



Queen Margaret University
EDINBURGH

Sickness Absence Management Procedure

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Sickness Absence Management Procedure

1.0 PRINCIPLES

- 1.1 Queen Margaret University recognises that a high level of attendance, achieved in accordance with the aims of the Sickness Absence Management Policy is a vital factor in providing the effective and efficient operation of our services to students and staff. We want to reinforce a culture of attendance at work as the norm, however where attendance falls short of our expected standards, due to sickness absence, we will continuously monitor and manage such absence. We will support members of staff who suffer ill health to work towards a full recovery so that the university can achieve the optimum contribution from its staff resources. These arrangements should balance fair and consistent treatment of members of staff with the operational needs of the University. The aim of this procedure is to provide such a basis for managing sickness absence.

2.0 PROCEDURE

- 2.1 In applying this procedure, statutory employment rights, relevant terms and conditions of employment and employment policies adopted by the University will be duly observed. In particular, the University recognises its statutory obligations, as an employer, in the area of disability discrimination.

3.0 NOTIFICATION OF SICKNESS ABSENCE

- 3.1 For each occasion of sickness absence members of staff must fulfil the notification requirements:

First Day of Sickness Absence:

- All members of staff who are unable to work because of illness, injury or other unforeseen circumstance should inform their line manager or agreed alternative within one hour of normal expected start time.
- Where possible, notification of sickness absence should be made by the employee personally and not by a partner or relative.
- Contact will normally be made by telephone. Voicemail messages should only be left where there is no other alternative.
- Where the line manager is not available a message should be left with another appropriate person.
- The employee should provide as much information about the nature of the absence as possible and state when a return to work is likely.
- If the employee is unsure about when they are likely to be able to return to work they should discuss further arrangements for contact with their line manager.
- Should the employee fail to make contact with their line manager or other appropriate person on their first day of absence this may be considered as unauthorised absence. Unauthorised absence could lead to statutory and occupational sick pay being withheld and potential disciplinary action.

- 3.2 It is recognised that reporting arrangements may vary where members of staff start early in the morning or work on a shift pattern, where this is the case local arrangements will apply.
- 3.3 Where a member of staff is aware that they will require to take a period of sickness absence in advance, e.g. for a pre scheduled operation/post-operative recovery they should discuss with their line manager as soon as possible and complete the Initial Notification form indicating their first day of absence. The Initial Notification form should be submitted to HR as described in section 4.1. Where the absence is for more than seven days a doctors certificate will be required (see section 4.1).
- 3.3 All Managers with responsibility for staff must ensure that all members of staff are made aware of and comply with these notification requirements. New members of staff will be fully informed of these requirements as a part of their induction and reminded on an on-going basis.

4.0 CERTIFICATION OF SICKNESS ABSENCE

- 4.1 For each occasion of sickness absence members of staff must fulfil the certification requirements:

Day One – Initial Notification

The line manager should enter the first date of sickness absence into Manager Self Service. Once the sickness is logged in iTrent an email to the employee will be triggered automatically providing instructions on how to close the absence once they have returned to work.

If the line manager is also absent from work HR can log the first day of absence on iTrent.

Return to Work – Up to Seven Days

If the employee returns to work within seven days they should log into Employee Self Service and enter the end date of their sickness absence along with an absence reason. Once complete a trigger will be sent to the employees line manager to authorise the sickness absence end date.

For the avoidance of doubt, seven days is seven calendar days and not seven working days and is not prorated for part time staff.

Return to Work – More than Seven Days

If the employee returns to work after seven days has passed a Medical Certificate will be required to cover the period of absence.

Employee Self Service should be updated with the sickness absence end date and absence reason as above and the medical certificate should be sent to HR.

Original Medical Certificates must be supplied in most cases, if unsure please speak to Human Resources.

- 4.2 Where the employee is still absent from work and is receiving Medical Certificates to cover their absence the certificates should be submitted to Human Resources at the earliest opportunity.

- 4.3 Where a member of staff fails to comply with these requirements, without reasonable explanation, entitlement to Statutory Sick Pay (SSP) or Occupational Sick Pay Entitlement for all or part of the absence may be lost and disciplinary action may also result. However, following an investigation, SSP or Occupational Sick Pay Entitlement may be authorised retrospectively.
- 4.4 All Managers with responsibility for staff must ensure that all members of staff are made aware of and comply with these certification requirements. New members of staff will be fully informed of these requirements as a part of their induction and reminded on an on-going basis.
- 4.5 If a member of staff falls ill during a period of annual leave they may be able to reclaim their leave on receipt of a Final Notification or if the absence exceeds 7 days a medical certificate should be provided. The Final Notification/Medical Certificate should be dated from the first day of illness and submitted to Human Resources.

5.0 STATEMENT OF FITNESS FOR WORK ('FIT NOTE')

- 5.1 Form 6th April 2010 the Statement of Fitness for Work ('fit note') was introduced to replace the previous Doctor's Medical Certificate (Med 3 & Med 5).
- 5.2 The 'fit note' continues to serve as a Doctors certification that an employee is unfit for work where the box is ticked to indicate 'you are not fit for work'.
- 5.3 The purpose of the 'fit note' is to facilitate return to work in a more meaningful way. The 'fit note' provides the opportunity for the Doctor to specify that the employee may be fit for work taking into account their advice. The Doctor will be given the opportunity to suggest ways in which the University can facilitate a return to work. There are four options available for the Doctor to highlight on the 'fit note', these are:
- A phased return
 - Amended job duties
 - Altered hours of work
 - Workplace adaptations

The Doctor also has the option to make any other suggestions that he/she thinks would be appropriate and/or provide any other relevant information.

- 5.4 Upon receipt of a 'fit note' for an employee the line manager with the support of Human Resources and in consultation with the employee will fairly consider the recommendations made by the Doctor as to whether it will be possible to accommodate the suggestions made.
- 5.5 The suggestions made on the 'fit note' are not legally binding however fair consideration will be given in all cases.

The University does however have the duty to make 'reasonable adjustments' for employees covered under the Equality Act 2010 (see Equality Act 2010, section 15). Where employees are concerned the University has not acted in accordance with its duty they should refer to the Grievance Procedure.

- 5.6 When considering the recommendations on the 'fit note' it may be appropriate to seek the guidance of the Health and Safety Adviser and/or

Occupational Health in order to make an accurate assessment of appropriate adjustments. (See section 9 Independent Medical Assessment).

5.7 Any changes to an employee's hours or work duties, whether permanent or short term will be taken in consultation with the employee.

5.8 Where it is not possible to accommodate the recommendations stated on the 'fit note' this will be discussed with the employee. In this situation the employee will then be treated as unfit for work for the period of the certificated absence without it being necessary for the employee to return to their Doctor however before confirming this advice should be sought from Human Resources.

6.0 SICK LEAVE ALLOWANCES AND PAY

6.1 To qualify for Statutory Sick Pay (SSP) the employee must have average weekly earnings of £95 a week or more. SSP will be paid from the fourth day of absence for a maximum of 28 weeks.

The current rate of SSP is £81.60 per week.

6.2 Occupational Sick Pay (OSP) depends on your length of continuous service with the University from your first day of absence. The calculation is applied retrospectively and includes all sickness absences over the past 365 days. Increased entitlement due to length of service reached during a period of sickness absence will not be applicable during the current absence cycle. Employees must return to work for three months prior to being able to use their additional sick pay entitlement.

The entitlements for sick pay are displayed below:

Service at Commencement of absence from work	Full Allowance (weeks)	Half Allowance (weeks)
Less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks

6.3 Where an employee is absent from work and is approaching a half or nil pay date Human Resources will inform the employee in writing as soon as is reasonably practicable, normally at least one month prior to the date that the salary will reduce.

6.4 Where an employee is receiving reduced or nil pay due to absence from work there will be implications for the employee's pension depending on the scheme the employee is a member of. Further information is available from Human Resources.

7.0 MAINTAINING CONTACT WITH ABSENT MEMBERS OF STAFF

7.1 As part of good practice, contact should be maintained during sickness absence. Such contact is considered to be particularly important in cases of long-term sickness absence, as this will enable management decisions to be

taken on the basis of up-to-date information and with the interests of the member of staff as well as the University in mind.

- 7.2 It is essential that contact is handled sensitively by the line manager in conjunction with Human Resources and with due consideration for the nature of the member of staff's illness. Contact by telephone and/or letter will be appropriate in many cases.

Contact should be flexible and depend on the circumstances in each case.

- 7.3 On some occasions it may be appropriate to visit a member of staff at home with their prior agreement. Two individuals should normally undertake a home visit, with at least one being known to the member of staff. Where a home visit is arranged, the member of staff should be informed that they have the right to be accompanied by a work colleague or trade union representative.

8.0 RETURN TO WORK REVIEW

- 8.1 Return to work reviews should be conducted sensitively and in private by an appropriate manager who will normally be the **immediate** line manager. Where the immediate line manager is unavailable a more senior manager will conduct the review.

This review should be a discussion between the line manager and member of staff aimed at facilitating their resumption of duties and clarifying any outstanding aspects of her/his sickness absence. In all cases, the Return to Work Review should normally happen within 24 hours of the member of staff returning to work.

Where a fit note has been provided with recommendations for consideration the return to work review should be used as an opportunity to discuss the suggestions made.

- 8.2 Return to work reviews should follow each occasion of ill health absence and include a discussion of the circumstances of the ill health absence and, where appropriate, the members of staff's general sickness record. The return to work discussion should not be approached in a prescriptive way, but be tailored to the individual member of staff's circumstances and may include the following areas:-

- The member of staff's current state of health
- The reason(s) for absence to be included on the Final Notification form
- Establishing if the member of staff is fit enough to resume their duties
- Did the member of staff seek medical advice?
- Does the member of staff require any form of support or assistance?
- Consideration of workload issues
- In the event that the most recent absence breaches the defined attendance standards, this will trigger a management review to be progressed (See paragraph 8.2 on Attendance Standards and the Bradford Factor).

- 8.3 In the case of short-term sickness absence, the return to work review should also be used to ensure the Final Notification form is completed accurately and then submitted to Human Resources.

- 8.4 In cases of a prolonged absence it may be appropriate to arrange this review shortly before the date of return to work. This can allow detailed arrangements to be made for the member of staff's return.
- 8.5 Members of staff who seek to return to work whilst still covered by a Medical Certificate where the Doctor has not indicated an a return date must obtain a further Medical Certificate to confirm that a medical practitioner has deemed the member of staff fit to return to their normal duties. Where the employee is not able to return to their normal duties (see section on Statement of Fitness for Work. Section 6)
- 8.6 Where an absence involves alcohol or substance abuse (including drugs), this will be a matter for consideration in accordance with the University's Policy on Alcohol /Drugs and may require referral to our Occupational Health provider for an assessment.

9.0 INDEPENDENT MEDICAL ASSESSMENT

- 9.1 In accordance with the relevant terms and conditions of employment, and in line with the common law duties placed on the University and its staff, a member of staff may be required to undertake a medical assessment by our Occupational Health provider where appropriate. Human Resources will initiate this medical assessment where it is considered necessary or advisable. In such circumstances the member of staff will be advised in writing, by Human Resources of the reason(s) for undertaking the medical assessment, and of their rights under Access to Medical Reports legislation.
- 9.2.1 Following the medical assessment a report will be provided to the University. HR and the line manager will review the report in consultation with the staff member to determine the best course of action.
- 9.2.3 The purpose of a medical assessment is to obtain an up-to-date medical opinion on occupational health matters relating to the member of staff. *Where a medical certificate reveals that absence is caused by a work related injury or condition the member of staff will be referred automatically for a medical assessment regardless of the length of absence.* The purpose of this approach is to support staff and ensure that work related injuries or conditions are dealt with at the earliest opportunity.
- 9.3 Where, in a case of long-term sickness absence, the medical assessment reveals an underlying health problem, the issue will be dealt with as a capability issue.
- 9.4 Where, in a case of frequent and persistent short-term sickness absence, the medical assessment reveals an underlying health problem, the issue will again be dealt with as a capability issue.
- 9.5 Where, in a case of frequent and persistent short-term sickness absence, the medical assessment reveals no underlying health problem, the issue will be regarded as one of conduct rather than capability and, normally in such cases the University's Disciplinary Procedure will be followed. In such cases, the genuineness of the absences in most circumstances will not be in question, it is the overall level of attendance, which is unacceptable and therefore should be dealt with as misconduct.

- 9.6 Should the application of the disciplinary procedures for absence result in dismissal, this should only occur after the individual has been given previous warnings, an opportunity to make improvements and the action taken applied fairly and consistently in accordance with the University's Disciplinary Procedure.

10.0 LONG-TERM ILL HEALTH ABSENCE

10.1 General

- 10.1.1 For the purposes of the following arrangements, long-term sickness absence will normally be regarded as a continuous absence from work for sickness absence reasons of at least four weeks.
- 10.1.2 While the University will take all reasonable steps to provide a safe working environment, it is recognised that employees may suffer ill-health, be injured or disabled as a result of an accident or incident at work and or as a result of an industrial disease. Where a member of staff is off work as a result of a work situation/accident the provisions of this policy will still apply.
- 10.1.3 All members of staff must ensure that all accidents or incidents are reported immediately to our Health and Safety Adviser in accordance with the requirements of the University's arrangements for reporting and investigating incidents, diseases and dangerous occurrences. Members of staff should also inform the Health and Safety Adviser and Human Resources of any diagnosed occupational disease, disorder or other medical condition to ensure that an existing condition is not exacerbated during employment.

10.2 The Right to be Accompanied

- 10.2.1 In arranging meetings in accordance with the following provisions, the line manager will inform the member of staff at each stage that a trade union representative or a work colleague may accompany them. Where this meeting is to take place in a member of staff's home this should be with prior agreement.

10.3 Review Meetings and Medical Referrals

- 10.3.1 When a case of long-term sickness absence is identified, the circumstances of the case will be reviewed. In these circumstances the University wants its processes to be as flexible as possible to allow each individual case to be dealt with on its own merits.
- 10.3.2 Depending on the information available after **four** weeks, the line manager in conjunction with Human Resources will consider the following options:
- ◆ Taking no immediate action, but maintaining contact with the individual member of staff and monitoring the position on an ongoing basis
 - ◆ Arranging a review meeting with the individual member of staff to consider their current state of health and the likely duration of their sickness absence
 - ◆ Obtaining consent from the individual member of staff to request a medical report from our Occupation Health provider or their GP

- 10.3.3 The approach to the management of long-term absence will be less prescriptive than other parts of this procedure to allow the appropriate action or actions to be applied depending on the circumstances in each case and may require a combination of the options outlined above. In any event, all cases of long-term absence will be reviewed at least every four weeks and the action required taken on the basis of that review. *In line with the procedure maintaining contact with members of staff should be an integral part of the management of long-term absence.*
- 10.3.4 If any review meetings are arranged, Human Resources will confirm the substance of the discussion in writing to the member of staff within five working days.
- 10.3.5 When a medical report is required, Human Resources will provide our Occupational Health provider with relevant details concerning the member of staff including: -
- (a) The member of staff's sickness absence record and any other appropriate supporting documentation
 - (b) A summary of the member of staff's main duties; and
 - (c) Any information provided by the member of staff.
- 10.3.6 The purpose of the report will be to obtain an up to date medical opinion on the occupational health matters raised by the member of staff's absence. This may include the likely duration of the current absence, the possibility of a recurrence of the illness or whether the member of staff is permanently unfit for their duties.
- 10.4 **Ill-Health Retirement (Termination of employment on grounds of capability due to Permanent Ill Health)**
- 10.4.1 Where the QMU Medical Adviser (Occupational Health provider) considers that a member of staff is *permanently* unfit to carry out the duties of their post the line manager in conjunction with Human Resources will meet with the member of staff to inform them of the medical opinion. Where no suitable alternative employment can be found, the member of staff will be informed that:
- (a) Their services will be terminated on grounds of capability due to permanent ill health.
- 10.4.2 Where there is disagreement about the medical opinion, the case will be reviewed and, if necessary, further independent medical opinion obtained on which a final decision should be based.
- 10.4.3 "Termination of employment on grounds of capability due to permanent ill-health" is a dismissal. In these circumstances the member of staff will have the right of appeal. The member of staff has five working days to appeal. Human Resources will communicate this in writing to the member of staff.
- 10.4.4 In cases of ill health dismissal any pension entitlements will depend entirely on the member of staff's eligibility under the pension scheme (Lothian Pension Fund, Scottish Teachers Superannuation Scheme (STSS) or the Universities Superannuation Scheme (USS) as appropriate).

10.5 Employee Returning to Work

- 10.5.1 Where the medical opinion considers that the member of staff is not permanently unfit, the manager should continue to monitor the situation. If the member of staff is expected to return to work in the near future, no further action will be necessary unless the member of staff does not return to work on the expected date.
- 10.5.2 Prior to a member of staff returning to work, especially following a prolonged absence, the University will consider, in consultation with the member of staff concerned and also, where appropriate, the medical opinion, whether it is desirable for the member of staff to return to work initially on a part-time basis or on a full-time basis undertaking alternative duties on a temporary basis. Induction into the temporary work environment may also be required.
- 10.5.3 In cases where a phased return to work is agreed this will normally be for no longer than 4-6 weeks and starting with no less than 50% of the employees contractual working hours. The phased return to work plan will be agreed between the employee, line manager and HR and will be reviewed at regular intervals by the employee, line manager and HR.

Incremental increase to the employees working hours is expected throughout the phased return to work, resulting in the employee working their full contracted hours at the end of the phased return. Where the employee is not ready to work their full contractual hours at the end of the phased return an extension of no more than 4 weeks may be considered. A referral or re-referral to occupational health should also be considered to ascertain the employee's fitness for work. Where the employee remains unable to return to their contractual hours over a reasonable time period consideration should be given to a permanent reduction in contractual hours or re-deployment to a more suitable position.

Where an employee has exhausted their entitlement to statutory and occupational sick pay they will be remunerated only for the hours they work during the phased return to work. Accrued annual leave can be used by the employee during the phased return to offset any financial impact.

Where modifications are made to the hours worked during the phased return HR must be notified to ensure arrangements are made with payroll.

- 10.5.4 Where a member of staff becomes incapable of returning to their job or where a continuation in their existing job will exacerbate their medical condition or where the member of staff themselves requests alternative employment then the line manager, in consultation with their representatives (if any) should review the options for redeployment. Where redeployment is agreed it must be made clear to members of staff that they would be re-deployed on the rate of pay and terms and conditions applicable to the vacant post.

10.6 Dismissal Due to Long - Term Sickness Absence

- 10.6.1 If the stage is reached where a member of staff's long-term sickness absence is causing serious concern in relation to the operational provision of a service, the member of staff should be considered again for a further medical report in order that an up-to-date medical opinion can be obtained.
- 10.6.2 Where, following receipt of further medical opinion, the University considers that the duration of the expected absence cannot be operationally sustained (and the member of staff is not considered to be permanently unfit) the line

manager, in conjunction with Human Resources, will arrange to meet with the member of staff and their representative, if any. At this meeting the line manager will:-

- (a) Inform the member of staff of the Medical Adviser's opinion;
- (b) Advise the member of staff that her/his absence can no longer be sustained and the reason(s) why this is the case; and
- (c) Consider any issues raised or comment expressed by the member of staff or her/his representative.

10.6.3 Where the line manager concludes, in conjunction with Human Resources, after considering all the available information, that other options, including alternative employment, cannot be pursued, ***the member of staff will be informed that he/she is to be dismissed on the grounds of capability due to ill-health.***

Dismissal for ill health is a potentially fair reason for dismissal. However it is an important distinction between dismissal for unacceptable level of absence (conduct) and dismissal for lack of capability.

10.6.4 Where a decision is taken to dismiss a member of staff under these provisions, Human Resources will confirm the decision in writing within seven calendar days of the employee being informed. This letter will: -

- (a) Refer to meetings held to discuss the member of staff's absence;
- (b) Refer to the most recent medical opinion and any earlier relevant medical opinions obtained from the Medical Adviser;
- (c) State the reason for dismissal;
- (c) State the effective date of dismissal;
- (d) Indicate that the member of staff will receive a payment in lieu of their entitlement to notice in conjunction with the normal termination payments;
- (f) Refer to the member of staff's right of appeal and indicate the date by which notice of appeal should be received.

11.0 SHORT-TERM ILL HEALTH ABSENCE

11.1 General

11.1.1 The following arrangements will be applied in cases where a member of staff's short-term ill health absences give cause for concern in relation to the University's service delivery to students and staff.

11.2 Attendance Standards and the Bradford Factor

11.2.1 Statistics on short term intermittent absence can sometimes mask patterns of absence and it is important that Managers work with Human Resources to monitor/measure irregular attendance and determine normal attendance standards for all staff.

11.2.2 Normally the Bradford Factor will be used to identify when members of staff have patterns of recurring short term absence. The following table details the Bradford Factor scores that will be used as trigger points for action by the line manager and Human Resources. In each case the action taken will involve consideration of all relevant circumstances.

Bradford Factor Score	Action
400	Guidance and Support Meeting Please see section 11.3 for information on the Guidance and Support Meeting.
600	Review Line manager and HR to review action taken and consider further action. Further action may include at this stage referral for a medical assessment.
700	Stage One Sickness Absence Meeting Please see section 11.7 for information on the Stage One Sickness Absence Meeting.

The Bradford Factor score is calculated by using the following formula; Number of Absences X Number of Absences X Total Number of Days Absent. The figure used for Total Number of Days Absent will be based on calendar days absent thereby treating both full time and part time members of staff equitably. The reporting period for the calculation of the Bradford factor score is on a rolling 365 day basis.

11.3 Guidance and Support

11.3.1 Whenever a case of short-term sickness absence is identified and it is considered appropriate, the employee's **immediate** line manager should arrange a guidance and support discussion. Managers should record details of the discussion and confirm the outcome of the meeting to the member of staff in writing. During the guidance and support discussion the line manager will, taking account of all the circumstances, discuss sensitively with the member of staff the required level of attendance at work, the member of staff's level of sickness absence and the reasons for the absences. The line manager should indicate clearly to the member of staff the improvement in attendance required (and to be sustained) and should consider taking any other action that may assist the member of staff to achieve this improvement. The line manager should update HR following the guidance and support meeting so a record of the meeting can be recorded as appropriate.

11.3.2 It will not normally be necessary at this early stage to refer the member of staff for a medical opinion. However, should a guidance and support discussion reveal a possible health problem, then the provisions concerning occupational health/medical referrals should be followed.

11.4 Medical Referral

11.4.1 Where a member of staff's level of ill health absence continues to cause concern following the guidance and support discussion, the Manager may determine that the member of staff should obtain a medical assessment from their own GP or be referred to QMU Occupational Health provider for an independent assessment. Where this is the case the member of staff will be informed in writing.

11.4.2 Human Resources will provide the GP or the Occupational Health Adviser with relevant details.

11.4.3 Where the medical assessment reveals no underlying health problem, the issue will be regarded as one of conduct rather than capability and, in such cases the University's Disciplinary Procedure will be followed.

11.4.4 Where the medical assessment reveals an underlying health problem, the matter will be considered to be a capability issue.

11.4.5 Where the GP or Occupational Health Medical Adviser considers that the member of staff is permanently unfit to carry out the duties of her/his post having given due consideration to reasonable adjustments, redeployment can be considered or dismissal on the grounds of capability.

11.5 The Right to be Accompanied

11.5.1 Members of staff have the right to be accompanied at all stages.

11.6 Stage One Sickness Absence Management Meeting

11.6.1 Following receipt of the medical opinion, the line manager in conjunction with Human Resources will meet with the member of staff. The member of staff will be given reasonable notice of this meeting and will be provided with written details of their sickness absence record and any other relevant documentation, in advance of the meeting. At the meeting the line manager concerned will discuss with the member of staff the details of their sickness absence record and the medical opinion. In particular, the nature of any underlying health problem will be discussed and possible ways of responding to the problem explored.

11.6.2 At the conclusion of the meeting the line manager may inform the member of staff that, whilst recognising the underlying health problem, the member of staff's level of sickness absence is not acceptable in terms of the requirements of the University and that an improvement in the level of sickness absence is required. The member of staff will also be informed that their level of ill health absence will be closely monitored and a review date(s) agreed. This may be on a weekly, fortnightly or monthly basis as appropriate. These points will be confirmed in writing to the member of staff within 3 days of the meeting taking place. A copy of this letter will be sent to any representative.

11.6.3 Where the member of staff achieves and maintains an acceptable level of attendance at work for a period of two months Human Resources will inform the member of staff accordingly, in writing, that thereafter normal monitoring arrangements will apply in relation to their sickness absence record.

11.7 Stage Two Sickness Management Meeting

11.7.1 If, following a further review of the ill health absence record during or at the end of the stage one monitoring period, the member of staff has been unable to achieve and maintain an acceptable level of attendance at work, a meeting will be arranged between the line manager, the employee and Human Resources. The member of staff will be given reasonable notice of this meeting (minimum of five working days) and details of their sickness absence record since the previous meeting. At the meeting the line manager will

inform the member of staff that they continue to have an unacceptable attendance level and discuss the reasons for recent absences.

11.7.2 At the conclusion of the meeting, the line manager will normally inform the member of staff that: -

- (a) Their level of sickness absence remains unacceptable;
- (b) Close monitoring of their attendance level will continue; and
- (c) Should the member of staff be unable to achieve and maintain the necessary level of attendance at work, they may be dismissed.

11.7.3 Where the member of staff achieves and maintains an acceptable level of attendance at work for a period of two months following this meeting, Human Resources will inform the member of staff accordingly, in writing, that normal monitoring arrangements will apply thereafter in relation to her/his sickness absence record.

11.8 Further Medical Referral

11.8.1 Where it is determined, following a further review of the absence record during or at the end of the stage two monitoring period that the member of staff remains unable to achieve and maintain the necessary level of attendance at work the member of staff should be referred again for an up-to-date medical opinion. Human Resources will request the medical opinion, in particular, on whether any underlying health disorder has improved, deteriorated or remained unchanged. In addition, the medical opinion should be requested to consider, in cases where the member of staff's health has deteriorated, whether they are now permanently unfit for their duties. Where this is the case, the member of staff should be informed in writing.

11.9 Dismissals Due to Persistent Short-term Sickness Absence

11.9.1 Where the medical opinion considers that a member of staff is not permanently unfit, the line manager in conjunction with Human Resources will arrange to meet the member of staff and her/his representative. The member of staff will be given a minimum of five working days notice of this meeting and details of their sickness absence record since the previous meeting. At this meeting the manager conducting the meeting will: -

- (a) Inform the member of staff of the medical opinion;
- (b) Advise the member that her/his absence can no longer be accepted and the reason(s) why this is the case; and
- (c) Consider any issues raised or comment expressed by the member of staff or her/his representative.

11.9.2 Where following the procedure outlined above the manager concludes that other options, including alternative employment, cannot be pursued stage three of the formal process outlined in the University's Management of Performance Policy and Procedure would ensue. A possible outcome of this would be the dismissal of the employee on the grounds of conduct.

11.9.3 Where a decision is taken to dismiss a member of staff, the dismissal will be confirmed in writing by Human Resources within five working days of the member of staff being informed. This letter will: -

- (a) Refer to meetings held to discuss the member of staff's absence
- (b) Refer to the most recent medical opinion
- (c) State the reason for the dismissal
- (d) State the effective date of dismissal
- (e) Indicate that the member of staff will receive a payment in lieu of their entitlement to notice together with the normal termination payments
- (f) Refer to the member of staff's right of appeal and indicate the date by which notice of appeal should be received.

12.0 RECURRING ILL HEALTH FOLLOWING SATISFACTORY ATTENDANCE

- 12.1 It is recognised that cases may arise where, following the period of satisfactory attendance specified at the relevant stage, the member of staff's ill health absence level returns to a level which gives cause for concern. In such cases the member of staff may be referred again to for an up-to-date medical opinion. Following receipt of this medical opinion, the line manager in conjunction with Human Resources will review the member of staff's general attendance record and will normally hold a further Stage One or Stage Two Absence Meeting. Thereafter subsequent stages of the procedure may be followed if necessary.

13.0 RETENTION STATEMENT

- 13.1 The University's intention is, so far as is reasonably practicable, to safeguard the employment of any member of staff who becomes disabled or whose disability increases during employment and close co-operation with JobCentre Plus on individual cases is welcomed.

If, after consultation with JobCentre Plus, and possibly a period of rehabilitation/retraining, a full assessment, in conjunction with Occupational Health, indicates that the existing job is no longer suitable, consideration would be given to possible restructuring of the job. Consideration will also be given to possible transfer to more suitable employment. The University would also expect to consult with the recognised trade unions on such matters.

Disabled staff should not be employed in any capacity where the nature of the work will worsen their condition or where their personal safety will be more at risk because of disability.

To ensure the safety/welfare of disabled staff, where necessary, arrangements for assistance will be made in every department particularly in the case of emergency evacuation. In addition, in appropriate cases, with the agreement of the disabled person, members of staff/colleagues will be made aware of the nature of the disability in the event that emergency medical attention is required.

- 13.2 Consideration by the University and JobCentre Plus will be given to the possibility of grants towards the modification of equipment, adaptation of premises and the purchase of special aids to make a job or working environment more suitable to an applicant or existing member of staff.

14.0 ALTERNATIVE EMPLOYMENT

- 14.1 Depending on the nature of an employee's illness, the line manager in conjunction with Human Resources should give active consideration to the

possibility of a member of staff being offered an alternative post within the University before a decision is taken on dismissal either on ill-health grounds or to terminate employment on the grounds of capability due to permanent ill-health (ill-health retiral). Where appropriate, medical opinion should be requested to provide an indication of whether a member of staff is able to undertake alternative employment and, if so, the nature of any such alternative employment. This consideration will apply equally to cases of long-term and short-term sickness absence.

- 14.2 Where alternative employment is identified, the member of staff will be informed in writing of the main duties of the post and the relevant conditions of employment. In particular, the member of staff will be made aware that the pay and conditions of employment for the alternative post would apply and that there would be no protection of existing contractual terms. In addition, any training or retraining required to ensure an effective performance in any new post would be discussed and organised, prior to the date of return if practicable. Consideration may be given to a trial period during which time progress would be monitored to ensure satisfactory performance. However, if this is not successful then dismissal on the grounds of ill-health would be the normal outcome.
- 14.3 Where the member of staff refuses to accept an offer of alternative employment that is considered to be reasonable in all the circumstances, the line manager in conjunction with Human Resources will discuss the matter with the member of staff and their representative, if any. The line manager concerned will consider the comments and views of the member of staff concerning the reasons for refusing the offer of alternative employment. Where the line manager is satisfied that the offer is reasonable but the member of staff still refuses to accept, they will be dismissed on the grounds of ill-health.

15.0 EQUALITY ACT 2010

- 15.1 The Equality Act 2010 aims to protect disabled people and makes it unlawful to discriminate against a disabled person, in a number of areas of their employment including dismissal.
- 15.2 The legislation also requires the University to make “reasonable adjustments” where appropriate and to prevent disabled staff being treated less favourably or subjected to a substantial disadvantage when compared to staff who are not disabled.
- 15.3 In the case of a member of staff who is either disabled or becomes disabled as a result of an illness and/or sustaining an injury or as a result of a progressive illness, care must be taken to consider the provisions of the legislation prior to any decisions on dismissal. Consultation with Human Resources on whether or not an illness or condition constitutes a disability should be undertaken to determine if their circumstances fall within the scope of the legislation.

16.0 EMPLOYEE COUNSELLING SERVICE

- 16.1 Depending on the reasons for absence it may be appropriate to offer a member of staff the support of the Employee Counselling Service. This is an independent, confidential service available to all staff 24 hours a day seven days a week, which offers professional counselling for a wide range of personal problems. Further information is available from Human Resources.

17.0 COMPLAINTS

- 17.1 Where a member of staff is dissatisfied with any action taken against them in connection with this procedure and where an appeal is not specifically provided for under this procedure, the member of staff will be entitled to raise a formal complaint under the associated procedure.

**Responsibility for Policy
Human Resources**