SICKNESS ABSENCE MANAGEMENT

GUIDELINES

April 2010
# Sickness Absence Guideline

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SICKNESS ABSENCE MANAGEMENT GUIDELINES

1. INTRODUCTION

The University aims to provide a safe and healthy work environment for its employees, with a high standard of attendance crucial to delivering services to students. Managers have a duty to ensure safe working conditions and not to expose employees to reasonably foreseeable risks of injury.

Employees who are absent on sick leave will be treated sympathetically and every reasonable effort will be made to assist recovery and safeguard employment. It is also recognised, however, that loss of working days through unnecessary sickness absence can be a significant cost to the University in terms of work not completed or the costs of arranging absence cover, as well as the additional pressure that this places on colleagues.

The Guidelines, which replace the previous 2007 Sickness Absence Guidelines, are based on ACAS recommendations and have been drawn up in consultation with the recognised campus trades unions. Professional advice and support is available at all stages from the relevant Human Resources Manager. Managers are encouraged to discuss issues with Human Resources at the earliest opportunity.

2. PURPOSE

The broad aims of these Guidelines are:

- to provide a supportive environment for employees affected by ill-health;
- to ensure that sickness absence is managed responsibly, consistently and fairly, giving employees confidence in the University’s approach;
- to encourage and develop a positive culture towards attendance at work;
- to encourage and develop a positive culture towards managing work effectively to prevent unnecessary sickness;
- to define the responsibilities of all University employees in relation to implementing the Guidelines.

3. APPLICATION

In order to ensure consistency of treatment, the Guidelines apply to all categories of employee. Where employees are covered by the University Statute 7, the process referred to will be carried out in accordance with the Statute and nothing in the Guidelines shall be intended to alter or amend individuals’ rights under the Statute. Any enhancements to the University’s statutory provisions, or changes to the legislative framework that affect these Guidelines will automatically be incorporated.

4. PRINCIPLES

- Clear, comprehensive and accurate records will be maintained for all employee absences. All Schools and Departments are required to submit monthly returns to Payroll detailing this information;
- during induction all new employees will be made aware, by their line manager, of the University’s procedure for reporting absences, any local requirements and their responsibility to comply with both;
the management of sickness absence is the joint responsibility of the line manager and the employee;

documentation relating to sickness absence should be treated with the utmost confidentiality. Those responsible for maintaining sickness records, normally the immediate line manager, must ensure that absence records are held in a secure place and made available only to authorised employees (normally the Head of Department or nominated representative, HR and Payroll);

for short-term sickness absence, managers should recognise and attempt to resolve informally sickness absence issues without recourse to the Sickness Absence Management process (Section 11). For long-term sickness absence, each case will be dealt with on its own merits, with management and HR support and intervention reflecting the circumstances of each case;

employees will have the right to be accompanied by a trade union representative or work colleague at all stages of the formal process. A member of Human Resources will be present at formal meetings to provide advice and to ensure consistency of practice. Employees may ask to be accompanied at informal meetings. Requests will not be unreasonably refused.

an employee who considers that formal action has been taken unreasonably will have the right to appeal. Formal action will be taken in accordance with the University’s disciplinary policies or capability guidelines. Further information on these policies, and on the University’s Time off Work guidelines, can be accessed by following the appropriate link:

Disciplinary and Dismissal Procedure for Academic Staff
Disciplinary and Dismissal Procedure for Support Staff
Capability Guidelines
Time Off Work Guidelines

5. EMPLOYEE RESPONSIBILITIES

5.1 Notification
Where an employee is absent due to ill health they should, wherever possible, contact their line manager personally, by telephone or email (followed by personal telephone contact, wherever practical) on the first day of their absence and normally no later than one hour after their normal starting time. In the absence of the manager, employees should leave a message with the manager’s deputy within their School or department. If the employee is unable to telephone then a member of the family or friend may telephone on their behalf.

Employees should state:

- when they became ill;
- the broad nature of their illness (e.g. migraine, chest infection);
- whether the illness is due to an accident or injury at work;  
  https://intranet.uea.ac.uk/uss/intranet/safetysubjects/accidentillhealth
- whether they will be seeking medical attention;
- the likely date of return (if known).
Employees should continue to advise line managers of their absence at regular intervals as agreed with their line manager. It is important that employees notify their department of their absence, as unreported absences will be classed as unauthorised and appropriate action taken, which may include temporary suspension of sick pay. Pay will be re-instated for the full period upon receipt of appropriate certification.

5.2 Certification

An employee who falls ill after reporting for work should count the next day as the first day of sickness absence for pay purposes, whether this is a normal working day or not. Non-working days (including weekends, rest days and public holidays) should also be included when calculating the length of absence.

For Academic staff, sickness absence should be reported where it occurs on a day that forms part of the normal working pattern, even where attendance on campus was not planned.

In cases of ill health lasting seven days or less, a Personal Sickness Certificate should be completed, which should be submitted to the line manager who will forward it to Payroll (with a copy to HR). Alternatively, if your department is registered for self-service leave management you should record your absence details via MyView.

For more than seven days, employees are required to obtain a Medical Statement from their General Practitioner (may be referred to as a Fit Note, Statement of Fitness for Work, Medical Statement or Medical Certificate) which should be submitted to the line manager who will forward it to Payroll (with a copy to HR).

Failure to provide certification to support a period of absence of eight days or more will be classed as unauthorised and appropriate action taken, which may result in the temporary suspension of sick pay and SSP until appropriate certification is received, at which point pay will be reinstated for the full period.

On 6th April 2010 the GP medical certification scheme was replaced with 'fit notes' which allow GPs to suggest temporary changes to the employee’s duties to assist them to return to work. The Statement of Fitness for Work may list a number of common changes which can be made to an employee’s position or work place to assist them return to work, such as a phased return or altered hours.

When a Statement is received with suggestions for consideration, a referral to Occupational Health must be made via the Human Resources Manager. This should take place before the employee returns to work. This will allow for a full assessment and discussion of the GPs suggestions, including consideration of whether or not they can be accommodated. During this time the employee will continue to receive sick pay in accordance with their contractual entitlement.

(See Section 16 Occupational Health Referrals)

6. MANAGER RESPONSIBILITIES

6.1 Informal Return to Work Interview
Return to work interviews are one of the most effective measures in terms of improving attendance, providing an early opportunity for discussion and potential resolution of issues.

This interview, conducted by the line manager, should take place within 48 hours of the employee returning to work from any period of sickness absence, including short-term sickness of one day only. The interview provides an opportunity for the manager to ensure the employee is fit to be at work and, where appropriate, that appropriate help and support can be identified and implemented. It also allows the employee an opportunity to discuss any issues that may be affecting their health and attendance. It should be informal, and depending on the circumstances of the case, may cover any or all of the following issues:

- identification of support mechanisms that may be beneficial following a return to work;
- issues which may be affecting the employee’s ability to attend work;
- potential involvement of University services, i.e. the Occupational Health Service or the Counselling Service, where this would be beneficial;
- a review of the employee’s attendance record over the previous year;
- an assessment of whether any further action is necessary and an indication of what this action may be. This may include follow-up meetings where appropriate, to keep the channels of communication open and ensure that issues are being addressed.

A Return to Work Interview Form is available on the HR website.

Details of the interview should be retained by the line manager.

6.2 Sickness Absence Records
The line manager is responsible for maintaining sickness absence records. A monthly return to Payroll of sickness absence must be made at the beginning of each month. This can be done online by completing the Absence Return Form (Excel) available at: https://portal.uea.ac.uk/finance/forms

The completed form should be emailed to: payroll@uea.ac.uk

7. DELIBERATE FALSE DECLARATION OF SICKNESS ABSENCE
The deliberate false declaration of illness resulting in non-attendance at work may be regarded as gross misconduct, which may result in action being taken against the employee under the relevant disciplinary process.

8. SICKNESS ABSENCE AND ANNUAL LEAVE
An employee who falls sick during a period of annual leave will normally be required to provide a Medical Statement and will be regarded as being on sick leave from the date specified on the Statement. He/she may take the balance of holiday at a later date after returning to work and the Human Resources Manager should be contacted to discuss how this will work in practice. In the event of sickness absence employees
are required to obtain a Medical Statement from their GP to support an absence of more than seven days. Where the University requires a Medical Statement for an absence of less than seven days to support absence during annual leave, normally the cost will be met by the relevant department.

An employee may choose to take annual leave during a period of certified absence. In these circumstances the normal departmental process for request and authorisation of annual leave must be followed. The absence will be then be recorded as annual leave and will count towards the annual leave entitlement.

9. PAYMENT DURING SICKNESS ABSENCE

Employees should refer to their Terms and Conditions of Appointment for information relating to contractual sick pay. Where possible, employees will be notified in advance before they are due to drop to half pay, and again when half pay is due to finish.

10. FREQUENT SHORT-TERM ABSENCE

Frequent short-term absence normally involves patterns of absence due to minor illnesses that are usually not connected. Such patterns could vary from a relatively large number of single days of absence, to fewer occasions involving a loss of up to a week or more, or a mixture of individual days and longer periods of absence. High levels of this type of absence may indicate problems which need to be explored and resolved.

The fact that a frequent short-term absentee is genuinely unwell does not mean the University can allow the situation to continue indefinitely. Frequent short-term absences are problematic as it is difficult to plan for their impact. The impact may therefore be substantial and can frequently disrupt the normal operation of a department, having a negative effect on work colleagues, students and other service users.

Sickness absence can be regarded as frequent short-term absence when it reaches four periods of absence, usually of one week or less, in a six month period. Employees are often unaware of how much absence they have had, and bringing it to their attention along with a discussion about factors that may be affecting their health can help lead to an early and informal resolution of the problem.

Therefore, at the third short-term absence, the line manager, during the return to work interview, should discuss the absence with the employee and alert them to the fact that the formal Sickness Absence Management process will be triggered if no improvement is made. A note should be kept locally to this effect with a copy given to the employee (Appendix A can be used as a template). For absences in relation to pregnancy or disability, the HR Manager should be contacted for advice prior to discussion with the employee.

Where absence does not necessarily fit into the definition above e.g. a pattern of Mondays or Fridays, or regular absence before or after periods of leave, or reporting
for work but then regularly going off sick part way through the day, the same approach should be used.

If attendance does not improve after this informal discussion, **when the fourth short-term absence** (or continuance of the pattern) – the trigger point - in the six month period is reached, the formal Sickness Absence Management process should be applied.

11. **FORMAL SICKNESS ABSENCE MANAGEMENT PROCESS**

Although it is important to treat each case on its merits and take care to respond in a sensitive manner, it is essential that managers apply the same framework to all employees. This means that whilst the same process should be followed, the outcome should be tailored to reflect the circumstances of each case.

At each stage of the process, the emphasis should be on counselling and support with a view to agreeing objectives to improve attendance. Depending on the circumstances of each case, this may necessitate a referral to Occupational Health for guidance, or initiation of other support mechanisms such as counselling, a review of working arrangements, or support with personal issues. However, if attendance does not improve, this may be treated as a capability issue, or, particularly where acceptable reasons cannot be given, a disciplinary issue. Where this is the case, while still part of the formal Absence Management process, the relevant University disciplinary or capability procedure will guide the initiation and conduct of the meeting, and the confirmation of any disciplinary sanctions or capability warnings.

**11.1 Stage One**

Where the trigger point has been reached the manager should arrange a meeting with the employee. An example of an invitation to a meeting is attached at Appendix B.

The discussion should allow an opportunity for each party to comment, exploring potential underlying reasons and contributory factors. The manager should gain a commitment to improve attendance and a review period should be agreed. This may be up to six months in the first instance. Where possible measures are identified which could support the employee and help to improve their attendance, the manager should agree to investigate these and implement them wherever practical.

The manager should follow up in writing to detail the outcome of the meeting, confirming the expectations and, depending on the circumstances of the case, what could happen if the expectations are not met (i.e. where acceptable reasons cannot be given, lack of a significant and sustained improvement may result in a disciplinary warning). An example letter is attached at Appendix C.

The manager will continue to monitor absence over the review period, making a diary note to ensure that a review with the Human Resources Manager takes place at the end of the agreed monitoring period.

**11.2 Stage One Review**

Where sufficient improvements have been made the manager should write to the employee to confirm that this is the case and that the process is at an end, with a
summary of the reasons underpinning the decision. The manager should also state that attendance will continue to be monitored and deterioration over the next 12 months will result in the re-commencement of the procedure at Stage One Review.

Where an employee’s attendance has not improved, he/she will be required to attend a Stage One Review Meeting and a letter to convene the meeting will be sent by the Human Resources Manager, outlining the reasons why.

The Human Resources Manager will be present at the meeting which will be progressed as a capability or disciplinary matter depending on the circumstances and the employee will be entitled to representation. Therefore the letter to convene the meeting will contain the information required by the relevant process.

The meeting will allow discussion of the absence during the monitoring period to explore why expected improvements have not been met and will allow the manager, with advice from the Human Resources Manager, to decide whether:

- an adjournment to seek further information is required;
- a further period of monitoring is merited, or;
- formal action in the form of either a capability or disciplinary warning

Where an adjournment for further information or a further period of monitoring is agreed, this will be confirmed in writing and a follow-up Stage One Review Meeting, following the above format, will be convened at the appropriate time.

Where a capability or disciplinary warning is necessary, this signals progression to Stage Two and an appropriate review period will be set over which agreed attendance objectives will be monitored and reviewed. This review period will be determined according to individual circumstances.

Confirmation of progression to Stage Two, the relevant capability or disciplinary warning, the objectives set, the monitoring period, and the consequences of failure to improve (i.e. lack of a significant and sustained improvement may result in a final capability or disciplinary warning) will be confirmed in writing to the employee by the Human Resources Manager, not more than 10 working days after the meeting.

11.3 Stage Two

The manager will continue to monitor absence over the review period, making a diary note to ensure that a review with the Human Resources Manager takes place at the end of the agreed monitoring period.
11.4 Stage Two Review
Where sufficient improvements have been made the manager should write to the employee to confirm that this is the case and that the process is at an end with a summary of the reasons underpinning the decision. The manager should also state that attendance will continue to be monitored in accordance with the terms of the disciplinary or capability warning and any deterioration will result in the recommencement of the procedure at Stage Two Review.

Where an employee’s attendance has not improved he/she will be required to attend a Stage Two Review Meeting. The process will be the same as the Stage One Review Meeting, set out above.

Where a (final) capability or disciplinary warning is necessary, this signals progression to Stage Three and an appropriate review period will be set over which agreed attendance objectives will be monitored and reviewed. This review period will be determined according to individual circumstances.

Confirmation of progression to Stage Three, the final capability or disciplinary warning, the objectives set, the monitoring period, and the consequences of failure to improve (i.e. lack of a significant and sustained improvement may result in termination of employment), will be confirmed in writing to the employee by the Human Resources Manager, not more than 10 working days after the meeting.

11.5 Stage Three
The manager will continue to monitor absence over the review period, making a diary note to ensure that a review with Human Resources Manager takes place at the end of the agreed monitoring period.

11.6 Stage Three Review
Where sufficient improvements have been made the manager should write to the employee to confirm that this is the case and that the process is at an end with a summary of the reasons underpinning the decision. The manager should also state that attendance will continue to be monitored in accordance with the terms of the disciplinary warning and any deterioration will result in the recommencement of the procedure at Stage Three Review.

Where an employee’s attendance has not improved he/she will be required to attend a Stage Three Review Meeting. The process will be the same as the Stage One Review Meeting, set out above.

Where attendance remains unsatisfactory and further capability or disciplinary action is merited the relevant capability or disciplinary procedure should be followed in relation to consideration of termination of appointment or other appropriate sanction.

12. LONG-TERM ABSENCE
The University defines absences for a period of four weeks or more as long-term. Given the complexities associated with the management of long-term absence, cases should be dealt with according to individual circumstances. It is impossible to be
precise about how each case will be managed but there are some underpinning activities that are likely to be relevant to all long-term cases. The starting point for the line manager is to contact the Human Resources Manager for guidance.

A key part of the process in managing a person on long-term absence is to ensure that regular contact with the employee is maintained. The timing and nature of that contact will be appropriate to the situation and in consultation with the employee.

The outcome of a long-term sickness absence will be determined by the University on the basis of medical and other specialist advice and in consultation with the employee.

Outcomes

In consultation with the employee the outcomes of a long-term sickness absence may include:

- temporary reduction in responsibility and/or working hours to allow the employee to complete their recovery (see Section 13 Phased return to Work);
- a return to normal working, in which case the person will undertake the same range of duties and responsibilities they had before their absence;
- A return to their previous role but with permanent adjustments in working hours and/or duties and responsibilities to accommodate changes in ability levels. Such adjustments will be made in order to ensure compliance with the Disability Discrimination Act (1995) as well as the University’s wider commitments to equal opportunities and dignity at work (See Section 14 Disability);
- Redeployment to alternative employment, where available, if adjustments are not practical or affordable. This may involve a change in terms and conditions of employment (see Section 15);
- termination on the grounds of incapacity due to ill health. The University will endeavour to take all reasonable action to support employees returning to work. However, on some occasions the nature of the illness itself or its effects may mean that employees are unable to continue in their employment with the University. The Human Resources Manager will identify possible options and discuss them fully with the employee before a decision on termination of employment is taken. In such cases the employee may, subject to the rules of the relevant pension scheme, seek an ill-health retirement pension. The decision on whether to award an ill-health retirement pension rests entirely with the Trustees of the relevant pension scheme and the University has no role in deciding the outcome.

13. PHASED RETURN TO WORK

Following absence of four weeks or more, it may be possible for employees to return to work on a phased basis, following medical advice from their GP or Occupational Health. Occupational Health should be asked for advice on phased returns before implementation to ensure that they are appropriate. A phased return may mean a temporary reduction in hours or a temporary reduction or alteration in duties, and normally lasts between two to four weeks.
Phased returns can take many forms and during the planning process the Human Resources Manager will advise the line manager and employee of any implications *inter alia* for sick pay, annual leave or unpaid leave. It should be remembered that it may not always be possible to agree with a suggested phased return due to the impact on the department and/or impact on other employees, even where recommended by Occupational Health.

It should be noted that all referrals to Occupational Health should be made by Human Resources and there is no facility for either employee or line management to organise referrals directly with Occupational Health.

14. **DISABILITY**

The University is required by law under the Equality Act, as well as the University's wider commitments to equal opportunities and dignity at work, to make reasonable adjustments to try to enable employees who develop or already have a disability to continue in employment.

Where this is the case, the Human Resources Manager will arrange for a referral to Occupational Health for guidance in relation to reasonable adjustments. These might include adjustment of duties, reduction in working hours, and possibilities for redeployment. The guidance and advice from Occupational Health will be discussed with the line manager to assess whether it is possible to agree a plan with the employee.

15. **REDEPLOYMENT**

In some cases, following careful consideration by the line manager and consultation with the relevant Human Resources Manager, it may not be possible to make reasonable adjustments to an employee's current role. Wherever possible, the University is committed to make every effort to redeploy those employees who are unable to continue in their current post for reasons of ill health or disability.

The Human Resources Division operates a Redeployment Register. Employees who are unable to continue in their current post for reasons of ill health or disability are eligible to join the Redeployment Register. Further information will be given to eligible individuals by the Human Resources Manager.

Where an employee is considered to be disabled under the definitions provided under the Equality Act, consideration will be given to waiving the competitive selection process for the post for which they apply, where there are no other applicants requiring similar consideration.

16. **OCCUPATIONAL HEALTH REFERRALS**

The University may refer employees to Occupational Health at any point during their employment where their absence record suggests that this may be beneficial. Where a referral is necessary, the line manager will advise the employee and will then contact the Human Resources Manager to initiate the referral. An employee may approach the Human Resources Manager to arrange a self-referral. It should be
noted, however, that all referrals should be made by Human Resources and there is no facility for either employee or line management to organise referrals directly with Occupational Health.

The referral will provide an opportunity to discuss the nature of the illness, consider the long-term prognosis, the likelihood and anticipated timescale of a return to work, and identify any forms of support or assistance that the University may be able to provide to facilitate a return to work. The outcome will be a confidential report to the Human Resources Manager and line manager.

Following an appointment with Occupational Health, it may be necessary to obtain further medical information or opinion. Requests for information will be made in accordance with the Access to Medical Reports Act 1988 and with the prior consent of employee. Occupational Health will write formally requesting only specific and relevant information/opinion. The employee has the right to see the report prior to the GP or specialist returning it to Occupational Health, and the information will be released to Occupational Health only if the individual agrees with the content. This information will be kept confidentially within the Occupational Health Service. Only details relevant to the management of the case will be released to the Human Resources Manager after the Occupational Health Adviser has discussed the report with the employee.

It should be noted that where consent is withheld, the University will take reasonable action based on the available information available.

Please contact Occupational Health directly for further information.

17. COUNSELLING SERVICE

Employees may also wish to utilise the confidential Staff Counselling Service https://www.uea.ac.uk/counselling. This is a free and confidential service for employees.

18. STATUTORY SICK PAY (SSP)

See HR website for further information: Statutory Sick Pay (SSP)

19. INJURIES AT WORK

In cases of injury at work, the employee must complete an accident report form at the earliest possible opportunity and inform their Manager.

Human Resources Division
April 2010
APPENDIX A

Template letter to summarise outcomes from manager’s meeting

Name
Address

Date

Private and Confidential

Dear {name}

Further to our meeting on {date} to discuss your sickness absence, I write to confirm the outcomes of our discussion.

We discussed your attendance record and agreed that you have been absent from work on the following dates, which total X days on X episodes in the last X months:

•
•

We discussed the reasons for your absence, and the support that can be put in place to assist you {set out any specific actions}.

I advised you that a further absence within this current six month period will trigger the formal Sickness Absence Management procedure and may be treated as a {disciplinary/capability} matter in accordance with the {relevant} process.

If there are any additional circumstances in connection with your sickness absence that you would wish to bring to my attention, please do not hesitate to do so.

Yours sincerely

{Line manager}

C.c. (Human Resources Manager)
APPENDIX B
Template letter to initiate a Stage One Meeting

{Name}
{Address}

Faculty/ Division
University of East Anglia
Norwich NR4 7TJ
United Kingdom
Email:
Tel: +44 (0) 1603 59
Fax: +44 (0) 1603 59
Web: www.uea.ac.uk

{Date}

Private and Confidential

Dear {name}

Meeting to discuss sickness absence – Stage One Meeting

I write to invite you to a meeting to discuss your sickness absence which has reached a level that triggers the formal University Sickness Absence Management process.

This follows our discussion concerning your sickness absence during your return to work meeting on {date}

The meeting will be held at {time} on {date} in {location}.

Full details of the process are available by following this link https://www.uea.ac.uk/hr/employee-information/leave/sick or in hard copy from the Human Resources Division.

Yours sincerely

{Line Manager}

Cc: {Human Resources Manager}
APPENDIX C

Template letter to summarise outcomes from Stage One Meeting

Name
Address

Date

Private and Confidential

Dear {name}

Further to our meeting on {date} to discuss your sickness absence, I write to confirm the outcomes of our Stage One discussion.

The purpose of our meeting was to discuss your sickness absence which has reached a level that triggered the University’s formal Sickness Absence Management process. You were accompanied to the meeting by {name}. We discussed your attendance record and agreed that you have been absent from work on the following dates, which total X days on X episodes in the last X months:

- 
- 

We discussed the reasons for your absence, and the support that can be put in place to assist you {set out any specific actions}.

I hope to see a significant and sustained improvement in your attendance. I informed you that, if over the next six months, you are absent for {target - e.g. three or more short-term} absences then I will need to review your sickness absence levels with the Human Resources Manager. If your attendance does not improve you will be required to attend a Stage One Review Meeting where, in the absence of a satisfactory explanation, continuing unsatisfactory absence may be treated as a disciplinary matter in accordance with the {relevant} disciplinary/capability process.

If there are any additional circumstances in connection with your sickness absence that you would wish to bring to my attention, please do not hesitate to do so.

Yours sincerely

{Line manager}

C.c. (Human Resources Manager)