SICKNESS AND ABSENCE POLICY AND PROCEDURE

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1.0 INTRODUCTION

1.1 The principles of this policy apply to all members of staff regardless of contract type. It is aimed at enabling sickness absence to be addressed consistently and fairly across the College and sets out procedures for reporting and recording sickness absence.

1.2 The College treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.

1.3 This policy is based on the following principles:

(i) Members of staff are responsible for achieving and maintaining regular, punctual attendance as implied within their College employment contract;

(ii) Managers should provide appropriate support at the earliest opportunity to members of staff experiencing ill health with the aim of supporting their welfare and securing their early return to work;

(iii) The College will use Occupational Health professionals where appropriate to support members of staff and managers;

(iv) The College will provide payments to members of staff who are unable to attend work due to sickness, as long as certain conditions are met (see section 3.1 below)

(v) The College will make reasonable adjustments to support members of staff with disabilities to perform their role, please see the Disability Policy.

(vi) The College will provide members of staff and family members living with them with access to the College’s Employee Assistance Provider, Confidential Care, which is able to provide free confidential counselling, help and advice. Details are available from your local Human Resources representative and Confidential Care.

(vii) The College is keen to support staff as they balance their work and home responsibilities. Details of provisions for carers are available in the College’s Flexible Working Policy, Maternity and Family Leave Policy and the Special Leave Procedure. In addition, the Carers’ information webpage offers further information and access to services.

(viii) The College respects the confidentiality of all information relating to staff sickness. This policy has been implemented in line with Data Protection legislation, the Access to Medical Reports Act 1988 and Access to Health Records Act 1990. Access to members of staff’s sickness absence records will be restricted to authorised persons only and the member of staff.
In cases where the formal procedure needs to be used, members of staff will have the right to be accompanied by a trade union representative or work colleague.

2.0 CONTRACTUAL ARRANGEMENTS UNDER THIS POLICY

2.1 Sick Pay

2.1.1 The College operates a sick pay and leave provision above the statutory entitlements. Exact entitlements are shown below:

2.1.2 Within any rolling 12 months sick pay allowances vary according to the length of continuous service, based on the member of staff’s anniversary of appointment, as follows:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Full Pay</th>
<th>Half Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>First year</td>
<td>1 month</td>
<td>1 month</td>
</tr>
<tr>
<td>Second and third years</td>
<td>3 months</td>
<td>3 months</td>
</tr>
<tr>
<td>Fourth year and after</td>
<td>6 months</td>
<td>6 months</td>
</tr>
</tbody>
</table>

2.1.3 Where a member of staff’s length of service increases during a period of sickness absence they will receive the maximum sick pay benefits that applied on the first day of the current period of absence. Following a return to work, any subsequent periods of sickness absence would attract the appropriate increased level of sick pay benefits based on length of service.

2.1.4 The purpose of the sick pay and leave provision is to allow staff time off from work to recuperate or to return to work gradually on medical advice, without the pressure of immediate financial worries. It should be noted that once sick pay has been exhausted and staff are on zero pay, no contributions to the member of staff’s College pension scheme will be paid either by them or by College. Staff may wish to contact the Pensions team to discuss this and their options as relevant.

2.1.5 In the majority of cases the sick pay and leave provision should be sufficient to enable staff to recover and make a full return to work. Receipt of sick pay is subject to staff following the College’s notification and certification requirements, outlined in section 3.1 below.

2.1.6 If a member of staff is absent due to an accident which occurred outside work then normal sick pay provisions would apply. Where insurance compensation includes reimbursement of College sick pay, this must be repaid to the College.

2.2 Medical and Dental Appointments

2.2.1 Reasonable time off with pay will be allowed for hospital, doctor and dentist appointments or for emergency medical or dental treatment and such appointments will not normally be counted as sickness absence. The line manager may ask to see an appointment card.
2.2.2 Staff are expected to make every effort to ensure that routine appointments are made before or after the working day. Where this is not possible, it is expected that appointments will be arranged to minimise disruption to their work. Therefore, appointments should be made at the beginning or end of the normal working day, i.e. within the first or last working hour. Part-time staff and shift workers should try to schedule routine appointments for when they are not working.

2.2.3 It is accepted that there are situations where the member of staff has no control over appointment times, e.g. those allocated by a hospital or clinic, or where they are subject to a waiting list process.

2.3 Annual Leave

2.3.1 Sickness absence counts as continuous service and members of staff will accrue annual leave entitlement as normal during any periods of sick leave. If a member of staff is sick whilst on annual leave they can reclaim their annual leave, providing they comply with the procedure below. As mandatory leave cannot be accrued, staff will not be able to reclaim College Closure days or public holidays during any periods of sickness absence.

a. Long term sick leave

Staff on long term sick leave may request paid holiday leave in line with normal departmental procedures. No combination of paid annual leave and sick pay will exceed a normal day's pay.

Where a member of staff on long term sick leave is unable to use their leave entitlement due to continued sickness, they will be permitted to carry forward unused statutory holiday (20 days per annum, pro rata for part time staff) into the next leave year, and must use this within 15 months of the start of the leave year into which it has been carried forward, subject to normal line management approval.

Where employment is terminated at the end of the sick leave period, staff are entitled to payment in lieu of any accrued statutory annual leave not taken. If employment termination is within a new leave year and the individual has not returned from sick leave, they will receive all outstanding payment for leave not taken from the previous year in addition to any accrued in the new leave year.

b. Sickness during annual leave

If a member of staff is on annual leave when they fall ill and wishes to reclaim the annual leave for the sickness period, they must report in sick on the first day of illness and if in the UK provide a medical fit note, signed by a GP. If the GP consulted is outside the UK and provides a note as evidence of illness (as opposed to an authenticated medical certificate), this must be submitted on the GP’s official headed notepaper or have an official stamp. In rare instances when neither of the aforementioned is available, the College will accept its own ‘GP statement for Annual Leave reclaim’ form which can be downloaded from the College website and must be completed by the overseas GP, as set out on the form. If the UK or Overseas GP charges for this it will be at the individual’s own expense. Members of staff are able
to reclaim the day(s) of sickness absence, i.e. if a staff member takes one week’s annual leave and is sick for one day of that week then subject to complying with both (a) and (b) above, that one day will be added back to their annual leave entitlement and may be taken at a later date, subject to normal operational requirements.

3.0 ROLES AND RESPONSIBILITIES

3.1 The Member of Staff

3.1.1 Members of staff are required to maintain an acceptable standard of attendance at work and bring any work related health issues to the attention of the College at the earliest opportunity. Staff have the opportunity to seek advice from Occupational Health. Members of staff also have responsibilities in relation to the following points and failure to follow these could result in their absence being treated as unauthorised absence.

3.1.2 Notification

When unable to attend work because of illness or injury, members of staff must follow the procedure set out below:

a) **On the first day of absence staff** must report by telephone their absence to their line manager or agreed alternative member of staff as early as possible, or as specified in local arrangements. They should tell them their provisional diagnosis and a likely return date, any urgent work or other internal/external colleagues who may need to be informed of the absence (but not the reason for it). As far as is reasonably possible in the circumstances, every effort should be made to contact the line manager by telephone within the first hour of their normal start time, where this is not possible a voicemail message may be left along with a contact number and time when they will be available so that the line manager can make contact if necessary. In exceptional circumstances, for example in the event of hospitalisation, someone else may telephone the department on the member of staff’s behalf. Members of staff should not normally inform their manager of their absence by email or text message.

b) **It is important that a member of staff maintains regular contact** with their manager or agreed contact whilst on sick leave on a weekly basis except where the line manager has specifically agreed a less frequent arrangement. This will ensure that the manager can provide them with the appropriate support whilst also ensuring that work commitments are suitably covered.

c) If a member of staff believes that their absence may be related to **an activity or incident at work**, they must inform their line manager of this. In these circumstances, the line manager is required to inform the Safety Department and Human Resources immediately and, if this was not done at the time of the injury, complete an **Incident Report Form** based on the information given and send it to the Safety Department.
d) If a member of staff has been exposed to a **communicable illness** they must inform their line manager who will seek advice from the Occupational Health Service to confirm whether the member of staff is ‘fit’ to attend work.

3.1.3 **Certification**

Members of staff must provide the relevant form to their line manager in order to be paid for periods of sickness:

a) For periods of sickness absence of 1 – 7 days (including Saturdays, Sundays, and/or other non working days, Public Holidays College Closure), a **Sickness absence Notification form** must be completed on the member of staff’s return to work.

b) For any period of absence of 8 days or more (including Saturdays, Sundays, and/or other non working days, Public Holidays and College Closures), a medical fit note covering the relevant periods of absence should also be provided to the member of staff’s line manager.

c) Where a member of staff has been provided with a medical fit note indicating that they are ‘fit for work’ with recommended workplace adjustments, they should contact their line manager immediately to discuss this prior to returning to work.

d) For on-going periods of sickness absence, a member of staff should regularly send, in good time, up to date medical fit notes to their line manager until they are fit for normal duties. If a member of staff wishes to return to work before the expiry date of their medical fit note, the line manager should seek advice from Occupational Health before they are allowed to do so. This may involve a formal referral.

3.2 **The Line Manager**

3.2.1 In accordance with **Imperial Expectations**, line managers have a central role in the effective management of sickness and its impact on work performance and delivery. They are responsible for the efficient operation of the College, the welfare of their staff, for continuously reviewing the sickness absence levels of staff and taking appropriate action to avoid or reduce the incidences of sickness absence.

Line managers also have responsibilities in relation to the following:

3.2.2 **Local Management of Sickness Notification, Certification and Pay**

a) Ensure their members of staff know the local sickness notification procedure and frequency of contact, particularly in cases of long-term sickness. If the member of staff states stress, anxiety or a work-related issue, line managers should inform their local **Human Resources contact** immediately who will liaise with the appropriate support for example Occupational Health, Employee Assistance Programme etc.

b) If a member of staff notifies their line manager that they are unable to attend work due to sickness, but instead wishes to work from home, this would normally be agreed when this is recommended as a staggered return by Occupational Health.
c) If the member of staff has been absent for less than 7 days, ensure they provide a completed Sickness Absence Notification form.

d) If the member of staff has been absent for 8 days or more, ensure they provide a Medical Fit Note and a Sickness Absence Notification form.

e) If, on the first occasion a member of staff is absent for a period of more than 8 days, the member of staff provides a Statement of fitness to work and remains on sick leave, the manager should complete the Sickness Notification form on the member of staff’s behalf, so that the first day of sickness absence can be accurately recorded.

f) As soon as possible, send a copy of the Sickness Notification form and original Medical Fit Notes to their local Human Resources representative, who will arrange for the Pay Office to receive the information. Similarly line managers should also advise Human Resources of any agreement for a gradual return to work and provide the details of reduced working hours in order that the Pay Office may be informed.

3.2.3 Return to Work Meeting

On a member of staff’s return to work, line managers are expected to hold an informal discussion with them about their welfare. The matters to be considered at a return to work meeting are noted on the reverse of the Sickness Absence Notification Form. If any concerns are raised, line managers can seek advice from Human Resources.

3.2.4 Monitoring Short Term Sickness Absence

Line managers should refer to section 4 below.

3.2.5 Sickness during Annual Leave

Line managers should keep a record of holiday leave requested and authorised whilst a member of staff is absent due to long term sickness. They should also adjust their records if any holiday leave is re-instated due to a member of staff being unwell whilst on holiday.

3.2.6 Staff Handling Food

Guidance for members of staff who are employed as food handlers and who have been absent from work with vomiting and/or diarrhoea can be accessed at this. Where such conditions have persisted for more than twenty-four hours, staff will be subject to specific procedures under the Food Hygiene Regulations.

3.3 Role of Human Resources

3.3.1 Human Resources representatives have a responsibility to both the line manager and member of staff to advise on the interpretation and implementation of the policy and good practice. Local Human Resources representatives can be contacted directly by either party. As well as liaising with the line manager and member of staff, Human Resources will also liaise with Occupational Health and Trade Union representatives on the management of sickness cases.
3.3.2 Human Resources representatives will monitor and identify trends in sickness absences and liaise with line managers when absence levels are becoming a concern.

3.3.3 Management referrals to the Occupational Health Department should be made through Human Resources.

3.3.4 Human Resources representatives are responsible for the coordination of the formal stages of this procedure and will be present at all formal meetings.

3.4 Role of the Staff Disability Adviser

3.4.1 The Equality & Diversity Manager is based in the Equality and Diversity Unit to provide specific and bespoke information, advice and guidance for disabled staff and/or their managers, alongside Human Resources. All discussions are held in confidence, and enable staff members to consider all the options they have within the workplace. This includes reasonable adjustments and support available within and outside the College. If a specialist assessment or information about appropriate assistive technology is required, then a referral can be made. The Adviser can also facilitate liaising with Access to Work, for reasonable adjustments or other specialist assessors.

3.5 Role of Trade Unions Representative

3.5.1 During the informal stage of the sickness absence review procedure, the Trade Unions’ representatives are available to provide advice and support, they cannot, however, attend any informal meetings with the member of staff and their line manager. At the formal stages of this procedure, members of staff are entitled to be represented or assisted by a trade union representative or a work colleague.

3.6 Role of Occupational Health

3.6.1 Occupational Health professionals provide the College with specialist advice about a member of staff’s fitness for work and on health issues within the workplace. These include:

- Identifying the nature of the member of staff's illness, this may be advised by diagnosis from a GP when available;
- Seeing staff who either request a meeting or are referred by their manager;
- Giving advice to managers when members of staff have been declared fit for work by their GP subject to workplace modifications, altered hours or amended duties being implemented, additional information available;
- Advising members of staff and their line managers on the best way to improve health and well-being and manage their staff member’s return to work;
• Assessing the probability of members of staff’s return to work and fitness to continue in their current role, suitable equipment/aids and safeguards;
• Liaising with GP(s) and/or Consultant(s) regarding members of staff’s condition(s) and prognosis on behalf of the College and in accordance with the Access to Medical Records Act;
• Make recommendations for retirement due to ill-health where appropriate

Guidance for managers and information for members of staff is available on the Occupational Health web pages.

3.7 Occupational Health reports

3.7.1 When attending Occupational Health assessments, members of staff may choose to bring a colleague, friend or family member to support them. It will be at the Occupational Health professional’s discretion whether to conduct all or part of the assessment with the supporter present, if the Occupational Health professional considers it more appropriate to assess the individual on their own, a chaperone may be provided on request.

3.7.2 Occupational Health reports are solely produced following a line manager’s referral; they are not produced for self-referrals. Members of staff are given the opportunity, to see the report once written and have a reasonable period of time to consider its contents and comment on any factual inaccuracies. These should be corrected before it is sent to the line manager. The member of staff also has the opportunity at this point to withdraw consent for provision of a report. Staff who withdraw consent will be informed that this might mean a decision about their sickness absence will have to be taken without the benefit of medical advice.

3.7.3 Once the member of staff has either seen and given consent for the report to be used or confirmed that they do not wish to see it prior to issue, the report will be forwarded to the line manager, and will be copied to the member of staff, relevant local Human Resources contact and other nominated party as relevant e.g. Staff Disabilities Advisor, Trades Union representative.

3.7.4 The report will contain information on the impact of a condition on attendance at work and will usually state whether the member of staff has a known underlying medical condition and will give an indication as to whether they are fit for work; have limited fitness; or are unfit for a period known, unknown or permanently.

3.7.5 Where there is an underlying health problem, the report will include opinion on how this may affect attendance or performance in future. Where appropriate, reports may also include recommendations on measures and/or any reasonable adjustments that may assist a return to work and to help improve performance, where this is affected by the person’s health. These recommendations will usually be discussed with the line manager prior to issue of the report. The Occupational Health professional can
arrange to visit the person’s workplace if necessary, to ensure recommendations are relevant and feasible.

3.7.6 An Occupational Health assessment will enable a manager, in consultation with Human Resources, to decide whether a formal meeting should be held under the Procedure for Managing Short Term Intermittent Sickness Absence (page 11) or the Procedure for Managing Long Term or Recurring Absence due to an underlying health issue (page 13).

4.0 SICKNESS MANAGEMENT PROCEDURE

4.1 Monitoring Sickness Absence

4.1.1 To manage sickness absence managers should be undertaking return to work interviews and will need to identify if unusual and/or set patterns of absence which should be discussed informally with the member of staff. This can only be done through maintaining local records and monitoring absence levels on an individual basis, using the Bradford Score Index\(^1\) to assist with this, or liaising with their local Human Resources contact to obtain this information, where there is concern about a member of staff’s absence.

\(^1\) The Bradford Index is the total number of days absent multiplied by the number of episodes in the preceding 12 months squared. As examples –

- 30 days absence on one occasion is calculated with a Bradford score of 30 (30x(1x1))
- 12 days absence on seven occasions is calculated with a Bradford score of 588 (12x(7x7))
- 250 informal meeting with line manager only
- 350 formal meeting with right to representation by work colleague or trades union representative and HR

4.2 Types of Sickness Absence

4.2.1 Not all patterns of absence fall neatly into one of the following groups and/or the pattern may change over a period of time, so some flexibility of approach may be needed.

(i) Repeated Short Term Sickness Absence

This is where a member of staff has been absent from work through sickness or injury on a number of occasions over a rolling 12 month period, or absences which fall into a pattern over the same period.

(ii) Long-term Sickness Absence

When a member of staff has been, or is expected to be absent from work for more than 4 consecutive weeks.

4.3 Introduction to Managing Sickness Absence

4.3.1 The objectives of managing sickness absence are to:
• provide a fair and consistent approach in dealing with the absence of members of staff due to periods of short term, long term or frequent sickness absence. This policy contains two procedures for managing sickness absence, one to cover short term absences at paragraph 4.5 and the other to cover long term absence or recurring absence due to underlying health issues at paragraph 6.

• manage absence owing to sickness in a manner that enables the College to maintain staff effectiveness and efficiency while at the same time providing assistance, where possible, to staff to overcome or cope with health.

• ensure that all staff and line managers are aware of their respective responsibilities and that working practices or environments that may be contributing to sickness absence are dealt with at an early stage.

4.4 Informal Sickness Absence Review Meeting for Short Term Absence

4.4.1 Where the member of staff’s absence record gives cause for concern or where the level of a member of staff’s absence results in a Bradford Index Score of 250, the line manager should discuss this with the member of staff on an informal, one-to-one basis, in the first instance. The line manager should consider if the member of staff should be referred to Occupational Health to understand if there is an underlying problem resulting in the sickness absence(s) and consideration should be given to:

• The reasons for the absence; the member of staff should be given an opportunity to explain any circumstances, which might be contributing to their level of absence, or any other matter which they feel ought to be taken into account.

• Identifying any appropriate support, including referral to Occupational Health, the College’s Employee Assistance Provider, Confidential Care
  www.imperial.ac.uk/occhealth/services/eap

4.4.2 As this is an informal one-to-one meeting, there is no right at this stage for the member of staff to be accompanied by a trade union representative or work colleague, and Human Resources will not be present.

4.4.3 The member of staff should be made aware that if sufficient improvement is not demonstrated, the matter may be referred for review under the formal process.

4.5 Formal Process for Short Term Absence

4.5.1 There is no requirement that an Occupational Health report be obtained in advance of a formal meeting. However, if Occupational Health advice has been received and this indicates that a member of staff’s condition will not affect their ability to carry out the responsibilities of their role, or will not affect their attendance beyond a certain level, this procedure should be followed when there are ongoing issues.

4.6 Stage 1 – First Formal Stage
4.6.1 A line manager in consultation with Human Resources has some discretion on the appropriate time to arrange a formal meeting. A formal meeting should be convened in accordance with paragraph 7 below when either a recurring/or an underlying condition sickness absence is having an impact on the member of staff’s ability to fully perform the functions of the post or where the level of a member of staff’s absence results in a Bradford Index Score of 350.

4.6.2 At the meeting the line manager will:

- Explain that the member of staff is not meeting the level of attendance required for the job.
- Ask the member of staff if there are any factors that may be contributing to their level of attendance.
- Outline the operational impact that the absences are having on the department
- Discuss and agree with the member of staff any additional support that will help them achieve an acceptable level of attendance.

4.6.3 Following the meeting, the line manager will fully consider all the evidence that has been presented, both oral and written, and will either decide to take no action or if they decide that it is appropriate to do so, they will issue the member of staff with a written warning.

4.6.4 The written warning will advise the member of staff:

- Of the expected attendance level.
- That failure to reach the level of attendance required may result in their dismissal.
- Of their right to appeal.
- The warning will be live for a 12 month period.

4.7 Stage 2 – Second Formal Stage

4.7.1 If the level of sickness absence continues the line manager will convene a second formal sickness review meeting with the member of staff.

4.7.2 At the meeting the line manager will cover the points mentioned in section 4.6.2 above.

4.7.3 Following the meeting, the line manager will follow the procedure set out at section 4.6.3 above.

4.7.4 The written warning will advise of the points set out at section 4.6.4 above.

4.8 Stage 3 – Final Formal Stage

4.8.1 If the level of sickness absence continues, the line manager will advise their Human Resources representative to convene a formal employment review hearing (see paragraph 8.0).
4.8.2 At the employment review hearing the line manager will describe to the panel hearing the case, the member of staff’s level of attendance and explain the measures that have been taken to support the member of staff to improve their attendance.

4.8.3 The member of staff or the representative may offer an explanation for any of the points raised.

4.8.4 After hearing and considering all the evidence and representations the following options are available to the panel hearing the case:

- No further action
- Dismiss the member of staff, with appropriate notice, on the grounds of lack of capability.

5.0 OTHER CIRCUMSTANCES

5.1 Incremental Progression

5.1.1 While a member of staff has a live formal warning in relation to attendance, and their attendance has not improved, then consideration will be given to withholding incremental progression through the salary spine. The member of staff will be informed in advance if incremental progression is to be withheld. This will not apply retrospectively. A line manager may reinstate incremental progression where there is sustained improvement in attendance. This may be implemented before the expiry of the formal warning, but it will not be backdated to the normal incremental date if this has passed.

5.2 Formal College Procedure

5.2.1 Should a member of staff become ill whilst undergoing a formal College procedure, such as the College’s Disciplinary and Poor Performance Policy and Procedure, they must inform the investigating officer as soon as possible, to allow management to make the necessary arrangements.

5.2.2 Reasonable steps will be taken to accommodate and support staff, and sickness absence will be managed in line with this Sickness Absence Policy and Procedure.

5.2.3 Being on sick leave does not prevent a formal process from continuing, and aspects of the process that can be completed in the member of staff’s absence, such as interviewing any witnesses and gathering relevant documents will go ahead.

5.2.4 If a member of staff becomes ill ahead of a formal meeting, they may be referred to the College’s Occupational Health Service to assess their fitness to attend meetings and continue with the process. Meeting dates will usually be rescheduled once, and if the member of staff is unable to attend the rescheduled meeting, they will be informed of their right to submit any written documents to support their case and the process will continue in their absence.
5.2.5 If a rescheduled hearing is due to take place, the panel may invite the member of staff’s representative to attend on their behalf, in order to present their case. In the event that a hearing is held in a member of staff’s absence, the decision can be conveyed to them in writing.

6.0 FORMAL PROCESS FOR LONG TERM ABSENCE OR RECURRING ABSENCE DUE TO UNDERLYING HEALTH ISSUE

6.1 Long Term Sickness Absence

6.1.1 For the purpose of this policy, long term sickness absence is identified as certified sickness absence which lasts for more than four consecutive weeks. Recurring absence due to an underlying health issue means a medical condition or injury that may be contributing to sickness absence.

6.1.2 It is recognised that there are occasions when members of staff may need to take a protracted period of absence to recover from more serious health conditions. These types of absences fall into two general categories.

- Long/medium term planned absence to cover health conditions where the length of absence can be predicted (e.g. broken bones or in-patient operative procedures requiring rehabilitation).
- Long/medium term unplanned absence where it is much more difficult to predict the likely duration of the sickness absence period (e.g. diseases, infections, mental health etc.).

6.2 Sickness Review Meetings

6.2.1 Where a member of staff has long term or recurring short term sickness absence due to an underlying health issue, as identified in an Occupational Health report, a sickness absence review meeting(s) will be convened in order to review and discuss the situation with them.

6.2.2 The process for dealing with sickness absence under this section will very much depend on the individual circumstances of the member of staff. In situations where there is an underlying health issue, a member of staff may have one or several sickness absence review meeting(s) before action below (Facilities and Adjustments) is agreed and implemented. This will depend on the medical condition, the treatment, the long-term prognosis, and the sustainability of the absence after considering the effects on the department and the comments made by the member of staff. The Human Resources’ representative will be able to give guidance on this.

6.2.3 At the meeting the line manager will ask the member of staff to give their opinion on:

- Their health.
- Anticipated recovery progress
- Whether they expect to be able to return to work in the foreseeable future
- What type of support they feel they need on return to work
• Explore with the member of staff facilities and adjustments, please see paragraph 6.4
• If the member of staff has a disability the line manager must give full consideration to their duty to make reasonable adjustments in accordance with the Equality Act 2010.

6.2.4 Following the meeting, the line manager will consider the discussion and any written information in the decision making process. Any decision should take into account section 6.4 below.

6.3 Monitoring long term or frequent absence caused by an underlying health issue

6.3.1 A reasonable period of review should be allowed for support arrangements to be put in place, or for any treatment and recuperation that might enable a return to work in the near future. Medical advice should be sought where appropriate.

6.3.2 Where it is possible that in the longer term the sickness absence will not be able to be sustained by the department then the member of staff should be advised of this. The member of staff should be given the opportunity to make comments on this point and have these considered by the line manager.

6.3.3 Consideration should always be given to medical retirement or alternative work on different working arrangements and pay, if appropriate and acceptable to the member of staff - see Facilities and Adjustments below.

6.4 Facilities and Adjustments

6.4.1 Where a condition has a substantial and long-term adverse effect on a member of staff's ability to carry out their day-to-day activities, the College will act in accordance with the provisions within the Equality Act (see the Disability Policy). The College will review whether reasonable adjustments to working arrangements or the workplace will overcome the practical effects of the medical condition.

6.4.2 Where a member of staff is suffering from an underlying medical condition, even if this does not meet the criteria for review under the Equality Act, the College will still give consideration, in consultation with the member of staff, to adjustments if it would assist the member of staff to meet operational requirements:

• adjustment to working hours, working conditions or arrangements;
• time off for counselling, and/or medical treatment
• gradual return to work following long term absence (pay will be at rate of sick leave/pay or number of hours worked – whichever is the greater);
• available alternative work on a temporary basis (with discretionary option of protected pay for up to three months);
• available alternative work on a permanent basis (this would be on the appropriate grade for the new job). Trial periods may be offered and training would be available if required.
6.5 Medical retirement

6.5.1 The College offers membership to pension schemes that may provide early or enhanced payment of benefits, where a member of staff can no longer carry out the duties of their post or equivalent work as a result of a medical condition.

6.5.2 The decision on whether or not a pension is awarded is taken by the Pension Trustees. The decision is based on the member of staff having the requisite pensionable service and a review of reports submitted by either the College or the member of staff. Usually two medical reports are required: one from the staff member’s own doctor and one from the Occupational Health Physician. In addition the University Superannuation Scheme (USS) requires a report from the staff member’s manager on their performance at work.

7.0 NOTIFICATION, REPRESENTATION AND RECORDING OF ANY FORMAL MEETINGS

7.1 As far as is practicable, line managers should take the member of staff’s health into consideration when arranging timing and location of meetings. All members of staff will receive five working days’ written notification of any formal meeting convened under the sickness absence procedure. The member of staff has the right to be accompanied by a work colleague or trade union representative. In exceptional circumstances the line manager and Human Resources representative may agree to the member of staff being accompanied by a family member or friend who is not legally qualified. The notification will include:

- The date, time and venue of the meeting.
- Details of all attendees at the meeting. Copies of any documentation that will be considered at the meeting.
- A copy of the sickness absence procedure.
- The potential outcome of the meeting, i.e., issue of a first, final written warning or dismissal.

7.2 Where the member of staff’s representative is unavailable to attend the original hearing date, one postponement will be allowed for an alternative date within five working days of the original date.

7.3 If the member of staff is unable to attend a sickness absence review meeting, they should be given the opportunity to submit comments in writing and should be made aware that a decision may be made in their absence.

7.4 Members of staff whose absence is being managed under the Long Term Sickness Absence procedure, whose health is such that they are not able to respond, may communicate through an appropriate family member or partner.

7.5 The Human Resources representative will arrange for notes to be taken at all formal meetings and a copy will be provided to the member of staff following the meeting. Notes and records of matters dealt with under the Sickness Absence Policy will be handled on a confidential basis and stored securely. The covert recording of informal or formal meetings, e.g. by use of a mobile phone or other recording device will not be permitted, and will result in disciplinary action.
8.0 CAPABILITY FORMAL EMPLOYMENT REVIEW HEARING

8.1 A Capability Employment Review Hearing will be considered only where:

- The member of staff has either received two warnings under the short term absence procedure or the fullest opportunity to comment on their fitness to work and/or the likelihood of returning to work under the long term absence procedure, and these views have been taken into account in any earlier meetings or decisions;

- Additionally, for members of staff being managed under the Long Term Sickness Absence procedure
  - Medical opinion indicates that the member of staff will remain insufficiently fit to return to their post or carry out the functions of their post in the foreseeable future;
  - Redeployment, adjusted working arrangements and medical retirement have not been possible or agreed.

8.2 The purpose of the hearing will be for the Head of Department (or, where appropriate, a senior Faculty or College manager as their nominee) to review the case and to consider whether and for how long the College can support continued employment.

8.3 At the hearing the issues will be presented by the line manager, and the member of staff, or representative, will be invited to respond and comment. Alternatives to termination of employment will be considered wherever possible.

8.4 If alternatives are not possible then the Head of Department or nominee has authority to dismiss the member of staff with agreement from the Human Resources representative.

8.5 The Human Resources representative will confirm the decision in writing, with notice or pay in lieu of notice, with full reasons and the right to appeal.

9.0 RIGHT TO APPEAL

9.1 A member of staff has the right to appeal against any formal action taken against them under the sickness procedure.

9.2 A member of staff wishing to appeal against a formal warning should do so within ten working days of receipt of the written notice of warning.

9.3 The appeal notice, which must be in writing, must specify the reason(s) for the appeal.

9.4 Appeals against a formal warning will be heard by a senior line manager with a Human Resources representative, both of whom will have had no previous involvement in the case. Appeals against dismissal will be heard by a College panel consisting of three members of the College not previously involved in the case, with an Human Resources representative present as Secretary to the Appeal Panel. A member of staff has a statutory right to be accompanied at the appeal hearing by either a Trades Union representative or work colleague. All appeal hearings will be
convened as soon as practicable.

9.5 If new evidence is introduced during an appeal hearing it may be referred back to the original formal hearing in order that they may review the formal sanction. The appeal hearing may be reconvened in the event that the member of staff does not accept the subsequent decision of the original hearing.

9.6 Appeal hearings will be conducted in accordance with the following terms of reference:

- To review whether the matter under consideration was adequately investigated and substantiated;
- To review whether the College's procedures were correctly and fairly implemented;
- To consider whether the formal action was reasonable in the circumstances known to management at the time of the hearing.

9.7 In the event that an appeal panel decides to reinstate a member of staff who has been dismissed then this will be done in a manner which maintains continuous service and without loss of pay (assessment will be made of any income received by the member of staff while not in College employment).

9.8 The College regards the appeal decision as final.