

## **SICKNESS ABSENCE POLICY**

### **1. INTRODUCTION**

- 1.1 The University of Bolton is committed to promoting the health and wellbeing of all employees. This Policy aims to maximise employee attendance while recognising that there are occasions when employees may be unable to attend work due to ill-health.
- 1.2 This purpose of this Policy is to outline the steps that the University will take to monitor and manage sickness absence. It also outlines the support which is available to employees in relation to their health and attendance at work.
- 1.3 This Policy incorporates statutory requirements, best practice within the Higher Education sector, and University values.

### **2. SCOPE**

- 2.1 This Policy applies to all employees of the University.

### **3. PRINCIPLES**

- 3.1 Through the application of this Policy, the University aims:
  - To minimise the level of sickness absences through early intervention and support;
  - To ensure a fair, transparent and consistent approach to the management of sickness absence across the University;
  - To offer support and assistance to employees through periods of ill health with the aim of securing their return to work or other resolution as appropriate.

### **4. RECORDING AND MONITORING SICKNESS ABSENCE**

- 4.1 Employees who are unable to attend work due to ill-health are required to adhere to the notification and certification procedures detailed in the Sickness Absence Procedure. Failure to comply with these requirements may impact eligibility to SSP and University (Occupational) Sick Pay, where appropriate as set out in Appendix 2.
- 4.2 To promote a positive culture, managers are responsible for recording, reporting and monitoring the attendance of their employees. This will involve monitoring absence levels; conducting return to work interviews; and taking appropriate action in line with the Sickness Absence Procedure.
- 4.3 The University currently uses a system of trigger points to monitor sickness absence to determine when further action may be necessary. The University will consider the impact of any underlying medical condition or disability when reviewing sickness

absence trigger points. The University will also consider any mitigating circumstances where appropriate.

## **5. COMMUNICATION DURING SICKNESS ABSENCE**

- 5.1 Line managers and employees should maintain reasonable contact during periods of sickness absence. Employees should contact their line managers regularly to provide updates, e.g. upon receipt of a fit note from their GP. The University recognises that regular communication helps to ensure that employees are receiving the appropriate level of support and assists line managers to arrange cover arrangements where necessary.

## **6. PROMOTING RETURN TO WORK**

- 6.1 The University wishes to promote a caring and supportive approach to sickness absence and aims to facilitate an early and sustained return to work where possible. Therefore, it may be appropriate to implement a phased return to work where this will enable an employee to gradually build back up to undertaking their normal working hours. This type of approach would normally be implemented as a short-term measure and further details are included within the Sickness Absence Procedure.

## **7. OCCUPATIONAL HEALTH**

- 7.1 It may often be necessary to make a referral to Occupational Health to provide further information to management and to ensure employees receive appropriate support. This is a supportive intervention which may be appropriate in relation to short-term or long-term sickness absence. Alternatively, this may be appropriate where an employee has not been absent but he/she is suffering from health concerns which could impact upon their ability to carry out their work. The University reserves the right to make a referral at any time where there are reasonable grounds for doing so. It is expected that employees will fully engage with the Occupational Health Service. This includes attending appointments when arranged and agreeing to give the University full access to the resulting medical report. The University may take disciplinary action in circumstances where an employee fails to do so without good cause.
- 7.2 Employees may wish to consider making a self-referral to Occupational Health. In the first instance, employees should discuss this possibility with their line manager so that they may in turn discuss this with HR. The HR Business Partner retains the discretion to determine whether an employee should be referred to Occupational Health.
- 7.3 There may be occasions when the University considers it necessary to request details from the employee's own medical practitioner. Where this is necessary, it is expected that employees will fully engage with this process and will consent to the full disclosure of any relevant medical records.
- 7.4 The University also currently provides an Employee Assistance Programme (EAP) which includes a telephone helpline. This is a confidential service for employees and further information is shown on the HR webpages.

## **8. DISABILITY / REASONABLE ADJUSTMENTS**

- 8.1 The University acknowledges that sickness absence may result from a disability. Disability is defined under the Equality Act 2010 ('the Act') as a physical or mental impairment that has a 'substantial' and 'long-term' adverse impact on an employee's ability to carry out normal daily activities.
- 8.2 There is no requirement for employees to disclose a disability or health condition to the University, although the University would encourage employees to inform their manager particularly if they consider that this may affect their ability to undertake their work and/or poses a health and safety risk.
- 8.3 Where an employee chooses to disclose a disability, as defined under the Act, managers should consider and discuss the necessary support, adaptations and reasonable adjustments to the workplace or role or other aspects of working arrangements that will provide support at work and / or assist a return to work.

## **9. ANNUAL LEAVE**

- 9.1 Employees will continue to accrue annual leave during periods of sickness absence. Any employees on long-term sickness absence may be expected to use accrued annual leave as part of any agreed phased return adjustment recommended by their GP and / or by Occupational Health.
- 9.2 If an employee falls ill whilst on annual leave, he/she should follow the normal reporting and certification requirements. For a medically certificated absence, which prevents an employee from carrying out their holiday plans, it would be possible for the employee to arrange to take the annual leave at another time. However, if the occurrence of sickness occurs when the University would normally be closed, the absence will be deducted from the employee's annual leave entitlement.

## **APPENDIX ONE - SICKNESS ABSENCE PROCEDURE**

### **1. NOTIFICATION AND CERTIFICATION**

- 1.1 On the first day of absence, employees must contact their line manager by telephone to report the absence (unless the line manager has agreed in advance that an alternative method of communication may be used to report absence within the school/department.) The employee must make contact to report their absence prior to his/her normal start time or where this is not possible within one hour of the planned start time on that day, to report their absence. This notification should include appropriate detail about the nature of the sickness and the likely duration of the absence. It may also be necessary for employees to provide their line manager with details regarding any urgent work that needs to be covered in their absence.
- 1.2 Employees should make every effort to speak directly to their manager. Where the line manager is unavailable, the employee should speak to another manager to provide details and their contact phone number. It is not acceptable to send an email or text message. Employees are expected to make direct contact with their line managers and should not ask a third party to report on their behalf. The University recognises that there may be circumstances where this is unavoidable, e.g. hospitalisation.
- 1.3 During the first week of absence, unless agreed otherwise with the line manager, employees must contact their line manager by telephone during the first hour of their normal working day. Subsequently, employees should maintain regular phone contact with their line manager to keep them informed of progress and the likely date of their return. Their line manager may also contact them from time to time to keep in touch and monitor progress.
- 1.4 For absences of seven calendar days or less, employees must complete a self-certification form and submit this to their line manager on the day that they return. Should the absence continue beyond seven calendar days, employees will need to provide a statement of fitness to work (a "fit note") from their GP covering this further period of sickness. This fit note should be posted on the same day or next day to the line manager, who will forward it to HR to record the absence. If the fit note indicates they may be fit to work, the employee must contact their line manager immediately to explore this option. An employee may return to work at the end of the period stated on the fit note, or sooner if agreed by the line manager, after consultation with HR.
- 1.5 Where an employee fails to comply with these requirements without good reason, the employee will be considered to be absent without authorisation which will impact entitlement to payment of University Sick Pay. The University also reserves the right to invoke the Disciplinary Procedure.

### **2. RETURN TO WORK DISCUSSION**

- 2.1 Where an employee has been absent from work due to ill-health, the line manager should hold a return to work discussion with the employee – normally on their first

day back. This provides the line manager with the opportunity to welcome back the employee; gather information about the sickness absence; and to confirm expectations for future attendance. This is also an opportunity for the employee to update their manager and raise any queries. The parties would normally discuss any potential ongoing support which may be appropriate. Where the frequency, pattern or level of sickness absence causes concern, the line manager may schedule a further review meeting.

### **3. MANAGING SHORT-TERM SICKNESS ABSENCE**

3.1 Line managers are advised to take positive steps to monitor and manage sickness absence with support from HR. To ensure consistency of approach, the line manager would normally hold an absence review meeting with the employee in the following circumstances:-

- Five or more days of sickness absence in a six month period
- Three or more occasions of sickness absence in a six month period

3.2 The University operates a rolling six month period for these absence triggers. It may also be appropriate to hold an absence review meeting where the line manager identifies a pattern of absence which causes concern but does not reach the levels set out above, e.g. sickness absence over a period of less than six months.

3.3 The purpose of this informal meeting is to discuss the attendance levels, any contributory underlying factors and to identify any appropriate support that can be put into place. Following this discussion, the line manager may conclude that it is appropriate to continue to monitor attendance on an informal basis. The line manager may set an agreed review period during which the employee will be required to demonstrate an improvement to avoid moving to the formal Stage. Alternatively, the line manager may make a decision to progress to the formal procedure.

#### **STAGE 1 – FORMAL PROCEDURE (SHORT-TERM ABSENCE)**

3.4 During formal meetings held under this procedure, the employee will be offered the opportunity to be accompanied by a trade union representative or a work colleague. The line manager will also be accompanied by a member of HR.

3.5 The line manager will normally meet with the employee to discuss the absence record including reasons for each period of absence. The employee will be invited to comment on this and to inform the line manager of any relevant information which should be taken into account. The line manager will consider the impact of any underlying medical condition or disability.

3.6 Following this discussion, the line manager may conclude that it is appropriate to formally monitor the employee's absence record moving forwards. In this case, the line manager will issue a Stage 1 written notification to the employee setting a target for sustained improvement during the formal monitoring period. The line manager will also discuss with the employee whether the University can offer any support and

this will be documented. The Stage 1 monitoring period would normally last for a maximum of six months. During this period, it may be appropriate to make a referral to Occupational Health.

- 3.7 The line manager will consider the impact of any underlying medical condition or disability. Where an employee has absence related to pregnancy or disability, it may not be appropriate to set a target for formal monitoring.
- 3.8 Where the first formal Stage fails to result in a satisfactory improvement, the line manager will meet with the employee to discuss progress and next steps. The line manager may conclude that the level of sickness absence remains unacceptable and that the matter should progress to Stage 2 of the procedure. The line manager may take this decision before the end of the monitoring period.
- 3.9 Where there has been a satisfactory improvement, the line manager may decide to end or extend the Stage 1 monitoring period.

#### **STAGE 2 – FORMAL PROCEDURE (SHORT-TERM ABSENCE)**

- 3.10 The line manager will normally meet with the employee to discuss the absence record including reasons for each period of absence. The employee will be invited to comment on this and to inform the line manager of any relevant information which should be taken into account. The line manager will consider the impact of any underlying medical condition or disability. It may also be appropriate to make a referral to Occupational Health.
- 3.11 Following this discussion, the line manager may conclude that it is appropriate to continue to formally monitor the employee's absence record moving forwards. In this case, the line manager will issue a Stage 2 written notification to the employee setting a target for sustained improvement during the formal monitoring period. The line manager will also discuss with the employee whether the University can offer any support and this will be documented. The Stage 2 monitoring period would normally last for a maximum of six months. The line manager will set a target for sustained improvement during the formal monitoring period. It will be made clear to the employee that should they fail to demonstrate a satisfactory improvement, the line manager may conclude that it is necessary to progress to Stage 3 of the formal procedure to consider potential dismissal on the grounds of capability.
- 3.12 Where the second formal Stage fails to result in a satisfactory improvement, the line manager will meet with the employee to discuss progress and next steps. The line manager may conclude that the level of sickness absence is unacceptable and that the matter should progress to Stage 3 of the procedure. The line manager may take this decision before the end of the monitoring period.
- 3.13 Where there has been a satisfactory improvement, the line manager may decide to end or extend the Stage 2 monitoring period.

### **STAGE 3 – FORMAL PROCEDURE (SHORT-TERM ABSENCE)**

- 3.14 The line manager will normally meet with the employee to discuss the absence record including reasons for each period of absence and explore the possibility of an underlying medical condition. In these circumstances, advice will be sought from Occupational Health where a referral has not already been made. The employee will be invited to comment on the Occupational Health report and to inform the line manager of any relevant information which should be taken into account.
- 3.15 Following the meeting, the parties will withdraw to enable the line manager to make a decision how to proceed with the case. The line manager may recommend that employment should be terminated on the grounds of capability. In this case, the line manager will prepare a report outlining the periods of absence; review meetings; and support provided. A copy of the report will be provided to the employee.

### **CAPABILITY MEETING (SHORT-TERM ABSENCE)**

- 3.16 If the line manager has recommended that the employee's employment should be terminated on the grounds of capability, the employee will be invited to attend a Capability Meeting which will be conducted by a Designated Senior Post Holder. The line manager will attend to present their report. The purpose of the meeting is to enable the employee to make representations and submit any evidence that they wish to be taken into consideration.
- 3.17 An outcome of the Capability Meeting may be that the employee is dismissed on grounds of capability where the University cannot sustain further absence. Such dismissal will normally be with notice. The outcome will normally be communicated to the employee in writing within five working days after the Capability Meeting.

### **RIGHT OF APPEAL (SHORT-TERM ABSENCE)**

- 3.18 An employee wishing to appeal against dismissal under this procedure should submit a letter of appeal to the Director of HR within five working days of receipt of the outcome letter. The appeal letter should clearly set out the grounds of the appeal.
- 3.19 Arrangements will be made for the appeal to be heard as soon as reasonably practicable and normally within 10 working days from receipt of the appeal letter. The appellant will be notified of the arrangements in writing and will be informed that he/she may be accompanied by a Trade Union representative or a work colleague.
- 3.20 The appeal will be heard by the Vice-Chancellor ("the appeal manager") who has not previously been involved in the matter. The appeal manager will make a decision whether to uphold the appeal. The appeal manager will normally confirm the outcome in writing within five working days.
- 3.21 There is no further right to appeal and the procedure is exhausted at this Stage.

#### **4. MANAGING LONG TERM SICKNESS ABSENCE**

- 4.1 The University considers any single absence lasting four or more weeks as long term sickness absence. It is important that line managers and employees maintain reasonable contact during periods of absence to ensure that information can be shared and appropriate support provided to the employee. The employee is expected to contact their line manager regularly and the line manager will arrange regular absence review meetings where appropriate.
- 4.2 Absence review meetings would normally take place every four weeks at the University, at the employee's home, or if appropriate at a mutually agreed alternative venue. The meetings will enable the parties to discuss the employee's absence; how the employee is progressing and the likelihood of a return to work including potential timescales involved. The discussion will also provide an opportunity to explore supportive mechanisms that may be able to put into place to assist the employee. The line manager can also update the employee on ongoing developments in the work place.
- 4.3 After four weeks of absence, the employee would normally be referred to Occupational Health, in order that the University can obtain medical advice. The purpose of the referral is to provide support to the employee where possible and to enable the University to take informed decisions about the employee's role, ability to return to work, and if appropriate any reasonable adjustments (in line with the Act) that could be made to enable them to return to work, etc.
- 4.4 Where it is not possible to secure a return to work, the line manager will discuss the potential consequences with the employee. These could include considering alternative employment on medical grounds (if a suitable alternative can be identified which meets the medical restrictions), or if a return to work cannot be secured, dismissal on the grounds of capability.

#### **PHASED RETURN TO WORK**

- 4.5 Following a period of long term sickness absence, it may be appropriate to consider a phased return to work to help the employee build up to full capacity over a period of time, normally 2 weeks. During this phased return, the employee would normally receive full pay. Generally, the employee would be expected to revert back to their normal working hours after this period.
- 4.6 In exceptional cases, the employee may believe that it is necessary to continue with the reduced working hours beyond the 2 week period. The employee should discuss this with their line manager and HR. Where a further temporary reduction can be accommodated, the employee's salary will be reduced to reflect their actual working hours. Each request will be considered on a case by case basis and the arrangements will be confirmed in writing.



## **ALTERNATIVE EMPLOYMENT**

- 4.7 Alternative employment may be considered when the employee is unable to work in their current role due to a disability or medical condition and when the University has made all possible reasonable adjustments. In these circumstances, it may be possible for the individual to undertake a suitable alternative role if available. The line manager would discuss this possibility with the employee to identify possible options based upon the employee's relevant skills, abilities and development needs. In the event that an employee accepts alternative employment, the terms and conditions of the new role will apply.

## **ILL HEALTH RETIREMENT**

- 4.8 Where an employee is a member of a relevant occupational pension scheme, it may be appropriate to explore the possibility of ill health retirement. The University cannot guarantee any request for ill health retirement; approval will depend upon the circumstances and the rules of the relevant pension scheme which may change from time to time.

## **DISMISSAL ON THE GROUNDS OF CAPABILITY (LONG-TERM ABSENCE)**

- 4.9 Dismissal will be considered where advice has been sought from Occupational Health and the University considers that the employee is unlikely to return to work within a reasonable period of time, no further reasonable adjustments can be made, alternative employment is not possible and the individual does not wish to or is unable to take early retirement / ill health retirement.

## **STAGE 1 – FORMAL PROCEDURE (LONG-TERM ABSENCE)**

- 4.10 The line manager will write to the employee to invite them to a formal meeting to discuss their ongoing employment at the University. The employee will be offered the opportunity to be accompanied by a trade union representative or a work colleague. The line manager will also be accompanied by a member of HR. The invite letter will advise the employee that consideration will be given to the possibility of dismissal on the grounds of capability.
- 4.11 At the Stage 1 meeting, the parties will discuss the employee's absence record and the most recent report from Occupational Health. The employee will be invited to comment on the report and to inform the line manager of their current health and ability to return to work.
- 4.12 Following this discussion, the line manager may recommend that consideration should be given to potential dismissal on the grounds of capability under Stage 2 of the procedure. Alternatively, the line manager may continue to review the employee's absence for a further period of time, not normally longer than 2 months. The outcome will normally be communicated to the employee in writing within 5 working days. This will include reference to any support that the University is able to provide.

- 4.13 If the line manager continues to review the employee's absence, a further Stage 1 meeting may be held at the end of a Stage 1 review period. If it is necessary to do so, an up-to date Occupational Health report will be obtained before that meeting.

#### **STAGE 2 – FORMAL PROCEDURE (LONG-TERM ABSENCE)**

- 4.14 The line manager will prepare a report outlining the employee's absence; review meetings; medical evidence; and details of any reasonable adjustments / alternative options that have been explored. A copy of the report will be provided to the employee.
- 4.15 The employee will be invited to attend a Stage 2 meeting which will be conducted by a Designated Senior Post Holder. The employee will normally be given 5 working days' notice in writing and will be informed of their right to be accompanied by a trade union representative or work colleague. The letter will also make the employee aware that a potential outcome may be dismissal on the grounds of capability.
- 4.16 The line manager will attend the meeting and present their report. A member of HR will accompany the line manager to advise in respect of policy and procedure. The purpose of the meeting is to enable the employee to make representations and submit any evidence that they wish to be taken into consideration.
- 4.17 An outcome of the meeting may be that the employee is dismissed on grounds of capability. The outcome will normally be communicated to the employee in writing within five working days.

#### **RIGHT OF APPEAL (LONG-TERM ABSENCE)**

- 4.18 An employee wishing to appeal against dismissal under this procedure should submit a letter of appeal to the Director of HR within five working days of receipt of the outcome letter. The appeal letter should clearly set out the grounds of the appeal.
- 4.19 Arrangements will be made for the appeal to be heard as soon as reasonably practicable and normally within 10 working days from receipt of the appeal letter. The appellant will be notified of the arrangements in writing and will be informed that he/she may be accompanied by a Trade Union representative or a work colleague.
- 4.20 The appeal will be heard by the Vice-Chancellor (the "appeal manager") who has not previously been involved in the matter. The appeal manager will make a decision whether to uphold the appeal. The appeal manager will normally confirm the outcome in writing within five working days.
- 4.21 There is no further right to appeal and the procedure is exhausted at this Stage.

## **5. POLICY / PROCEDURE APPLICATION**

- 5.1 A review has been carried out to establish whether this Policy and Procedure will impact employees with any protected characteristic more than others. The University considers that this document does not discriminate on any of the protected grounds.
- 5.2 HR will regularly monitor the application of this document through both supporting line managers with sickness absence matters on an ongoing basis and through a scheduled review of the procedure.
- 5.3 Please note, although the Sickness Absence Policy and Procedure applies to Designated Senior Post Holders the University has a separate process for the termination of the employment of Designated Senior Post Holders.

## APPENDIX TWO - OCCUPATIONAL SICK PAY (Effective from 1 January 2016)

| <b>All University Employees</b>  |  |
|--|--|
| During 1 <sup>st</sup> year of service   | 1 month's full pay (and after completing 4 months' service) 2 months' half pay |
| During 2 <sup>nd</sup> year of service   | 3 months' full pay and 3 months' half pay                                      |
| During 3 <sup>rd</sup> year of service   | 4 months' full pay and 4 months' half pay                                      |
| During 4 <sup>th</sup> and successive years of service   | 6 months' full pay and 6 months' half pay                                      |
| <p>University Sick Pay entitlement is calculated on a rolling 12 month basis, i.e. all sickness absence within any rolling 12 month period will be included for the purposes of the calculation. In addition, where an employee has exhausted their initial entitlement within any 12 month rolling period, he/she must return to work for a continuous period of at least 3 months following any phased return before their entitlement to sick pay resumes.</p> <p>Sick Pay entitlement is dependent upon the employee complying fully with this Sickness Absence Policy and Procedure (including but not limited to the notification requirements). The University reserves the right to withhold payment of Sick Pay in the event of non-compliance or where the employee is not genuinely ill.</p> <p>Where an employee has exhausted their entitlement to University Sick Pay, the Staffing Committee (following a recommendation from the Director of HR) retains the discretion to extend the University Sick Pay. The line manager should make any application to the Director of HR. Applications will be treated confidentially and given careful consideration but extensions will only be granted in exceptional circumstances.</p> |  |

### **Exception**

A member of staff who is absent as a result of an accident shall not be entitled to an entitlement if damages may be receivable from a third party in respect of such accident. In this event, the University may, having regard to the circumstances of the case, advance to the member of staff a sum not exceeding the sickness entitlement provided under this scheme, subject to the member of staff undertaking to refund to the University the total amount of such entitlement or the proportion thereof represented in the amount of damages received. Any period of absence in such a case, where a refund of the monies advanced is made in full, shall not be recorded for the purposes of this scheme.

Where, however, the refund is made in part only, the University may at its discretion decide to what extent, if any, the period of absence may be so recorded.

## DOCUMENT CONTROL

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|---|---|
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| Version Date  | June 2015   |
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| Person responsible for implementation (post holder) | HR Director   |
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