Managing Absence Procedure

Human Resources
1 Introduction

1.1 The University is committed to maintaining the health, safety and wellbeing of its most important asset – its workforce, and will seek to adopt policies and practices which establish a positive attendance culture and promote staff wellbeing. This procedure is based on best practice and forms part of an overall framework to support a culture of attendance.

1.2 The following procedure has been established to allow managers to effectively manage and deliver a supportive and proactive approach to improving attendance levels, whilst recognising that there are times when employees are unable to attend work due to illness. The operation of the managing absence procedure depends on a flexible and supportive approach, which deals with absence fairly, consistently and in line with the legal framework.

2 Roles and Responsibilities

2.1 Managers/Supervisors

With the support of HR as appropriate:

- To manage, monitor, review and control absence: recording all absences on myHR, conduct return to work interviews (RTW), attendance review meetings (ARM), management review meetings (MRM) and ensure completion/preparation of all documentation.

- To initiate referrals to the Occupational Health Unit (OHU) and to make provision for agreed actions to be carried out.

- To indicate the information and guidance required from OHU including information from the employee’s GP or specialist.

- To maintain regular contact with employees who are absent from work.

- To implement informal and formal procedures where necessary.

- To make decisions on appropriate courses of action.

- To produce all relevant documentation including confirmation letters in conjunction with HR colleagues.

- To ensure that all employees understand and follow the procedures for reporting absence.

- To ensure that employees receive assistance and encouragement to improve attendance.

- To seek specialist advice from HR when required.

- To attend mandatory training in order to be clear about the application of the Managing Absence Policy and Procedure.

2.2 Employees

- To attend work in accordance with the contract of employment.

- To comply with the sickness absence reporting procedure.

- To attend medical referrals/appointments/case conferences, attendance review meetings and management review meetings when required.

- To comply with safe working practices and procedures.

- To participate in appropriate treatment programmes where recommended by occupational health for example, in connection with substance misuse.
2.3 Human Resource Function

- To provide clear, up to date guidance about attendance management, capability and other related policies, e.g. Access to Work.
- To provide advice as requested.
- To provide information for managers on absence levels and to highlight absence issues/trends and bring to the attention of the appropriate manager.
- To advise on the employment and legal requirements of dealing with sickness absence cases.
- To provide advice and support at meetings and hearings when requested.
- To advise on strategies to reduce sickness absence on an individual or overall basis.
- To advise/assist managers on matters of capability dismissal when necessary.
- Provide training for managers to support the implementation of the Managing Absence Policy and Procedure.

2.4 Occupational Health Advisors

- To provide managers with expert advice on the health and fitness for work of individual employees.
- To advise managers/supervisors on the appropriate course of action to facilitate a timely return to work, as appropriate.
- To assess and make recommendations to managers for the rehabilitation of ill or injured employees, e.g. advise on work restrictions, modifications and fitness for work etc.
- To seek consent and to obtain medical information from GPs and specialists and make onward referrals as appropriate.
- To, where possible, advise on expected length of recovery periods and/or return to work dates.
- To advise managers of any failure to attend referrals/appointments.
- To provide appropriate management information.
- To make recommendations where appropriate for ill health retirement or redeployment on medical grounds.

3 Reporting Procedure

3.1 Management of absence needs to be based on reliable information. This information is essential for accurate statistical analysis, to enable patterns of absence to be established and to ensure that any planned action is soundly based. Such information, when used systematically within a procedure, is an important factor in ensuring consistency of approach. Information is gathered through the sickness reporting procedure, which is as follows:

3.2 On the first day of absence employees must contact their manager or supervisor by phone informing them of their illness and the likely duration of absence. This should then be recorded on myHR. For operational reasons certain groups of employees must do this before a specified stated time, for all other staff this should be prior to their normal starting time. If the manager is not available, the employee should leave a message and attempt to call back later until they can speak to the manager or supervisor. If a message is left, the manager may need to telephone the employee at home later to establish a reason for the absence and or to discuss urgent work related matters so a contact number must be left.
3.3. During the first week of absence, unless agreed otherwise with the manager, employees should maintain contact on a daily basis.

3.4 Staff must report directly to the designated person (usually the line manager) and not ask a third party, such as a family member, to report on their behalf.

3.5 All employees must complete a self-certification form in respect of all sickness absence. The self certification certificate is contained within the standard return to work form which must be completed after every absence.

3.6 If the absence continues beyond seven calendar days (inclusive of weekends), a Statement of Fitness For Work (Fit Note) from a doctor is required. All statements must be sent without delay to the appropriate manager or supervisor who, in turn, will inform the HR Department of the existence of a statement, its content and the expected duration of the absence.

4 Failure to follow the Absence Reporting Procedure

4.1 Where an employee fails to follow the approved absence reporting procedure, either by not making contact with the appropriate line manager on the first and/or subsequent days of absence, or by not submitting appropriate documentation, the manager will make contact to establish the circumstances of their absence. The employee will be considered to be absent without permission and the payment of occupational sick pay will be withheld.

4.2 Any reinstatement of occupational sick pay will only occur following a thorough investigation of the circumstances of the case. However, if the outcome of the investigation is that there was no justifiable reason for the employee's failure to follow the appropriate procedures, the employee shall forfeit the right to occupational sick pay for the relevant period of absence. Where such a failure is repeated, consideration will be given to the invoking of the Disciplinary Procedure.

5 Return To Work Interviews (RTW)

5.1 Following each absence from work due to sickness, the employee must report to and meet with his/her line manager/supervisor for a Return to Work (RTW) interview.

5.2 The RTW interview will usually take place on the day of the return to work. The nature of such a discussion will vary according to the length of time the employee has been absent, the reason for the absence and the pattern of absence during the last 12 months. At its most basic level, the RTW interview will be held simply to establish that the employee is fully recovered and to ensure myHR is updated correctly and the appropriate certification form is completed. Other objectives that may also be covered are:

- To offer any support or assistance that the employee may need.
- To update the employee on any work developments that have occurred during the period of absence.
- To discuss any adjustments that need to be put in place.
- To discuss arrangements for a phased return to work, if appropriate.
- To inform the employee of a pattern of absence that is cause for concern.
- To inform the employee of any further action that may be taken as a result of his/her absence.

5.3 During a RTW interview, the importance of good attendance will be stressed, and if appropriate, the employee advised of the consequences of unacceptable levels of attendance. The opportunity will also be used to check that there has been no substantial change to the individual’s circumstances. All discussions must be noted and copied to the employee if requested, as reference may need to be made to the discussion in the future.
5.4 In situations where the employee is remote from his/her line manager/supervisor suitable arrangements will be made locally for reporting for duty upon RTW via telephone, followed up by a meeting within a week.

6 Managing Short-Term Absence

6.1 This type of absence relates to employees taking ‘odd days’ off from work usually with minor ailments, which may not require a medical statement from a doctor. Short-term absence is disruptive and costly in terms of service provision. As well as the tangible costs incurred such as payment of overtime to provide cover, there is also a hidden cost of low morale among colleagues particularly if such absence is not perceived to have been dealt with fairly and consistently.

6.2 In order to ensure a consistent approach to the management of short-term absence, an absence review meeting (ARM) will be held by the manager with all employees whose absence level reaches five days or more in a six month period or there are three or more occasions of absence in a six month period. The trigger period applies on a rolling six month basis, these are known as the absence triggers.

6.3 Managers may also consider the use of an ARM when they identify a pattern of absence which causes concern but that does not reach the levels set out in 6.2. For example, where a pattern emerges of four days’ absence on one occasion every six months, or where the reason for absence gives cause for concern and further exploration is deemed appropriate.

6.4 The purpose of the ARM is to discuss the attendance record. This will include reason/s for each period of absence, any contributory underlying factors and action that could be taken by the employee or supportive action taken by the manager to bring about an improvement. At the end of the meeting the line manager will make a decision on how to proceed with the case. This may include a referral for medical advice, instigating a six month period of absence monitoring or no further action.

6.5 The outcome of the ARM meeting will be confirmed in writing.

7 Formal Absence Management Procedure

7.1 If during a period of absence monitoring (invoked as a result of an ARM) further absence occurs which causes the employee to reach the absence triggers this will be dealt with under the formal absence management procedure.

7.2 Employees will be offered the opportunity to be accompanied by a trade union representative or a work colleague at all meetings held under this procedure. The manager will be accompanied by an appropriate member of HR at all stages of the procedure.

7.3 At each meeting held under this procedure there will be an exploration of the reason/s for each period of absence and any contributory underlying factors. A discussion will take place to explore measures that the employee and/or the University can put in place to bring about an improvement in the absence record.

**Stage 1**

7.4 At the Stage 1 meeting the manager will discuss with the employee the absence record, including reason(s) for each period of absence. The employee will be invited to comment on this and to inform the manager of any relevant information which should be taken into account.

7.5 If, as a consequence of the discussion, the manager concludes that the absence record is a matter of concern this will be made clear to the employee. Notification will be given that the absence record is unacceptable and is bringing into question their capability to fulfil their contract of employment. The employee will be informed that an improvement in attendance is required. The employee will also be informed that his/her attendance will be subject to on-going monitoring for a period of six months. The outcome of the discussion may also include a referral for medical advice.
7.6 The discussion will be confirmed in writing and a record placed on the employee’s personnel file. If an Occupational Health referral is not made, the employee will be informed that if there are further periods of absence during the management period resulting in the absence triggers being reached again, a referral to Occupational Health may be made. The employee will also be informed that if further absence occurs resulting in the absence triggers being met during the monitoring period, a meeting under stage 2 of the formal process will be arranged.

7.7 At the end of the monitoring period a meeting will be held with the employee to discuss progress in relation to their attendance record. At the meeting the manager may end the monitoring period, or extend the period of monitoring at stage 1 for a further period of six months.

**Stage 2**

7.8 If, while the Stage 1 monitoring period is live, the employee reaches the absence triggers (as outlined in paragraph 6.2), a Stage 2 review will be held to discuss the employee’s attendance record.

7.9 At the meeting the manager will discuss with the employee the attendance record since the last meeting, including reason(s) for each period of absence and explore whether or not the absences may be as a result of an underlying medical condition. If appropriate a referral to Occupational Health will be made. The employee will be invited to comment and to inform the manager of any relevant information which should be taken into account.

7.10 If, as a consequence of the discussion, the manager concludes that the absence record remains a matter of concern this will be made clear to the employee. Notification will be given at Stage 2 of the formal process that the absence record is unacceptable and their attendance record is bringing into question their capability for future employment. The employee will be informed that an improvement in attendance is required. The employee will also be informed that his/her attendance will be subject to monitoring for a further period of six months.

7.11 The employee will also be informed that further absence may lead to a Stage 3 review to consider progression under the formal process absence management procedure.

7.12 The discussion will be confirmed in writing and a copy placed on the employee’s personal file.

7.13 At the end of the monitoring period a meeting will be held with the employee to discuss progress in relation to their absence record. At the meeting the manager may; end the monitoring period, or extend the period of monitoring at stage 2 for a further period of six months.

**Stage 3**

7.14 If, while the Stage 2 monitoring period is live, the employee reaches the absence triggers a Stage 3 review will be held to discuss the employee’s attendance record. In these circumstances advice will be sought from Occupational Health on whether or not the absences are due to an underlying medical condition.

7.15 At the Stage 3 review meeting the manager will discuss with the employee the attendance record since the last meeting, including reason(s) for each period of absence and the contents of the occupational health report. The employee will be invited to comment on this and to inform the manager of any relevant information which should be taken into account.

7.16 If, as a consequence of the discussion, the manager concludes that the absence record remains a matter of concern this will be made clear to the employee. Notification will be given at Stage 3 of the formal absence management procedure that the absence record is unacceptable and that an improvement is required. The employee will be informed that an improvement in attendance is required. The employee will also be informed that his/her attendance will be subject to monitoring for a period of twelve months.
7.17 At this meeting, if it is decided to invoke a period of monitoring at Stage 3 of the procedure, the employee will be given final notification that the attendance record is unacceptable and an improvement is required. It will also be made clear that if the absence triggers are reached again during the monitoring period, a Stage 4 review meeting will be held the outcome of which could be a recommendation that the employee's contract of employment is terminated on the grounds of capability. The discussion will be confirmed in writing and a copy placed on the employee's personal file.

7.18 At the end of the monitoring period a meeting will be held with the employee to discuss progress in relation to their absence record. At the meeting the manager may; end the monitoring period, or extend the period of monitoring at stage 3 for a further period of twelve months.

**Stage 4 – Dismissal**

7.19 If while the Stage 3 formal monitoring period is live, further absence occurs causing the employee to reach the absence triggers, the employee will be required to attend a Stage 4 review meeting. If the available Occupational Health advice is more than three months old an update will be requested prior to the meeting.

7.20 At the review meeting the manager will discuss the attendance record since the last meeting, including reason(s) for each period of absence and the contents of the occupational health report. The employee will be invited to comment on this and to inform the manager of any relevant information which should be taken into account. At the end of the meeting the line manager will make a decision on how to proceed with the case. Two options will be available;

- To extend the period of monitoring at Stage 3. This course of action will only be undertaken in exceptional circumstances.
- To make a recommendation to an appropriate manager in accordance with the schedule of delegation at appendix 1 that the employment be terminated on the grounds of capability.

7.21 If it is decided that a recommendation for dismissal should be made, the manager, in conjunction with the HR Advisor, will develop a report in which all appropriate periods of absence will be outlined. As part of this report the manager will provide evidence that the employee has been through the stages outlined in the procedure and furthermore that he/she has been given clear direction that the attendance record is unacceptable and that an improvement is required. The report will also outline any support that has been provided to the employee.

7.22 The report and supporting evidence will be provided to a more senior manager in the department who has not previously been involved in the case for consideration. An identical bundle of evidence will be sent to the employee.

7.23 Before reaching a decision on the recommendation for dismissal the manager considering the case will invite the employee to a Stage 4 review meeting. The purpose of this meeting is to allow the employee to make any representations on the recommendation and to submit any additional evidence which they wish to be taken into consideration. The meeting will be convened within two weeks of receipt of the report.

7.24 The outcome of the meeting will be either dismissal or a decision to invoke a further period of monitoring at Stage 3 of the procedure.

**Right of Appeal**

7.25 An employee dismissed under this procedure will have a right of appeal. A letter of appeal must be submitted in writing within ten working days of receipt of written notification of the dismissal. In this letter the grounds upon which the employee is appealing must be specified.

7.26 An appeal against dismissal will be heard in accordance with the schedule of delegation in appendix 1. If the appeal is disallowed, there will be no further right of appeal.
8 Long-Term Absence

8.1 It is essential that sickness absence is managed so that the effects of the absence on service delivery, colleagues and the costs associated with long term sickness absence are kept to a minimum. It is also important that in managing long term absence all employees are treated fairly and reasonably and, wherever possible, arrangements are put in place to provide a supportive return to work.

8.2 Long term absence is defined as continuous absence and can usually be traced to an underlying medical condition. The University recognises employees with continuous absence of more than four weeks as absent due to long term sickness.

8.3 During long term absence the employee will be invited into the workplace for regular Management Review Meetings (MRM) with their manager/supervisor every four to six weeks. In extreme cases where the individual is not fit enough to travel the manager will arrange to conduct a home visit to undertake the review meeting. Regular communication will be maintained with the employee.

8.4 After four weeks of absence the employee will be referred to occupational health, if appropriate, in order that the University can obtain advice on the impact of the employees’ health on his/her ability/fitness for work, likely length of absence and any arrangements which need to be put in place to support a return to work.

8.5 The MRM s will discuss the reason(s) for the employee’s absence, explore ways in which the University can support a return to work and identify any barriers preventing a return to work. The meetings will also provide the manager with an opportunity to update the employee on any ongoing developments at work during the period of absence.

8.6 At the MRM meetings, the potential consequences of the period of absence continuing will be explained to the employee. These could include redeployment on medical grounds (if a suitable alternative can be identified which meets the medical restrictions), or if a return to work cannot be secured, dismissal on the grounds of capability. Where dismissal is being contemplated the possibility of ill health retirement under the rules of the relevant pension scheme will be explored.

8.7 In cases of prolonged absence a recommendation for dismissal on the grounds of capability may be made when:

- The report from the Occupational Health Physician makes it clear that there is no prospect of a return to work within a reasonable timescale, and
- There is no recommendation for medical retirement, or
- Where the employee is permanently unfit to return to their substantive post and a suitable alternative position cannot be identified, or
- The employee’s continuing absence can no longer be tolerated.

8.8 Where dismissal on the grounds of capability is being considered the Capability Procedure set out in Section 11 will be followed.

9 Phased Return To Work

9.1 Following a period of long term sickness absence Occupational Health may recommend that some employees return to work on a ‘phased’ basis whereby the hours of work and duties are built up to full capacity over a period of time, normally three weeks. During such a phased return the employee will receive full pay. If there is a requirement for a further period of reduced working hours and this can be accommodated, there will be an appropriate temporary adjustment in salary to reflect the actual hours being worked.

9.2 The line manager will discuss any such recommendation with HR and in doing so will take into consideration the needs of the service and the practicalities of engaging in such a process. Each case will be considered on its merits and the arrangements confirmed in writing.
10 Extension of Sick Pay

10.1 Where an employee has exhausted their entitlement to contractual sick pay, the Director of Human Resources has the discretion to approve an extension of the period of sick pay. Applications made to the Director of Human Resources will be given careful consideration but will only be granted in exceptional circumstances.

11 Capability Dismissal on the Grounds of Ill Health

Where dismissal on the grounds of capability is being considered the Capability Procedure set out below will be followed:

Stage 1 – Capability Consultation meeting

11.1 Where dismissal is under consideration, the employee will be invited to attend a capability consultation meeting. If the employee does not wish to, or is unable to, attend he/she may be represented by a trade union representative, or submit a written statement for consideration.

11.2 The employee will be informed in the letter convening the meeting that the purpose is to discuss their employment with the University and that the outcome may be a recommendation that their employment is terminated on the grounds of capability.

11.3 The meeting will explore the employee’s attendance record and provide the employee with the opportunity to provide information on their current state of health and likely fitness for work. The discussion will be informed by an up to date occupational health report and any other available information.

11.4 The outcome of the capability consultation meeting will be a decision to either:

• Keep the absence under review (including any further medical referrals) for a further specified period of time, no longer than two months, or

• Recommend that the employee’s inability to attend work is considered at a formal capability hearing.

11.5 The outcome of the capability consultation meeting will be confirmed in writing within 1 week.

Stage 2 – Capability Hearing

11.6 Capability hearings will be conducted by an appropriate senior manager in accordance with the Schedule of Delegation at appendix 1 to the Procedure for Managing Absence.

11.7 In advance of the hearing the line manager recommending dismissal, in conjunction with HR, will develop a report in which all appropriate periods of absence will be outlined. As part of the report the manager will provide evidence that the employee has been dealt with in accordance with the Managing Absence Policy and Procedure and that it has been made clear the continuing absence is putting his/her employment at risk. Such evidence will include RTW forms, copies of Occupational Health reports and outcome letters following management review meetings.

11.8 A copy of the report and supporting evidence will be provided to the manager conducting the capability hearing for consideration and an identical bundle of evidence will be sent to the employee.

11.9 The employee will be given seven days notice in writing of the capability hearing and will be informed of their right to be accompanied by a trade union representative. The written notification will also make it clear that the outcome of the hearing may be a decision to terminate the employment on the grounds of capability.
11.10 If the employee does not wish to, or is unable to, attend the consultation meeting he/she may be represented by a trade union representative, or submit a written statement for consideration.

11.12 The purpose of this hearing is to allow the employee to make any representations on the recommendation and to submit any additional evidence which they wish to be taken into consideration. The hearing will be convened within two weeks of receipt of the report.

11.13 If the outcome of the hearing is a decision to dismiss on the grounds of capability the employee will be entitled to the appropriate period of contractual notice.

Right of Appeal

11.14 An employee dismissed under this procedure will have a right of appeal. A letter of appeal must be submitted in writing within ten working days of receipt of written notification of the dismissal. In this letter the grounds upon which the employee is appealing must be specified.

11.15 An appeal against a capability dismissal will be heard in accordance with the schedule of delegation at appendix 1. If the appeal is disallowed, there will be no further right of appeal.

12 Review

12.1 This procedure has been screened to determine its impact on groups which are protected by law using the University’s Equality Impact Assessment process. This procedure will be reviewed in two years, or earlier if legislative requirements change.

Last Date of Review: February 2015
**Schedule of Delegation**

1. The Schedule of Delegation sets out the appropriate level of management to take key decisions as part of the Procedure for the Management of Absence. This schedule is in line with the rules made by the Board of Governors and is pursuant to Article 11.18.

2. Decisions in relation to the management of short term absence will be taken by the relevant line manager at Stages 1 – 3 of the formal absence management procedure. Where a decision is taken to move to Stage 4 of the Procedure, the review meeting will be conducted by a manager who has not previously been involved in the case. This will normally be the next level of management in the department at Grade 9 or above.

3. In long term capability cases the line manager will be responsible for managing the case up to making a recommendation for a dismissal. Capability hearings will be conducted by a manager who has not previously been involved in the case. This will normally be the next level of management in the department at Grade 9 or above.

4. Appeals against dismissal will be heard by the Director of Human Resources and the appropriate member of Directorate. The decision of the appeal panel will be final and there will be no further right of appeal.