

Major changes to the original draft published on the Statute 24 webpage are highlighted in yellow.

Subsequent changes since 11 April 2017 version are highlighted in green

Sickness Absence policy and procedure

In summary:

The University is committed to supporting the wellbeing of its employees, providing appropriate support and, where applicable, reasonable adjustments to promote good attendance at work.

This policy and procedure aims to promote a positive attitude to good attendance and raise awareness of the effects of sickness absence on colleagues and service delivery.

This policy applies to all employees and covers both short term absence (a period or regular periods of absence of less than four weeks), long-term absence (any continuous period of four weeks or longer), and periods when the employee is fit for work but there is additional health advice to be considered.

This policy and procedure is underpinned by the principles outlined in Statute 24 that academic employees have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

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Purpose

The University is committed to supporting the wellbeing of its employees, providing appropriate support and, where applicable, reasonable adjustments to promote good attendance at work.

This policy and procedure aims to promote a positive attitude to good attendance and raise awareness of the effects of sickness absence on colleagues and service delivery.

The aims of this policy are to:

- provide employees and managers with standard procedures and a consistent approach for managing, reporting and recording sickness absence;
- promote a positive culture of attendance;
- minimise sickness absence levels and help facilitate a return to work;
- offer support and assistance to employees experiencing ill health;
- ensure the University acts in a fair, reasonable and consistent manner when dealing with sickness absence issues; and
- establish the roles and responsibilities of all parties involved, including employees, Heads of Departments/Managers, Human Resources and Occupational Health in relation to sickness absence.

The University will adopt a case-by-case approach when working with employees who are absent from work due to ill health, and where appropriate will modify the approach to the specific health circumstances of each individual employee.

Guidance and advice should be sought from the relevant HR Adviser where there are specific concerns regarding the application of the policy. Further advice on managing sickness absence is provided in the Sickness Absence Guidance document.

Scope

This policy applies to all employees and covers both short term absence (a period or regular periods of absence of less than four weeks), long-term absence (any continuous period of four weeks or longer), and periods when the employee is fit for work but there is additional health advice to be considered.

This policy and procedure is underpinned by the principles outlined in Statute 24 that academic employees have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

Responsibilities

The University is committed to promoting the health and wellbeing of all employees. The University also has a responsibility to ensure its sick pay scheme is used appropriately and to provide a safe and healthy working environment.

A summary of the responsibilities are provided below:

Employees have a responsibility to:

- look after their own health and, as far as possible, to minimise absence from work

- attend for work at the times required
- maintain a satisfactory attendance record
- report any absence before the start of their normal working day
- maintain regular contact with their manager when absent
- advise their manager if they consider there are factors in the workplace which they consider have contributed to any illness or injury.
- attend an OH appointment to enable the University to assess and support the employee

Heads of Department/Managers¹ have a responsibility to:

- ensure that all employees know their responsibilities if they are absent due to illness
- ensure that the appropriate recording and reporting procedures are followed
- monitor the absence levels of their employees
- maintain contact with employees absent from work
- carry out return-to-work discussions
- consider information provided by the employee about their health including where relevant comments by the employee's GP in a medical certificate (Statement of Fitness for Work) and any recommendations from Occupational Health.

Human Resources (HR) - HR Advisers have a responsibility to:

- support and provide guidance to Heads of Departments/Managers on the management of cases of sickness absence
- provide advice to employees where necessary
- arrange referrals to Occupational Health
- provide guidance on managing sickness absence.

Occupational Health (OH) – The University's Occupational Health team includes a range of health and medical professionals who, liaising where necessary with other qualified medical practitioners have a responsibility to:

- provide advice and recommendations to the employee and to their manager and the HR Adviser.
- recommend changes in working practices and environments that could impact on the employee's ability to carry out his/her job duties.

Procedure

Sickness absence reporting procedure

If an employee cannot attend work due to ill health they should notify their manager (or a nominated person within the department) of their absence by telephone as soon as possible on the first day of absence and, normally, before the start of their normal working day. In exceptional circumstances, if an employee is unable to contact their manager personally, they should make alternative arrangements e.g. ask a family member to call on their behalf.

¹ Head of Department/Manager refers to the person with managerial or supervisory responsibilities in relation to the employee who has been absent

The following details should be provided by the employee:

- the nature of the illness or injury;
- the expected approximate length of absence from work;
- contact details; and
- any outstanding or urgent work that requires attention.

If an employee does not arrive at work and does not notify their manager of their absence, the manager will attempt to contact the employee by telephone. If an employee fails to notify their manager (or a nominated person within the department) and does not have a valid reason for not doing so, absence may be treated as unauthorised and may be dealt with under the relevant disciplinary procedure.

The manager and the employee should maintain reasonable contact whilst the employee is absent from work, taking into account the nature of the absence. Contact between the manager and the employee will usually be by telephone, in the first instance, with the ongoing method of communication, which may include meeting with the employee, then mutually agreed.

Types of Sickness Absence

- a) Repeated short term sickness absence, where an employee has been absent from work through sickness or injury on a number of occasions over a rolling 12 month period, or where a pattern of absence has been identified over the same period.
- b) Long term sickness absence, for a continuous period of absence of four weeks or longer.
- c) Capability related sickness absence, where it is determined following medical assessment that it is unlikely that the employee will be fit to return to work/their current post.

Not all patterns of absence fall neatly into one of the above groups and/or the pattern may change over a period of time, so some flexibility of approach may be needed.

Submission of Self-Certification Form / Statement of Fitness for Work

Duration of sickness absence in calendar days	Documentation required from employee
Up to 7 days	Self-certification must be completed
8 days or more	A Statement of Fitness for Work (or 'Fit Note') must be obtained from a doctor.

Employees who have a fit note from their GP stating that they "may be fit for work" should inform their manager as soon as possible. When presented with a fit note that contains specific medical advice or recommendations, the manager should discuss this with the employee and the link HR Adviser and may seek advice from Occupational Health. If the suggested adjustments cannot be implemented, the employee will remain on sick leave and a further review date will be agreed with Occupational Health.

Time Off for Medical Appointments

Reasonable time off with pay will be allowed for hospital, doctor and dentist appointments or for emergency medical or dental treatment and such appointments will not normally be counted as sickness absence. The relevant manager may ask to see evidence of the appointment.

Employees are expected to make every effort to ensure that routine appointments are made before or after the working day. Where this is not possible, it is expected that appointments will be arranged to minimise disruption to their work. Therefore, appointments should be made at the beginning or end of the normal working day, i.e. within the first or last working hour. Employees who work part time or shifts are expected to schedule routine appointments for when they are not working, where possible.

The University acknowledges that some health condition(s) may require on-going treatment and time off from work to attend medical appointments, which will be accommodated wherever possible. Employees should discuss their need to attend medical appointments with the relevant manager as early as possible. If the manager has a concern about the frequency of time off requested by an employee to attend medical appointments, evidence of appointments, or equivalent, may be required.

It is accepted that employees may not have any control over some appointment times, for example for hospital /consultant appointments.

Employees will not normally be required to make up the time taken for routine medical appointments/treatment.

Sick Pay

Employees will be paid in accordance with the sick pay schemes detailed in their terms and conditions of employment.

Where an employee's length of service increases during a period of sickness absence they will receive the maximum sick pay benefits that applied on the first day of the current period of absence. Following a return to work of at least four consecutive weeks and where applicable any increase in years of service, any subsequent periods of sickness absence will result in the appropriate increased level of sick pay based on length of service.

Term time only and employees working for designated weeks of the year²

Calculation of sick pay

Contracted term-time only employees qualify for University sick pay on a pro rata basis in line with the number of weeks that they work throughout the year.

Sick pay in line with an employee's entitlement will be paid during a term time only employee's normal working weeks. Employees will be paid their normal pay during their non-working weeks. Entitlement to sick pay will cease on the last day of any given working period, and where appropriate, will recommence at the start of the next.

In calculating entitlement to sick pay, a term-time only employee's length of service is regarded as continuous from his/her date of commencement, including any non-working periods.

² Where denoted, term time only employees refers also to employees who only work designated weeks of the year, i.e. work on a less than 52 week/year contract

Notification

Employees with term time only contracts are not required to notify the University if they are unfit to work during their non-working periods. However, if it becomes apparent to an employee during his/her non-working periods that he/she will not be fit to return to work on the date he/she is due to resume work, employees are asked to notify their relevant manager as soon as practicable, and ordinarily at least 28 days prior to their return to work date. Where the period of sickness commences within 28 days prior to an employee's return to work date, he/she will notify their relevant manager as soon as it becomes apparent that he/she will not be fit to return to work on the date he/she is due to resume work.

The University's standard procedures regarding self-certification and provision of medical certification for periods of sickness absence apply to term-time only employees.

Return to Work Discussions

Where an employee has been absent from work due to sickness, the relevant manager will hold a return to work discussion with the employee after each period of absence.

A return to work discussion provides the opportunity to:

- discuss the reason(s) for absence;
- identify any support that is required to ensure the employee's successful return to work, including discussing any measures that may have been recommended in a fit note or advice received from Occupational Health;
- update the employee on work progress and events that took place during the period of their absence;
- allow the employee to raise any concerns or questions and bring any relevant matters to the manager's attention; and
- review if work has been a contributory factor for the absence.

Occupational Health

The University is committed to supporting employees to remain at work or return to work. Where the manager needs to understand the implications of the employee's health / fitness to work or believes that the nature of the sickness absence merits guidance from Occupational Health they should contact their link HR Adviser in the first instance. Where appropriate, an appointment with Occupational Health will be arranged. The employee will meet with Occupational Health and should Occupational Health deem it necessary to seek a medical report from the individual's GP/Specialist then this will be discussed with the employee at the meeting in order to seek informed consent to the request.

Referrals to Occupational Health will normally be appropriate in the following circumstances:

- where there is a continued concern about short term absences or repeated absences for the same reason;
- during long term sickness absence including the management of the return to work;
- where there are concerns that factors in the workplace are contributing to the sickness absence;
- if the employee requests a referral;
- if the employee wishes to return to work before the expiry of a fit note/medical note.

The purpose of the referral is to establish some or all of the following, depending on the nature of the absence:

- a prognosis of the employee's illness in terms of when he/she is likely to be fit to return to work;
- whether adaptation of the job, working hours or environment might facilitate a return to work;
- whether or not there is a need for the University or Occupational Health to seek additional medical information from the employee's GP or Consultant;
- whether an onward referral to a specialist e.g. physiotherapist or counsellor may be required;
- whether a phased return to work may be appropriate;
- an indication of whether a return to their current role or any form of work may be likely.

Management of long term sickness absence

Long term sickness absence may be for a variety of reasons (e.g.; injury, operation, convalescence from illness/surgery, diagnosis of a disability/long term condition, terminal illness), and action taken will vary according to the employee's situation.

Employees absent on a long term basis should agree with their manager how contact should be maintained during their absence, for example by telephone, email or letter. The timing and nature of the contact will be appropriate to the employee's situation and health condition. However, it is generally expected that telephone or personal contact will be made at least every four weeks.

Managers wishing to make a home visit must liaise with their link HR Adviser in advance of any visits and no visit should be made by an unaccompanied manager.

Phased return to work

In some instances it may be appropriate for an employee to have a phased return to work to allow an opportunity to adjust to returning to work, usually after a period of long term sickness absence. The normal maximum period for a phased return is four weeks. The first four weeks of the phased return will be paid at normal base pay.

If an extension of the phased return to work is agreed, payment will normally be granted at pro-rata to the hours worked for any period beyond the initial four weeks and will be progressed as a temporary amendment to contract to allow for the appropriate salary payment calculations. Managers should discuss any cases of phased return to work with the link HR Adviser to ensure the most appropriate arrangements are put in place.

Disability and related absence

The University acknowledges that sickness absence may result from a disability. Disability is defined under the Equality Act (2010) as "a physical or mental impairment that has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities".

There is no obligation for employees to disclose a disability or health condition to the University, although employees should inform their manager if they consider their disability and/or health condition affects their ability to undertake their work and/or poses a health and safety risk.

Where an employee chooses to disclose a disability, as defined under the Act, managers should consider and discuss with the employee and where necessary Occupational Health any necessary support, adaptations and reasonable adjustments to the workplace or role.

Further advice on reasonable adjustments is provided in the Sickness Absence Guidance document. Reasonable adjustments may also need to be made to the application of this policy. Please also refer to the disability framework for staff

<http://www2.warwick.ac.uk/services/equalops/disability/framework>

Sickness during annual leave

An employee who falls ill during a period of annual leave must notify their manager in accordance with the normal sickness absence reporting procedure, and submit a medical certificate from their GP (Statement of Fitness to Work) to support the absence, if they wish to reclaim any annual leave.

If an employee is outside of the UK and consults a doctor the medical note must be on headed paper or have an official stamp.

If any payment is required to obtain the Statement of Fitness to Work in relation to reclaiming annual leave, employees will be expected to meet this cost themselves.

An employee will be regarded as being sick from the date specified on the fit note/medical certificate and will be entitled to take the annual leave at a later date after returning to work in accordance with the annual leave policy, or in liaison with their link HR Adviser in cases of long-term sickness.

Statutory days cannot be reclaimed (e.g. during the Christmas period or on a Public Holiday), subject always to an employee receiving a minimum of 28 days leave (or pro rata equivalent) in a leave year, inclusive of statutory days.

Informal procedure

This procedure is intended to facilitate discussion between the manager and employee to understand the reasons for the absence, identify what if any support is required, and confirm attendance expectations.

In the first instance it may be appropriate for the manager to have an informal discussion with the employee. This may arise, for example, where an employee's absence record gives cause for concern, or where matters discussed at a return to work discussion require further investigation or consideration.

During the informal discussion, the manager should seek to:

- Discuss the employee's sickness absence record;
- Raise any patterns or concerns;
- Offer support and advice as required;

- Give the employee the opportunity to discuss any health issues/concerns or any other factors which have contributed to their absence;
- Consider any mitigating factors (for example, pregnancy or disability-related absences);
- Confirm attendance expectations;
- Establish if the absence is in anyway related to work factors e.g.; workload/commitments.

If appropriate, an attendance plan over a specific period of time may be set. If the employee's attendance improves and the desired improvement is made, no further action will be taken.

Employees should be made aware that if the desired improvement is not demonstrated, the matter may be referred for review under stage one of the formal procedure.

Formal Procedure

Managers should seek to resolve sickness absence issues informally wherever possible. However, if informal action is not considered appropriate, or has not resulted in improved attendance to an acceptable level, the employee will be invited to attend a formal meeting, which the employee must take all reasonable steps to attend. If an employee becomes ill ahead of a formal meeting, they may be referred to Occupational Health for an assessment of their fitness to attend meetings and continue with the process.

Employees may be accompanied at all formal meetings and the employee must inform their manager if they or their companion will be unable to attend a meeting, so the manager can seek to agree an alternative meeting time, which should be within 5 working days of the original date, or the employee will be asked to choose an alternative companion.

Meetings will normally be rescheduled once and if the employee remains unable to attend then they will have the option to submit written documents and the process will continue.

In considering whether to invoke the formal procedure, managers should ensure they have conducted regular return to work discussions, that the absence has been reviewed, and that guidance from Occupational Health has been considered where relevant, and that the employee has been made aware that unless their attendance improves that the case would progress to the formal procedure.

There is no requirement for an Occupational Health report to have been obtained prior to commencement of the formal procedure.

Formal Stage One meeting

A formal stage one meeting may be held when an employee's absence due to sickness is of concern and informal action is no longer appropriate, or has not succeeded in improving attendance to an acceptable level.

The Head of Department (or nominated representative) will write to the employee with the details of the meeting to discuss the employee's absence. The details of the absence(s) will be confirmed in the letter to the employee. The employee should receive at least five working days written notice of the formal meeting, unless otherwise mutually agreed. The employee will be advised that s/he has a right to be accompanied at the meeting by a Trade Union representative or a work colleague. In all formal meetings a HR representative will attend the meeting to provide guidance on procedure.

The Chair will be accompanied by at least one other appropriate manager. For academic cases this would be a senior Professor from another Department.

During the meeting the manager will:

- discuss the reasons for the absence, giving the employee the opportunity to provide reasons for their absence and any mitigating circumstances;
- confirm attendance expectations;
- gather any relevant information relating to the absence(s);
- discuss guidance from Occupational Health, where appropriate ;
- identify any support required, for example an appointment with a University Counsellor;
- discuss any aspects that may facilitate the individual's return to work, including if necessary any reasonable adjustments where the absence relates to a disability;
- confirm next steps, including periods of review.

Notes should be taken of the meeting and the employee should be given every opportunity to explain the circumstances relating to the absence(s).

The Head of Department (or nominated representative), may consider one or more of the following options (this list is illustrative and not exhaustive):

- Adjourn the meeting to obtain further medical evidence;
- A return to work programme, possibly with a phased return to work (where the employee has been absent for a long period);
- Issue a written warning and a formal absence monitoring period
- No further action at this stage.

If a written warning is issued it will remain in force for 12 months and the employee will be notified of the right to appeal (the formal absence monitoring period may be shorter than the length of the written warning).

A review will be undertaken at the end of the warning period or sooner if there are concerns regarding absence levels as a result of the formal absence monitoring period or otherwise.

Formal Stage Two meeting

If by the end or during the first written warning review period, the required level of improvement in attendance has not been attained, a further meeting should be arranged and communicated in writing to the employee.

During the meeting the Head of Department (or nominated representative) will cover the points outlined above in stage one.

The Chair will be accompanied by at least one other appropriate manager. For academic cases this would be a senior Professor from another Department.

Following the meeting, the Head of Department, may consider one or more of the following options (this list is illustrative and not exhaustive):

- Adjourn the meeting to obtain further medical evidence;
- Issue a final written warning and a formal absence monitoring period;

- No further action at this stage.

If a final written warning is issued it will remain in force for two years and the employee will be notified of the right of appeal (the formal absence monitoring period may be shorter than the length of the final written warning).

A review will be undertaken at the end of the warning period or sooner if there are concerns regarding absence levels as a result of the formal absence monitoring period or otherwise.

The employee will be advised that dismissal on the grounds of capability will be considered if there is no satisfactory improvement and will detail the right of appeal.

Formal Stage Three meeting

If by the end or during the final written warning review period (stage two) the required level of improvement in attendance has not been attained, a further meeting should be arranged.

An investigation should be carried out prior to any stage three meeting which in most cases will require the collation of evidence for use at the formal meeting. This investigation should be carried out by the manager who chaired the stage two meeting, where possible.

A stage three meeting will normally be chaired by a manager more senior than the manager who has held the stage one and two meeting. There will also be a second manager and a member of HR present in stage three meetings. The employee must be notified in writing in advance of the meeting that a possible outcome of the stage three meeting could be dismissal. Only a Head of Department (or nominated representative) can take the decision to dismiss a non - academic employee. The decision to dismiss an academic employee can only be made by a Chair of Faculty/ Pro-Vice Chancellor in consultation with the Provost.

During the meeting the Chair of the meeting will cover the points outlined in stages one and two. The manager who carried out the investigation will present the case and answer any questions from the Chair of the meeting.

Following the meeting, the Chair, may consider one or more of the following options (this list is illustrative and not exhaustive):

- To extend a final written warning and set a further review period (where a substantial improvement in attendance is likely within the review period);
- To consider other options such as redeployment support, ill-health retirement or other appropriate action short of dismissal;
- Dismissal on the grounds of lack of capability (health); or
- No further action.

A review will be undertaken at the end of the warning period or sooner if there are concerns regarding absence levels.

Right of Appeal

An employee has the right of appeal against a written warning, final written warning or dismissal notification under this procedure.

The appeal should be made in writing by the employee setting out the grounds for appeal, providing any evidence and should be sent to the relevant HR Manager who will forward a copy to the Head of Employee Relations.

The appeal must be lodged within 2 weeks of receipt of written notification of the decision. The employee will be advised of the proposed appeal hearing date by the Chair of the appeal panel.

The appeal will be heard as soon as practicable and normally no later than four weeks after the appeal has been lodged, except where it is mutually agreed that this time limit be extended.

Where possible appeals will be heard by an individual more senior than the person who determined the original sanction, although there may be circumstances where it is appropriate for an individual at the same grade to chair an appeal hearing. The individual hearing the appeal will be accompanied by a minimum of one other senior member of staff independent of the process undertaken to that point. A member of HR will be present to advise on procedure. The individuals on the appeal panel should not have been involved in any prior formal meetings.

For appeals by an academic employee in relation to a first or final written warning the appeal will normally be chaired by the Chair of Faculty or Pro-Vice- Chancellor. For appeals by an academic employee in relation to dismissal the appeal will be chaired by a Pro-Vice-Chancellor or the Provost.

The appeal Chair/Panel will be asked to consider if the original decision was inappropriate on the grounds specified by the employee. The Chair/ Panel will also be asked to make a decision in relation to the following:

- Consider whether the formal action was reasonable in the circumstances and uphold the original decision
- Reduction of the sanction originally imposed
- Re-instate following dismissal
- Overturn the sanction where it is considered just to do so, in particular in the light of any new information or where the formal decision was unreasonable in the light of the findings of fact
- Refer the matter back for a re-hearing where the fairness of the process/procedure was the stated grounds for appeal and this is upheld

The decision of the appeal Chair/Panel will be confirmed in writing to the employee normally within two weeks of the date of the meeting.

The decision of the appeal Chair/Panel is final and there will be no further right of appeal against this decision.

Formal Capability Review

Heads of Departments should consult their link HR Adviser for guidance prior to any discussions with the employee.

Where a medical condition has a substantial and long term or ongoing intermittent adverse effect on an employee's ability to undertake their job the University will act in accordance with the provisions of the Equality Act, and will review whether reasonable adjustments to the job role or workplace will overcome the practical effects of the medical condition.

If reasonable adjustments are not a viable option, Heads of Departments (or their nominated representative) will also consider with the employee and the HR Adviser the potential for redeployment to an alternative role within the University. The University's Redeployment policy and procedure provides further information in regard to this process. When all other options have been taken into account ill health retirement will also be considered. The final option to be considered will be dismissal on the grounds of lack of capability.

Ill Health Retirement

Ill health retirement should be considered before any decision to dismiss is taken under this policy. Guidance and advice on ill health retirement should be sought from the HR Adviser.

The option for ill health retirement is subject to meeting the eligibility criteria set out by the relevant pension provider and advice should be sought from the Pensions department.

A decision relating to termination or possible ill health retirement will be made in the light of available medical evidence, and a meeting/discussion where viable with the employee concerned. In any event termination of employment on the grounds of capability or ill health early retirement, in relation to long-term sickness cases, will not normally be effected before an employee has exhausted his/her sick pay allowance under the relevant sick pay scheme.

Confidentiality

All information relating to a formal or informal sickness absence management procedure will be treated confidentially and maintained in compliance with the Data Protection Act 1998. Information will only be shared with those who have a legitimate requirement to see the documentation as part of resolution to the absence procedure or any consequent procedure.

Equality Impact Assessment

The University of Warwick recognises its responsibility to ensure that no-one is discriminated against or disadvantaged in relation to a protected characteristic which include: age, disability, sex, trans & gender reassignment, maternity, paternity and adoption, marriage and civil partnership, race, religion or belief, or sexual orientation. For further information, please refer to the University's Diversity and Inclusion website:

<http://www2.warwick.ac.uk/services/humanresources/workinghere/equality/>

The Sickness Absence policy and procedure has been assessed as being of high relevance to our duties under equality legislation and the University will review its impact on equality and diversity, identify any inequalities by regular monitoring, and take action where necessary.