupational Health referral is to obtain a medical assessment of the employee's health in the context of their employment which will aid the University in supporting the employee and making appropriate decisions regarding their employment.

**10.8** Referral for medical assessment will be made through the Human Resources Department.

**10.9** 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.

**10.10** Whilst individuals are encouraged to engage with the support which a referral to the Occupational Health provision can supply, if an employee does not choose to do so all decisions regarding the management of the individual's health and attendance will be based upon the information available at that time, and in the absence of advice that would have been available had the employee engaged with Occupational health support.

**10.11** If an employee does not attend a scheduled Occupational Health appointment without reasonable grounds, any decisions made 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.

## 11. Redeployment following medical advice

**11.1** In exceptional circumstances the Occupational Health Adviser may find that the employee is permanently unfit to continue with their substantive post but may advise that they may be fit for alternative employment.

**11.2** In this case the line manager and a HR representative will meet with the employee and their TU Representative or work colleague to advise the employee of the Occupational Health Adviser's findings, the employee will be informed that their employment will be terminated on the grounds of being incapable of attending work regularly due to health reasons, and the procedure for re-deployment will be explained.

**11.3** The HR Department will write to issue the employee with their contractual or statutory notice, whichever is the greater, and will enter the employee onto the Redeployment register for the duration of the notice period if eligible in accordance with 11.1.

**11.4** All reasonable attempts will be made to secure suitable alternative employment within the University. Such work may not be at the same level of salary or wage. Redeployment must be to existing posts only: posts cannot be created to accommodate a redeployment.

**11.5** In the event that the individual is successful at interview in demonstrating their suitability for the role they will also be required to attend an appointment with the Occupational Health Adviser to seek confirmation that the individual is capable of meeting the requirements of the role, and are capable of rendering reliable service.

## 12. Rehabilitation

**12.1** The University will support phased return to work arrangements that are supported by a jointly agreed rehabilitation programme between the individual, line-manager and with advice from the Occupational Health Adviser and/or GP. This will be on full pay for an initial period of up to 4 weeks. This will not undermine any contractual rights to OSP held by the individual. If the arrangements exceed this period, a corresponding reduction in salary will be required. Alternatively to a salary reduction the continuation of a phased return could be allowed via the use of annual leave, or unpaid leave or reduced contractual hours of work.

**12.2.** 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 one or more of the following options:

- Undertaking modified or restricted duties in the same area of work on a temporary basis, whilst recuperating fully;
- Undertaking normal duties but at reduced or different hours, or at a different location;
- Undertaking an alternative role on a temporary basis, whilst recuperating fully.

**12.3** All rehabilitation arrangements, including review periods, will be mutually agreed by the individual and the line-manager prior to the individual resuming work. Consideration will be given to all medical advice available, including the recommendations of the GP in conjunction with the needs of the service provision/department.

**12.4** At the conclusion of the rehabilitation period the individual will meet with their line-manager to confirm their return to their normal working arrangements. Where a potential

extension to the rehabilitation period is identified as necessary by the line-manager and individual, the advice of the Occupational Health Adviser will be sought.

## 13. Contact during sickness absences

**13.1.** Line managers and employees are both responsible for proactively maintaining regular contact throughout the period of sickness absence, and the line-manager is responsible for keeping a note of all such contact.

**13.2** The purpose of contact during sickness absence is:

- to ensure the line-manager is regularly updated on the individual's condition / progress;
- to provide the employee and line-manager with the opportunity to discuss the individuals' health and wellbeing and any appropriate support which could be provided to assist recovery and the return to work;
- to enable the line-manager to provide relevant information (for example sick pay) or/and to ensure the individual is kept up to date with any relevant changes in the workplace;

**13.3** There may be circumstances where it may be detrimental / difficult for the line-manager to attempt to contact the employee. In such cases, advice should be sought from the relevant Human Resources Business Partner.

**13.4** 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.

**13.5** In the event that an individual does not engage in maintaining contact during a period of absence which is suspected to be related to the individual's health and wellbeing all reasonable efforts will be made to engage the individual in the process. If however the individual does not demonstrate good faith in seeking to comply with the procedure this may be referred for consideration under the University's Disciplinary Procedure

## 14. Conduct during Sickness Absence

**14.1.** The University would not normally expect any employee who is absent from work due to sickness to:

- 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;
- 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;
- Engage in any activity which is contrary to medical advice.

**14.2** For the avoidance of doubt, failure to comply with 14.1 or any perceived abuse of the Occupational Sick pay scheme will result in the withdrawal of OSP and potential disciplinary action.

## 15. Permanent ill-health

**15.1** Should medical evidence show that an employee is incapable of discharging efficiently the duties of their post or any comparable employment by reason of permanent ill health the following procedure will be followed: -

**15.1.1** On receipt of a permanent ill health certificate and medical report from the Occupational Health Adviser the line manager will arrange to visit the employee to explain the findings of the Occupational Health Physician and to advise that they will be unable to continue in their post.

**15.1.2** The procedure for termination of employment will be fully explained as will the benefits that are payable on termination. The employee will be made aware of their right to appeal against the decision. If such an appeal is made an independent medical examination will be arranged, the cost of which will be borne by the University.

**15.1.3** Where the employee is declared permanently medically unfit notice will be given immediately. The reason for dismissal is capability.

## 16. Sickness and Annual Leave

**16.1** Annual leave will continue to accrue during periods of sickness absence. Accrued leave not taken due to sickness may be taken in the current or future annual leave year.

**16.2** In the event that the employment relationship terminates, all employees are entitled to payment 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.

**16.3** If an employee falls sick during pre-booked annual leave, an employee should speak to their 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 Fit Note and reschedule them.

**16.4.** If an employee becomes ill immediately before annual leave, normally the annual leave will only be reinstated if it is supported by a Fit Note.

**16.5** Should an employee be sick for a period covering one of the set public holidays, then on no account will the leave be accrued or carried forward.

**16.6** Employees who wish to go on holiday or who have pre-booked holidays should seek the advice, or otherwise, of their line manager before embarking on the holiday. Under normal circumstances the line manager will not withhold permission provided that, where requested, the employee submits a letter from their doctor in support of the holiday.

## 17. Sick Pay

**17.1.** The University Occupational Health Adviser may advise that a member of staff is fit to return to work in some capacity even though the individual 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.

**17.2.** Further details of the University Sickness Benefits scheme are available here: <https://www.aber.ac.uk/en/hr/all/#s>

## 18. Communicable diseases

**18.1** Where an employee is known to be suffering from a communicable disease, they may be suspended from duty on the advice of the University's Occupational Health Advisor.

**18.2** The employee will remain excluded from work on full pay until medical advice is received that it is appropriate to return.



**18.3** This paragraph does not affect the rights of employees who are diagnosed as suffering from communicable diseases but on the advice of the Occupational Health Adviser, are deemed not to represent any risk to colleagues, or clients.

## 19. Infection Control

**19.1** If an employee is suffering from or may be the potential source of, an infectious condition which would make it inappropriate for them to continue with normal duties, the line manager/supervisor should, where possible, transfer the employee to alternative work (e.g. move staff away from a vulnerable client group or from food handling) or suspend from duty on medical grounds. Such action should be taken in consultation with the Occupational Health Adviser and the HR Department.

**19.2** Similarly if an employee is exposed to a source of infection which poses a risk to them (or in some circumstances their colleagues) and which cannot be adequately controlled by normal practices and procedures line managers should take action as outlined in 19.1 and seek advice.

## 20 Terminal illness

**20.1** In the case of a terminally ill employee there is a need to consider their situation and continued employment in a particularly sensitive way. As soon as a line manager becomes aware that an employee's absence is due to terminal illness, advice should be sought from the Human Resources Department.

**20.2** As a responsible employer the University will give full consideration to the wishes of the individual and to the principles of the Dying to Work Charter which sets out the following key principles: -

- It is recognised that terminal illness requires support and understanding and not additional and avoidable stress and worry;
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself;
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss;
- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

## 21. Other Relevant Documents & Procedures

**21.1.** 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.

Policies and Procedures:

- Maternity/Paternity/Adoption Policy
- Annual leave
- Sickness BenefitsScheme
- Equal Opportunities Policy

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

Legislation:

- Equality Act 2010

## Appendix 1 - Return to Work Meetings Guidance

Return to work meetings must take place following each period of absence, regardless of the length of the absence, ideally within the employee's first day of return to work.

Line managers should conduct the review and the [Return to Work form](#) should be completed online during the meeting.

### **Purpose of the meeting:**

- To welcome the employee back to work.
- To ensure the employee is fit to return to work.
- To identify the cause of absence.
- To agree a way forward, if relevant.
- To provide an up-date on what's been happening in the workplace.

### **Preparation**

- Ensure that you have a suitable location to hold the review. It should be held in a suitable environment, i.e. a private location and not in the middle of an open-plan office;
- Ensure you have access to the employee's sickness record and current period of absence;
- Be prepared to discuss patterns or trends of absence, following discussion with the relevant HR business Partner.

### **How to structure the Discussion:**

- Welcome the employee back.
- Be positive, highlight that they have been missed.
- Explain purpose of the meeting is to establish why they have been absent from work.
- Try and determine the cause of absence, be sensitive and calm if personal problems or stress are discussed.
- If the absence is work-related, what can be done to help, i.e. adjustments to work hours, work place or duties. These should be adjustments which are either temporary or which can be supported without compromising the business need.
- Establish if the employee is undergoing any treatment, will time off be required for medical appointments etc.
- Ask if there any other factors contributing to the absence.
- Place current absence in the context of previous absences.
- Agree the next steps, such as a follow-up review, referral to Occupational Health, attend a training course.
- 

### **...if you've been here before**

- Explain the impact of their absence on the colleagues within the School/Department.
- Explain that their absence will continue to be monitored.



**Things to bear in mind:**

- Listen actively – don't assume you already know why the individual has been absent;
- Respect their privacy if they do not wish to discuss the reasons for absence. If this does happen then you can offer them the option to speak to somebody else. If not then you should highlight that if you don't know the problem you are unable to help and their absence will continue to be monitored.

**Recording**

- Ensure that the correct certification has been provided.
- Complete the return to work form, ensuring that both parties sign to confirm their agreement in what is recorded.
- Send the appropriate medical certification and return to work meeting form to Human Resources.

## Appendix 2 – Formal Sickness Absence Management Meeting Guidance

### **Purpose of the meeting:**

- To discuss the cause of the absence;
- To highlight any management concerns in relation to the length or frequency of the absence or any potential pattern emerging;
- To take into consideration any expert guidance or information available from Occ Health / GP / Specialist;
- To explore measures that can reasonably be taken by the employee and the University to mitigate the absence;
- To ensure the importance of an improvement in the individual's attendance is conveyed and to highlight potential consequences if this is not achieved;
- To agree a way forward.

### **Preparation**

- Write to the individual inviting them to meet in accordance with the Policy and explain the purpose of the meeting (advice may be sought from the relevant HR business Partner in drafting the letter);
- Ensure you provide the individual with 5 working days' notice of your request to meet and you highlight their right to be accompanied to the meeting by a work colleague or Trade Union representative of their choice;
- Ensure that you have a suitable location to hold the meeting. It should be held in a suitable environment, i.e. a private location and not in the middle of an open-plan office;
- Ensure you have access to the employee's sickness record and current period of absence and all relevant information for the meeting;
- Be prepared to discuss patterns or trends of absence, following discussion with the relevant HR Business Partner.

### **How to structure the Discussion:**

- Explain the purpose of the meeting and how the individual's absence has triggered;
- Try and determine the cause of absence, be sensitive and calm if personal problems or stress are discussed;
- If the absence is work-related, what can be done to help, i.e. adjustments to work hours, work place or duties. These should be adjustments which are either temporary or which can be supported without compromising the business need;
- Give consideration as to whether a stress risk assessment may be required to identify sources of workplace stress and means of addressing these;
- Establish if the employee is undergoing any treatment, will time off be required for medical appointments etc;
- Ask if there any other factors contributing to the absence;
- Place current absence in the context of previous absences and explain the impact upon the business / team;
- Agree the next steps, such as a follow-up review, referral to Occupational Health, attend a training course;
- Explain the consequences if an improvement in their attendance record is not achieved.

### **Things to bear in mind:**

- Listen actively – don't assume you already know why the individual has been absent;
- Respect their privacy if they do not wish to discuss the reasons for absence. If this does happen then you can offer them the option to speak to somebody else. If not then you should highlight that if you don't know the problem you are unable to help and their absence will continue to be managed in accordance with the policy.

## **Recording**

- Ensure that the correct certification has been provided;
- Develop and record a joint action plan to support an improvement in attendance - this should be sent to the individual following the meeting without unreasonable delay and copied to the relevant HR Business Partner. The record should include an action plan detailing the steps to be taken by all parties and the timescales within which they will be implemented.