



**London
South Bank**
University

EST 1892

Sickness Absence Policy and Procedure

A guide to sickness absence management

June 2017

Become what you want to be

1. Purpose and Principles

- 1.1 London South Bank University is committed to improving the health, safety, well-being and attendance of all employees. This policy aims to enable sickness absence to be addressed consistently and fairly, ensuring that the need to meet operational requirements is balanced with individual support and compliance with the University's legal, health and safety and equality obligations.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 The Vice Chancellor has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the Human Resources Department.
- 1.4 Managers, Human Resources and employees each have responsibilities in this process. Managers are responsible for fair application of this policy, monitoring and supervising attendance and fulfilling the University's duty of care towards its employees. Human Resources is responsible for advising managers, ensuring fairness and consistency in the application of the policy, administration such as recording absence and sickness, adjusting pay and making referrals to occupational health or any other related requirements. Employees are responsible in line with the implied terms of their contracts of employment, for achieving and maintaining good attendance and for following the University's sickness reporting procedures.
- 1.5 The University is aware that sickness absence may result from a disability. At each stage of the sickness absence procedure, the University will give consideration to whether there are reasonable adjustments that could be made to a disabled employee's working arrangements that will provide support at work and/or assist a return to work, and it will seek medical and occupational health advice as appropriate for these purposes.
- 1.6 Where sickness absence becomes unsustainable, having considered all options and alternatives, the University as a last resort, may terminate an employee's employment on the grounds of capability or ill health. The University will follow a fair and transparent process which will:
 - Set out clear standards of required improvement at each stage, taking into account individual circumstances;
 - Give appropriate warnings and opportunities for improvement, identifying what support and adjustments need to be made;
 - Put in place reasonable adjustments to enable a disabled employee to carry out their duties without being disadvantaged;
 - Ensure each stage is heard by an appropriate manager, with an appeal at each formal stage to a manager of at least equal status who has not previously been involved;
 - Provide representation at each formal stage by a trade union representative or work colleague;
 - Provide for potential dismissal to be heard by a member of the Executive with an additional senior manager on the panel; and

- Appeal against dismissal to be heard by the Vice Chancellor, or delegated to a Pro or Deputy Vice Chancellor, with another senior manager on the panel.
- 1.7 Except for sick pay entitlements (Annex 4), this policy does not form part of an employee's contract of employment or otherwise have a contractual effect. This policy may be reviewed from time to time and may be changed or be withdrawn at the University's discretion. It supersedes all other sickness policies, procedures and practices.

Procedure

2. Sickness absence reporting and monitoring

- 2.1 Staff should report any absence promptly in accordance with local School or Department protocols, which normally require contact with a line manager (or his/her nominee) prior to or immediately any absence is apparent. This will allow the University to offer the right kind of support and assistance and ensure that services are maintained. Line Managers should complete and forward to Human Resources Forms A and B (Annex 3) to record the start and finish of any sickness absence.
- 2.2 On return to work, for absence of up to 7 calendar days a self-certification form should be completed. If absent from work sick for 8 calendar days or more days, the employee will need to obtain a certificate from their doctor (a 'Statement of Fitness for Work') stating that the employee is not fit for work and the reasons why. This should be forwarded to the employee's line manager as soon as possible. If the employee's sickness absence continues, further medical certificates must be provided to cover the whole period of absence. This process is detailed at Annex 2.

2.3 Where the University is concerned about the reason for absence, or frequent short-term absence, it may require a medical certificate from the employee for each period of absence and will reimburse any reasonable costs for doing so upon production of a receipt.

2.4 The employee should expect to be contacted during their absence from work by their line manager who will want to enquire after the employee's health and be advised, if possible, as to the employee's expected date of return to work. Such contact is intended to provide reassurance and should typically be on a weekly basis.

3. Occupational Health

3.1 The University may, at any time in operating this policy, require an employee to consent to a medical examination by its occupational health provider and/or a doctor nominated by the University.

3.2 The employee will be asked to provide written consent that any report produced in connection with any such examination may be disclosed to the University and that the University may discuss the contents of the report with the relevant medical practitioner.

4 Return to Work Meeting

4.1 This discussion is a critical part of the informal process and the line manager should meet with the employee as soon as possible following every return from sickness absence.

4.2 Line managers should address concerns as soon as they arise including referrals to Occupational Health where this supports early interventions to address underlying work-related issues such as stress or depression. The meeting should be informal and informative based on concern for the health of the individual

and to identify any underlying causes and reasonable adjustments that might be required.

5. Disability and reasonable adjustments

- 5.1 Under equality legislation, the University is under a duty to make reasonable adjustments to accommodate the needs of a disabled worker where the University's working arrangements or the physical features of its premises place that person at a substantial disadvantage.
- 5.2 Where an employee has an underlying medical condition and is considered disabled under the Equality Act 2010, line managers will establish what reasonable adjustments to the workplace, working practices and/or working hours can be made to enable the employee to return to work/carry out their duties taking advice from Occupational Health in consultation with Human Resources and where appropriate, following a risk assessment.
- 5.3 In the case of long term absence where the hours of work are reduced as part of a phased return programme, employees would normally remain on full pay for a limited period of up to 4 weeks. If a longer period of rehabilitation is required a corresponding reduction in salary would result, although individual circumstances will be considered on a case by case basis.
- 5.4 If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager or the relevant HR Business Partner supporting their School/Professional Service.

Formal Stages

6. Trigger Points

- 6.1 Trigger points act as a prompt to review absence on a regular and consistent basis and initiate formal action where necessary. The trigger points are:
 - eight or more working days/five separate occasions during a 12 month rolling period (short term absence);
 - Twenty or more continuous working days (long term);
 - A distinct pattern of sickness absence (i.e. sickness absence prior to or after annual leave or single days on the same day of each week)
- 6.2 For part time staff, the triggers will be calculated on a pro rata basis, i.e. for an employee working 2 days per week (0.4 FTE) the triggers will be 3 days for short term absence and 8 days for long term absence.

7. Process and right to be accompanied

- 7.1 Employees have the right to be accompanied by a recognised trade union representative or workplace colleague at all formal meetings. It is the responsibility of the employee to make arrangements for such representation.
- 7.2 If the employee's representative is not available, a formal meeting should be rescheduled once and an alternative date offered within 5 working days of the original date.
- 7.3 The employee will be given at least 5 working days' written notice of each formal meeting and a record of the outcome of the meeting within 10 working days, a copy of which should be

forwarded to Human Resources. Such meetings may take place at the employee's home if medical circumstances require.

8. First formal sickness investigation meeting

8.1 The line manager should arrange a first formal meeting with an employee whose absence has reached a trigger point or whose pattern of absence or health is a concern. At the meeting the manager will consider the further actions where appropriate:

- Review the employee's attendance record;
- Focus on the frequency, duration and any patterns of the absence(s) and their effect on the University;
- Provide an opportunity for the employee to discuss any problems or work-related concerns;
- Identify support and measures which may assist the employees' recovery and early return to work;
- Refer the employee to Occupational Health if appropriate;
- Where a medical opinion has been obtained, reviewing the medical report and consider any recommendations;
- Instigate a monitoring period, usually up to 3 months, depending upon individual and workplace circumstances;
- Agreeing a way forward, action that will be taken and specifying a timescale for review and/or a further meeting under the sickness absence procedure
- Caution the employee that if the required improvement is not made a meeting under the second stage may be arranged.

8.2 Following the meeting the outcome of the discussion will be confirmed in writing within 10 working days.

8.3 The employee's absence pattern should be regularly reviewed during the monitoring period and a formal meeting arranged at the end of the monitoring period to review progress.

8.4 If there is a satisfactory level of improvement the employee will be advised of the need to sustain the improvement to avoid further action.

8.5 If the required level of improvement has not been made the employee's monitoring will move to a second sickness meeting.

8.6 In the case of long term sickness please also see section 11.

9. Second sickness meeting

9.1 If the employee's sickness absence remains unsatisfactory, or if they have been unable to sustain any improvement made within 12 months, the line manager will arrange a second sickness meeting to:

- Explain that the employee is at the second stage of the formal process;
- Review the employee's attendance and discuss continuing concerns;
- Consider whether a medical opinion is required and a referral to Occupational Health if appropriate;
- Where a medical opinion has been obtained, reviewing the medical report and considering any recommendations;
- Explore options to support the employee including short-term alternative working arrangements, reasonable adjustments, redeployment and ill-health retirement;
- Instigate a second monitoring period, usually up to 3 months;
- Specify the improvements expected during the second monitoring period;
- Caution the employee that their level of attendance is unacceptable and that failure to improve may lead to dismissal at the final stage of the procedure.

9.2 The outcome of the second sickness meeting will be confirmed in writing within 10 working days.

- 9.3 The employee's absence pattern should continue to be monitored with regular reviews and referrals to Occupational Health as required. A formal meeting should be arranged at the end of the monitoring period to review the employee's attendance during the monitoring period.
- 9.4 If satisfactory improvement in the employee's sickness absence is made by the end of the monitoring period the employee will be advised of the need to sustain the improvement in order to avoid further action. If after a period of satisfactory improvement, the employee's absence levels reaches those defined in 6.1 above, a second stage sickness meeting will be repeated.
- 9.5 If the required level of improvement has not been made during the monitoring period, depending on the circumstances, the line manager may extend monitoring for a further period (no more than 3 months) to provide the employee with a further opportunity to demonstrate satisfactory attendance or alternatively, a meeting under the final stage of the sickness absence procedures will be arranged.

10. Final Stage Hearing

- 10.1 If at the end of the second stage monitoring period sickness absence remains unsatisfactory, or improvement made following the second meeting has not been sustained over 12 months, or in a case of long term sickness having exhausted all the options it remains clear that an employee will not be able to return to work, the employee will be required to attend a Final Stage hearing which may lead to dismissal.
- 10.2 The final stage hearing will be before a panel comprising an Executive member and a senior manager who have not been involved in the management of the absence being considered. The panel will be advised by a member of Human Resources and a note taker will be present.

- 10.3 The purpose of the hearing will be to:
- Review actions taken at the first and second stages;
 - Review what support has been put in place to improve attendance;
 - Allow the employee to respond to the concerns and/or present any mitigating circumstances that they wish to be taken into account;
 - Review any Occupational Health advice that has been received and implemented;
 - Consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance within a reasonable period of time;
 - Reconsider all options such as transfer to alternative work or ill health retirement.
 - Consider whether the employee should be dismissed on the grounds of capability, or whether an extended monitoring period would be appropriate;
- 10.4 In considering dismissal, the panel will take account of the timescales within which there may be a return to work, the impact of the continuing absence on the work place and what alternatives may be appropriate under the circumstances. Only if there are no viable alternatives and the panel considers the level of absence is unacceptable and that sufficient opportunity to improve has been provided, will the employee be given notice of dismissal.
- 10.5 In exceptional circumstances the monitoring period may be extended to provide a further opportunity to demonstrate satisfactory attendance or an ability to return to work. This should only be considered where there is clear evidence that further monitoring would lead to the intended aim.
- 10.6 If an extension is agreed, regular reviews should be undertaken during the monitoring period. Failure to sustain any improvements made or meet the targets set during the extended

monitoring period will result in a further meeting at the Final Stage being convened.

- 10.7 The decision of the panel will be confirmed in writing within 10 working days with the reasons and the employee will be informed of their right of appeal as stated below.

11. Long Term Sickness Absence

- 11.1 Long term sickness absence is defined as a protracted period of absence (more than 20 working days in one single period) which may be due to a single health problem, e.g. caused by an operation or by a combination of health issues. The primary aim, in dealing with cases of long term sickness absence, should be to facilitate the individual's return to work at the earliest reasonable point. At the same time, it is important for managers to bear in mind that, in extreme cases, the person may ultimately be unable to return to work.
- 11.2 The line manager should agree with the employee the arrangements for keeping in touch in order to maintain support for the employee and to make it easier for them to come back to work.
- 11.3 Where the employee is deemed unfit for work and after all the relevant considerations have been explored, including medical advice, ill health retirement, redeployment and reasonable adjustments, consideration will be given to proceeding to a Final Stage hearing which may result in a decision to dismiss the employee on the grounds of capability.

12. Appeals

- 12.1 Employees may appeal each decision made under the formal stages of this procedure.

- 12.2 Appeals must be submitted in writing to the relevant Human Resources Business Partner within 10 working days of receiving written confirmation of the outcome decision.

- 12.3 Appeals against decisions at stages 1 and 2 will be heard by a manager of at least equal status who has not previously been involved in management of the sickness absence.

- 12.4 Appeals against decisions at the final stage, including dismissal, will be heard by a panel comprising the Vice Chancellor (who may delegate to a Deputy or Pro Vice Chancellor) and a member of the Executive who have not been involved in the management of the sickness absence. The Panel will be advised by a representative of the Human Resources Department and a HR note taker will also be present.

- 12.5 The grounds of appeal must be in writing, specifying each ground of appeal and must be on one of the following grounds:

- Procedural: Failure to follow procedure and how this materially affected the decision
- Decision: The decision reached was unreasonable and not supported by the evidence presented
- New evidence: New information which has become available that could not reasonably have been known at the time of the meeting

- 12.6 Arrangements will be made for appeals to be heard as soon as reasonably practical. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required. The employee will be given at least 10 working days' notice of the appeal hearing and outcome of the appeal will be communicated in writing within 10 working days where reasonably practicable.

- 12.7 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, where an appeal is upheld, the original decision will no longer be valid. If an

appeal against dismissal is upheld, the employee's pay will be reinstated and continuity of service will be maintained.

- 12.8 The appeal decision will be final and there will be no further right of appeal.

Further Information and Guidance

- 13.5 Business Disability Forum tel: 020 7403 3020 email: advice@businessdisabilityforum.org.uk.

- 13.6 Free confidential counselling (24 hours a day, 365 days of the year) – Employee Assistance Programme: Right Management Limited (Freephone): 0800 1116 387

Email: helpline.wellness@rehabworks.co.uk

Website: www.my-eap.com

Username: lsbuwell

- 13.7 A Health and Safety Stress Survey can be requested through the HR Business Partner



HR Service Desk:
hrsd@lsbu.ac.uk