

# Managing Sickness Absence and Ill Health Policy & Procedure

February 2016

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# 1. Policy statement

- 1.1** Middlesex University aims to be an employer of choice and as such is committed to promoting the health and wellbeing of all its staff. We want our employees to be able to contribute fully in their roles but recognise that this may not be possible where they are unwell. We also need to limit any problems that absence may have on students, partners and/or colleagues.
- 1.2** In seeking to minimise the effects of sickness absence, or lack of capability due to sickness, the University will:
- Provide a sensitive, fair and consistent approach in dealing with the absence of staff due to either repeated periods of short-term sickness, long-term sickness, or lack of capability due to sickness;
  - Assess, in consultation with the member of staff, the likely causes and consequences of lack of capability due to ill health or sickness absence;
  - Ensure that all reasonable attempts are made to assess and support the member of staff's ability to perform adequately.

## 2. Procedure

### 2.1 Scope

This procedure applies to all permanent and temporary employees of the University who have successfully completed their probationary period. Staff who are still on probation will be managed under the appropriate probation policy, with due regard to the principles set out within the Sickness Absence and Ill Health Procedure. In all cases, Human Resources will support line managers with the effective management of ill health.

### 2.2 Reporting Absence

Staff who are absent due to sickness (or any other unplanned reason) must follow the **Absence Notification and Recording Procedure (Appendix 1)**. Line Managers must ensure staff are aware of the notification procedure and must contact the employee if the employee has not followed the notification procedure. The line manager should ensure that the reasons for absence are recorded on PAFIS.

### 2.3 Keeping in Contact

It is the employee's responsibility to notify their manager as soon as possible on the first day of sickness absence, at the latest within an hour of the time that they would normally start work. They should give an indication of the length of sickness absence if at that point they expect it to last longer than one day. Thereafter employees should contact their line manager on the 4th day of absence and to provide a Fit Note on the 8th day of sickness. Thereafter, the employee must ensure that regular contact is maintained through a method and frequency agreed with their line manager, having taken into consideration the nature and expected duration of the absence. Additional guidance for managers on keeping in contact during periods of absence are set out in the **Maintaining contact (Appendix 2)** during sickness absence guide.

### 2.4 Self-Certification and Fit Notes

All employees must complete a self-certification form for all sickness absence. The self-certification certificate is contained within the **Return to Work form (Appendix 6)**, which must be completed after every absence.

If the sickness absence continues beyond seven calendar days (inclusive of weekends), a **Statement of Fitness for Work (Fit Note)** from a doctor is required. All statements must be sent immediately to the appropriate manager or supervisor.

### 2.5 Annual Leave and Ill Health

UK employment law provides that employees on long-term sickness continue to accrue annual leave, and this may need to be taken before the return to work. See guidance on annual leave accrual during ill health along with advice on ill health that occurs while an employee is absent on annual leave (Appendix 8).

### 2.6 Employee Assistance Programme

Middlesex University offers an **Employee Assistance Programme (EAP)**, Optum, which is available for counselling and advice free of charge 24 hours a day for stress, work related and personal problems.

### 2.7 Return to Work Meeting

Managers are expected, wherever possible, to talk to their staff on the first day of their return to work. This discussion is for the manager to ensure that the employee is fit to return to work, is updated on events which occurred in his/her absence, and to ascertain whether the employee is able to return to normal duties. It should also enable the employee to raise any concerns s/he might have about returning to work following their illness.

The manager and employee should complete the Return to Work Interview Form found at [Appendix 6](#) for every absence. Further guidance for managers on handling a return to work meeting can be found within the [Managers Guide to Handling Return to Work Meetings](#) (Appendix 3).

If during the Return to Work Interview the line manager is not satisfied that the employee is fit to return to work, then the line manager may request the employee not to attend work until further advice is obtained from their HR Advisor/HR Business Partner. Such advice may consist of a risk assessment by a Health and Safety representative, a note from the GP confirming the employee is fit to return, or an OH assessment. Examples of this may be where the employee has been suffering from a mental health problem, a musculoskeletal problem or a contagious disease. Until further information is obtained the employee will remain at home.

## 3. Types of ill health and attendance concerns covered by the procedure

### 3.1 Short-term Absences

Short term sickness is defined as periods of absence of less than four weeks duration.

This is the most common type of absence and may relate to employees taking 'odd days' off from work usually with minor ailments, which may not require a medical statement from a doctor. Short term absences can still be disruptive and costly in terms of service provision and can where excessive, impact negatively on team morale and the engagement of colleagues. This can be especially so where such absences are not perceived as being dealt with in a consistent and fair manner.

In order to ensure consistency, line managers are expected to hold a Stage 1 **informal review meeting** whenever an employee's absence:

- Exceeds 8 working days in total (pro-rata for part-timers) over a rolling 12 month period; or
- Occurs on 6 or more occasions over a rolling 12 month period; or
- A pattern emerges, e.g. absences occur on Mondays or Fridays, or
- The absence is due to mental health issues (including work-place stress) or a musculoskeletal disorder
- Despite attendance being satisfactory, concerns have arisen over an employee's capability to undertake the duties required of them, as a result of ill health.

Where there is no apparent ongoing medical reason for the sickness absence, managers may set an employee **targets for improvement** within an agreed timescale. If the employee has an ongoing medical reason for the sickness absence the line manager can still set targets subject to Occupational Health and HR advice. Such targets will be documented, with a written copy each for the line manager and employee, and a review date will be arranged. This action will be considered as being taken under Stage 1 of the procedure (see Section 4).

In the event that the employee's absence does not improve sufficiently, formal action will be taken. See section 4. Managing Unsatisfactory Sickness Levels.

### 3.2 Long-term absence

Long term absence is defined as continuous absence of more than four weeks and can usually be traced to an underlying medical condition.

It is important that long term sickness absence is managed so that the effects of the absence on service delivery, colleagues and/ or the costs associated with long term absence are kept to a minimum.

It is important that a referral to Occupational Health is considered for any sickness absence above four weeks. The HR Advisor or HRBP should be contacted for further advice and information.

### 3.3 Lack of Capability due to ill health

There may be circumstances where an employee maintains an acceptable level of attendance but their performance is a cause of concern as a result of their ill-health. Where this occurs, a review of their performance and ill health against the requirements of the role will take place.

If an employee's performance or productivity has decreased for no apparent reason or they are behaving out of character, they may be unwell or reacting to pressure of some kind. It is important for the manager to hold an informal review meeting with them to discuss his/her concerns and to find out if their performance is due to an underlying medical condition. An Occupational Health referral may be appropriate. Any concerns should be raised with your HR Advisor or HRBP.

## 4. Procedure for managing unsatisfactory sickness levels

Where an employee's attendance, and, or their performance due to ill-health, has become a cause of concern, the procedure should generally be followed to ensure a fair and consistent approach. The procedure is set out in detail below and is summarised in the flow-charts at Appendix 7. Advice from your HR Advisor or HRBP should be sought at all Stages.

### 4.1 Stage 1 Informal Review Meeting

#### 4.1.1 The review should include an assessment of:

- Whether the individual's absence record indicates the likelihood of future absences, for example a general debility with a variety of ailments;
- Whether the record indicates a health problem related to a disability;
- Whether the record is attributable to an accident or condition requiring hospital treatment which may lead to further short/long term absence or a long-term inability to perform the duties of the post;
- Whether the sickness absence is a one-off incident e.g. due to a broken leg;
- Whether the record indicates a discernible pattern, e.g. Fridays and Mondays, or absences after bank holidays;
- Whether the condition (e.g. work related stress or musculoskeletal disorder) may be attributed to work related factors;
- Current performance against requirements of the role;
- Any health issues/disability that may be affecting performance;
- Support/adjustments/training required;
- A need to refer to Occupational Health for further advice. Further information on the **Occupational Health Service** is available at the [Guide to the University Occupational Health Service](#)
- A plan for improvement with a reasonable timeframe.

**4.1.2** Where the condition is attributed to work related stress or musculoskeletal disorder the manager should seek immediate advice from their HR Advisor/Business Partner. The HR Advisor/Business Partner will liaise with the Occupational Health (Appendix 4) and Wellbeing Manager to ensure that all reasonable steps are taken to ensure that adjustments and improvements in the workplace are made and that statutory health and safety risk assessments (including work station and stress) are carried out where appropriate. For any work related stress or personal issues the Employee Assistance Providers (Optum) may be contacted at any time. An Occupational Health referral may be made, if appropriate. For further information on Stress the manager should refer to the [Stress Management Policy](#).

**4.1.3** Where the employee has a disability or a long-term condition the line manager should seek advice from their HR Advisor/ Business Partner who will liaise with the Occupational Health and Wellbeing Manager for appropriate advice. The line manager must familiarise themselves with the document: ["Employing Disabled People - A Guide for Managers"](#).

#### 4.1.4 The informal meeting may have one or more of the following outcomes:

- No action is to be taken;
- The employee's absence record will be monitored for a period, typically of 6 months, with a target set for reducing absence to an acceptable amount over that period. If at any point during the monitoring period the sickness absence exceeds the targets set, escalation to the formal stage may be taken;
- Target set for 'short-term' sickness should be based on the trigger points (see 3.1);
- Target set for 'long-term' sickness will depend on a number of factors requiring advice from Occupational Health and HR;
- The employee will seek medical support and guidance from their GP;
- The employee may be referred to the University OH Service and/or advised of the University Employee Assistance Program;
- Further advice may be sought from Human Resources;
- A health and safety risk assessment may be carried out;
- Adjustments may be made to the job and/or workplace e.g. Access to work;

- Voluntary redeployment to a less demanding position (There will be no salary protection and pay will be at the scale of the new position.);
- Action plan to be drawn up to support improvement in performance;
- The employee may be offered appropriate training or development opportunities

**4.1.5** The manager should confirm the details of the meeting in writing including any agreed action points and a copy given to the employee. Further informal meetings may be necessary in certain circumstances, such as, if the employee attends Occupational Health, it may be necessary for the manager to meet or discuss the Occupational Health report with the employee. A written record of the outcome of each meeting should be given to the employee, and a copy kept by the line manager.

**4.1.6** The line manager will meet with the employee at the end of the review period, or before where targets are breached. The line manager may conclude that:

- The sickness absence has reduced and no further action will be taken;
- The review period should be extended with some modification to the action plan, if appropriate;
- The sickness absence is unchanged or deteriorated, and Stage 2 of the formal procedure will be instigated;
- The line manager will confirm the outcome of the review discussion to the employee in writing

*Note: It is not usual to be accompanied at informal meetings, however in exceptional circumstances an employee can request to be accompanied by a trade union representative or colleague.*

## **4.2 Stage 2 Formal Review Meeting**

**4.2.1** A formal Absence Review Meeting may take place for one or more of the following reasons:

- Sickness absence has exceeded the target set for improvement at a previous informal meeting;
- Underperformance due to sickness has not improved against targets set at a previous informal meeting;
- The employee's absence/underperformance due to sickness is having a significant adverse impact on service delivery, colleagues, students or customers;
- Initial improvements achieved during previous informal monitoring periods has not been sustained;
- Temporary arrangements e.g. a phased return to work have not facilitated a return to the full requirements of the role;
- Receipt of a report or medical advice has highlighted more serious implications.

**4.2.2** In consultation with the HR Advisor or HR Business Partner, the line manager will confirm in writing to the employee that their sickness absence levels are giving cause for concern and will be asked to attend a formal meeting with their manager, giving at least 5 working days' notice of the meeting.

**4.2.3** An employee has the right to be accompanied by a trade union official or work colleague at a formal absence review meeting. The employee must make every reasonable effort to attend review meetings. The meeting may only be postponed for up to five working days (beginning with the day after the day on which the meeting was originally convened), and only for reasons of non-availability of a representative, or exceptional circumstances. One postponement of a meeting on these grounds may be allowed. If the employee fails to attend a reconvened meeting, it may be held in his or her absence.

**4.2.4** The written notice will:

- Confirm the meeting is being held under the formal review stages of the Managing Sickness and Ill Health Procedure;
- Give a short but clear outline of absence levels/and, or underperformance and reasons for concern, for example that there is an impact on service delivery and/or colleagues;
- Remind the employee that they can bring a trade union official or a work colleague;



- Confirm who will be attending, including a member of staff from HRS who will provide advice to both parties at any time throughout the procedure;
- Enclose a copy of the Managing Sickness and Ill Health Procedure;
- Advise the employee that they may provide evidence in advance

**4.2.5** The purpose of the meeting will be for the manager to:

- Review the sickness record, i.e. number of days and any patterns of absence and why any targets set have not been met;
- Discuss the symptoms and reasons for absence;
- Review monitoring period and targets set for improvement;
- Consider any relevant medical information available (and organise obtaining further medical information, or guidance from OH if deemed necessary);
- Identify/discuss the employee's ability to do their job, the impact on the service delivery and/or on work colleagues who are required to cover the work/absence (identification of impact should have been done prior to this meeting);
- Discuss any information the employee has to offer (e.g. personal, domestic, welfare issues, that the absence was connected to an industrial injury);
- Establish whether the employee may be fit to undertake duties at some date in the future;
- Discuss the prognosis and timescales for improvement;
- Establish the likelihood of future reoccurrences affecting the employee's performance/fitness for work, including the anticipated frequency and duration of such occasions;
- Decide whether the employee could/should be considered for redeployment;
- Establish where possible whether the employee has a disability;
- Inform the employee that further absences/underperformance may lead to a Stage 3 final review meeting which may result in dismissal due to medical incapability.

**4.2.6** Many of these points will already have been established prior to the meeting. After these discussions, the manager should have a clearer idea of which type of sickness is causing the absence/underperformance and can then take appropriate action under this procedure. If it becomes clear that more specialist information is required, then the manager may wish to adjourn the meeting until it can be obtained.

**4.2.7** The Formal Absence Review Meeting may have one or more of the following outcomes:

- Implementation of any adjustments to working arrangements;
- Job redesign and/or other adjustment e.g. temporary variation to duties/hours to support the employee's re-integration into the workplace or to support performance, i.e. a phased return/phased working pattern;
- A referral to the Employee Assistance Provider (EAP), the Occupational Health Service or other specialist provider;
- A health and safety risk assessment(s) (including work station and stress) is carried out;
- Inclusion on the redeployment list to find alternative work;
- A timescale is identified (usually 6 months in cases of repeated short term absences) during which absence levels/performance will be monitored and targets for reduction in absence or improvement in performance are set. If at any point during the monitoring period the sickness absence exceeds the targets set, escalation to the formal stage may be taken;
- A formal **notice of concern** letter will be issued which will remain on file for 12 months;
- Consideration of ill health retirement if appropriate (subject to pension scheme regulations), See Notes on Medical Incapability;
- A reminder that failure to reduce the level of sickness absence or demonstrate an improvement in performance during the specified timescale will result in progression to a final review meeting where consideration will be given to their continuing employment with the University and which may result in dismissal.

- 4.2.8** The employee should be notified of the decision in writing within 5 working days after the meeting. The decision should include a brief summary of the factors considered and the reason for reaching the decision and inform the employee of their right to appeal.
- 4.2.9** If the employee's attendance/performance improves to a satisfactory level during the monitoring period, the manager must confirm this in writing. What constitutes satisfactory improvement should be made clear to the employee by the manager in writing, together with any specific target for reduction of sickness absence and/or improvement in performance to be maintained on an ongoing basis. However, the Notice of Concern will still remain live for the remainder of the 12 months and any further absences and/or lack of improvement in performance during this time may result in a second Formal Review Meeting or progression to Final review.
- 4.2.10** Whether the matter is dealt with by way of a second Formal Review Meeting or progression to a Final Review Meeting will be at the University's discretion, and will depend on the frequency of the absences following the completion of, or during, the monitoring period, and also the circumstances of each individual case.
- 4.2.11** If, having considered the circumstances of the case, the University decides to hold a second Formal Review Meeting, the potential outcomes will be the same as those for the Formal Review Meeting above. A final notice of concern letter will also be issued, which will remain on file for 12 months and will supersede the previous notice of concern letter.

### **4.3 Stage 3 Final Review Meeting**

- 4.3.1** This stage is reached in the following circumstances:

- Sickness absence has exceeded the target set at an earlier formal review meeting, or meetings; or improvement in performance has not met set targets;
- The initial improvement achieved at the end of a formal review monitoring period has not been sustained during the 12 month notice of concern period;
- The long-term sickness or lack of performance due to ill health, is continuing to have an unsustainable impact on service delivery and/or colleagues;
- Where temporary arrangements e.g. a phased return to work have not facilitated a return to the full requirements of the role

- 4.3.2** As a final formal review meeting may result in dismissal it must be chaired by a Member of Executive, a Dean or Service Director, supported by HR. The employee's line manager or delegated nominee will attend the meeting and present the case.
- 4.3.3** The letter inviting the employee to attend the final review meeting should follow the format used at earlier formal stages, but making it clear that this meeting will include a review of their continuing employment and could result in dismissal due to medical incapability.
- 4.3.4** The final review meeting will need to cover the same issues that are recommended for the earlier meetings. The employee and/or their representative will be given an opportunity to put forward any information they feel is relevant to the process.

**4.3.5** Dependent upon the outcome of the discussions at the final review meeting and after considering the previous monitoring period, any subsequent absences and any medical information available, the Chair will need to decide what further action to take. The possible outcomes available are:

- Redeployment search for suitable alternative work;
- Extension of the notice of concern (or if applicable, final notice of concern) with a further period of monitoring and possible further adjustments;
- No further action due to new mitigating circumstances e.g. in cases of serious ongoing illness where ill-health retirement may be sought;
- Dismissal due to incapability of satisfactorily performing the job for which they are employed (with notice or pay in lieu of notice). See further guidance on Medical Incapability.

**4.3.5** Before making any decision to dismiss, the Chair should be satisfied that:

- Current Occupational Health advice has been considered, including what is likely to happen in the future;
- A formal meeting was held with the employee to discuss their sickness absence and/or performance, except in exceptional circumstances;
- All reasonable options to help an employee return to, or remain in work, or to support the member of staff improve performance have been considered, including any options for redeployment;
- The impact on service delivery and/or colleagues of the employee being away from work or underperforming in work has been considered;
- The employee had been advised what could happen if they continue to be absent from work or underperforming at work including possible dismissal for medical incapability (Appendix 5).

## 5. Considerations particular to 'long-term' absences

- 5.1** Where a long term absence develops the employee should be invited into the workplace for an informal review meeting with their manager as soon as they are able. In extreme cases where the individual is not fit enough to travel the manager may arrange to conduct a home visit to undertake the review meeting. It is recommended that a HR representative or other member of staff (agreed in advance with the individual) accompanies the manager, where possible.
- 5.2** The meeting will be scheduled to discuss the reason(s) for the employee's absence, explore ways in which the University can support a return to work and identify any barriers preventing a return. The meeting will also provide the manager with an opportunity to update the employee on any ongoing developments at work during the period of absence. The HR Business Partner will attend the meeting if required, and the individual may be accompanied to the meeting by a union representative or colleague if they wish.
- 5.3** The employee will normally be referred to occupational health as soon as they are able, in order that the University can obtain advice on the impact of the employees' health on his/ her ability / fitness for work, likely length of absence and any arrangements which need to be put in place to support a return to work. If an individual wishes to be accompanied by a union representative following a prolonged period of absence this may be accommodated.
- 5.4** For planned sickness absences, eg. due to planned surgery, a referral to OH after 4 weeks and an informal review meeting may be arranged, where appropriate.
- 5.5** Where the absence continues for a further 4 week period after the informal review, a formal review meeting should be scheduled at which the potential consequences of the period of absence continuing will be explained to the employee. These could include redeployment 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 medical incapability.
- 5.6** In cases of prolonged absence and following a formal review meeting, a recommendation for dismissal on the grounds of capability may be made when:
  - The report from the Occupational Health Doctor makes it clear that there is no prospect of a return to work within a reasonable timescale, and
  - There is no recommendation for medical retirement, or
  - Where the employee is permanently unfit to return to their substantive post and a suitable alternative position cannot be identified, or
  - The employee's continuing absence is not sustainable
- 5.7** Where dismissal on the grounds of capability is being considered a final review meeting will be held.

## 6. Exceptional Circumstances

- 6.1** At any point in the procedure it may be appropriate to consider alternatives to formal action, see Stage 3. As part of this consideration, the business needs of the University must be taken into account, including the impact on work colleagues, consequently it may not be possible to accommodate alternative working arrangements. In some cases, because of the nature of the ill health, it is clear that there is no possibility that the employee will be able to return to work. If there is clear medical evidence to support this then it may be more appropriate to consider ill health retirement or dismissal on the grounds of ill health at an early stage without the need to go through the Formal Notification stage. The advice of the HR Advisor/ Business Partner must be sought before taking any action in collaboration with the individual's TU representative, where appropriate.

## 7. Phased Return To Work

- 7.1** Following a period of sickness absence an employee's GP (though a fit note), NHS practitioner or OH Service may recommend that an employee returns to work on a 'phased' basis whereby the hours of work and or duties are built up to full capacity over a period of time, normally up to a month. During a phased return which includes reduced hours the employee will receive full pay for up to the first 12 weeks, if applicable. If there is a requirement for a longer or further period of reduced working hours and this can be accommodated, there will be an appropriate temporary adjustment in salary to reflect the actual hours being worked, whilst taking into account all relevant circumstances.
- 7.2** The line manager will discuss any such recommendation with HR and in doing so will take into consideration the needs of the school/service and the practicalities of engaging in such a process. Each case will be considered on its merits and the arrangements confirmed in writing. Where a phased return to work is likely to be longer than four weeks a review period may be recommended to establish progress.

## 8. Appeals

- 8.1** Employees have the right to appeal against a notice of concern or dismissal following an absence review meeting.
- 8.2** **An appeal against a notice of concern** will be chaired by a Dean, Director or member of Executive. The appeal must be made in writing, stating clearly the grounds for appeal. The appeal should be sent to the Director of Human Resources within 10 working days of the notice of concern. Both the employee and their manager(s) will be present at the appeal hearing.
- 8.3** **Appeal against dismissal** will be heard by a Member of Executive. The appeal must be made in writing, stating clearly the grounds for appeal. The appeal should be sent to the Director of Human Resources within 10 working days of notification of dismissal. The appeal will follow the **Appeal against Dismissal Procedure**, which includes the right to be accompanied by a TU representative or work colleague. Both the employee and the Chair of the Final Formal Absence Review meeting will be present at the appeal hearing.
- 8.4** The appeal letter should outline the grounds on which the decision should be reviewed, clearly stating how their appeal relates to one or more of the following:
- A belief that the manager did not follow the relevant **procedure** properly, and that this significantly affected the decision. (A small procedural flaw which would not have significantly influenced the decision is not sufficient grounds for upholding an appeal.);
  - A belief that the manager made a decision about a significant **fact**, which it was not reasonable for him or her to take;
  - A belief that the **outcome** of the formal or final formal absence review meeting was one which no reasonable person could have come to. (The fact that the employee disagrees with the manager's outcome is not a sufficient ground for upholding an appeal.);
  - The fact that **new evidence** has come to light, which the employee could not have introduced at an earlier stage, and which could have a significant effect on the decision taken. (Employees cannot present new evidence which was previously available and they could have presented at an earlier stage.)
- 8.5** The Chair of the appeal must not have been significantly involved in managing or making decisions about the notice of concern or dismissal.
- 8.6** Appeal hearings will be arranged as soon as reasonably practicable and should be confirmed in writing to the employee, giving at least 5 working days' notice of the hearing from receipt of the letter.
- 8.7** The individual will be informed of the decision within 5 working days of the appeal meeting. The decision is final. The outcome of the Appeal hearing will be either to:
- Uphold the original decision;
  - Uphold the appeal;
  - Uphold the appeal with attached conditions;
  - Vary the conditions attached to the notice of concern

## 9. Occupational Sick Pay, Scheme Entitlement

- 9.1** Entitlement to Occupational Sick Pay are set out in the employees' relevant [Staff Handbook](#).

## 10. Exclusion from the Sick Pay Scheme

- 10.1** Where the sickness absence is due to the employee's own misconduct or due to injury whilst working for private gain in their own time for another employer, occupational sick pay may be withheld. Further guidance should be sought in respect of any concerns from Human Resource Services.
- 10.2** If an employee is absent from work as a result of an accident that happens whilst not at work and that is caused by another person, damages for loss of earnings may be recoverable from the person that caused the accident, who is known as the "third party".
- 10.3** In such circumstances, the University will not pay sick pay as a right, but will advance to the employee a sum equal to their normal occupational sick pay entitlement, on the understanding that should they be awarded compensation for loss of earning they must refund the University. Where no award is made the University will waive its right to a refund and the period will be treated as normal sickness absence.

# 11. Further Guidance

For further advice please contact your HR Advisor or HR Business Partner.

## Useful links to documents:

[Stress Management Policy](#)  
[“Employing Disabled People - A Guide for Managers”](#)  
[Promoting a Positive Environment](#)  
[Managing Underperformance Procedure](#)  
Sick Pay – refer to relevant [Handbook](#)

## Links to Health & Safety related guidance:

[Manual handling risk assessment](#) can be carried out by safety advisors, some technical staff or the health and safety practitioners.  
[Workstation Assessments](#) and online training  
[Pregnancy risk assessment](#) can be carried out by safety advisors, some technical staff or the health and safety practitioners.  
[General return to work risk assessment](#) may require a combination of the above types of assessments and input from other specialists.  
[Access to Work](#) is a government agency providing return to work risk assessments and funding for work adjustments for disabled and persons with long term illnesses

For further information contact the Health and Safety department.

## Appendices

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Middlesex  
University  
London

# Appendices

# Appendix 1:

## Absence Notification and Recording Procedure

Staff must contact their manager within the first hour of their normal working day if they are unable to attend work. Only in exceptional circumstances should a relative/friend telephone on their behalf. The nature of the sickness; anticipated length of absence and the day the period of sickness began must be provided. If the line manager is unavailable, a clear message with a contact number should be left.

The line manager must ensure that the designated PAFIS administrator in the team knows of the absence and it is recorded on PAFIS.

A member of staff who is absent from work and has not notified their line manager should be contacted by the line manager. The manager may offer support, encourage use of the University's Employee Assistance Programme or refer to Occupational Health Service, if appropriate, or offer to make adjustments to the job or workplace.

Where the illness is of a sensitive nature that the employee does not wish to disclose, they may convey this to the line manager who must respect this. The designated PAFIS administrator must record this on PAFIS as 'Sickness' and the reason '(Confidential) Employee to advise HR'. However, the employee must disclose the nature of the ailment to the relevant HR Advisor/ Business Partner who will take the appropriate action.

On the 4th day of absence the member of staff must call their line manager again, to let them know how their recovery is progressing and to give the line manager an indication of their likely return. If the 4th day should fall on a day when the University is closed, the employee should contact the line manager on the next working day.

If the manager is unable to make contact after a reasonable amount of time they should mark the employee as **unauthorised absence** (not sick) and the employee will not be paid, unless there is a justifiable reason. Persistent failure to report in accordance with the procedure may lead to disciplinary action being taken.

On the 8th day of the illness the employee must obtain a Fit Note from their GP (or yellow Med 10 form from a hospital) and send it to the line manager. As all post received into the university is scanned the line manager will receive this as a scanned attachment to their email account. (The University does not need to receive the original Fit Note). Once the line manager has received the Fit Note and ensured that the details are entered into PAFIS, they should forward it to Human Resources for attaching on the employee's personal file. Back-dated Fit Notes will not normally be accepted, unless in exceptional circumstances. Managers may request a GP's Fit Note in specific cases to cover 1 to 7 days when an employee's sickness absence is being monitored. The employee will be responsible for the cost of this.

Failure to follow this notification procedure may result in the employee not being paid sick pay, being in breach of contract which, depending on the particular circumstances, may result in disciplinary action. For rules on our Sick Pay scheme please refer to the relevant Handbook. Also see **Unauthorised Absence** policy for more details.

### **GP, hospital or dental appointments**

These should be scheduled outside working hours where possible. Where this is not possible, the member of staff should arrange the appointment for the beginning or end of the working day. The manager is authorised to request an appointment card. If the appointment is half a day or more (3.5 hours, pro-rata for part-timers) the employee can either make up the lost time or it will be recorded as sickness absence. If the member of staff has a number of appointments, these should be discussed with the manager in order to plan how these would be managed.

## Appendix 2:

# Managers Guidance on maintaining contact with employees who are absent due to ill-health

Managers keeping in contact with absent employees is a key factor in helping them return to work particularly after a long-term absence. Without contact employees may feel out of touch, undervalued, and a loss of confidence.

The line manager should ensure that contact is maintained to:

- get information to help plan cover for their work in their absence
- find out what sort of treatment they are receiving
- assess what help can be provided, including reasonable adjustments
- explain sick pay entitlement
- check their understanding of absence management procedures
- keep them up to date with news about colleagues and the workplace.
- find out when they will be able to return if known

Listed below are some **dos** and **don'ts** to help managers keep in contact

### **Do**

- take advice from HRS if you are unsure how to make contact
- be flexible, treat each case individually, but on a fair and consistent basis
- be compassionate and sympathetic towards the employee and their illness
- ensure that telephone contact is private and confidential
- consider the timing and form of contact as appropriate ( a get well card, a telephone call, an email)
- keep a note of contacts made
- speak to other household members/relatives if the employee is too ill to speak
- ascertain the severity of the illness and how long the employee thinks they will be off.
- ask what medication they are taking and if they are seeing their GP or other medical specialist.
- familiarise yourself with the illness so that you can gain a better understanding of it

### **Don't**

- put off making contact or pass responsibility to someone else
- make assumptions about the employee's situation
- put pressure on employees to discuss their return or disclose information before they are ready
- forget that recovery times for the same condition can vary significantly from person to person

### **When and how often should contact be made?**

The nature and timing of contact will depend on the relationship between the manager and the employee and the illness. Generally, it is advisable to contact sick employees as early as possible if you have not spoken to them in person and certainly within two weeks. It may be helpful to make a hospital or home visit. Such visits should be carefully prepared with the employees' consent and in liaison with the trade union representative and HRS, where appropriate.

### **What if the absent employee refuses contact?**

Employee reluctance to keep in contact may be due to the nature of the illness, the sensitivity of the issues; a difficult relationship with the manager; bullying, harassment or heavy workload. Make sure the employee knows who they can talk to other than their manager, e.g. an HR Business Partner or HR Advisor or their trade union representative.

## Appendix 3:

# Managers Guide to Handling Return to Work Meetings

Research has shown that return to work meetings are the most effective way of managing short term absence. They should take place following each period of absence, regardless of the length of the absence, ideally on the employee's first day of return to work.

Line managers should conduct the review. Where individuals request an alternative person to carry out the review, for reasons such as poor relations or gender issues, then this should be mutually agreed.

### **Purpose**

- To welcome the employee back to work;
- To ensure the employee is fit to return to work;
- To identify the cause of absence;
- To agree a way forward, if relevant;
- To up-date the employee on what's been happening in the workplace;
- Be mindful that this is an informal meeting and not a disciplinary hearing, the purpose is to establish the facts.

### **Preparation**

- Ensure that you have a suitable location to hold the review. It should be held in a suitable environment, i.e. a private location and not in the middle of an open-plan office;
- Gather information on the employee's current period of absence and also previous absences;
- Be prepared to discuss patterns or trends of absence, if relevant;
- Approach the meeting with an open mind.

### **Discussion**

The nature of the discussion will vary according to the frequency, length or nature of the absence, but some of the following points may be relevant:

- Welcome the employee back;
- Explain purpose of the meeting is to establish why they have been absent from work;
- Try and determine the cause of absence, be sensitive and calm if personal problems or stress are discussed;
- Listen to the employee, give them chance to explain;
- Respect their privacy if they do not wish to discuss the reasons for absence. If this does happen then you can offer them the option to speak to somebody else. If not then you should highlight that if you don't know the problem you are unable to help and their absence will continue to be monitored;
- If the absence is work-related, what can be done to help, i.e. adjustments to work hours, work place or duties;
- Establish if the employee is undergoing any treatment, will time off be required for medical appointments;
- Are there any other factors contributing to the absence;
- Place current absence in the context of previous absences;
- Explain the impact of their absence on the colleagues;
- Explain that their absence will continue to be monitored in line with the procedure
- Agree the next steps, such as a follow-up discussion, referral to Occupational Health etc.
- Advise where a trigger has been reached, if relevant, and a review meeting will be scheduled.

### **Recording**

- Ensure that the correct certification has been provided;
- Complete the return to work form, ensuring that both parties confirm their agreement to what is recorded;
- Send the appropriate certification and return to work form to Human Resources.

### **Further Support**

- Your HR Business Partner will be available to assist you with any questions you may have and or to help you prepare for a return to work discussion.

## Appendix 4:

# Guide to the University Occupational Health Service

The University's Occupational Health Service provides a confidential advisory service to management for staff sickness absence and ill health capability issues. Human Resource Services facilitate referrals to the Occupational Health Service, normally on recommendation of the manager or via a request from an employee. Requests for self-referral will be assessed on their appropriateness by HR.

The Occupational Health Service can provide information on the following:

- The nature and effect of the illness;
- Whether the condition is likely to be covered under the Equality Act 2010;
- The possible duration of the illness and the likelihood of a return to full duties;
- The relevant criteria to be considered in sourcing suitable alternative employment for the employee;
- Advice on the type of work which the member of staff should not undertake;
- The possibility of a phased return to work where a member of staff is unable to resume the full duties of his/her substantive post, but may be capable of undertaking a temporary change in duties while being rehabilitated;
- Whether the member of staff will be permanently unfit and therefore unable to return to either his/her own job or any alternative post;
- Any other factors that may enhance rehabilitation;
- Whether the employee is likely to meet the criteria for ill health retirement

With either management or employee self-referral, the Occupational Health Service will provide a report to Human Resource Services. This will be copied to the member of staff and their line manager as a basis for further discussion.

All staff should attend Occupational Health appointments when requested by the manager and in consultation with Human Resources. Non-attendance at the Occupational Health Service, where an appointment has been made, will result in managers managing those individuals with what information the University has on their condition. This may result in an inadequate level of support being given or alternative courses of action (such as disciplinary action) being taken.

The employee is responsible for letting OH know if they are unable to attend a scheduled appointment due to their ill health or for another reason. Non-attendance without providing a valid reason may result in the employee being required to pay for the missed appointment through a deduction of salary.

## Appendix 5:

# Medical Incapability

If a member of staff cannot perform the duties of their job, or continues to be excessively absent after reasonable adjustments have been made and no alternative employment can be found, the advice of the Occupational Health Service must be sought on whether they are permanently unfit for their post.

It is important that managers seek and are guided by Human Resource Services and the Occupational Health Service prior to meeting with an individual in order to make decisions. In weighing-up what action is necessary, managers have to balance the member of staff's and the University's interests.

Where it is confirmed by Occupational Health Service that the member of staff is permanently unfit or incapable for their post, the University has the right to deviate from the Absence Review procedure, and for a final review meeting to be set up.

When meeting with a member of staff in such a situation, managers need to be tactful and sympathetic in their approach. Areas to explore should include:

- Prognosis for the medical condition i.e. discuss the report from Occupational Health Service
- Current plan e.g. specialist appointments.
- Is application or, re-application for ill-health retirement an option?
- Are there mitigating circumstances which mean no further action is appropriate e.g. medical diagnoses of terminal illness with no entitlement to ill-health retirement.
- Have options for redeployment to an alternative position been explored?
- Is the only appropriate option dismissal on the grounds of medical incapacity?

Following a final formal meeting, the responsible Dean or Service Director, with support from their HR Business Partner, will consider the outcome, including the appropriateness of dismissal on the grounds of medical incapability.

# Appendix 6:

## Return to work interview form

(Incorporating self-certification form for the first 7 days of sickness)

### Section 1: Self-Certification (to be completed by the employee)

Name	
Job Title	
Department:	
Location	
Staff ID Number	
First Date of Absence	
Last Date of Absence	
Number of Days Absent	
Reason for Absence	

#### Declaration

I have/have not \* claimed national insurance/industrial injury benefit\* for this absence

If my absence was longer than 7 days (including weekends), I attach / have submitted a Statement of Fitness for Work (Fit Note)

I have not during this period undertaken any work (paid or unpaid)

I declare that the details and statements which I have provided are correct and true and I claim benefit under the University's Sick Pay Scheme for the period of sickness indicated.

(\*Delete as appropriate)

**IN SUBMITTING THIS FORM I CONFIRM THAT THE INFORMATION PROVIDED IS ACCURATE**

Print your name:

Date:

#### **MANAGERS NOTE**

**PLEASE ENSURE THAT THE EMPLOYEE'S ABSENCE IS RECORDED ON PAFIS**

**Section 2: Return to Work Interview** (to be completed by manager and employee)

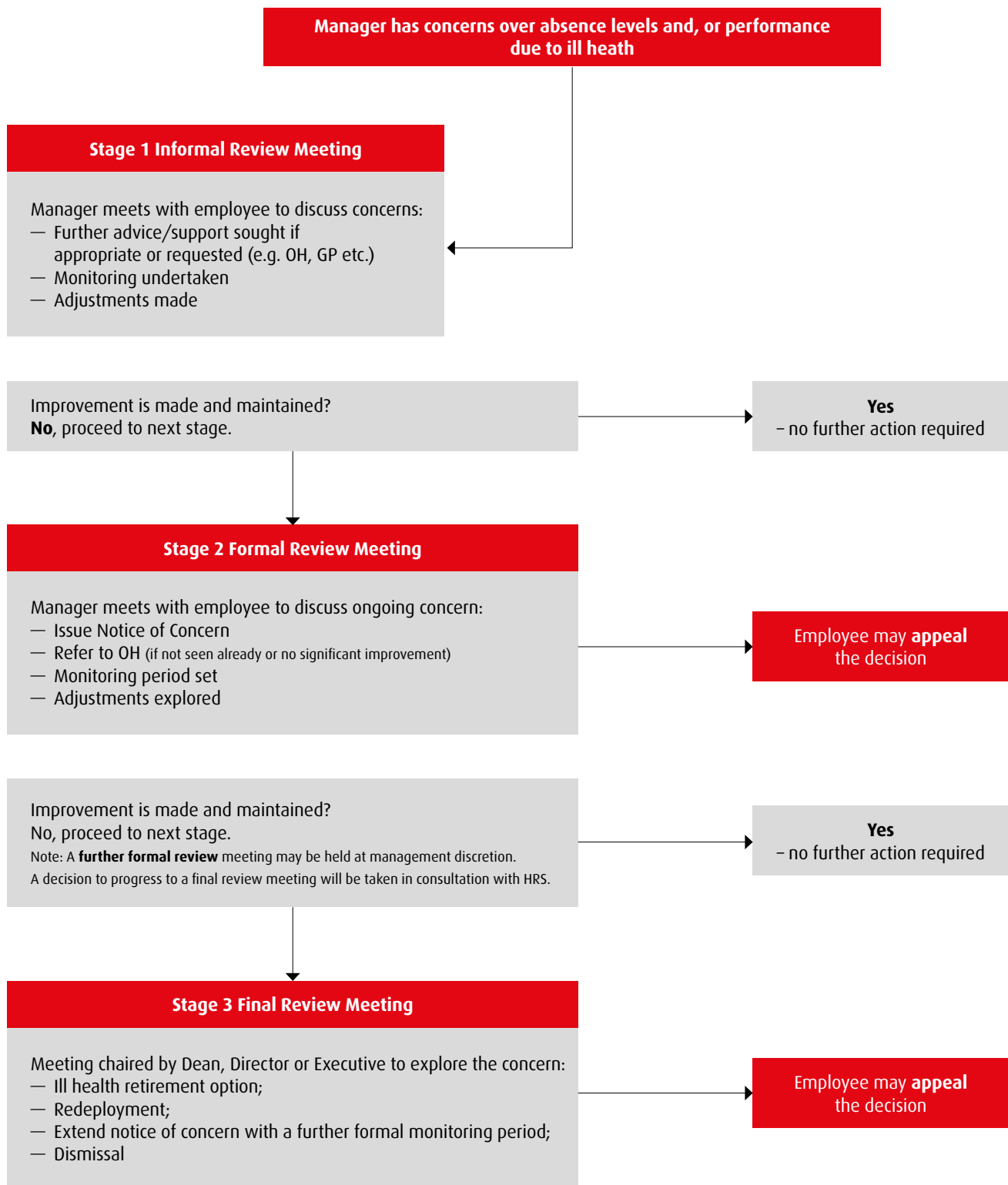
Employee confirms fit for work?		YES / NO	
Job Title			
Employee updated on work issues (including issues caused by absence)?		YES / NO	
Is the absence related to a work related accident? (if yes, has the appropriate documentation been completed?)		YES / NO	
Is a phased return appropriate? (seek guidance from HR)		YES / NO	
Details of phased return/ restrictions:			
Is there an underlying reason for the absence?		YES / NO	
Reason:			
Has there been a change in the employees' circumstances?		YES / NO	
Summary of change:			
Is the absence related to disability or pregnancy?		YES / NO	
Does the employee have a temporary or permanent mobility issue that would require a PEEP? (Personal Evaluation Plan)?		YES / NO	
Number of working days lost due to absence in the last 12 months			
Number of episodes in the last 12 months			
Is there concern about the level of sickness absence		YES / NO	
Has the employee been informed about the importance of regular attendance and the fact that poor attendance can lead to action under the University's Managing Absence and Ill Health Procedure.		YES / NO	
Has the employee reached the absence triggers (8 days or more than 6 occasions in a 12 month period)?		YES / NO	
Is there a need for follow up action such as an informal or formal review meeting?		YES / NO	
Is a referral to Occupational Health Service appropriate? (If yes speak with HR)		YES / NO	
Note of further discussion:			
Employee comments:			
Manager		Date	
Employee		Date	



# Appendix 7:

## Managing Sickness Absence and Ill Health

### flow chart



## Appendix 8:

# Accrual of Annual Leave while on Long Term Sick Leave

**UK employment legislation specifies** that annual leave continues to accrue while an employee is on sick leave (but only 20 days can be carried forward to the next annual leave year.) Bank holidays and university days do not accrue while on sick leave.

Accrued annual leave may be taken during an employee's period of certified sickness with the employee requesting to take annual leave while on long-term sickness absence (holiday pay will be paid rather than sick pay), however, the period of sickness remains continuous. Alternatively, the employee can choose to carry over a maximum of 20 days annual leave to the next leave year. The carried over days must be taken immediately following the end of the sickness absence, except where an alternative is agreed by the employee's manager.

Where the employee leaves employment with the University following a period of sickness and where the accrued annual leave has not been taken, the employee will be paid for the outstanding leave, subject to a maximum carry-over of 20 days.

### **Sickness during Annual Leave**

Staff who fall sick whilst on annual leave or just before they are due to take annual leave may take such time as sick leave and will be entitled to take the annual leave days lost due to sick leave at a later date, provided a Fit Note is produced. If the sickness lasts less than 8 days, the employee will need to obtain a private medical certificate at their own cost. In cases where the sick leave falls at the end of the annual leave year, the above carry forward rules apply.

## Appendix 9

# Employment – Equality Act 2012 Guidance

### Overview

A new Equality Act came into force on 1st October 2010. The new act brings together over 116 separate pieces of legislation into one single Act. The Act is intended to simplify, strengthen and harmonise the current legislation to provide Britain and the EU with a new discrimination law that protects individuals from unfair treatment and promotes a fair and more equal society.

### The Protected Characteristics

The Act applies to nine 'protected characteristics' – the grounds upon which discrimination is unlawful. These are:

#### Age

The act protects people of all ages. Age remains the only characteristic where direct discrimination can be justified.

#### Disability

A person has a disability if s/he has a physical or mental impairment that has a substantial and long term adverse effect on that person's ability to carry out normal day-to-day activities. Employers are still under a legal duty to make reasonable adjustments for disabled staff.

#### Gender Reassignment

The Act no longer requires a person to be under medical supervision to be protected. The new Act defines the protected characteristic of gender reassignment as 'where a person has proposed, started or completed a process to change his or her sex'.

#### Marriage and Civil Partnership

Marriage can be either between a man and a woman or, since March 2014, a same sex couple. Same sex couples can have their relationship legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. Single people are not protected as they do not share this protected characteristic.

#### Pregnancy and Maternity

Protection is afforded to women during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. Any period of absence due to pregnancy-related illness cannot be taken into account when making a decision about her employment. An employer cannot refuse to employ a woman because she is pregnant, on maternity leave or because she has (or had) an illness related to pregnancy.

#### Race

Race includes colour, nationality (including citizenship) and ethnic or national origins. A racial group can be made up of two or more different racial groups.

#### Religion and Belief

Religion includes any religion with a clear structure and belief system, and also a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). A belief should affect your life choices or the way you live for it to be included in the definition.

#### Sex

Both men and women are protected

#### Sexual Orientation

The act protects bisexual, gay, heterosexual and lesbian people. Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

### **Types of Discrimination**

The Act makes it unlawful for an employer to discriminate against or victimise employees or people seeking work.

#### **Direct Discrimination**

Is less or would be less favourable treatment of a person with a protected characteristic compared to another person without the protected characteristic. E.g. A candidate is not shortlisted because they have a foreign surname.

#### **Indirect Discrimination**

This occurs when a provision, criterion, or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. Indirect discrimination applies to all of the protected characteristics, apart from pregnancy and maternity.

#### **Discrimination based on association**

This occurs where an employee or applicant is discriminated against because they have a family member who has a protected characteristic. E.g. an employee is overlooked for promotion because their partner has undergone gender reassignment.

#### **Discrimination based on perception**

This occurs where an employee or applicant is discriminated against because they are perceived to have a protected characteristic. E.g. an internal candidate is not appointed staff believe him to be homosexual, irrespective of whether he is homosexual or not.

#### **Victimisation**

Discrimination by means of victimisation takes place when one person treats another less favourably because he or she has asserted their legal rights in line with the Act or helped someone else to.

#### **Harassment**

- The Act outlines three types of harassment:
- Unwanted conduct that has a purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity (this applies to all protected characteristics apart from pregnancy and maternity, and marriage and civil partnership)
- Unwanted conduct of a sexual nature (sexual harassment)
- Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.
- Not making reasonable adjustments
- The Disability Discrimination Act requires employers to make adjustments to working practices and environments where necessary. This is so that people with disabilities are not disadvantaged.

#### **Instructions and pressure to discriminate**

Employers must not tell people to discriminate or put pressure on them to do so.