

# ***Sickness Absence Management Policy and Procedure***



## **Document control**

<b>Policy Title:</b>	<b>Sickness Absence Management Policy and Procedure</b>
<b>Applicable to:</b>	All Staff
<b>Date Approved:</b>	June 2016
<b>Policy/Procedure Owner</b>	Human Resources
<b>Status of Document</b>	Final
<b>Next Review Due:</b>	June 2019

## **Human Resources**

This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not so compliant, the relevant legislation shall prevail.

**Changes to this policy will be subject to consultation and agreement with the University's recognised Trade Unions before implementation**

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## **1. INTRODUCTION**

The University is committed to promoting the health, safety and welfare of its staff and will support and assist individual members of staff who may have health difficulties. The Sickness Absence Management Policy and Procedure aims to provide a sympathetic, equitable and consistent process for dealing with employees whose attendance is affected by ill health.

The University recognises that there are many different causes of absence from work. This Policy stems from a need to provide support for employees during sickness, to monitor and manage sickness absence from work and to assist staff in an early return to work. All staff benefit from better levels of attendance and studies show that work is generally good for health and prolonged sickness absence can produce its own set of problems. Staff have a responsibility to achieve and maintain appropriate standards of work and ensuring their work performance meets the requirements of their role and targets set and that such performance is maintained. Further that they have a responsibility to attend work on a punctual and regular basis. Keeping people at work and helping them get back to work as soon as possible can help maintain an employee's health and wellbeing and improve organisational effectiveness. Further having the appropriate resources available to carry out the necessary work lessens the potential workload and impact on other staff.

Managing health, work and wellbeing is the responsibility of both the employer and the employee. The Fit for Work statement enables a GP to advise that an employee is either unfit for work, or "may be fit for work" with suggested recommendations. The focus is now on what a person can do at work, rather than what they cannot, in order for an early return to the workplace. An employee can often make a valuable contribution to work before they are 100 per cent fit.

The objectives of the Sickness Absence Management Policy are to:

- clarify the process for sickness absence management;
- support and help staff who have health problems;
- assist staff in returning to work as soon as possible;
- reduce absence and its impact on other staff, service delivery and University effectiveness; and
- achieve fairness and consistency throughout the University.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustment/appropriate assistance. In all circumstances, reasonableness will be applied when considering how best to proceed.

## **Confidentiality**

Matters will be handled with as high a degree of confidentiality as is practicable, particularly when the issue is of a sensitive nature. Any Manager, member of staff and their representative must ensure that they maintain the confidentiality of the process and of University documents; any breach of confidentiality may be treated by the University as a disciplinary matter and appropriate action taken. No electronic recordings of any part of the proceedings are permitted.

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## **2. APPLICATION**

The Sickness Absence Management Policy applies to all staff other than casual staff, hourly paid staff, agency workers or contractors.

Subject to the provisions of the conditions of service salary will be paid for sickness absence in accordance with the scales indicated below. Should a staff member have more than one period of sick leave, his/her entitlement will be reduced by the amount of sick leave taken in the 12 months preceding the commencement of the absence.

	Full Pay	Half Pay
In 1st year of service	2 months	2 months
After more than 1 year's service	3 months	3 months
After more than 2 years' service	4 months	4 months
After more than 3 years' service	6 months	6 months

Members of staff who have entered a half pay or no pay sickness period, will be deemed to be in a continuation of sick leave during any recommended phased return to work until they have reached 50% working or more, with a view that their normal hours of work and duties will be resumed within the workplace in a reasonable timeframe (generally 4 – 6 weeks). Any hours worked therefore during a no pay period would be paid at the hourly rate only until such time that 50% or more sustained working was achieved. Staff who are still in the full sickness pay period would also be expected to resume full-time working within a 4 – 6 week period.

## **3. TIME OFF FOR MEDICAL APPOINTMENTS**

The University recognises that employees will from time to time need to attend medical, hospital, dental, optician and other routine appointments. Whenever it is possible to do so, employees should endeavour to arrange such appointments in their own time or, if this is not possible, then at times that will cause the minimum amount of absence from work or inconvenience to the University (i.e. at the start or end of the working day or at lunchtime).

Staff may be asked to make up time for routine health appointments and in most circumstances it would be reasonable to allow time off with pay for three or four medical appointments, or for medical reasons, per year taken during working hours, subject to the considerations set out above.

However, should there be a need for an individual to be absent from work on more than three or four occasions per year in order to attend medical appointments or for medical reasons, reasonable time off may be permitted but in most circumstances this will be without pay.

Alternatively, staff may be asked to take annual leave to attend additional appointments, to make up the time, or to use up any time off in lieu (TOIL) they may have accrued.

If a particular member of staff does not accrue TOIL as part of his/her role, this time would have to be made up by agreement with the Line Manager.

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If a large amount of time off work is required for appointments, it may be that staff are referred to Occupational Health.

Line managers are entitled to request evidence of appointments (in writing or otherwise).

## **4. REPORTING SICKNESS ABSENCE FROM WORK**

A member of staff who is unwell and not fit to attend work should contact his/her Line Manager by telephone or using an agreed method of contact, as early as possible on the first day of absence and in accordance with any local absence reporting procedures. Should the nature of the illness be such that this is not reasonably practical, a relative, friend or other nominee should contact the Line Manager at the earliest opportunity. It is the responsibility of the member of staff to ensure that the University is advised of their absence within the required timescales. The University has the right to try to contact the member of staff, particularly if they have failed to inform their Line Manager of their absence, and also to make regular contact during the member of staff's absence.

The information that should be provided (wherever possible) is as follows:

- The general nature of the illness (e.g. bad back, cold, and if the condition is contagious/infectious);
- The day on which the illness began;
- The anticipated duration of absence (if known);
- If the anticipated duration of absence is not known, when and how further contact will be made;
- Whether the absence is the result of an accident/injury at work\*; and
- What work or responsibilities will need to be covered and any urgent matters that will require attention.

If the member of staff is unable to return to work on the expected date, they must telephone or contact their Line Manager on that date (using agreed method of contact) and follow the same procedure as above. If the change of return date is known in advance, the member of staff must inform their Line Manager as soon as possible.

On the 4th day of absence (including weekends), the member of staff must obtain a self-certification form from their department, the University intranet or from their GP's surgery. This form must be completed and forwarded promptly to the Line Manager (or appropriate nominated departmental contact).

If a member of staff is absent for more than 7 calendar days (including weekends) a Fit Note from their GP must be provided and sent to the Line Manager (or appropriate nominated departmental contact) promptly. The member of staff must contact their Line Manager and discuss the contents of the Fit Note and any advice provided by their GP or Fit for Work assessor with regards to any support/adjustments that could be put in place to enable an early return to work.

Alternatively, should a member of staff have been detained in hospital it may be possible for, doctor's certificates covering this period to be obtained from the hospital and these must be provided to the Line Manager.

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The University may require a member of staff who is frequently absent from work to obtain a doctor's certificate to cover periods of absence of less than 7 days. In such circumstances the University will refund the member of staff the cost of the doctor's certificate on production of a receipt.

All medical documentation must be forwarded promptly to Line Managers by the fastest means (e.g. 1<sup>st</sup> class post, by hand, scan). Members of staff are advised that should this procedure for reporting sickness absence not be followed, or the relevant Fit Notes/certificates not be provided promptly, and the University consider that there were no good reasons for the failure to do so, the absence will be treated as unauthorised. This will result in loss of pay for the duration of the absence and, depending on the circumstances, may also result in disciplinary proceedings.

\* If the member of staff is absent due to an accident at work, this must be reported immediately to the Line Manager and an Accident Form completed at that time and forwarded to the Health and Safety Department. Further information is on the Health and Safety website.

## **5. INFORMAL RETURN TO WORK MEETING**

In line with the University's duty of care, Line Managers (or other nominated member of staff) are responsible for confirming with members of staff that they are well enough to return to work following sickness absence, advising them about what has been happening whilst they have been away, reviewing levels of attendance (if appropriate) and discussing any concerns or support that may be required. This should take the form of an informal exploratory discussion when a member of staff returns to work. The discussion should be carried out in an appropriately sympathetic and sensitive manner. The aim of the discussion is as follows but, clearly, the extent to which all of these issues need to be covered depends on the circumstances (e.g. the length of the absence and whether there is a pattern of absence – further guidance is given below):

- To welcome the member of staff back to work;
- To confirm with the member of staff that they are well enough to return to work and if there are any recommended adjustments or GP/Fit for Work/Occupational Health recommendations to support their return;
- To establish the cause of the absence and discuss how/if any future absences may be minimised;
- To consider if any referral to the Occupational Health Service may be required;
- To update the member of staff on any important information/changes/workplace developments during their absence period;
- To discuss informally issues of concern e.g. regarding reporting procedure, any pattern or length of absence, trigger points being reached, monitoring that may be required etc. and to inform them of the next steps should any action be required in the future;
- To inform the member of staff that there are concerns that require further discussion at a separate meeting (see Section 9).

**Refer to Appendix A for "Return to Work Form."**

## **6. GUIDANCE FOR LINE MANAGERS**

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With appropriate support from the Human Resources Department and Occupational Health, if required, the role of the Line Manager is critical in ensuring the effective implementation of the Sickness Absence Management Policy. Line managers are responsible for ensuring the accurate recording of sickness absence through the University reporting system, and monitoring the absence levels of staff; discussing sickness absence with staff, and maintaining records and notes of such discussions. They may, however, nominate another member of staff to carry out this responsibility on their behalf.

In considering absence levels, Line Managers will need to exercise careful judgement and common sense about the number of days of sickness absence that have been taken by their staff. It is very important to be aware that managing sickness absence is not simply a matter of numbers, for example, a period of recovery following a major illness, or operation, is a different matter from repeated short or self-certificated absences for minor or unspecified conditions that are unrelated (or without any underlying cause), and should not necessarily lead to a formal process being considered.

Warnings must not be an automatic response, as it is important that each case is assessed on an individual basis. The nature of the reasons for the absence(s) must be taken into account when considering the appropriateness of following a formal process that may lead to the issue of a warning. Accepted contributory factors leading to increased rates of sickness absence should also be considered. Before any formal process is considered, guidance should be sought from Human Resources.

Cases of sickness absence which are of concern and require a formal process to be followed are likely to relate to long-term absence or frequent intermittent absence. The process for managing each of these situations is different (see Section 9).

Where it is determined that the issue could be addressed under an alternative Policy (e.g. due to failure to follow reporting procedures) or there is a potential need to change from the intermittent sickness absence management to long-term, or vice-versa, advice should be sought from Human Resources. If this occurs the process will start at the appropriate stage under the alternative Policy or process; it does not need to start at the beginning of the Policy/process.

Managers should also be aware that the University has a legal responsibility to consider whether a “reasonable adjustment” should be made regarding the application of this policy in relation to members of staff with a declared disability as classed under the Equality Act 2010. Guidance must also be obtained from Human Resources regarding the application of this policy to staff with disabilities.

## **7. MEDICAL ADVICE & REPORTS**

If a member of staff is absent for a prolonged period (normally over four weeks' absence), or the same medical condition occurs regularly (or there are a variety of medical reasons and the possibility of an underlying cause needs to be considered), or a member of staff reports an underlying medical condition; medical opinion will normally be sought from the University's Occupational Health service, who may refer the case to a specialist. Any member of staff whose Fit Note states that the cause of their absence is through stress/anxiety and/or depression, they will be referred immediately for Occupational Health advice and a Stress Risk assessment may also be undertaken depending on their advice. The report from Occupational Health will provide the University with important information and advice, which should support



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the member of staff in returning to their full duties or to adjusted duties, etc, and will help Managers to balance the needs of the individual with those of the University. The Occupational Health service also provides data analysis to the University to assist it in formulating its wellbeing strategic plans and initiatives.

A member of staff is strongly encouraged to co-operate in helping to establish his/her medical position, as it is in his/her interests to assist the University in making properly informed decisions. Where medical advice is required, staff will be asked to sign a consent form, giving their consent for the University's occupational health advisors to access their relevant medical records, under the Access to Medical Reports Act 1988. Any member of staff who refuses to co-operate or fails to engage in any required action or reasonable management request, or attend a medical examination or meeting required under this policy, or consent to the University's Occupational Health service having access to relevant medical reports, should be aware that the University will be forced to make a decision about the individual's capability to undertake his/her duties based on the information available. This could be disadvantageous to the member of staff and may also lead to action being taken under another of the University policies.

## **8. FURTHER INFORMATION**

A full list of all available policies and relevant guidelines are available on the HR intranet.



## **9. THE FORMAL PROCEDURE**

### **MANAGING INTERMITTENT SICKNESS ABSENCE**

#### **A1 STAGE ONE – FORMAL SICKNESS ABSENCE HEARING**

If, following informal discussions regarding concerns that a Line Manager has raised with the member of staff (usually at a Return to Work meeting), a Line Manager remains concerned about a member of staff's absence levels/pattern it is important that a formal Hearing takes place as soon as possible to consider the reasons for the absence(s) and whether there are any underlying health or work related issues that need to be addressed. This Formal Sickness Absence Hearing should take place as soon as possible after the member of staff has returned to work, but should occur on a separate occasion from the Return to Work Discussion and should provide the member of staff with sufficient time to prepare and arrange for a companion to assist them if they wish. (see Appendix B for role definitions).

In order to ensure consistency across the University, Line Managers should consider holding a Formal Sickness Absence Hearing where one of the following applies, taking into account the Guidance for Managers in Section 6 of this policy:

- There have been 14 days or 7 absences in a rolling 12 month period (or less); or
- a pattern of absence is emerging, for example, absences that occur on Mondays and/or Fridays or at times of particular work requirements, etc.

These 'triggers' should not be interpreted as an indication of an 'acceptable' or 'unacceptable' level of attendance, but rather are meant as guidance to Line Managers regarding when the University considers that a formal Hearing with a member of staff about his/her attendance is required. Line managers can obtain the appropriate information (in confidence) regarding the absence record or particular circumstances of a member of staff from Human Resources.

The Hearing will normally take place within 10 working days from the date of the letter and will request the staff member to provide any supporting documentation or statements at least 5 working days prior to the Hearing. In convening a Formal Sickness Absence Hearing, Human Resources, will write to the member of staff concerned:

- confirming the date of the Hearing and its status, i.e. that it is a Stage One – Formal Sickness Absence Hearing under the Sickness Absence Management Policy;
- identifying the concern(s) under consideration;
- advising that a possible outcome could be a Stage One Formal Written Warning being issued, and
- confirming that he/she has the right to be accompanied by a trade union representative or a Brunel work colleague.

The Line Manager, another Manager and a member of Human Resources will form the Panel and a note taker may also be present.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustment/appropriate assistance. In all circumstances, reasonableness will be applied when considering how best to proceed.

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Either party may seek a short adjournment during the Hearing for instance to speak with their companion, or for medical reasons.

## **A2 STAGE ONE – FORMAL HEARING OUTCOME**

As soon as possible after the Hearing, the Panel will consider all the facts, evidence and response, and may decide that it is appropriate to issue a Stage One Formal Written Warning. However, the process may be delayed or adjourned at any time if the Panel considers that medical advice from the University's Occupational Health service may assist in determining the appropriate course of action (See Section 7 of this policy). Medical advice should be obtained if a member of staff indicates that he/she has had, or has developed, a significant underlying medical condition or disability that has contributed to his/her absence.

The Formal Written Warning will be sent to the member of staff concerned by the Chair of the Panel (or nominee), normally within 5 working days of the Hearing/Panel decision.

The letter will provide the staff member with details of:

- the findings of the Panel, including the details of any warning issued
- the improvement expected\* and the expected timeframe with any review periods as appropriate
- any monitoring and/or specific requirements to be followed
- the consequences of failing to respond to the warning or failing to sustain the required improvement
- any support, adjustments or training that may be required
- the right of appeal and to whom it should be submitted in writing by them within 10 working days of the date of the letter containing the decision.

\*If no significant contributory factors have been identified the improvement expected will normally be:

- No more than 2 absences in a rolling period of three months over the following year;
- No more than 4 days that are not covered by a doctor's certificate (Fit Note) in a rolling period of three months over the following year; and,
- No more than 14 days or 7 absences over the following year.

Any warning given at this stage will remain live for 12 months from the date of issue. If the staff member is absent for any reason for a period of more than one month during the 12 month period, then the warning will be extended by an equivalent length of time.

If it is decided that no formal warning will be issued, the Chair of the Panel (or nominee) will write to the member of staff concerned, normally within 5 working days of the Hearing/Panel decision, confirming this, including any alternative action that may have been determined by the Panel.

## **A3 STAGE TWO – FORMAL SICKNESS ABSENCE HEARING**

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If, following a Stage One Formal Written Warning being issued, the required improvement in attendance has not been achieved or sustained or within the required timeframes, a Manager may consider holding a Stage Two Formal Sickness Absence Hearing. In such circumstances the Manager must refer to the Human Resources department for advice. The Hearing should take place as soon as possible after the member of staff has returned to work, but should occur on a separate occasion from the Return to Work Discussion and should provide the member of staff with sufficient time to prepare and arrange for a companion to assist them if they wish.

The Hearing will normally take place within 10 working days from the date of the letter and will request the staff member to provide any supporting documentation or statements at least 5 working days prior to the Hearing.

In convening a Stage Two - Formal Sickness Absence Hearing, Human Resources will write to the member of staff concerned:

- confirming the date of the Hearing and its status, i.e. that it is a Stage Two Formal Sickness Absence Hearing under the Sickness Absence Management Policy;
- identifying the concern(s) under consideration, together with the management case;
- advising that a possible outcome could be that a Stage Two Formal Final Written Warning is issued; and
- confirming that he/she has the right to be accompanied by a trade union representative or a Brunel work colleague.

A Stage Two Hearing Panel will comprise of a minimum of three members: normally the Head of Department, an Independent Senior Manager and a representative from Human Resources, although the composition may be varied depending on the nature and complexity of the case. A note taker may also be present. The Line Manager (or nominee) will present the case.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustment/appropriate assistance. In all circumstances, reasonableness will be applied when considering how best to proceed.

Either party may seek a short adjournment during the Hearing for instance to speak with their companion, or for medical reasons.

## **A4 STAGE TWO – FORMAL HEARING OUTCOME**

As soon as possible after the Hearing, the Panel will consider all the facts, evidence and response and may decide that it is appropriate to issue a Stage Two Final Written Warning. However, the process may be delayed or adjourned at any time if the Panel considers that (further) medical advice from the University's Occupational Health service may assist in determining the appropriate course of action (see Section 7 of this policy). This will be of benefit if medical advice has not previously been obtained (or the advice is out of date), there is evidence that the circumstances have changed, or a member of staff discloses that he/she has had, or has developed, a significant underlying medical condition or disability that has contributed to his/her absence and has not been considered before.

The Stage Two Final Written Warning will be sent to the member of staff concerned by the Chair of the Panel (or nominee), normally within 5 working days of the Hearing/Panel decision.

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The letter will provide the member of staff with details of:

- the findings of the Panel, including the details of any warning issued
- the improvement expected\* and the expected timeframe with any review periods as appropriate
- any monitoring and/or specific requirements to be followed
- the consequences of failing to respond to the warning or failing to sustain the required improvement
- any support, adjustments or training that may be required
- the right of appeal and to whom it should be submitted in writing by them within 10 working days of the date of the letter containing the decision.

The Panel may consider it more appropriate that a Stage One – Formal Written Warning is given or extended, or alternative action should be followed, which will be made clear in the outcome letter.

If a Stage Two Warning is given, the letter will also advise that if the improvement is not achieved or sustained the member of staff may be dismissed on the grounds of Capability (on sickness grounds), following a Hearing.

If no significant contributory factors have been identified the improvement expected will normally be:

- No more than 2 absences in a rolling period of three months over the following year;
- No more than 4 days that are not covered by a doctor's certificate (Fit Note) in a rolling period of three months over the following year; and,
- No more than 14 days or 7 absences over the following year.

Any warning given at this stage will remain live for 18 months from the date of issue. If the staff member is absent for any reason for a period of more than one month during the 18 month period, then the warning will be extended by an equivalent length of time.

## **A5 STAGE THREE – CONSIDERATION OF TERMINATION OF APPOINTMENT**

If, following a Final Written Warning being issued under Stage Two of this Policy, the required improvement in attendance has not been achieved or sustained or within the required timescales, the case should be referred to the Head of Department/appropriate Senior Manager who will consult with Human Resources and determine whether it is appropriate to convene a Hearing to consider termination of employment on the grounds of Capability (on sickness grounds).

The process may be delayed or adjourned at any time if the University considers that (further) medical advice from the University's Occupational Health service may assist in determining the appropriate course of action (see Section 7 of this policy). Medical advice should normally have been obtained before a Hearing is convened to consider termination on grounds of Capability (on sickness grounds). Obtaining further medical advice should also be considered if there is evidence that the circumstances have changed since medical advice was previously obtained, or a member of staff has indicated that he/she has had, or has developed, a significant

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underlying medical condition or disability that has contributed to his/her absence and has not been considered before.

The staff member will be invited to a Stage Three Sickness Absence Hearing. This will be done in writing by Human Resources and will set out the issues to be considered including the Management case to be discussed and all relevant documentation, and advise that they will be given the opportunity to respond. The letter will advise the member of staff of their right to be accompanied and of the need for confidentiality. The letter will also advise of the outcomes that could result from the Hearing and advise that an outcome could result in their dismissal.

The Hearing will normally take place within 10 working days from the date of the letter and will request the staff member to provide any supporting documentation and/or witness statements at least 5 working days prior to the Hearing. Witnesses may be called as determined by the Panel.

The Final Sickness Absence Hearing will comprise a minimum of three members: an Independent Senior Manager, another Senior Member of staff, and a representative from Human Resources. The Head of Department or Line Manager may also be present. The composition may be varied depending on the nature and complexity of the issue concerned.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustment/appropriate assistance. In all circumstances, reasonableness will be applied when considering how best to proceed.

Either party may seek a short adjournment during the Hearing for instance to speak with their companion, or for medical reasons.

## **A6 STAGE THREE – FINAL HEARING OUTCOME**

As soon as possible after the Hearing, the Panel will consider all the facts, evidence and response and may decide to dismiss the member of staff. However, the process may be delayed or adjourned at any time if the Panel considers that (further) medical advice from the University's Occupational Health service may assist in determining the appropriate course of action (see Section 7 of this policy). This will be of benefit if there is evidence that the circumstances have changed, or a member of staff discloses that he/she has had, or has developed, a significant underlying medical condition or disability that has contributed to his/her absence and has not been considered before.

The Chair of the Panel (or nominee) will issue the staff member with a written outcome, normally within 5 working days of the Hearing/Panel decision.

On the basis of all the information presented, the Panel may decide upon one or more of the following outcomes:

- To dismiss the staff member on grounds of capability (on sickness grounds) (with appropriate notice/pay in lieu of notice);
- That there are insufficient grounds to dismiss the staff member and that a final written warning or extension of an existing warning with expected improvement and timeframes would be more appropriate; with continued support/adjustments and review periods as appropriate;
- Other action is determined.

The member of staff will be advised of the right to appeal the decision and to whom it should be submitted in writing by them within 10 working days of the date of the letter containing the decision.

## **MANAGING LONG –TERM SICKNESS ABSENCE**

### **B1 STAGE ONE – LONG-TERM SICKNESS ABSENCE PROCESS**

During any period of absence, Line Managers should try to balance the needs of the University with support for staff with long-term health problems.

If, after 4 weeks continuous absence (or earlier if there is a particular reason for concern), there is no date or prognosis for a return to work, or the date of return is not within a reasonable timeframe, the Line Manager should consult with Human Resources to consider whether a referral to the Occupational Health service is appropriate. At this point (and subsequently if circumstances may have changed) the University may require that the member of staff attend an appointment with its Occupational Health service. Members of staff should be aware that should they fail to take reasonable steps to co-operate with this requirement then the University can only proceed on the information available, and disciplinary action may also be taken.

The principal purpose of the referral is to ascertain whether the member of staff is fit to undertake any of the duties he/she is contracted to do; what duties they may be fit to undertake; if, and when, it can be reasonably anticipated that he/she will be fit to return to work; and, whether any adjustments/support should be considered in order to facilitate an early return to work.

Members of staff are also responsible during long-term sickness absences for taking reasonable steps to aid their recovery and to keep in regular contact (at least monthly) with the University. This may be via the telephone or in writing including electronic means, as agreed, and, should it not be possible for him/her to make contact personally, this may be done through a relative, friend, trade union representative or other nominee.

Periodic visits by Line Managers (where the member of staff concerned is in agreement to this) are recommended, as this is an important part of keeping in contact with staff.

### **B2 STAGE ONE – FORMAL CONSULTATION MEETING**

If the absence is prolonged, the Manager should arrange a formal consultation meeting with the member of staff, and the University may seek to obtain any further / specialist medical advice that may be required, via the University's Occupational Health service, about the member of staff's illness, any diagnosis or prognosis and any issues regarding the working environment.

Medical advice will normally have been sought before the consultation meeting takes place where possible. The objective of this meeting is to help provide the University with sufficient information to make a decision on how to proceed and to investigate any support and assistance that can be offered in order to facilitate an early return to work. The Line Manager (or nominee) will be accompanied by a Human Resources representative and the member of staff



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may be accompanied by a Brunel work colleague or their Trade Union representative. Other staff eg Team Leader/Supervisor may also be in attendance. Sufficient notice of the meeting should be given by the Line Manager in order for the necessary arrangements to be made. This meeting should be handled sensitively and the following points/issues should be explored on which the member of staff's views will be sought regarding:

- Medical reports and recommendations;
- the expected length of absence;
- the longer term effects of the illness/injury (if any);
- any reasonable adjustments that may be required, including revised or alternative duties, where appropriate;
- the effects of the continued absence on colleagues/service delivery, etc;
- the possibility of a re-occurrence of the illness/injury.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustment/appropriate assistance. In all circumstances, reasonableness will be applied when considering how best to proceed.

Either party may seek a short adjournment during the Hearing for instance to speak with their companion, or for medical reasons.

Should the meeting consider that additional information is required, or further medical advice obtained, this will be undertaken and a follow on consultation meeting arranged.

## **B3 POSSIBLE OUTCOMES OF THE FORMAL CONSULTATION MEETING**

The University's Occupational Health service may have indicated that the medical problems can be resolved in time and the member of staff may be able to resume regular and effective service at some point in the near future. The medical report may suggest a phased return to work (i.e. returning on less hours than are worked normally, and increasing hours over time – normally within 4 – 6 weeks - until normal working is resumed). The University will take reasonable steps wherever possible to agree the arrangements regarding a return to work with members of staff and, on medical advice, accommodate phased returns to work. In exceptional circumstances, consideration will also be given to any remaining sick pay entitlement or annual leave being used during a phased return to work over a specified period such that earnings (excluding overtime, whether contractual or otherwise) are increased to the same level as during normal working.

If the time scale for a return to work is not acceptable to the University, and the individual has satisfactorily completed their probationary period, the individual should be informed that they may be dismissed on the grounds of Capability (on sickness grounds), following a Hearing under the Incapacity on Medical Grounds Policy. Otherwise their attendance and capability will be considered under their Probationary process. Clearly what is regarded as an unacceptable timescale will depend on the circumstances of the case. It is important that each case is assessed on an individual basis and the nature of the reasons for the absence(s) taken into account when deciding future action.

If the medical advice is that a return to work is anticipated within a reasonable timeframe, a further consultation meeting will be scheduled to review the position and agree a return to work programme, taking into consideration medical recommendations.



The University's Occupational Health service may have indicated that the medical problems will continue and that the member of staff's attendance is not expected to return to a satisfactory level. Should an individual be in a pension scheme administered by the University and the advice indicate that the member of staff is permanently incapable of performing his/her duties and that they are not capable of undertaking alternative employment (in line with the rules of the relevant Pension scheme), an application for ill-health retirement may then be submitted through Human Resources to the relevant pension scheme administrators for appropriate medical review to be undertaken. The member of staff should be informed that if the application does not meet the criteria for ill-health retirement, however, and the member of staff is unable to return to normal working within an acceptable period, that he/she may be dismissed on the grounds of Capability (on sickness grounds), following a Hearing under the Incapacity on Medical Grounds Policy.

### **10. RIGHT OF APPEAL**

There is no right of appeal against the outcome of the Informal procedure of this Policy.

An individual has the right to appeal against any outcome of a formal stage of this Procedure, including any sanction against them. Appeals must be lodged in writing to the Director of Human Resources/nominated Human Resources Manager within ten working days of the date of the letter containing the decision, clearly stating the grounds for the appeal. In exceptional circumstances where the outcome letter can only be delivered through the external postal system, a longer deadline of 15 working days may be applied.

An Appeal Hearing is not usually a re-hearing of the case. The Appellant must be specific about the grounds of appeal as this will form the agenda for the Appeal Hearing. The Appeal Panel should normally confine discussions to the specific grounds of appeal rather than reconsider the whole matter afresh. The documentary evidence from the Hearing outcome being appealed will be available for reference purposes however and the Chair of that Hearing Panel (or nominated Panel member) will be responsible for presenting the rationale for their Panel's decision, if requested, whether in person or by correspondence.

Grounds for Appeal may be raised on the basis of:

- Procedural irregularity which has a material effect on the decision;
- Disregard of material evidence;
- The severity of the sanction in the face of the evidence presented;
- Demonstrable bias or prejudice on the part of the Panel;
- New evidence – which has genuinely come to light since the Hearing. Where new evidence is raised, further investigations may need to be carried out which may require the Appeal Hearing to be postponed, pending the outcome of the investigations.

An Appeal Hearing will be arranged as soon as possible, allowing for factors such as Panel member availability. The Appeal will be heard by two senior Managers who have not previously been involved in the case and a Human Resources representative. The Panel, where possible, should reflect a varied profile.

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The individual will have the right to be accompanied by a companion and should make the necessary arrangements to enable their companion to attend.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustment/appropriate assistance. In all circumstances, reasonableness will be applied when considering how best to proceed.

Either party may seek a short adjournment during the Hearing for instance to speak with their companion, or for medical reasons. For Academic Staff (as defined in Statute 1 – 1.1), where a dismissal outcome has been decided, an Appeal Panel shall be constituted as specified under that Statute, and will consist of at least three members, including a Chair being a member of Council not being a person employed by the University; at least one other member of Council not being a person employed by the University and at least one member of the academic staff nominated by the Senate.

Possible outcomes of an Appeal Hearing may be for the Appeals Panel to:

- Confirm the decision of the previous hearing;  
Uphold the Appeal and rescind the decision; in which circumstances the Appeals Panel may consider it appropriate to determine an alternative, lesser sanction.

The outcome may be varied according to the circumstances of the case.

The outcome of the Appeal will be set out in a letter from the Chair of the Panel (or nominee) to the Appellant who will be advised that the decision is final and that there is no further right of appeal.

## **11. SPECIAL CASES**

### **Staff members who are accredited trade union representatives**

Where this Policy is being considered against a staff member who is an accredited trade union officer/representative of a trade union recognised by the University, no formal action will be initiated under this Policy until the University has made reasonable efforts to discuss the matter (with prior agreement of the staff member) with a regional official of that trade union. This does not prevent the University from suspending the staff member in line with this Policy.

If the trade union official/representative concerned objects to the regional officer being contacted, the University will continue with the capability process.

### **Overlapping Grievance and Sickness Absence Management cases**

Where a member of staff raises a grievance when the Sickness Absence Management process is already underway or vice versa, consideration will be given as to whether it is appropriate to deal with both issues concurrently. The same Panel would be used. Only in exceptional circumstances will an Incapacity procedure be adjourned to consider the grievance.

## **Illness during the Incapacity on Medical Grounds Procedure**

The University has a duty of care to all of its members of staff. Therefore, where a member of staff is experiencing continued illness during this process such that they are unable to attend meetings/Hearings for instance, the University will request a medical report from the Occupational Health service to determine if and when a member of staff is fit to attend a meeting/Hearing or engage in other aspects of the Procedure. This may also require information from the member of staff's GP/specialist.

Where a member of staff is deemed fit enough to attend a meeting/Hearing or engage in the process, the meeting/Hearing/process will be arranged or continue in the normal way. Where the medical advice suggests that a meeting/Hearing may go ahead with adjustments, this will be arranged accordingly.

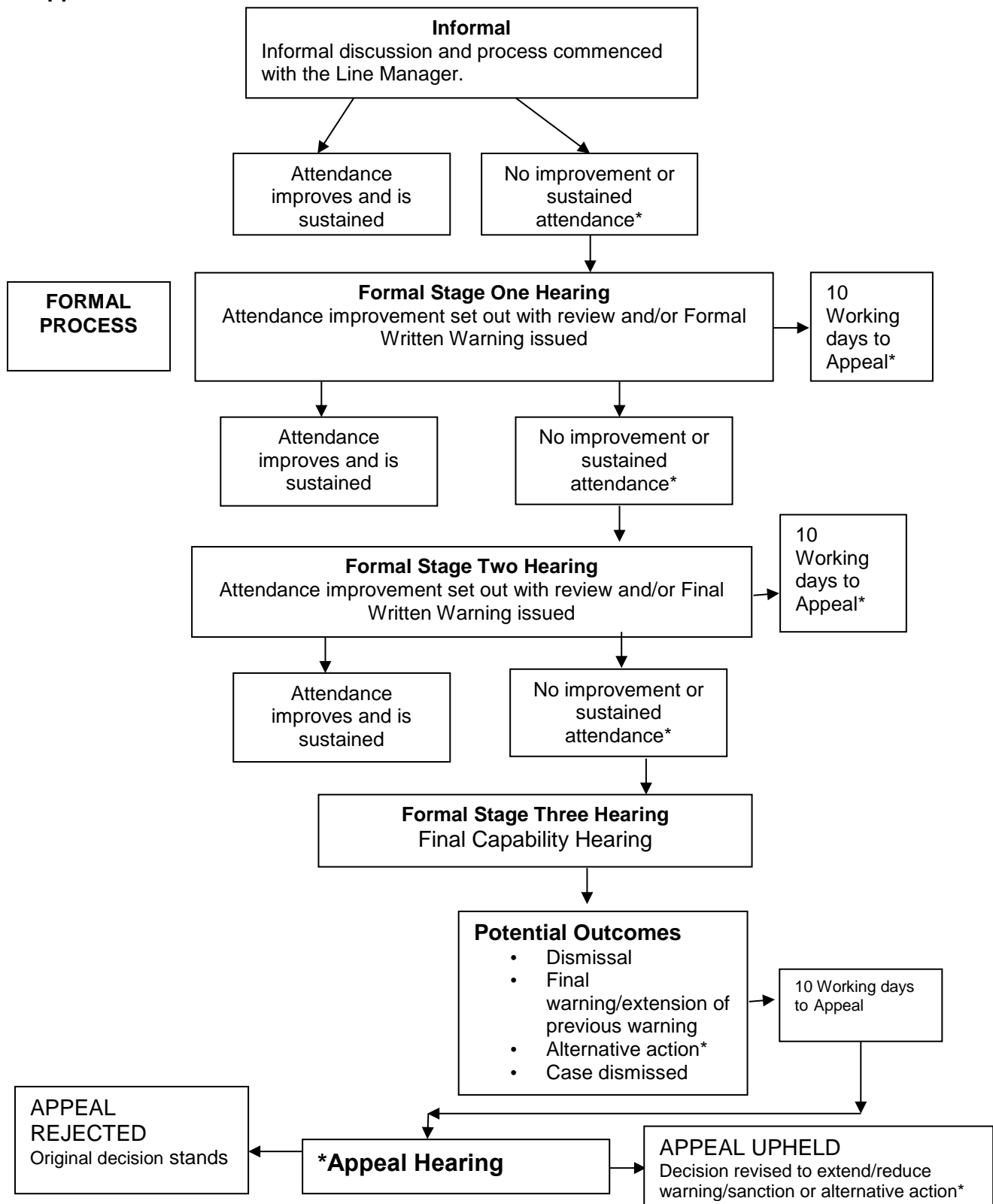
Where a member of staff is deemed to be too unwell to attend by the Occupational Health service (taking advice from a medical practitioner as appropriate), the meeting/Hearing will normally be rescheduled, according to medical advice as to timescales. However, where the member of staff is unable to attend the rescheduled meeting or the timescale is unreasonable, the meeting/Hearing may be held in their absence using the documentary evidence available, together with any written submissions provided or through a nominated companion to speak on their behalf.

## **Counselling**

Staff may wish to consider utilising the University's Counselling service which offers emotional, psychological and mental health support. Counsellors are trained to listen, understand and to help clarify and address problems that may be interfering with the wellbeing and enjoyment of life for staff. This service is free and confidential.

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## Appendix A – SICKNESS ABSENCE MANAGEMENT PROCESS FLOWCHART



\* Alternative action may result in the Long-term Sickness Absence being followed/Incapacity on Medical Grounds Policy and Procedures

## **Appendix B – DEFINITIONS AND EXPECTATIONS OF ROLES**

### **Line Manager**

A Line Manager\Supervisor\Team Leader is the staff member who has direct managerial responsibility for a particular employee. All managers with a responsibility for the management of staff will need to be aware of the requirements of this Policy and related Policies and should ensure that their direct reports are familiar with its contents. The raising of Manager's awareness of the requirements of this Policy will be undertaken through the opportunity to attend training and dissemination of the Policy. Line Managers may nominate another appropriate member of staff to act on their behalf under this Policy.

### **Companion who may be a Trade Union Representative**

A representative from Trade Union recognised by the University or an official thereof employed by a Trade Union. A Trade Union representative, who is not an employed official, must be certificated by their Union, and must provide evidence, as being competent to accompany an employee.

### **Companion who may be a Work Colleague**

A member of staff, employed by Brunel University London, who should not be placed in a conflict of interest by accompanying an individual under this Policy.

The companion should be suitable, willing and, ideally, available on site rather than someone from a geographically remote location. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting/Hearing and confer with the member of staff and sum up the case as necessary. They may not answer questions on his/her behalf, address the Hearing if the member of staff does not wish this, nor prevent the employer from explaining their case.

### **Witness(es)**

A current member of staff who would be asked to provide a statement or confirm notes from any investigation meeting, which would be included within any Management report/Hearing documentation. Witness statements should be concerned with the facts relating to the case and not consist solely of unsubstantiated opinion. To ensure fairness, confidentiality and consistency of the process, anonymous statements will not be accepted. Where a member of the team/department, who is a key witness, is employed by a 3rd party, it could be relevant to include their statement.

### **Independent Manager**

An Independent Manager is one who is, wherever possible, sufficiently detached from the content or detail of the case, to be able to give an impartial and unbiased judgment at the Formal Final Hearing as part of the Hearing Panel. This does not preclude the Head of Department or Senior Manager within the Department from participating on the Hearing Panel and the Independent Manager may also be the Head of Department. The role of the Independent Manager is to act as Chair of the Panel, to listen to all information provided and, based on the facts of the case as presented, form a judgment regarding a suitable action,

## ***Sickness Absence Management Policy and Procedure***



outcome or resolution, as agreed with the Hearing Panel. Further, they must ensure that all parties have the opportunity to present their case. Where a case goes to Appeal, they will be responsible for presenting the rationale for the Panel's decision to the Appeal Hearing, if requested, whether in person or by correspondence.

### **Presenting Manager**

If a Presenting Manager is nominated, they will prepare and present the case and answer any questions asked of them by the Panel or member of staff/companion at the Hearing. It will not always be the case that a Presenting Manager will be required.

### **The Respondent**

The member of staff against whom the management case and concerns has been brought.

### **The Appellant**

The member of staff submitting an appeal.

## **Appendix C – GUIDANCE NOTES FOR CONDUCTING A RETURN TO WORK MEETING**

A return to work interview / discussion should be conducted for every period of absence.

A return to work interview/discussion will enable employees to share concerns about their illness and general state of health in relation to their post. A return to Work Interview / Discussion is an essential way to monitor employee wellbeing and provide an opportunity for the University to accurately investigate sickness absence.

The degree of formality and length of the interview will depend on the circumstances. If the employee is rarely on sick leave and the Manager is not aware of any pattern developing the meeting will be brief.

However, should the employee be returning to work after a succession of frequent intermittent absences or after a long term absence, the interview should be much more structured and notes should be taken.

The purpose of the return to work interview is to:-

- Welcome the employee back following sickness absence;
- Confirm with the member of staff that they are well enough to return to work and any recommended support/adjustments that may be required;
- Establish the cause of absence and discuss how / if any future absences can be minimised;
- Consider if any referral to the Occupational Health Service may be required;
- Update the employee on any workplace developments/changes during absence period.

**Where appropriate, advise/remind staff of procedures and trigger points that may lead to future action being taken, or advise that a separate formal meeting will be required**

Should the Fit Note state that the employee is fit for work taking into account certain advice, this should be discussed and reviewed with the employee advising that it may be necessary for you as Line Manager to make a referral to our Occupational Health provider for an opinion and guidance on the advice provided on the Fit Note.

For further guidance please contact your Human Resources Administrator.



# ***Sickness Absence Management Policy and Procedure***



## **RETURN TO WORK FORM**

Name of Member of Staff ..... Name of Manager .....

### ***Sickness Details***

First Day of Absence ..... Last Day of Absence .....

Total Number of Days Absence.....

Nature of Illness .....

Reporting Absence Procedure correctly followed: YES/NO

Has a self- certification form been completed/Fit Note received? YES / NO

Work Related YES / NO

Accident Form Completed and H&S Informed YES / NO / N/A

Absence Related to third party claim YES / NO / N/A

### ***Questions***

***The questions provided below aim to offer examples to assist but it is important to consider individual circumstances and apply accordingly.***

How are you / Are you fully recovered? .....

Did you see your GP/Hospital Doctor? .....

When? .....

Are you receiving any treatment/medication? .....

**If medication/treatment is discussed establish if there are any side effects that we as an Employer should be made aware of to ensure any appropriate action is taken and / or inform any relevant parties.**

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Do you have another doctor/hospital appointment? YES / NO if Yes when? .....

Is it expected that further absences may be necessary for future appointments/treatments? YES / NO

Is there any other underlying or related reason for the absence (work or personal) and if so would you

like to take this opportunity to discuss any concerns you may have? .....

Is this something that you may suffer from again? YES / NO / DON'T KNOW

Is there any action that you or the University can take to prevent this type of absence re-occurring?

Date for review (if necessary).....

Any further comments/concerns .....

Any action to be taken at this stage: .....  
(Adjustments to work, OH referral, counselling, disciplinary action, HR guidance)

(a) Employee has been advised of his/her value to the team/department. He/she has been advised that attendance by all staff is monitored in accordance with the Sickness Absence Management Policy.

(b) Employee has been advised that there are concerns with his/her level of sickness absence and/or failure to follow reporting procedures. He/she has been advised that their sickness absence will continue to be monitored in accordance with the Sickness Absence Management Policy. The employee has been made aware that should his/her sickness absence record continue to be a concern further action may be necessary in accordance with the Sickness Absence Management Policy or the Disciplinary Policy if reporting procedures are not followed.

(c) Employee has been advised that a Formal Hearing will take place at the appropriate stage.

(Delete (a), (b) or (c) as appropriate)

Signed .....  
**Line Manager**

Signed .....  
**Member of Staff**

Date .....

Time .....

Copies to: Member of staff, Manager, Human Resources