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## **SICKNESS ABSENCE PROCEDURE**

### **1. Policy, Purpose and Principles**

- 1.1 The aim of this procedure is to:
  - provide a framework to manage sickness absence fairly and support employees who are unable to work due to illness; with consideration given to individual circumstances.
  - support employees to remain in work or return to work as soon as possible after a period of illness.
  - reduce the impact on other work colleagues when covering for colleagues who are absent due to illness; and
  - secure the attendance of employees to minimise the cost and effects of sickness absence on the provision of services to students and staff.
- 1.2 The University will regard sickness absence as genuine unless there is evidence to the contrary.
- 1.3 This procedure applies to employees only. It does not apply to those engaged on a claims basis (including temporary workers and workers on the Temporary Staff Bank), consultants, self-employed contractors or agency workers.
- 1.4 This procedure is intended to be used as a guide and does not form part of the contract of employment. The application of this procedure may be modified by the Director of Human Resources or their designate at their discretion if appropriate in specific cases (for example where an employee works in, or is managed by employees of, a third-party organisation, including in cases of secondment).
- 1.5 Managers are expected to regularly review the attendance of the staff they manage, (see “my team” reports on MI Hub) provide timely feedback, identify any concerns over attendance at the earliest opportunity, usually in a return to work conversation, and provide or signpost to appropriate support.
- 1.6 Before any formal caution is applied under this procedure, the employee will be advised of the concerns over their attendance and be provided with an opportunity to respond at a meeting at which the employee can be accompanied (see section 3). An employee is entitled to present their own medical evidence at any meeting under this procedure.
- 1.7 Any information provided by an employee about their health will be processed lawfully and in accordance with the Data Protection Policy.
- 1.8 The University will endeavour to deal with health-related absences without delay and expects the employee to cooperate and achieve that aim. Time limits (other than those for prior notification of hearings) are indicative. It is recognised that there may be circumstances, particularly in complex cases, where these are not realistic. If it is not possible to respond or take action within the time limits referred to in this Procedure, the employee should be given an explanation for the

delay and told when a response can be expected. The time limits may be varied by mutual agreement in individual cases.

- 1.9 Nothing in this Procedure shall prevent an application to the relevant pension scheme being made (or accepted) at any stage for the employee to retire on ill health grounds. The initiation of the Procedure and any dismissal on grounds of ill health under this Procedure does not imply that the applicable pension scheme will accept an application for the employee to retire on ill health grounds. This decision is solely a matter for the Pension Trustees (or Scheme Manager where applicable) and is not within the gift of the University.
- 1.10 Where there is an issue as to the meaning of 'academic freedom' in any proceedings under these Ordinances, regard shall be had to the agreement with the University and College Union (UCU) regarding the definition of academic freedom (November 2022).
- 1.11 This procedure has been implemented following consultation with the University and College Union (UCU), Unison and Unite. The Procedure may be amended at any time by the University following procedures set out in its Statutes and Ordinances.

## **2. Disabilities**

- 2.1 It is recognised that sickness absence may result from a disability. At each stage of the informal and formal procedure (set out in sections 17 to 19), consideration will be given to whether there are reasonable adjustments that could be made to the role or other aspects of working arrangements that will provide support at work and/or assist a return to work. This may include redeployment under the University's Redeployment Procedure where an employee is unable to continue in their substantive position (with or without adjustments) as a result of a disability.
- 2.2 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 discuss this with their line manager or a member of the Human Resources (HR) Team for their area.
- 2.3 Where steps are to be taken under the informal or formal stages of this procedure, consideration will be given whether any reasonable adjustments are required to be made to the procedure, including arrangements for meetings and any 'targets' for attendance.

## **3. Right to be accompanied to meetings and hearings**

- 3.1 An employee may bring a companion to any hearing under the formal stages of this procedure. The companion may be either a trade union representative or a work colleague. The employee should tell the HR Casework Team who their chosen companion is, in good time before the hearing.
- 3.2 The companion may make representations, ask questions, and sum up the employee's case, but will not be allowed to answer questions on their behalf. The employee may confer privately with their companion at any time during the hearing.
- 3.3 If the companion is unavailable at the time the hearing is scheduled then the employee can ask for the hearing to be postponed for up to one week, on one occasion only. Following such a postponement, the University reserves the right to proceed with the meeting in the employee's absence.
- 3.4 Whilst there is no right to be accompanied to meetings under the informal stage of this procedure, an employee may elect to be accompanied by a work colleague or trade union representative to an informal meeting, but the University will not postpone/delay the informal procedure due to unavailability.

**4. Sickness Absence Reporting Procedure:**

4.1 Employees must follow the notification requirements in the Conditions of Employment.

**5. Evidence of ill health:**

5.1 The procedure for reporting and recording sickness absence, including provision of a fit note, can be found here.

**6. Attendance at Work:**

6.1 For health and safety reasons, staff who are signed off as unfit for work should not attend work without the express consent of the University following a return to work conversation. Advice may be sought from Occupational Health ("OH") or the employee's GP.

**7. Non-attendance for medical reasons**

7.1 In exceptional cases, where there are concerns that the continued presence of an employee would be detrimental to their own health and safety or to that of others, the Head of Department (Academic or Professional Service) (or their nominee) may, in consultation with HR, instruct the employee to remain at home pending confirmation from OH of their fitness to attend work as outlined here.

**8. University sick pay**

8.1 Entitlement to University sick pay and statutory sick pay is set out in the Conditions of Employment.

**9. Sickness and annual leave**

9.1 The arrangements that apply where a period of sickness coincides with pre-booked annual leave are set out in the Conditions of Employment:

**10. Keeping in contact during sickness absence**

10.1 Where an employee is absent on sick leave, contact should be maintained with their line manager. The employee should expect to be contacted from time to time by their line manager or a member of the HR team to discuss their wellbeing, expected length of continued absence from work and initially, where necessary, to identify any of their work that requires attention. It is recommended that wherever possible the manager and employee agree the method and frequency of the communication.

10.2 It is the employee's responsibility to keep their manager informed regularly of progress towards recovery and return to work during periods of absence.

10.3 If an employee has any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should contact their line manager or a member of their HR team.

**11. Medical examinations and reports**

11.1 Under the Conditions of Employment, the University may require an employee to attend a medical assessment/examination with its Occupational Health (OH) team and/or a doctor/medical practitioner nominated the University where there are concerns about their health or level of attendance.

11.2 The employee will be asked to agree that any report produced in connection with any such examination may be disclosed to those persons identified on the referral form (and/or at any meetings under this procedure) and where appropriate, that the University may discuss the

contents of the report with OH and/or the relevant doctor/medical practitioner. In some circumstances the University may also seek consent to obtain a report from the employee's own GP or medical specialist(s).

- 11.3 Where the employee refuses consent for medical reports to be obtained or disclosed, the relevant manager (at a sickness absence meeting) or panel (at appeal stage) will make their decision as to the appropriate course of action using the information available to them at the time

## **12. Return to work conversation**

- 12.1 Where an employee has been absent due to ill health, regardless of the length or reason for the absence, their line manager will have a return to work conversation with the employee on the day of their return or as soon as possible thereafter. In the absence of the line manager, another manager may be asked to conduct the return to work conversation.
- 12.2 A return to work conversation enables the manager to confirm the details of the employee's absence. It also gives the employee an opportunity to raise any concerns or questions they may have, and to bring any relevant matters, whether work related or otherwise, to the manager's attention.
- 12.3 Where a 'Fit Note' states that the employee "may be fit for work", the return to work conversation will include a review of any temporary changes that could help the employee return to work. Where changes cannot be agreed then the 'Fit Note' will be treated as 'not fit for work'. Advice may be sought from the OH team.

## **13. Returning to work from long-term sickness absence**

- 13.1 The University is committed to helping employees return to work from long-term sickness absence. As part of the Sickness Absence Procedure (see sections 16 to 19) the University will, where appropriate and possible, support a return to work by:
- (a) obtaining medical/OH advice;
  - (b) making adjustments to the workplace, working practices and working hours on a temporary or permanent basis;
  - (c) agreeing a return to work programme with the employee and their line manager; and/or
  - (d) considering redeployment.
- 13.2 If an employee has been absent for an extended period and is considered to be permanently unfit to carry out their duties (or any duties as a redeployee) and is a member of the relevant pension scheme, ill health retirement may be considered (see 1.9 above) subject to the rules of the scheme. Ultimately this is a decision for the Trustees of the relevant pension scheme. Further information on the process for this should be obtained from the University's Pay and Benefits team.

## **14. Confidentiality**

- 14.1 Our aim is to deal with matters relating to sickness absence sensitively and with due respect for the privacy of any individuals involved and in accordance with Data Protection legislation. Information relating to an employee's health is sensitive personal data and therefore all employees must treat as strictly confidential any information communicated to them in connection with a matter which is subject to this procedure. This is not intended to prevent the employee from discussing the matter with their companion (section 3) in confidence.

- 14.2 The University does not make audio/visual recordings of meetings or hearings and employees and anyone accompanying them must not make electronic recordings of any meetings or appeal hearings conducted under this procedure. The University will arrange for notes to be taken of all meetings under the formal procedure, and a copy will be sent to the employee on request.

**15 Relationship with other procedures**

- 15.1 This procedure applies where an employee has been unable to achieve or maintain adequate standards of attendance due to ill health or a medical condition. There may be occasions where it is appropriate to transfer to a different procedure, for example where it is reasonably believed that the employee's absences are not attributable to their health or a medical condition, and/or where an employee has failed to comply with the notification requirements set out in section 4 above (unauthorised absence). If at any stage after commencing this procedure it is decided that the matter should be dealt with under an alternative procedure the sickness absence procedure will be ceased (or in certain circumstances, suspended) and the issue will be transferred to the relevant procedure at the appropriate stage. The employee will be notified of this decision and the reason.
- 15.2 If an employee raises a grievance during the application of this sickness absence procedure then it may, if appropriate, be temporarily suspended in order to address the grievance. However, if the attendance and grievance issues are related it may be appropriate to deal with both cases concurrently under a single investigation and hearing. Each case will be considered on an individual basis.
- 15.3 An employee who is the subject of any action under this Procedure may not raise a grievance about the decision to apply the sickness absence procedure, the conduct of a meeting or decisions taken under the sickness absence procedure. Complaints about these matters should be considered at meetings under this Procedure.
- 15.4 Other policies and procedures which support employees in specific circumstances include:
- Alcohol and Substance Abuse Policy
  - Carers leave
  - Domestic Abuse
  - Fertility Treatment Leave
  - Flexible Working Policy
  - Gender Identity and Transitioning Policy
  - Managing Mental Health and Stress Standard
  - Menopause Guidance
  - Spectrum Life

**16. Sickness Absence Procedure**

- 16.1 The University may apply this procedure whenever a manager is concerned about an employee's attendance and/or where an employee has failed to return to work on a sustained basis following a period of long-term sickness absence and/or where ill health prevents them from carrying out their duties in whole or part or to an acceptable standard; or only able to do so only with difficulty.

- 16.2 Managers will normally commence this procedure when a review point is reached (subject to consideration of reasonable adjustments under paragraph 2.3 above).

**Review Points:**

Short-term sickness absence

- (a) Where an employee has been absent due to illness on **more** than four separate periods (of any duration) in a rolling 12-month period.
- (b) absent for twelve working days (pro-rata for part time employees) or more in a twelve-month period
- (c) Where matters discussed at a return to work meeting require more detailed discussions and/or further advice
- (d) Where there is a regular pattern of absence, for example regular Monday/Friday absence, days before or after a holiday, days that coincide with work pressures/deadlines and/or absence on dates where annual leave has been refused

Long-term sickness absence

- (e) Where an employee has been continuously absent for a period of four weeks or more.

**17. Informal Consideration**

- 17.1 The employee's line manager should arrange to hold an informal sickness absence review meeting with the employee to discuss as appropriate (depending on whether the concerns relate to short term/recurrent absences or longer-term absence):

- (a) The total sickness absence record, including:
  - any pattern of absence
  - reasons for the absence
  - where an employee has not been able to return on a sustained basis following a period of long-term sickness absence
  - whether the absence is arising from a disability.
- (b) Where the employee has returned from long-term sickness absence and has failed to perform their duties in whole or part or to an acceptable standard: (1) what standard is acceptable and (2) where they are failing to achieve or maintain an acceptable standard.
- (c) Comments from the employee, including any concerns impacting their attendance (whether work related or otherwise) and/or any medical condition(s).
- (d) Any support or action that can be taken to help the employee's attendance to improve.
- (e) Any changes that can be made to the employee's role or duties to support a return to work and/or a return to work on a sustained basis.
- (f) Any changes that can be made to the employee's role or duties to help them achieve an acceptable standard (including reasonable adjustments).
- (g) When the employee expects to return to work.
- (h) The impact of the absence(s) on the area/service/colleagues/students.

- (i) The level of attendance required, targets for attendance, and a defined review period during which attendance will be monitored (subject to consideration of reasonable adjustments under 2.3 above).
- (j) Whether a referral to OH is appropriate (including where the reasons for the absences suggest the employee could have an underlying condition or where the employee has been continuously absent for a period of four weeks or more).

17.2 This is not a stage under the formal procedure, however the informal sickness review meeting and the outcome, including any agreed support and/or changes to the role or duties, targets for attendance and the review period will be confirmed in writing.

17.3 Where the informal stage does not result in the required improvement to attendance or facilitate a return to work, the matter should be progressed under the formal stages of the procedure.

## **18. Formal Sickness Absence Procedure**

18.1 Following application of the informal stage (section 17 above), where the employee has not achieved or maintained attendance or returned to work on a sustained basis and/or not performing duties in whole or part or to an acceptable standard, the employee will be required to attend a formal meeting under this procedure. A letter will be sent to the employee at least 7 days before the date of the meeting setting out the following:

- there will be a meeting under the sickness absence procedure;
- the date, time and venue of the meeting;
- details of persons attending the meeting and their role;
- of the concerns about their attendance and/or ability to perform their duties;
- the possible outcomes under the Procedure;
- enclosing a copy of the management report and other documents which may be referred to at the hearing (including any medical reports (section 11), absence record and record of the informal stage (section 17);
- the right to be accompanied by a fellow worker or trade union representative (section 3);
- the right to produce their own medical evidence.

18.2 The employee should make every effort to attend meetings under this Procedure unless unfit to do so. The University can request that the employee attend an assessment with Occupational Health to establish the employee's fitness to participate in meetings under this procedure, and if applicable, any reasonable adjustments (see 2.3). The University reserves the right to proceed with meetings under this procedure in the absence of the employee.

18.3 A meeting may be adjourned if the Chair is awaiting receipt of information, including updated medical evidence, needs to gather any further information or consider matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

## **19. Formal Stages of the Sickness Absence Procedure**

### **Stage 1 sickness absence meeting (Stage 1 meeting)**

19.1 An appropriate manager of the employee (the "Manager") will attend the stage 1 meeting and present a report to the Chair of the formal meeting. This will follow the procedure set out in paragraphs 18.1 to 18.3.

19.2 The purposes of the Stage 1 meeting may include:

- (a) Discussing the reasons for absence, including where applicable, the nature of the employee's medical condition.
- (b) Where the employee is on long-term sickness absence:
  - Details of the duration of the absence and the impact on work colleagues, students or service delivery
  - the likely prognosis for them returning to work on a sustained basis, and/or being fit to carry out their duties in full and/or to perform them to an acceptable standard
  - Whether any adjustments can be made to the employee's role, duties and/or working arrangements/environment to facilitate the employee's return to work on a sustained basis
  - Considering the employee's views
- (c) Where the employee has had a number of short term/recurrent absences:
  - Considering the total absence pattern and its impact on work colleagues, students or service delivery
  - determining the likelihood of further absences.
  - Considering the employee's views
  - Considering what, if any, action/measures might support or assist the employee to improve their attendance
- (d) Considering whether (further) medical advice is required.
- (e) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the Ill Health/Incapacity procedure.

19.3 At the end of the Stage 1 meeting (or any reconvened meeting) the Chair will decide on the appropriate action to be taken, if any, and send the employee a letter confirming this. The letter will also inform the employee of their right of appeal. The Chair's decision may be:

- to take no formal action, but a further review period may be implemented.
- to take alternative action e.g. to progress redeployment or ill health retirement
- to give the employee a formal caution in relation to their absence(s). This will normally remain active for a period of 6 months from the end of the Review Period (see 19.4).

19.4. If the Chair decides to give the employee a caution, the Chair should set out in their letter

- the next review date and,
- in cases of short-term absences, the level of improvement in attendance, including targets for attendance (subject to consideration of reasonable adjustments under 2.3 above), that is expected in the period to the next review date ('the Review Period').
- The caution shall state that if the employee's absence levels do not improve to a satisfactory level, or if the employee is unable to return to work at the end of the Review Period and carry out their work to the required standard, that they will be required to attend a Stage 2 sickness absence meeting which could result in a final caution.
- The right of appeal.

- 19.5 Where at the end of the Review Period, the Manager confirms the employee has achieved the required standards of attendance or returned to work on a sustained basis (with or without adjustments) and is performing their duties to an acceptable standard, it will be confirmed in writing that they will be removed from the formal procedure but that the caution will remain live.

**Stage 2 sickness absence meeting (Stage 2 meeting)**

- 19.6 Where, following the Review Period, (para 19.4) under Stage 1, the employee has been unable to achieve the required attendance either during or at the end of the Review Period, or in cases of long-term absence, is unable to return to work on a sustained basis and carry out their work to an acceptable standard at the end of the Review Period, they will be required to attend a meeting under stage 2 of the sickness absence procedure.
- 19.7 The Manager will attend the Stage 2 meeting and present a report to the Chair of the formal meeting. Arrangements for a stage 2 meeting will follow the procedure set out in paragraphs 18.1 to 18.3.
- 19.8 The purposes of the Stage 2 meeting may include:
- (a) Discussing the reasons for and impact of the employee's ongoing absence(s).
  - (b) Where the employee is on long-term sickness absence:
    - the likely prognosis for them returning to work on a sustained basis and/or being fit to carry out their duties in full and/or to perform them to an acceptable standard.
    - Considering the employee's ability to return to/remain in their role in view both of their capabilities and business needs.
    - Whether any adjustments can be made to the employee's role, duties and/or working arrangements/environment to facilitate the employee's return to work on a sustained basis and/or carry out their duties to the acceptable standard.
    - Whether redeployment could be appropriate and whether any adjustments can reasonably be made to assist with redeployment.
    - Where the employee is able to return from long-term sick leave (whether to their substantive role or a redeployed role), agreeing a return to work programme.
    - Details of the duration of the absence and the impact on work colleagues, students and service delivery.
  - (c) Where the employee has had a number of short term/recurrent absences:
    - their absence pattern during the Review Period and its effect on work colleagues, students or service delivery
    - determining the likelihood of further absences.
    - considering the employee's views
    - considering what, if any, action/measures might support or assist the employee to improve their attendance.
    - considering the employee's ability to remain in their role in view both of their capabilities and business needs.

- (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required, including advice on redeployment.

19.9 At the end of the Stage 2 meeting (or any reconvened meeting) the Chair will decide on the appropriate action to be taken, if any, and send the employee a letter confirming this. The letter will also inform the employee of their right of appeal. The Chair's decision may be:

- to take no further formal action, but a further review period may be implemented.
- to take alternative action e.g. to progress redeployment or ill health retirement.
- to give the employee a final caution in relation to their absence(s). This will normally remain active for a period of 12 months from the end of the Review Period (see 19.10)

19.10 If the Chair decides to give the employee a final caution, the Chair should set out in their outcome letter:

- the next review date and,
- in cases of short-term absences, the level of improvement in attendance (including targets for attendance, subject to consideration of reasonable adjustments under 2.3 above) that is expected in the period to the next review date ('the Review Period').
- the final caution shall state that if the employee's absence levels do not improve to a satisfactory level, or if the employee is unable to return to work at the end of the review period and carry out their work to the acceptable standard, that they will be required to attend a further sickness absence meeting which could result in their dismissal on grounds of ill health.
- the right of appeal.

19.11 Where at the end of the Review Period, the Manager confirms the employee has achieved the required standards of attendance or returned to work on a sustained basis (with or without adjustments) and is performing their duties to an acceptable standard, it will be confirmed in writing that they will be removed from the formal procedure but that the caution will remain live.

### **Stage 3 sickness absence meeting (Stage 3 meeting)**

19.12 Where following the Review Period under Stage 2 (paragraph 19.10) the employee has been unable to achieve the required attendance either during or at the end of the Review Period, or in cases of long term absence, is unable to return to work on a sustained basis and carry out their work to an acceptable standard at the end of the Review Period, they will be required to attend a meeting under stage 3 of the sickness absence procedure.

19.13 The Manager will attend the Stage 3 meeting and present a report to the Chair of the formal meeting. This will follow the procedure set out in paragraphs 18.1 to 18.3.

19.14 The purposes of the Stage 3 meeting will be:

- (a) To review the meetings that have taken place under stages 1 and 2 and matters discussed with the employee.
- (b) Where applicable, to consider the employee's further absence(s) during the Review Period, including medical evidence.
- (c) Where the employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either

as regards to their possible return to work or opportunities for return or redeployment, including any adjustments that could reasonably be made to facilitate a return to their substantive role or a redeployed role.

- (d) To consider whether there is a reasonable likelihood of the employee returning to work in the foreseeable future or achieving the desired level of attendance within a reasonable timeframe.
- (e) To consider any further matters that the employee wishes to raise.
- (f) The effect of the continued absence(s) on the work area and impact on work colleagues, students or service delivery
- (g) To consider the possible termination of the employee's employment, or if applicable, whether the employee could be eligible for ill health retirement (see 13.2).

19.15 At the end of the Stage 3 meeting (or any reconvened meeting) the Chair will decide on the appropriate action to be taken, if any, and send the employee a letter confirming this. The letter will also inform the employee of their right of appeal. The Chair's decision may be:

- to take no further formal action, but a further Review Period may be implemented.
- To take alternative action e.g. to progress redeployment or ill health retirement
- to give the employee notice of dismissal.

19.16 Where a further review period is set, the Chair should set out in their letter:

- the next review date and,
- in cases of short-term absences, the level of improvement in attendance (including targets for attendance, subject to consideration of reasonable adjustments under 2.3 above) that is expected in the period to the next review date ('the Review Period').
- The right of appeal.

19.17 If the employee's absence levels do not improve to a satisfactory level either during or at the end of the Review Period, or if the employee is unable to return to work at the end of this further Review Period and carry out their work to an acceptable standard, that the matter will be referred back into a Stage 3 meeting which could result in the employee's dismissal on grounds of ill health.

19.18 Where at the end of the Review Period, the Manager confirms that the employee has achieved the required standards of attendance or returned to work on a sustained basis (with or without adjustments) and is performing their duties to an acceptable standard, it will be confirmed in writing that they will be removed from the formal procedure but that any caution will remain live.

## **20. Appeals**

20.1 An employee has a right of appeal against any caution under the formal stages of the sickness absence procedure.

20.2 The right of appeal must be exercised within two weeks of the date of the outcome letter.

20.3 The appeal, stating the grounds on which it is made, must be in writing addressed to the HR Casework team.

20.4 An appeal will be heard by a panel comprising two senior managers who have had no previous knowledge of or involvement in the case (the "Appeal Panel"). In the case of an appeal against a

final caution or against dismissal, the panel will be drawn from members of a different department.

- 20.5 The University will aim for an appeal to be heard within four weeks of the appeal being lodged, unless otherwise agreed between the parties.
- 20.6 The Appeal Panel may:
- uphold the action taken; or
  - withdraw the action taken; or
  - reduce the level of action taken.
- 20.7 The appeal will be a review of the decision taken by Chair of the meeting. No new evidence may be presented to the Appeal Panel unless the Appeal Panel is satisfied that there are exceptional reasons why such evidence was not produced at the formal meeting, and/or that it is necessary in the interests of fairness, in reviewing the Chair's decision, for the Appeal Panel to consider this evidence.
- 20.8 The decision of the Appeal Panel (communicated in writing to the employee) shall be final within the procedures of the University.
- 20.9 The procedure to be followed at appeal meetings is detailed in the Guidance Notes.