

## HUMAN RESOURCES POLICY

### Sickness Absence Policy and Procedure

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## 1. Policy Statement

- 1.1. All members of staff are required to familiarise themselves with this policy.
- 1.2. Members of staff receive paid sick leave as set out in this policy to enable them to recuperate without the pressure of immediate financial worries.
- 1.3. Sickness absence should be addressed consistently and fairly. The procedures for notification, certification and managing sickness absence should be followed.
- 1.4. Health and wellbeing are taken seriously, all concerns should be addressed at early stages and line managers have a central role in its management.
- 1.5. [Occupational Health](#) provides specialist advice on a member of staff's fitness for work and on health issues within the workplace. The [College's Employee Assistance Provider](#) provides free confidential counselling, help and advice.
- 1.6. Where a member of staff's sickness absence relates to a disability or a persistent, serious, or underlying health condition, which may not amount to a disability as defined in the Equality Act 2010, they should be supported. Where required and possible this may be through [workplace adjustments](#), a phased return to work and/or redeployment.
- 1.7. All staff are expected to undertake their role in line with the College's [Values and Behaviours](#). The College's Values are at the very centre of our work and guide our behaviour as a community, across all levels of the College. This policy aims to protect and promote our Values of Respect, Collaboration, Excellence, Integrity, and Innovation.

## 2. Scope

- 2.1. This policy applies to all members of staff regardless of contract type. It does not apply to agency workers, casual workers, consultants, self-employed contractors, volunteers, or interns. This policy does not form part of any contract of employment or other contract to provide services and may be amended at any time.
- 2.2. It should be applied in all cases of sickness absence, including those related to a disability or a persistent, serious, or underlying health condition, which may not amount to a disability as defined in the Equality Act 2010.
- 2.3. Where there are performance concerns, including those relating to a disability, those concerns should be considered with reference to the [Performance Improvement Policy and Procedure](#).
- 2.4. Where there are conduct concerns, including those related to a disability, those concerns should be considered with reference to the [Disciplinary Policy](#).
- 2.5. Where there are sickness absence and conduct and/or performance concerns, the Assistant HR Partner, in consultation with the line manager, should decide which policy to follow i.e., the Sickness Absence Policy and Procedure, the [Disciplinary Policy](#) or the [Performance Improvement Policy and Procedure](#).

### **3. Equality and Diversity**

- 3.1. The College is committed to equality, diversity, and inclusion. Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.
- 3.2. This policy aims to support fairness in how sickness absence is managed. This policy should be applied in a respectful and thoughtful manner that fosters good relations and promotes excellent working.
- 3.3. This policy is inclusive and applies to all staff irrespective of any protected characteristic.

### **4. Disability**

- 4.1. Where a member of staff considers they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager. Any information provided will be handled in a confidential and sensitive manner and in accordance with our [Data Protection Policy](#).
- 4.2. The College has a legal duty to proactively make adjustments to remove, reduce or prevent any disadvantages that disabled members of staff may face. Where a line manager is aware that a member of staff has a disability, they must ensure they have done all they reasonably can, in consultation with the member of staff, to support them to attend work, including the implementation of appropriate and reasonable workplace adjustments.
- 4.3. Members of staff with a disability may record a higher number of days of sickness absence than non-disabled staff. Where sickness absence is disability related then the absence reason should be recorded on TeamSeer as 'sick – related to disability'. Please refer to Section 6, on Monitoring Sickness Absence, the use of workplace adjustments and the Bradford Score Index.
- 4.4. [Equality, Diversity and Inclusion Centre \(EDIC\)](#) can support with an assessment of workplace adjustments. Further information is available on the [Disability Support webpage](#) and in Appendix A, section 2, Workplace Adjustments.

### **5. Reporting of Absence**

#### **5.1. Notification**

When unable to attend work because of illness or injury, members of staff must follow the notification and certification requirements as outlined below.

- 5.2. Member of staff must report, by phone call, their absence to their line manager or agreed alternative member of staff within the first hour of their normal starting time, or as specified by local arrangements. They should confirm their provisional diagnosis and a likely return date, advise of any urgent work or/and of any internal/external colleagues who may need to be informed of the absence (but not the reason for it).

- 5.3. Managers or agreed contact should maintain regular contact with the member of staff on sickness absence. The frequency of the contact should be agreed with the member of staff.
- 5.4. If a member of staff believes that their absence may be related to activities or an incident at work, they must inform their line manager. The line manager is required to inform the Safety Department and the Assistant HR Partner without delay. The [Safety Department](#) website provides further information about reporting accidents and incidents at work.
- 5.5. If a member of staff has been exposed to a communicable illness, they must inform their line manager who will seek advice from Occupational Health to confirm whether the member of staff is 'fit' to attend work.
- 5.6. All absence should be logged on [TeamSeer](#), this will usually be by the individual but may be done by the line manager or alternative member of staff by agreement. If the absence is disability related then the absence reason should be recorded as 'sick – related to disability'.
- 5.7. If a member of staff has a long-term or terminal illness, they should inform their line manager who, in liaison with the Assistant HR Partner, may make a referral to Occupational Health. As well as making recommendations for workplace adjustments/phased returns, Occupational Health can also assess whether the member of staff meets the criteria for [ill-health retirement](#).
- 5.8. If a member of staff is unable to attend work onsite because of illness they should not request or be requested to work from home as an alternative.
- 5.9. Certification
- For periods of sickness absence of 1 – 7 days (including Saturdays, Sundays, and/or other non-working days, Public Holidays and College Closure) a medical fit note is not required, but the absence must be recorded on TeamSeer.
- 5.10. For any period of absence of 8 days or more (including Saturdays, Sundays, and/or other non-working days, Public Holidays and College Closures), members of staff must provide their line manager with a copy of their medical fit note covering the relevant periods of absence. Line managers should forward the fit notes to the HR Staff Hub. If a member of staff does not provide a copy of their medical fit note they will not be entitled to the sickness absence pay provision.
- 5.11. Where a member of staff is overseas and the GP consulted is outside the UK, they should provide a GP note as evidence of illness, this must be in English and submitted on the GP's official headed notepaper or have an official stamp. If the overseas GP charges for this, it will be at the individual's own expense. If the member of staff works overseas, the line manager should inform the [International Mobility Team](#) to enable early identification of any follow-up compliance requirements.
- 5.12. When a member of staff has a medical fit note indicating that they are 'fit for work' with recommended workplace adjustments, they should contact their line manager immediately to discuss this and prior to returning to work.
- 5.13. For on-going periods of sickness absence and once a medical fit note expires, a member of staff should send the new medical fit note to their line manager within 7 days of the last medical fit note expiring.
- 5.14. A member of staff may request to return to work before the expiry date of their medical fit note if they are fit to do so. The return may be delayed until Occupational Health advice is sought to determine if a member of staff is fit to return to work and to determine what, if any, workplace adjustments may be required.

### 5.15. Return to Work Meeting

On return to work, line managers should hold a return to work meeting and may use the [sickness absence - return to work meeting checklist](#) as a guide for this meeting. If any concerns are raised, line managers can seek advice from the Assistant HR Partner. The line manager should ensure that the absence has been recorded on TeamSeer.

5.16. Where long-term planned absence to cover health conditions are predicted (e.g., planned operations requiring rehabilitation), it may be sufficient for the line manager to hold a return to work meeting to support and facilitate a return to work without the need to commence the Sickness Absence Procedure as outline at Appendix C.

## 6. Monitoring Sickness Absence

6.1. The Bradford Score Index<sup>1</sup> is the tool used by College to provide a consistent approach to managing sickness absence.

6.2. Where a member of staff's Bradford Score Index is 250, the line manager should usually commence the informal stage of the Sickness Absence Procedure (Appendix C).

6.3. The line manager should usually commence the formal stage of the Sickness Absence Procedure (Appendix C) when the member of staff:

- has been absent for more than 4 weeks, continuously, due to sickness or injury (long term sickness),
- are frequently absent due to sickness or injury,
- there is a pattern of sickness absence which may indicate the possibility of health problems,
- their Bradford Factor Index Score is 350 or above,

6.4. [Workplace adjustments](#) to the application of the Bradford Score Index may be made to take into account individual circumstances and disability. In these cases, line managers should review whether to make a workplace adjustment at the stage that the Bradford Score Index reaches 250. The review should be specific to the individual member of staff and the line manager should speak to the Assistant HR Partner for advice before making a decision. To decide whether to make an adjustment they will need to consider the following:

- why the member of staff may need time off and if so, how much time they might need.
- the impact on the individual of not making an adjustment.
- the impact on the department or team.

6.4.1. The decision may be to:

- not make an adjustment,
- discount all absence related to a disability from the Bradford Score Index or
- to agree a higher trigger level

Having a workplace adjustment to the application of the Bradford Score Index may result in the line manager not commencing the Sickness Absence Procedure at the usual trigger points (250 and 350). However, line managers should still consider if it is appropriate to commence the informal stage of the

Sickness Absence Procedure (Appendix C) where a member of staff has been absent for more than 4 continuous weeks due to sickness or injury (long term sickness), and/or are frequently absent, and/or there is a pattern of sickness which may indicate the possibility of health problems.

Workplace adjustments should be reviewed regularly and may be amended or come to an end. The frequency of these reviews should be agreed by the line manager and member of staff. Further guidance can be found on workplace adjustments [here](#) and on the work location framework [here](#).

6.5. Sickness absences related to pregnancy should be discounted.

<sup>1</sup>The Bradford Index is the total number of days absent multiplied by the number of episodes in the preceding 12 months squared. As examples – 30 days absence on one occasion is calculated with a Bradford score of 30 (30x(1x1)). 12 days absence on seven occasions is calculated with a Bradford score of 588 (12x(7x7)).

## 7. Entitlement and Pay

7.1. The College operates a sick pay provision above the statutory entitlements. Members of staff are required to comply with this policy and its procedure to be entitled to the pay provision.

Length of Service	Full Pay	Half Pay
Start Date – End of First Year	1 month* in any 12 month period	1 month in any 12 month period
Start of Second Year until End of Third Year	3 months** in any 12 month period	3 months in any 12 month period
Start of Fourth Year and onwards	6 months*** in any 12 month period	6 months in any 12 month period

\* 31 calendar days, \*\* 92 calendar days \*\*\* 183 calendar days.

7.2. During a period of sickness absence, the member of staff will receive the sick pay benefits that applied on the first day of that period of absence. If they have taken any sickness absence days in the 12 month period prior to this, those days will be factored into the pay calculation.

7.2.1. E.g. if they start their period of sickness absence two days before the end of their first year and were absent for 3 months (so crossed over into the second year) they will receive up to 1 month's full pay and 1 month half pay (first year entitlement). If a member of staff had already taken 10 days of sickness absence prior to this, they would be entitled to 21 days full pay and 1 month half pay.

7.3. Following a return to work, any subsequent periods of sickness absence would attract the appropriate increased level of sick pay benefits based on length of service.

7.4. Once sick pay has been exhausted and staff are on zero pay, no contributions to the member of staff's College pension scheme will be paid either by them or by the College.

7.5. If a member of staff is absent due to an accident which occurred outside work, then normal sick pay provisions would apply. Where insurance compensation includes reimbursement of College sick pay, this must be repaid to the College (further detail in [Core Terms and Conditions](#)).

## 8. Time Off for Appointments

### 8.1. Medical and Dental Appointments

Reasonable time off with pay will be allowed for hospital, doctor, and dentist appointments or for emergency medical or dental treatment. Such appointments will not normally be counted as sickness absence. All appointments should be agreed in advance with the line manager who may ask to see an appointment card. Appointments that are expected to be half a day or longer should also be requested and recorded on [TeamSeer](#).

8.2. Appointments should be arranged, where possible, on a day the member of staff is either working from home or not working (where part time or working a shift pattern) or at the beginning or end of the normal working day to minimise disruption to member of staff's work. However, this may not always be possible due to clinic opening times and referral processes, examples of appointments a member of staff can attend during the College's typical working hours can be found on the [Disability Guide for Managers](#).

### 8.3. Leave for non-essential Medical or Surgical Treatment

Where a member of staff undergoes medical or surgical treatment at their own discretion, for example, non-essential surgery, they will not normally be entitled to paid sickness absence for the period of medical treatment/surgery, and any normal recovery period. In such circumstances, arrangements for annual leave or requests for unpaid leave (see [Special Leave Policy](#)) must be made in advance.

8.4. On occasion, such procedures may result in complications, for example secondary infection, which requires more time off than initially anticipated, the additional time will normally be treated as sickness absence.

8.5. Information, guidance and support for members of staff who are transitioning and may require time off work can be found on the [Trans Staff Policy](#).

## 9. Annual Leave

### 9.1. Annual leave accrual

Members of staff will accrue their contractual holiday leave whilst on sickness absence. Mandatory leave days (e.g. College Closure days or public holidays) cannot be accrued during sickness absence and members of staff will not be able to reclaim these.

9.2. Staff on sickness absence for more than four consecutive weeks may request paid holiday leave in line with departmental procedures. No combination of paid holiday leave and sick pay will exceed a normal day's pay.

9.3. If a member of staff's sickness absence is continuous and spans over two holiday leave years or if they return to work less than 3 months before the end of the leave year and cannot reasonably take their remaining holiday, they may carry over their unused holiday leave to the following leave year (pro rata for part time staff). The carried over leave must be used within 18 months of the start of the leave year into which it has been carried forward, subject to normal line management approval. TeamSeer should be adjusted by the local systems administrator if unused holiday leave should be carried over, as agreed by the line manager and Assistant HR Partner.

9.4. If employment is terminated at the end of the sickness absence period, staff are entitled to payment in lieu of any accrued holiday leave not taken in line with this policy.

9.5. Sickness during annual leave

If a member of staff is on annual leave when they become sick or injured such that they would be unfit for work, they may ask to reclaim the annual leave for the sickness period. Members of staff are unable to reclaim mandatory leave days. They must report in as sick on the first day of illness and provide a medical fit note, signed by a registered healthcare professional (if the member of staff is overseas refer to 5.11). The College's usual sickness absence notification and certificate procedures will then apply. TeamSeer should be adjusted by the local systems administrator if any holiday leave is re-instated.

## 10. Other Circumstances

10.1. Staff with a visa

Where the member of staff is a Skilled Worker/Tier 2 or Temporary Worker/Tier 5 Government Authorised Exchange (GAE) sponsored worker and there is a proposed change to their working arrangement, please liaise with the [Staff Compliance Team](#) to ensure that the arrangements are covered by the permissible reasons exceptions under the Immigration rules.

10.2. Sickness During a Formal College Procedure

If a member of staff becomes ill during a formal procedure (e.g. disciplinary or resolution policy), they may be referred to Occupational Health to assess their fitness to attend such meetings with or without adjustments and continue with the process. If a member of staff is unable to attend, they will be informed of their right to submit any written documents to support their case or to send a representative in their place and the process will usually continue in their absence. If a hearing is held in a member of staff's absence, the decision will be conveyed to them in writing.



## 11. Appendix A - Support and Adjustments

### 1. Support Available

Members of staff should access the support on the College [webpages](#) on matters such as managing stress and wellbeing. They may also be referred by their line manager to [Occupational Health](#) and/or contact [HR Staff Hub](#), Equality, Diversity and Inclusion Centre ([EDIC](#)) and/or a [Trade Union Representative](#) for advice.

- 1.1. In situations where the member of staff and manager are in disagreement, a [Facilitated Conversation](#) can be arranged to help resolve any disputes or conflicts constructively and speedily.

### 2. Workplace Adjustments

Where a member of staff has a health condition, even if this does not meet the criteria for review under the Equality Act, the line manager should give consideration, in consultation with the member of staff, to any workplace adjustments if it would assist the member of staff to meet operational requirements.

- 2.1. A workplace adjustment can be anything that reduces or removes barriers or prevents any disadvantages in the workplace. Adjustments can be physical or non-physical and both should be considered where relevant.

#### 2.2. Examples of non physical adjustments:

- Adjusted hours or work patterns
- Time off for medical appointments and/or counselling
- Increased rest breaks
- Different expectations and recording of attendance and sickness absence
- Phased return to work
- Redeployment
- Buddy support
- Duties reallocated or shared with other colleagues
- Adjusted expectations or targets
- Home working
- Adaptations to how meetings are conducted or information provided
- Additional time provided
- Different travel expectations
- Different seating/parking arrangements
- Different communication requirements

#### 2.3. Examples of physical adjustments

- Assistive software, for example, screen readers or speech recognition
- IT equipment and gadgets - digital recorders; alternative keyboards; alternatives to a computer mouse
- Induction loop systems
- Footrests/wrist rests
- Height adjustable desk
- Personalised ergonomic chairs
- Ramps

- Good access to toilet facilities
- Use of the same computer/desk
- Parking provision
- Evacuation chairs
- Change to lighting
- Noise reduction headset

Note: These are not exhaustive lists.

- 2.4. Where agreed, they should be implemented in a timely matter, this may be at the point of request, where reasonable to do so. Adjustments can be permanent or temporary, or agreed on a 'when required' basis. They should be reviewed regularly and may be amended or come to an end. The frequency of these reviews should be agreed by the line manager and member of staff.
- 2.5. Members of staff and managers may record agreed workplace adjustments on a workplace adjustment Passport.
- 2.6. Further guidance can be found on workplace adjustments here and on the work location framework here. The Equality, Diversity and Inclusion Centre (EDIC) can also support with an assessment of workplace adjustments.

### **3. Phased Return to Work**

- 3.1. The purpose of a phased return to work is to allow time for the individual to be properly rehabilitated by gradually building back up to their full duties. A registered healthcare professional or Occupational Health may recommend a phased return to work.
- 3.2. Where a member of staff has been on sickness absence for 4 weeks or less, line managers have the discretion to agree with the member of staff a phased return to work of up to two weeks, without requiring a registered healthcare professional or an Occupational Health recommendation. Occupational Health advice may still be sought however if required. The line manager should inform the Assistant HR Partner of any agreed phased return to work. Where a member of staff has been on sickness absence for more than 4 weeks, line managers should seek an Occupational Health recommendation.
- 3.3. Where a member of staff has two years or more service at the College when they return to work on a phased return, their sick pay and leave absence will end and they will resume their normal rate of pay. This pay arrangement will be for up to 4 weeks only within any 12 month rolling period. If a member of staff requires more than 4 weeks within any 12 month rolling period, this will be paid at their rate of sick leave/pay or number of hours worked – whichever is greater.
- 3.4. If a member of staff has less than 2 years service at the College when they return to work on a phased return, then their pay will be at their rate of sick leave/pay or number of hours worked – whichever is greater.
- 3.5. All phased returns to work periods should be recorded on TeamSeer by the Assistant HR Partner.

### **4. Redeployment**

- 4.1. The College may provide the member of staff with support to review and consider redeployment opportunities at the College. These opportunities may be available on a temporary or permanent basis with a discretionary option for protection pay where appropriate (usually no more than three months).
- 4.2. Trial periods may be offered, and training would be available if required.

## **5. Ill Health Retirement**

- 5.1. The College offers membership of pension schemes that may provide early or enhanced payment of benefits, where a member of staff can no longer carry out the duties of their post or equivalent work because of a medical condition from which they are not expected to recover. Usually, the opportunity for workplace adjustments will have already been explored prior to this stage.
- 5.2. At the point where it becomes apparent that an individual's condition might be life limiting or progressive to the extent that they might not be able to return to work or resume a significant proportion of their responsibilities, a discussion should take place to ensure they have opportunity to consider their options in terms of retiring on the grounds of ill health. The line manager should request an assessment by Occupational Health who can advise if the member of staff meets the criteria for ill-health retirement.
- 5.3. Further information can be found [here](#).

## 12. Appendix B – Key Roles and Responsibilities

Individual/Team responsible	Role/Responsibility
Line Manager	<p>Line managers have a central role in the effective management of sickness absence and any impact on work performance and delivery.</p> <p>Managers should provide appropriate support at the earliest opportunity to members of staff experiencing sickness absence. They should proactively access and use the advice and support available to them (<a href="#">webpages</a>, <a href="#">Occupational Health</a>, <a href="#">Employee Assistance Programme</a>, <a href="#">HR</a>, <a href="#">EDIC</a>).</p> <p>Managers should have awareness of the needs of staff with disabilities and are encouraged to attend the training session <a href="#">Disability for Managers - implementing workplace adjustments</a>.</p> <p>Line managers also have a responsibility to seek <a href="#">training</a> on managing sickness where required and be aware of the College's <a href="#">Mental Health and Wellbeing Strategy</a>.</p> <p>Line managers should ensure that their members of staff are aware of any local sickness notification procedures. They should ensure that absences are recorded on the leave system TeamSeer and that a return to work meeting is undertaken.</p> <p>Line managers should discuss with members of staff any unusual and/or set patterns of absence and monitor overall absence levels.</p> <p>Managers, or an agreed contact, should maintain regular contact with the member of staff on sickness absence. Frequency to be agreed with the member of staff.</p> <p>Line Managers should ensure that where a member of staff has a significant long-term illness or a terminal illness which may prevent them from returning to their role, or an alternative role, that the manager makes them aware of the possible option of ill-health retirement in a timely manner.</p> <p>Any information provided to the College about the member of staff's health should be processed lawfully and in accordance with our <a href="#">Data Protection Policy</a>. The College recognises that such data is sensitive and line managers should handle it in a confidential manner.</p>
Member of staff	<p>Where a member of staff is unable to attend work due to illness or injury they should notify their manager as outlined in the notification section.</p> <p>They should maintain regular contact with their manager or agreed contact whilst on sickness absence. They should provide up to date medical fit notes within 7 days of a previous one expiring.</p> <p>Members of staff should disclose any work-related, work impacted health issues or disabilities to their line manager at the earliest opportunity and discuss support as required.</p> <p>Members of staff are advised to access the support tools on managing stress and wellbeing on the College <a href="#">webpages</a>. Members of staff may also seek advice from</p>

	<p><a href="#">HR</a>, Equality, Diversity and Inclusion Centre (<a href="#">EDIC</a>) or a <a href="#">Trade Union Representative</a> if a member.</p> <p>Members of staff are expected to fully comply with this policy. They should also undertake an Occupational Health assessment if requested by their manager to enable the manager to make decisions with the benefit of medical advice.</p>
Occupational Health	<p>Where there is concern that the member of staff's health is being affected by their work, or where problems are affecting performance or attendance at work, the manager may complete a referral to Occupational Health. The member of staff would be required to attend a formal assessment conducted by Occupational Health who will report on their fitness for work.</p> <p>Occupational Health may advise on workplace adjustments and managing members of staff's return to work after a period of sickness absence. Occupational Health will advise on possible Ill health retirement.</p> <p>Further information and guidance may be found on the Occupational Health <a href="#">webpages</a>.</p>
Equality, Diversity and Inclusion Centre (EDIC)	<p>EDIC provides specific and bespoke information, advice and guidance for disabled staff and/or their managers. They offer support in discussing workplace adjustments, liaising with Access to Work and referrals for specialist assessors. Further details and the form to request support can be found <a href="#">here</a>.</p>
HR Staff Hub	<p>The HR Staff Hub are the first point of contact for sickness absence queries. They will triage to the Assistant HR Partner where appropriate.</p> <p>They will also signpost to other support available e.g., courses run by POD, EDIC for workplace adjustments etc.</p>
Assistant HR Partner	<p>The Assistant HR Partner will provide advice and support to the management referrals to Occupational Health. They will advise on the interpretation and implementation of the policy and good practice.</p> <p>They will provide advice and support to managers at Stage 1, 2 and 3 under the Sickness Absence Procedure (Appendix C).</p>
HR Employee Relations	<p>At the Sickness Review Hearing Stage and at Appeals, an ER representative will provide advice and guidance on policy and procedures in addition to administrative support for arranging the meetings and sending correspondence.</p>

## **13. Appendix C – Sickness Absence Procedure**

### **1. Stage 1 – Informal Procedure**

- 1.1. Prior to any Formal Sickness Meeting, it is expected that the line manager and member of staff will have discussed on an informal, one-to-one basis, any concerns regarding sickness absence. The discussion should aim to understand what may be contributing to the absence and identify what support may need to be put into place to help resolve those concerns. Support should usually have been put in place before moving to a Formal Sickness Meeting.
- 1.2. As this is an informal one-to-one meeting, there is no right for the member of staff to be accompanied by a Trade Union representative or work colleague. Human Resources would not be present at this meeting.
- 1.3. There is no requirement for an Occupational Health report to be obtained in advance of progressing to a formal meeting. However, the member of staff and line manager should consider if a referral to Occupational Health would be beneficial at this stage, particularly if a health condition is impacting on the member of staff's attendance. The Assistant HR Partner will provide advice on completing a referral if required.

### **2. Stage 2 - First Formal Sickness Meeting**

- 2.1. A first Formal Sickness Meeting should be convened where a member of staff's sickness absence is having an impact on their attendance and attempts to resolve this informally have not been successful. For example, this may be demonstrated where:
  - They have been absent for more than 4 weeks, continuously, due to sickness or injury (long term sickness),
  - They are frequently absent due to sickness or injury,
  - There is a pattern of sickness (this may indicate the possibility of health problems)
  - Their Bradford Factor Index Score is 350 or above,
- 2.2. The line manager may decide when to start the procedure but are encouraged to consider doing so at the earliest opportunity to ensure appropriate support is put in place and there is an open dialogue with the member of staff.
- 2.3. If an Occupational Health report is required, this should be requested at least two weeks prior to the formal meeting. The report should usually be obtained before commencing the formal meeting. The line manager should contact the Assistant HR Partner for guidance prior to commencing the meeting.
- 2.4. A member of staff has the right to be accompanied by a work colleague or Trade Union representative. The line manager should request attendance from the Assistant HR Partner.
- 2.5. At the meeting, the line manager and member of staff should discuss:
  - The member of staff's health and any Occupational Health report.
  - The members of staff's attendance.
  - Whether there are any contributory factors, such as disability, which the line manager needs to be aware.

- What is the anticipated recovery period (where applicable).
- What is the anticipated return to work date (where applicable).
- Whether support and/or workplace adjustments (including phased return to work and redeployment) and any other Occupational Health recommendations are to be considered.
- Where relevant and appropriate, the option of ill health retirement.
- The line manager may outline the challenges facing the team/department and possible remedial actions.
- And agree a plan which sets out the following:
  - What the objectives are e.g., reduce the number of absences. The objectives need to be realistic and achievable within the agreed timescale.
  - What actions need to be carried out, and by whom, to achieve the objectives. They should seek to remove obstacles e.g., implement a workplace adjustment.
  - What the timescales are to carry out the actions and meet the objectives.
  - When the line manager will review whether improvements have been made (usually 1 – 3 months).

Note: this list is not exhaustive

2.6. The line manager will confirm the outcome of the meeting in writing within 10 working days of the meeting. The outcome letter should:

- Set out the issues discussed in the meeting,
- Set out the plan,
- Confirm that if improvements are not made and the level of absence is not sustainable this may result in moving to Stage 3 - Second Formal Sickness Meeting,
- Where appropriate and in consultation with the Employee Relations Team, the line manager may move the case from Stage 2 to Stage 4 – Sickness Review Hearing. If this decision is made, the letter should also confirm that they are moving to the Sickness Review Hearing and that failure to reach the level of improvements required may result in their dismissal,
- Of their right to appeal and the appeal process.

### **3. Stage 3 - Second Formal Sickness Meeting**

3.1. If there has been insufficient improvement within the designated timescale a second Formal Sickness Meeting will be convened.

3.2. At the meeting, the line manager and member of staff should discuss and review/update as applicable:

- The member of staff's health and any Occupational Health report.
- The members of staff's attendance.
- Whether there are any new contributory factors, such as disability, which the line manager needs to be aware.
- What is the anticipated recovery period (where applicable).
- What is the anticipated return to work date (where applicable).
- Whether any other support and/or workplace adjustments (including phased return to work and redeployment) and any other Occupational Health recommendations are to be considered.
- Where relevant and appropriate, the option of ill health retirement.
- The line manager may outline the challenges facing the team/department and possible remedial actions.

- Review whether the plan helped to make improvements and whether any changes should be made. Update the plan as relevant, setting out:
  - What the objectives are e.g., reduce the number of absences. The objectives need to be realistic and achievable within the agreed timescale.
  - What actions need to be carried out, and by whom, to achieve the objectives. They should seek to remove obstacles e.g., implement a workplace adjustment.
  - What the timescales are to carry out the actions and meet the objectives.
  - When the line manager will review whether improvements have been made (usually 1 – 3 months).

Note: this list is not exhaustive

3.3. The line manager will confirm the outcome of the meeting in writing within 10 working days of the meeting. The outcome letter should:

- Set out the issues discussed in the meeting,
- Set out the plan,
- Confirm that if improvements are not made and the level of absence is not sustainable this may result in moving to the final stage, the Sickness Review Hearing, which may result in their dismissal,
- Of their right to appeal and the appeal process.

#### **4. Stage 4 - Sickness Review Hearing**

4.1. In instances where insufficient improvements are not made and/or the level of absence is not sustainable the Employee Relations (HR) Team should be asked to convene a formal hearing. At this stage, there will have been at least one Formal Sickness Meeting. Workplace adjustments, phased return and redeployment will have been fully explored, where appropriate, prior to the hearing. An up-to-date Occupational Health report should be received prior to the hearing.

4.2. The hearing will usually be chaired by the line manager's manager, or an alternative manager not previously involved with the case. The purpose of the hearing will be for the chair to review the case and to consider whether and if so, for how long the College can support continued employment or if termination of employment needs to be considered.

4.3. The member of staff's line manager will present their findings and conclusions, with the member of staff, or their representative, invited to respond and comment. Alternatives to termination of employment may be considered where appropriate or possible.

4.4. If alternatives are not possible the chair has the authority to dismiss the member of staff.

4.5. The decision will be confirmed in writing within 10 working days, with notice or pay in lieu of notice, with full reasons. The member of staff will also be advised of their right to appeal.

#### **5. Right to Appeal**

5.1. A member of staff wishing to appeal against any formal action taken against them should do so within ten working days of receipt of the written notice of the action being communicated to them. A member



of staff should send this in writing to the Deputy HR Director (Employee Relations & Policy) and specify the reason(s) for the appeal.

5.2. The reason(s) for appeal should be one (or all) of the following:

- Procedural errors where there is evidence the process was incorrectly followed,
- New evidence has become known that may change the outcome of the original decision,
- Fairness and reasonableness of the outcome.

5.3. Appeals against the outcome of the Formal Sickness Meeting (Stage 2 or 3) will be heard by a senior manager with an ER representative, both of whom will have had no previous involvement in the case. Appeals against dismissal at Stage 4 will be heard by a panel consisting of three members of the College not previously involved in the case, with an ER representative present to provide procedural advice to the Appeal Panel.

5.4. A member of staff has a right to be accompanied at the appeal hearing by either a Trade Union representative or work colleague.

5.5. If new evidence is introduced during an appeal hearing it may be referred back to the original chair/manager in order that they may review the sanction. The appeal hearing may be reconvened if the member of staff does not accept any subsequent decision of the original chair.

5.6. Appeal hearings will be conducted in accordance with the following terms of reference:

- To review whether the matter under consideration was adequately investigated and substantiated.
- To review whether the College's procedures were correctly and fairly implemented.
- To consider whether the formal action was reasonable in the circumstances known to management at the time of the meeting/hearing.

5.7. If an appeal panel decides to reinstate a member of staff who has been dismissed, this will be done in a manner which maintains continuous service and without loss of pay (assessment will be made of any income received by the member of staff while not in College employment).

5.8. The appeal decision is final.

## **6. Notification, Representation and Recording of Formal Meetings**

### **6.1. Notification**

As far as is practicable, line managers should take the member of staff's health into consideration when arranging the timing and location of meetings. All members of staff will receive five working days' written notification of a formal meeting.

6.2. The notification will include:

- The date, time, and venue of the meeting (this may be on Microsoft Teams where appropriate),
- Details of all attendees at the meeting.
- Copies of any documentation that will be considered at the meeting, including a copy of the Sickness Absence Policy and Procedure,
- The potential outcome of the meeting, i.e., moving to the next stage and/or dismissal.

### 6.3. Representation

A member of staff has the right to be accompanied by a work colleague or Trade Union representative. In exceptional circumstances the line manager and HR representative may agree to the member of staff being accompanied by a family member or friend who is not legally qualified.

6.4. Where a member of staff's representative is unavailable to attend the original hearing date, one postponement will be allowed for an alternative date within five working days of the original date.

6.5. If a member of staff is unable to attend a Formal Sickness Meeting, they should have the opportunity to submit comments in writing or instruct a representative to act on their behalf. They should be made aware that a decision may be made in their absence.

### 6.6. Recording

Notes will be taken at all formal meetings and an outcome letter sent to the member of staff following the meeting. The person accompanying the member of staff will also receive a copy of the outcome letter. Written records will be kept by HR at each stage of the formal procedure. Staff members may take their own written record of meetings, but recording devices, including use of mobile phones will not be permitted.

### 6.7. Confidentiality

All information relating to sickness absence will be treated confidentially. Information relating to the case will only be shared with those who have a legitimate requirement to see the documentation as part of resolving the matter or any consequent procedure and therefore the processing of data for contractual necessity (such as for the purpose of paying salaries).

6.8. It is expected that all parties involved will be sensitive to the nature of sickness absence proceedings, including matters discussed and any evidence provided. Breach of confidence may compromise the integrity of the procedure and may itself be subject to disciplinary action. This does not prevent individuals from seeking appropriate advice, support and information in relation to the case e.g. from their Trade Union Representative.

6.9. If the College continues to investigate a matter as a duty of care or a legislative requirement then it may be necessary to share the information with appropriate external parties.

6.10. Any personal data collected or retained in relation to the Sickness Absence Policy and its Procedure will be in accordance with relevant data protection legislation. Further information regarding how data will be processed is detailed in the College's [Privacy Notice for Staff](#).

## 7. Flowchart of the Procedure

