

## Sickness Absence Policy

| <b>Contents</b>                                       | <b>Page no</b> |
|---|----------------|
| 1. Purpose  | 2              |
| 2. Scope  | 2              |
| 3. Absence notification procedure                     | 2              |
| 4. Evidence of Incapacity                             | 3              |
| 5. Return to work                                     | 3              |
| 6. Absence Management                                 | 3              |
| 7. Employee obligations during absence                | 5              |
| 8. Responsibilities of the line manager               | 5              |
| 9. The Role of Human Resources                        | 6              |
| 10. The Role of the Occupational Health Service (OHS) | 6              |
| 11. Further Information                               | 6              |

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## **1. Purpose**

1.1 The University is committed to promoting the health and well-being of its employees and supporting them through periods of ill health. The University recognises its responsibility to manage employee absence sensitively and endeavours to assist employees wherever possible in their recovery and return to work. The aim of this policy is to:

- ensure sickness absence is kept to a minimum by means of effective management;
- employees are treated fairly and equitably;
- maintain confidentiality at all times in accordance with the Access to Medical Reports Act 1988 and the Data Protection Act 1998;
- provide support to employees through our Occupational Health Service (OHS) to facilitate their return to work wherever possible.

1.2 This policy is designed to promote good practice aimed at preventing ill health, the effective management of sickness absence when it occurs and the rehabilitation of employees where reasonable, including taking all reasonable measures to support and retain those with a disability. If an employee becomes disabled during the course of their employment at the University, the individual may choose to disclose their change in circumstances through discussing their situation either with their line manager or with another such as the University's Occupational Health Advisor.

## **2. Scope**

2.1 This policy applies to all employees of the University.

## **3. Absence notification procedure**

3.1 An employee who is prevented by sickness from reporting for duty must:

- Call their line manager or designated officer for absence within one hour of their normal start time on the first day of absence by telephone or agreed reporting mechanism. If they are not available, a message may be left with the department secretary or other designated individual. Employees who do not have hours of work specified should adhere to the local arrangements in place within their own School/Unit.
- Give an indication of the reason for their non-attendance and the likely length of absence. Please note that employees are under no obligation to provide detail on specific health issues.
- Update their Line Manager on a daily basis unless otherwise agreed.

3.1.1 The University understands that there may be occasions when an employee is unable to comply with the timescales in 3.1 due to being in an emergency situation or they are physically unable to do so. In those instances, we would expect the employee to make contact as soon as they could.

3.1.2 If an employee does not report their sickness absence in accordance with the above, it may result in non-payment of sick pay and the time off being recorded as unauthorised.

3.2 **The Line Manager must:**

- Attempt to contact an employee who has not attended for work one hour after their start time, or contacted their Line Manager or Designated Officer for absence as set out above.
- The purpose of the call is to establish their reason for absence, provide advice if needed and determine when they may be returning to work. The employee should be reminded of the absence notification procedure at that time as appropriate.

## **4. Evidence of Incapacity**

### **4.1 Self-certification**

4.1.1 It is the employee's responsibility to ensure that their absence is covered with the appropriate evidence of incapacity. If they fail to comply without good cause, it will be classed as unauthorised absence and the employee may have their pay stopped or suspended. It could also result in disciplinary action.

4.1.2 Self-certification allows an employee to certify their first 7 calendar days of absence. The line manager or designated officer for absence must complete a Sickness Notification (Part A) form on the employee's behalf on HR Self Service the same day they are notified of the absence.

### **4.2 Statement of fitness for work (known as a 'Fit Note')**

4.2.1 If an employee is absent for 8 calendar days or more, they must obtain a Fit Note from their GP. For continued absence, a further Fit Note must be submitted within 3 calendar days of the expiry date and submitted to their line manager. The line manager will forward the original to Salaries (a scanned copy is acceptable). An employee can choose to send a Fit Note directly to Salaries but they must advise their line manager that they have done so and of the period that they are to be absent.

### **4.3 Hospital in-patient certification**

4.3.1 If an employee has been admitted to hospital, a hospital in-patient certificate (Med 10) must be obtained if the stay results in more than 7 calendar days' absence from work. The employee should send any certificates to their line manager who will forward them to Salaries. An employee can choose to send certificates issued by a hospital directly to Salaries but they must advise their line manager that they have done so and of the period that they are expected to be absent.

## **5. Return to work**

5.1 On an employee's return to work, the line manager must ensure a return to work discussion takes place. The purpose of this discussion is to make sure the employee is fit to return to work and is an opportunity for the line manager to advise them of any changes or significant events that have taken place within their School or Unit during their absence.

5.2 The employee must complete a Return to Work (Part B) form on HR Self Service within 2 days of their return. This form must be completed on all occasions even if a Fit note has expired or states a return to work date. The form must be authorised by the line manager before it will go to HR to be processed.

5.3 No hard or electronic copies of any medical certificates will be kept by the School/Unit for data protection reasons.

## **6. Absence Management**

### **6.1 Short term absence**

6.1.1 Line managers will monitor short-term absences to assess whether there are any issues to be addressed. While no employee should feel under pressure to attend work if they feel unfit, the University would not expect short-term absences to exceed:

- 8 working days in total; or
- more than 4 occasions;
- **in any rolling 12-month period.**

6.1.2 Absences, including those that are medically certified, will be monitored by the line manager. If an employee's absence levels are frequent or impacting on service delivery, this will be discussed in accordance with the [Capability \(Poor Performance\) Procedure](#) to establish if there are underlying issues affecting the employee's

well-being. The Line Manager is expected to make an OHS Referral via Human Resources to establish whether there is an underlying health condition that is causing the absences. Only in exceptional circumstances will a referral not be made. The referral must be discussed with the employee before it is progressed to give the employee an understanding of what OHS is being asked and to give the employee an opportunity to ask any questions at that stage.

- 6.1.3 If an employee does not consent to a referral to OHS or attend a scheduled appointment without good cause or medical evidence of why attendance is not advisable, it could result in contractual sick pay being withheld.
- 6.1.4 The University will make decisions regarding an employee's absence based on the information it holds. It is therefore important that up to date advice is provided to the University. If an employee does not allow this, it will result in the University making judgements based on the information available.
- 6.1.5 Frequent absences may be symptomatic of larger issues (personal problems, job dissatisfaction, etc.) and every effort will be made to allow free discussion. The University will endeavour to be sympathetic to underlying problems and advice will be sought from OHS.
- 6.1.6 In situations where attendance does not improve following a period of monitoring, this may result in more formal action being taken via the [Capability \(Poor Performance\) Procedure](#).

## **6.2 Long Term Absence**

- 6.2.1 Absences of more than 21 calendar days covered by a Fit Note are considered long term by the University. A referral to OHS will normally be considered at this point to review the absence and assess what adjustments might be needed to facilitate a return to work. During an extended period of absence due to ill health, a meeting may be arranged with the employee to discuss implications for employment due to their absence. The meeting will normally involve both the line manager and Human Resources. The employee can choose to be accompanied by either a TU representative or a current work colleague to the OH appointment and any subsequent meeting with their line manager if they wish.
- 6.2.2 If an employee does not consent to a referral to OHS or does not attend a scheduled appointment without good cause or medical evidence of why attendance is not advisable, it could result in contractual sick pay being withheld and the employee's absence will be managed in accordance with 6.1.4 above.
- 6.2.3 If a GP provides a Fit Note stating that an employee "may be fit for work" the employee should inform their line manager immediately. The line manager should advise the relevant HR Business Partner. A referral to OHS will be made for further guidance. A meeting, if applicable, will then take place involving the Line Manager, Human Resources, OHS and the individual to discuss any additional measures that may be needed to facilitate a return to work. If the employee proposes changes considered by the University to be appropriate but those measures cannot be taken for practical or business reasons, the employee will remain on sick leave until the situation changes, for example, if the employee's requirements change.

## **6.3 Phased Return to Work**

- 6.3.1 The University will, where feasible, support any phased return to work recommendations set out by OHS.

## **6.4 Reasonable Adjustments**

- 6.4.1 If reasonable adjustments are recommended by OHS, the University will consider these in line with current legislation.

## **6.5 Continued/Intermittent Long Term Absence**

- 6.5.1 The [Capability \(Long Term Absence\) Procedure](#) may be followed where an employee has been absent from work on a long-term, but not necessarily continuous basis, due to ill health. Its purpose is to ensure that the University gives the employee full encouragement and assistance in relation to their return to work. Where appropriate,

the University will consider redeployment, retraining and workplace adjustments or the employee may wish to consider applying for ill health retirement (see 6.6). If these prove impracticable or unsuccessful, termination of employment may be the outcome.

## **6.6 Ill Health Retirement**

6.6.1 In the case of serious illness (defined as one which in the opinion of a GP or clinical specialist makes continued working impossible due to a permanent incapacity), the employee is eligible to apply for early retirement on the grounds of ill-health in writing through the Director of Human Resources to whichever pension scheme they belong. The appropriate Pension Trustees/Medical Adviser will require medical evidence to support the claim. OHS will normally be required to provide a report for an employee who may be considering applying for an early retirement on the grounds of ill health to help support their claim. Details of this procedure can be obtained from the Pensions Administrator. This process is triggered by the employee and cannot be actioned by the University. The decision on whether an application is successful or not lies with the Pension Scheme provider and not the University.

## **7. Employee obligations during absence**

7.1 An employee must comply with the terms and conditions of their employment during any period of sickness absence and is expected to be contactable, within 24 hours, and available to attend meetings to discuss their absence and attend OHS appointments. If an employee is not going to be contactable for a period of time, they must inform their Line Manager in advance.

7.2 Employees are expected to do everything possible to assist their recuperation; therefore, attendance at OHS appointments is considered a contractual obligation unless medical evidence is provided stating that attendance would be detrimental to the employee's health and/or recovery. If that is the case, information will be sought from the employee's medical practitioner to allow the University to make an informed decision on any ongoing absence. If an employee fails to attend an OHS appointment without good cause, contractual sick pay, if in receipt of this, will be withheld.

7.3 When an employee is absent from work due to ill health, they must not undertake any form of employment during their normal working hours or any comparable work at any other time.

7.4 Employees must ensure that they only return to work when they are fit to do so.

7.5 While an employee is on sickness absence, they accept that the University can use their workstation and access their PC, working folders, etc. in order to maintain service levels in line with the Access to Information During Periods of Staff Absence policy. If an employee chooses to save personal information to their work PC, they do so in the knowledge that their PC may be accessed for business purposes in their absence.

7.6 Dishonest claims or other abuse of this policy will be treated as misconduct under the [University's Disciplinary Procedure](#).

## **8. Responsibilities of the line manager**

8.1 In the application of this policy, the line manager will:

- Ensure that all employees are aware of the procedure for reporting absence within their School/Unit.
- Complete and submit the required sickness absence documentation to Salaries in a timely manner.
- Carry out Return to Work interviews.
- Monitor levels and frequency of employee absences and take appropriate action.
- Submit OHS referrals in liaison with HR. The line manager must discuss the content of the referral with the employee prior to submission to OHS.
- Liaise with Human Resources for guidance and support.
- Maintain contact with employees on long-term absence.

## **9. The Role of Human Resources**

9.1 Human Resources monitors all absence within the University and is responsible for supplying information, support and advice to line managers on how to manage absence.

## **10. The Role of the Occupational Health Service (OHS)**

10.1 The role of OHS is to provide advice to employees and managers in managing short and long-term absences and return to work. There are 2 ways in which employees can attend Occupational Health:

### **10.2 Self Referral**

10.2.1 Employees can contact OHS directly on a confidential basis for advice and guidance if they have a health problem that affects or is affected by work.

### **10.3 Referral by line manager**

10.3.1 This is normally actioned by a line manager by completing an OHS referral form, although Human Resources will refer an employee in certain situations. Referral will usually be made in the following instances:

- Excessive self-certified absence;
- Long term absence;
- Stress related absence - where an employee's absence is stress related, a referral will be considered immediately;
- Where there are concerns that a medical condition may be having an impact on the employee/or colleagues at work or that an employee may need support;
- Where a disability is disclosed.

10.3.2 When an employee is referred to OHS, an appointment is made for them to meet with either the Occupational Health Adviser or the Occupational Health Physician. At the appointment, OHS will undertake an assessment taking into account the individual's medical condition and the functional requirements of their work. Written consent may be sought from the individual to request medical reports from their GP or external Specialist to assist OH staff with their assessment. OHS, will provide a written report to management answering the questions asked on the referral form.

10.3.3 The University reserves the right to seek and consider information from both OHS, an employee's GP and/or Specialist. The University has the right to prefer one set of advice over the other where there is conflicting information and/or advice.

10.3.4 All OH records, including medical reports, are stored confidentially with OHS. Medical information will be given to a Line Manager or Human Resources in accordance with relevant legislation. Employees may choose to see these reports in compliance with the Access to Medical Reports Act 1988.

10.3.5 All personal data the University receives from or about an employee in the operation of this policy will be managed and stored in compliance with the Data Protection Act 1998.

## **11. Further Information**

11.1 Further information on the Occupational Health Service can be accessed via their [website](#).

11.2 For further information on sickness absence, please refer to [Appendix A – Frequently Asked Questions](#).

## Appendix A – Frequently Asked Questions

### 1. Can I return to work before the date indicated on a Fit Note?

You may wish to return to work before the end date on a Fit Note if you feel fit enough to do so. However, we would recommend that a referral is made to OHS first and a risk assessment carried out to ensure that any temporary reasonable adjustments recommended are made. Your Line Manager can refuse to allow you to return to work if they feel that there is still a risk to your health or if adjustments being recommended cannot reasonably be accommodated.

### 2. What if my Fit note says ‘fit to return to restricted duties’?

You should forward your Fit Note to your Line Manager who will discuss it with HR and OHS to identify if the restrictions can be accommodated. If not, you will be informed and expected to remain on sickness absence. The restrictions are a recommendation by your GP but as an employer, we are not required to comply with the recommendation. The University reserves the right to base the decision on either the Fit Note or OHS advice where there is conflicting information.

### 3. Should academic employees inform their School if they are sick?

It is a contractual requirement to inform the University of any sickness absence. There are implications on pay if sickness is not recorded accurately.

### 4. Do I have to attend OHS if my manager refers me?

You are expected to do everything possible to assist your recuperation therefore attendance at OHS is required. If you do not attend without good cause, sick pay will be withheld unless you provide medical evidence stating that attendance would be detrimental to your health and/or recovery. If that is the case, information will be sought from your medical practitioner to allow the University to make an informed decision on any ongoing absence.

### 5. If I am sick or injured during my annual leave, what should I do?

In this instance, you would be regarded as being on sick leave from the date you advise us in accordance with the notification requirements. In such circumstances, only days covered by a fit note can be reclaimed as annual leave excluding public holidays recognised by the University.

Employees already on sick leave before a pre-arranged period of annual leave may choose to cancel any days of holiday that coincide with the period of incapacity and have them recorded as sick leave. However, any costs associated with such cancellation are to be borne by the employee, not the University.

### 6. If I am on long-term absence what will happen to my accrued annual leave?

During paid sickness absence, you will continue to accrue annual leave at the rate set out in your employment contract and subject to the following provisions. Once you have exhausted your Occupational Sick Pay, you will continue to accrue the balance of the annual leave to which you are entitled under the Working Time Regulations for that leave year. (The total annual leave entitlement under those Regulations is 5.6 weeks per annum). In the event that, as a result of sick leave, you are unable to take a total of 4 weeks' leave in any leave year, you may carry forward the balance of that 4 weeks to be taken in the following leave year. The balance that has been carried over must be taken within 18 months of the end of the leave year during which it was accrued.

### 7. Can I be contacted at home whilst on sickness absence?

While you are on sickness absence, you must be contactable. Managers have a responsibility to keep in touch with employees on sickness absence. However, you would not be expected to carry out work activities when on sickness absence.

**8. Can my desk/assigned office equipment be used by someone else if I am off sick?**

Your workstation is the property of the University. During sickness absence, it might be necessary for your desk or office space to be used to help cover your duties whilst you are off sick. Where there is a legitimate business need to access your electronic files in order to be able to continue service delivery, access will be requested via ITS. If you choose to save personal information to your work PC you should be aware your PC may be accessed for business purposes.

**9. Can my job be given to someone else while I am on sickness absence?**

In cases of long-term absence, your role may be temporarily filled. However, this does not mean that the person covering is taking your job; it is an arrangement for covering the duties in your absence. On your return from absence, you will normally return to your primary role unless your health or other circumstances mean this is no longer feasible.

**10. What is considered to be a day's sickness?**

If you have been at work for less than 75% of your normal working day, it will count as one day's absence.

**11. Can I phone in sick in order to look after a family member who is unwell?**

No. You should only phone in sick if you are personally ill and unable to undertake your duties. The University has other policies to assist in these situations, please refer to the Special Leave Policy.

**12. Can I take time off work to attend a doctor or dentist appointment?**

Time off to attend medical appointments is not recorded as sickness absence. These appointments should be made outside your working hours or at the start or end of your working day. If you work part-time, it is expected that any such appointments would not take place during working hours.

**13. Can I take annual leave during a period of certified sickness absence?**

If you wish to go on holiday during sickness absence, you must advise your line manager in advance. Your line manager will notify Salaries and the days will be deducted from your Annual Leave entitlement. Payment of sick pay will be suspended and you will be paid holiday pay instead for that period.