

# Staff Sickness Absence Policy and Procedures

## Human Resources Department

Lead Director: Director of Human Resources
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Policy to be reviewed every 2 years. Next review: 2015/16

## **STAFF SICKNESS ABSENCE POLICY AND PROCEDURES**

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## **1. SCOPE OF THE POLICY AND PROCEDURES**

- 1.1 The procedures set out in this document apply to all Keele University staff. For staff whose employment is governed by the University Statute 31, the provisions of that Statute, as may be amended from time to time, will also apply and take precedence where appropriate<sup>1</sup>.
- 1.2 Managers should read this procedure in conjunction with the University's Sickness Absence Management Guidance document, which is available from the Human Resources Department.
- 1.3 New members of staff who are within their probationary period<sup>2</sup> will be managed in accordance with the University's Probationary Policy and Procedures which provides for alternative arrangements for dealing with attendance issues.
- 1.4 The University operates occupational sick pay schemes for eligible staff. Details of eligibility entitlements are detailed in individual contracts of employment. Annex A details how the rate of sick pay for each period of sickness absence is determined.

## **2. AIMS**

- 2.1 The University aims to ensure that staff who are absent from work due to ill health or injury are treated fairly and sympathetically and are provided with support towards a full recovery using consistent, fair, and effective procedures to monitor and manage sickness absence. The University will:
  - a) treat members of staff with sympathy and understanding;
  - b) treat all information relating to ill-health as confidential;
  - c) examine the reason for absence in every case;
  - d) refer members of staff to the Occupational Health Service where appropriate;
  - e) seek medical advice in appropriate cases, e.g. from GPs, Consultants or other specialists;
  - f) keep accurate records of absences;
  - g) measure and monitor trends, patterns and reasons for absence across the University;
  - h) treat as potential misconduct any abuse of the sickness absence policy and/or procedures;

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<sup>1</sup> This is applicable to situations in which removal from office is contemplated. Part IV of Statute 31 will apply instead of Stage 4 of the Attendance Management Procedure – Frequent Short Term Absence (Annex D). Part IV of Statute 31 will also apply instead of Section 2 (Termination of Employment) of the Sickness Incapability Procedure (Annex E). Part V of Statute 31 will apply to appeals against termination of employment under both procedures.

<sup>2</sup> Where a member of staff's initial probationary period is longer than 12 months, this Procedure will apply after completion of 12 months continuous service. The Probationary Policy and Procedures will continue to apply to staff whose initial probationary period is for less than 12 months but is extended beyond the first year of employment.

- i) provide a framework for the appropriate management of long- and short-term sickness absence.

### **3. GENERAL PRINCIPLES FOR THE APPLICATION OF THE POLICY**

- 3.1 The University has a responsibility to ensure that managers using and operating these procedures have the necessary skills and support.
- 3.2 Responsibility for applying the provisions of this procedure lies with the Deans/Directors/Heads of School/Heads of Departments/Research Institute Directors and other line managers (hereafter referred to as 'manager'). Details on the level of authority required to issue warnings, to dismiss and to hear appeals under this procedure can be found in Annex B. Responsibility for dealing with attendance matters rests with the member of staff's immediate supervisor/line manager, or a more senior line manager where appropriate.
- 3.3 The role of the manager will be to comply with the provisions of this policy and associated procedures through effective communication, accurate recording and reporting processes, undertaking return-to-work meetings and working in conjunction with the HR Department regarding the management of sickness absence.
- 3.4 Managers should seek the advice of the Human Resources Department prior to initiating any formal action under this policy and associated procedures. This will ensure fair and equitable application throughout the University. Further details of the general principles applying to the formal stages of the attendance management procedure can be found in Annex B.
- 3.5 A Human Resources Manager/Advisor will attend formal meetings and appeals meetings held under this procedure. Reference should also be made to Annex C regarding the involvement of the HR Department
- 3.6 The HR Department will ensure the effective measuring, monitoring and review of sickness absence levels.
- 3.7 It is expected that the member of staff will:
  - a) comply with the University's absence reporting procedures;
  - b) attend medical assessments (with the Occupational Health Service and/or other specialists) as deemed necessary by the University;
  - c) maintain contact with his or her manager during any period of absence and facilitate the maintenance of contact between him or herself and his or her manager;
  - d) co-operate with the University and understand that the University may contact him or her by telephone, within reason, to query work issues if necessary;
  - e) notify his or her manager/designated contact of his or her contact point (i.e. address and/or telephone number) if, during any period of sickness absence, he or she is not at his or her notified residence (even if this is on a temporary basis) or moves from his or her notified residence;
  - f) not undertake additional employment whilst he or she is off sick.

## 4. KEY RESPONSIBILITIES

### 4.1 Notification/Reporting of Sickness Absence

#### 4.1.1 *Managers' responsibilities:*

- a) to establish where possible, where a member of staff has notified them of a period of sickness absence, the reason and likely duration of absence. It is important that contact be established directly with the member of staff and not through a third party, wherever possible. A form for recording notification of absence due to illness or injury is available;
- b) to ensure, where the period of absence is more than 7 consecutive calendar days' duration, a Self-Certification Form (SCF1) is sent to the member of staff to be completed and returned (see 4.1.2(b), below);
- c) to ensure that any sickness absence is submitted on a weekly basis using the University's sickness reporting mechanism. Submissions must be entered onto the University's Sickness Absence Reporting IT system on the Monday of each week for the previous week, including nil returns where appropriate. Any SCF1s and medical certificates should be stored securely by the manager.

#### 4.1.2 *The member of staff's responsibilities:*

- a) to telephone his or her manager within 30 minutes of the time when he or she is normally expected to start work<sup>3</sup>, giving the reason for absence and the likely duration. Staff should telephone personally unless it is not possible for them to do so. Staff with a flexible or irregular work pattern should make contact as early in the day as possible, if they are expected at work. Staff working from home or away from the University should ensure that they observe the same reporting procedure;
- b) to ensure they comply with the University's certification requirements:
  - i. for periods of absence of up to and including 7 consecutive calendar days' duration: complete a SCF1 on return to work giving details of the reason for absence. This form must be signed by the member of staff and submitted to his or her manager;
  - ii. for periods of absence of more than 7 consecutive calendar days' duration: complete a SCF1 to cover the first 7 calendar days of absence (if this period is not covered by a medical certificate) and obtain a medical certificate(s) from a GP or hospital covering the remaining period of absence and send both documents to his or her manager. It is essential that the member of staff provides a SCF1 for the first 7 calendar days and medical certificates to cover the remaining period of absence (i.e. there must be no gaps between medical certificates or between SCF1 and medical certificates) and these must be provided in a timely manner. Failure to provide medical certificates will be treated as unauthorised absence, for which

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<sup>3</sup> Staff who are unable to telephone within the required timeframe should contact their manager as soon as possible on their first day of absence giving a reason for their non-compliance. There must be a justifiable reason for being unable to comply with the required timeframe. Staff without access to a telephone should agree an appropriate alternative (e.g. timeframe/ means of communication) with their manager in advance.

occupational sick pay will not be paid, and may be treated as misconduct which will be dealt with under the relevant disciplinary procedure.

## 4.2 Management referrals to the Occupational Health Service

### 4.2.1 Managers' responsibilities:

- a) consider whether a referral to the University's Occupational Health Service should be made:
  - i. where a member of staff is absent for four weeks, the manager should refer the member of staff to the Occupational Health Service unless the circumstances clearly indicate that a referral would not be meaningful at that stage, in which case the manager should discuss this with HR;
  - ii. prior to the four week point if there are indications that the member of staff will be absent for four weeks or more the manager will need to consider whether a referral to the Occupational Health Service is appropriate at that time;
  - iii. where work-related stress, or any other condition which is work-related, is cited as the reason for absence, the manager should refer the member of staff *immediately* to the Occupational Health Service. Where there are indications that an individual's absence from work could be work-related (and where there may be health and safety implications) the manager should contact the Human Resources Department for advice immediately;
  - iv. where a member of staff has cited stress, anxiety or a related condition or a musculoskeletal condition, as the reason for absence, the manager should refer the member of staff *immediately* to the Occupational Health Service. Managers should also contact the Human Resources Department for advice immediately.
  - v. when managing short-term recurrent absence cases it may be necessary to refer the member of staff to the Occupational Health Service to ascertain whether there are any underlying health conditions. The manager should discuss with their link Human Resources Manager/Advisor and/or the Occupational Health Service whether a referral is appropriate.
  - vi. where the Medical Certificate states: 'You may be fit for work taking account of the following advice' it may be necessary to refer the member of staff to Occupational Health. The manager should first consider the advice given on the medical certificate and discuss this with the member of staff. If the manager needs further guidance on the medical advice, then he or she should discuss the issue with their link Human Resources Manager/Advisor and/or the Occupational Health Service whether a referral is appropriate.
- b) discuss the referral with the member of staff (i.e. go through the detail of the referral including any questions being asked of the Occupational Health Service) before submitting it to the Occupational Health Service. This is particularly important where it is decided that a referral should be submitted prior to the four week stage. The manager should send the member of staff a copy of the referral form alongside sending the referral form to Occupational Health (and a copy to Human Resources), together with an up-to-date job description<sup>4</sup> that outlines the requirements of the job) and any other relevant

information relating to the absence. The manager should ensure full and accurate completion of the form (using the guidance notes provided) and include specific questions that they would like the Occupational Health Service to respond to. The inclusion of specific questions will ensure that the advice provided is tailored to the member of staff and the personal circumstances of their case. Advice on appropriate questions and content of a referral can be obtained from the link Human Resources Manager/Advisor and/or the Occupational Health Service.

- c) discuss any actions based on the Occupational Health assessment and report with the member of staff. Reports from Occupational Health assessments resulting from management referrals will be forwarded to the manager for consideration and will also be copied to the Human Resources Department and the member of staff. **It is important that any Occupational Health report is discussed with the appropriate link HR Manager/Advisor before any action is taken.**

**The member of staff should be aware that in making any decision regarding a member of staff's employment, the University will consider all relevant information available to it, including any Occupational Health/medical advice based on a management referral. If a member of staff refuses to attend an Occupational Health/medical assessment, the University will only be able to base any decision it takes on the information available to it at that point in time.**

### **4.3 Monitoring Sickness Absence**

#### **4.3.1 Managers' responsibilities:**

- a) regularly review sickness absence within their Unit to check for patterns that give cause for concern or indicate the possibility of health problems that may be exacerbated by the working environment;
- b) if a manager has concerns regarding a member of staff's absence pattern it should be discussed informally with him or her at the earliest opportunity (see Annex D – Attendance Management Procedure).

#### **4.3.2 The Human Resources Department's Responsibilities:**

- a) the collation and analysis of sickness absence information on a regular basis in conjunction with the Occupational Health Service and the production of statistics on levels, causes and areas of absence. Statistics will be reported to and reviewed by the Human Resources Management team but will not refer to individuals. Any absences related to disability will still be recorded and the reason for the absence will be taken into account.

- 4.3.3 The measurement of levels of sickness absence will enable the University to determine a view of the organisation's health, enabling analysis of the whole University or specific units.

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<sup>4</sup> Where the member of staff does not have a current job description, the manager can include a list of tasks and any other relevant information.

## **5. MANAGEMENT OF SICKNESS ABSENCE**

5.1 There are two main types of sickness absence which can give cause for concern and possibly further action: frequent short-term sickness absence and long-term sickness absence. These require different forms of management. The guidance below provides a framework and principles for the management of these types of absence. See Annexes D and E for the detailed procedures. The flowchart at Annex F can be used to help determine the appropriate procedure.

### **5.2 Frequent short-term sickness absence**

5.2.1 Frequent short-term sickness absence is where a member of staff is repeatedly absent for short periods of time.

5.2.2 Where a manager is concerned about high levels of absence but the member of staff has a recognised illness or medical condition that causes or significantly contributes to the high levels of absence, this will be managed in accordance with the Sickness Incapability Procedure (see Annex E). Where there is no evidence of any underlying health condition, persistent absences will be managed in accordance with the Attendance Management Procedure (see Annex D).

5.2.3 The primary aim when managing short-term absence is to reduce absence levels to an acceptable level.

5.2.4 When dealing with frequent short-term absence managers are responsible for:

- a) ensuring that absence data is up-to-date and accurate;
- b) holding return-to-work meetings with members of staff returning to work from a period of sickness absence as soon as possible, regardless of duration or cause;
- c) arranging to meet informally with a member of staff where they identify that the individual's absence levels are approaching an unacceptable level;
- d) following the formal Attendance Management Procedure (see Annex D) where the informal procedure has failed to bring about the required improvement in absence levels;
- e) throughout the informal and formal procedures, considering, in conjunction with link Human Resources Manager/Advisor whether Occupational Health, or other specialist, advice is required. This may determine if there is an underlying health condition;
- f) keeping notes of all meetings, informal and formal, with the member of staff in relation to his or her sickness absence.

5.2.5 Where consideration is given to issuing a formal warning, or termination of employment is being contemplated, the relevant procedure as detailed in Annex D or E, depending on the circumstances of the case, should be followed.

## **5.2.6 Dismissal due to continued high levels of absence**

5.2.6.1 When all stages of the Attendance Management Procedure (see Annex B) have been followed, but the member of staff is still failing to achieve attendance targets, there may reach a point where dismissal may be the only option (Annex D: Stage 4).

## **5.3 Long-term sickness absence/incapability**

5.3.1 The University considers any single absence of a period of four or more weeks as being long-term and the Sickness Incapability Procedure (see Annex E) should be followed. Frequent absences over a long period where there is an underlying health problem should also be managed in accordance with the Sickness Incapability Procedure.

5.3.2 The primary aim when managing long-term absence is to facilitate the individual's return to work, where possible, at the earliest opportunity.

5.3.3 When dealing with long-term absence managers should:

- a) consult fully with the member of staff at all stages;
- b) maintain contact with the member of staff throughout his or her absence. The frequency and timing of such contact will vary depending on the facts of each case. The manager will be responsible for keeping notes of all contact made;
- c) seek appropriate medical advice;
- d) explore all reasonable means of facilitating a return to work for the member of staff, including adjustments to existing role and redeployment to alternative employment.

## **5.4 Termination of employment on grounds of incapability**

5.4.1 When all other available options have been explored and exhausted, termination of the member of staff's employment may be the only option. Some members of staff may be eligible for ill health early retirement. However, termination on the grounds of incapability due to ill health is not dependent on the award of ill health early retirement. No decision to pursue this option will be taken without reviewing the medical evidence available, consulting with the member of staff concerned and advising in advance of the possibility of termination, should the member of staff not be able to return to work within the foreseeable future.

## **5.5 Ill health retirement**

5.5.1 Where a member of staff is eligible for ill health early retirement, and is considered permanently incapable of performing his or her normal duties, the case will be considered by the trustees of the relevant pension scheme. The University has no role in this decision.

5.5.2 Once a decision has been taken to support ill-health retirement a relevant retirement date will be agreed ensuring, where appropriate, that there will be no gaps between salary and pension.

5.5.3 There may be circumstances in which a partial ill-health retirement may be considered, in accordance with pension scheme rules, and if this option is available, this will be discussed with the member of staff.

## **5.6 The Role of the Occupational Health Service in the Management of Sickness Absence**

### **5.6.1 General**

5.6.1.1 The role of the Occupational Health Service is to provide a source of expert advice to assist the University to manage sickness absence.

### **5.6.2. Frequent short-term absence**

5.6.2.1 The Occupational Health Service can advise on the steps that can be taken to help an individual improve their absence levels. It can also help assess whether a given absence pattern is likely to be consistent with a stated medical condition or whether the available evidence suggests some additional underlying factor that has not already been identified. The Occupational Health Service can also advise whether additional medical information is required to assist in the management of a particular sickness absence case and if so, on the most appropriate sources.

### **5.6.3 Frequent short-term absence (underlying health condition identified)**

The Occupational Health Service can provide advice to the University on any support necessary to assist a member of staff remain in work where the underlying health condition causes a high level of absence.

#### **5.6.3.1 Long-term absence**

The Occupational Health Service can provide advice to the University on the likelihood of a member of staff's return to work, timescales and any support necessary to assist their return at the earliest opportunity.

## **6. SPECIFIC EQUALITY ISSUES**

- 6.1 The University will make reasonable adjustments, in accordance with its statutory duties, to accommodate a disabled member of staff in his or her current role. This may involve redesigning the individual's job, adapting the working environment or changing hours of work. However, in certain cases this could impact on the level and grade of the job. If such changes prove not to be reasonable, every attempt will be made to redeploy the individual into a position for which he or she is capable.
- 6.2 At all stages the member of staff will be fully consulted and full use will be made of advice and assistance from the Occupational Health Service and any relevant internal and external expertise.
- 6.3 Where a member of staff's absence is pregnancy-related, or is due to a disability, managers will need to take advice from Human Resources regarding the application of this procedure.

## **7. RETURN TO WORK/REHABILITATION**

### **7.1 Statements of Fitness for Work**

These Statements (commonly referred to a 'Fit Note') may indicate that a member of staff 'may be fit for some work'. If this is the case, the manager

needs to consider the additional advice provided and discuss this with the member of staff concerned, where necessary taking appropriate advice from HR and/or Occupational Health. Where adjustments need to be considered to enable the member of staff to return to work (e.g. phased return, altered hours, amended duties, workplace adaptations) the manager should arrange to meet with the member of staff to discuss these issues prior to his or her return. If, however, it is not possible for the University to provide the support for the member of staff to return to work, the Statement of Fitness for Work should be regarded as advice that the member of staff is not fit for work (i.e. continues his or her sickness absence).

## **7.2 Return to work**

- 7.2.1 Managers are responsible for holding a return-to-work meeting with staff as soon as possible after each period of absence to clarify the reason for absence. Any return to work issues/reasonable adjustments should be discussed and agreed prior to the member of staff's return to work.
- 7.2.2 Managers will be responsible for documenting return-to-work meetings. A template form is available and further guidance can be found in the 'Management Guidance – Sickness Absence' document.

## **7.3 Rehabilitation/Phased Return Plans**

- 7.3.1 Where a member of staff is due to return to work following a period of long-term sickness absence, or where a medical certificate advises of circumstances in which the member of staff may be fit for some work, the manager will need to consider, following advice from the Occupational Health Service and the Human Resources Department, as appropriate, whether there are any work issues that need to be discussed and agreed with the member of staff prior to his or her return to work, e.g. changes to work practices, reasonable adjustments, phased return plans.
- 7.3.2 Phased return plans may involve the member of staff initially working reduced hours or reduced duties, gradually building up to his or her normal hours or duties by the end of the agreed period. The appropriateness and practicality of phased return plans will be discussed between the Occupational Health Service, Human Resources Department and the member of staff's manager **before** they are agreed with the member of staff.

## **8. REVIEWING POLICY**

- 8.1 The operation of the Sickness Absence Policy and Procedures will be reviewed by the HR Department in consultation with trade unions at least every two years.
- 8.2 The University will monitor the outcomes in respect of staff entering the formal stages of the procedures in order to meet its statutory equality duties.

*This Policy and these procedures were agreed by the Council of Keele University on 3<sup>rd</sup> July 2008 and is effective from 1<sup>st</sup> August 2008. It was updated in June 2010 following legislative change (the introduction of a new medical certification process: Statements of Fitness for Work).*

## **ANNEX A**

### **DETERMINATION OF RATE OF SICK PAY AND PERIOD FOR WHICH IT IS PAID IN RESPECT OF ABSENCE DUE TO ILLNESS OR INJURY**

- A1. If a member of staff is absent because of sickness, normal pay will cease and be replaced by sick pay which will not exceed normal pay.
- A2. Statutory Sick Pay (SSP)
- A2.1 SSP is a state benefit payable for sickness absences of four calendar days or more. The University is obliged to pay SSP to any member of staff earning over the National Insurance Lower Earnings Limit (LEL) (or equivalent where amended in legislation from time to time) for up to a maximum of 28 weeks in any linked period of sickness absence.
- A3. Occupational Sick Pay (OSP)
- A3.1 Exact entitlements to OSP depend on contractual terms and conditions and are determined by length of service and by any previous sickness absence during the 12 months immediately preceding the commencement of the current period of sickness absence.
- A3.2 If a member of staff's entitlement to OSP is less than 28 weeks and if their period of sickness absence continues beyond their entitlement to OSP they may receive SSP up to a maximum of 28 weeks in any linked period of sickness absence.
- A3.3 Sick pay is subject to tax, NI, pension contributions and other statutory deductions. Voluntary deductions will continue to be deducted unless the employee informs the Payroll & Pensions Office otherwise.
- A4. Offsetting Statutory Sick Pay (SSP) against Occupational Sick Pay (OSP)
- A4.1 Where staff are entitled to OSP, any SSP will be 'offset' against OSP so that members of staff will not receive more normal pay whilst off sick than they would have received had they been at work.

**ANNEX B**

**LEVELS OF AUTHORITY FOR CONDUCTING FORMAL MEETINGS AND APPEAL MEETINGS UNDER THE ATTENDANCE MANAGEMENT PROCEDURE AND SICKNESS INCAPABILITY PROCEDURE**

B1. Under the Sickness Incapability Procedure, the levels of authority in the table, below, apply to termination of employments and appeals against termination of employments only.

B2. The term "Designated University Manager" refers to any member of the University Executive Committee (UEC), Heads of Schools/ Research Institute/ Departments, Deputy Directors and members of Departmental Senior Management Teams. For staff at Grades 1-6, the 'Designated University Manager' includes Faculty Business Managers, School Managers and Research Institute Managers.

B3. The manager conducting the meeting may be assisted by another manager and/or a member of the Human Resources Department.

Stage 2 Written Warning	School Manager, Research Institute Manager, Faculty Business Manager, managers at Grade 6 or above
Appeal against Stage 2 Written Warning	School Manager, Research Institute Manager, Faculty Business Manager, managers at Grade 6 or above
Stage 3: Final Written Warning	School Manager, Research Institute Manager, Faculty Business Manager, managers at Grade 6 or above
Appeal against Stage 3 Level Final Written Warning	Designated University Manager at Grade 8 or above.
Termination of employment	Designated University Manager at Grade 8 or above.
Appeal against Termination of employment	Panel of two, comprising one Designated University Manager and a member of staff at Grade 7 or above

B4. Where a member of staff at the level of Head of School / Department/ Research Institute, or above is to be the subject of formal action under these procedures, a Designated University Manager will be assigned to conduct the meeting. In exceptional circumstances, the matter may be referred to the Vice Chancellor.

**ANNEX C: ROLE OF THE HUMAN RESOURCES DEPARTMENT**

- C1. A member of the Human Resources Department, no less senior than a Human Resources Officer, will provide advice and support to the manager conducting the formal meeting or appeal meeting and this will include asking questions relevant to the case and advising on process. He or she will also ensure that notes are taken of the meeting and if necessary appoint an appropriate person to undertake that task.
- C2. In circumstances where it is necessary to appoint a manager outside the management line to conduct the formal meeting or appeal meeting, this will be agreed with the appropriate Link Human Resources Manager.

## **ANNEX D**

### **ATTENDANCE MANAGEMENT PROCEDURE – FREQUENT SHORT-TERM ABSENCE**

#### **D1. SUMMARY OF THE STAGES OF THIS PROCEDURE**

D1.1 Whilst the primary aim of this procedure is to assist the member of staff to achieve satisfactory attendance, continued failure to achieve the required standards may also result in relevant warnings and ultimately to dismissal.

D1.2 The stages in this procedure are:

*f* Informal Process

- Stage 1: Investigation of problem, identification of causes and provision of guidance/advice

*f* Formal Process:

- Stage 2: First Formal Written Warning
- Stage 3: Final Formal Written Warning
- Stage 4: Dismissal

D1.3 If, at any stage, there is a suggestion that the underlying cause of the absences may be linked to a disability or medical condition, the matter must be discussed with Human Resources at the earliest opportunity and the Sickness Incapability Procedure should be followed (Annex E). Where the issues directly or materially relate to a member of staff's disability, managers will need to give consideration to reasonable adjustments, taking advice from Human Resources.

D1.4 Authority to Take Action under this Procedure

Refer to Annex B for details on the level of authority required to issue warnings, to dismiss and to hear appeals under this procedure.

#### **D2. INFORMAL PROCESS**

##### **D2.1 Stage 1: Investigation of the Problem, Identification of the Causes and Provision of Guidance/ Advice**

D2.1.1 Stage 1 should be handled informally as part of the normal line management discussions with the member of staff.

D2.1.2 Where a manager has concerns regarding a member of staff's level of absence they should give consideration to the following to ascertain whether it is reaching an unacceptable level:

- a) number of absences in a given period of time (normally referenced over a 12 month rolling period) ;
- b) length of absences;
- c) cause of absences (e.g. whether the causes are linked, possibly suggesting an underlying medical condition or disability, or whether they are unrelated);

- d) whether there are any discernible patterns to the absences (e.g. recurrent absences on Fridays and Mondays, or either side of holidays);
  - e) any other relevant information that may have been raised by the individual at a return-to-work meeting.
- D2.1.3 Where an informal investigation into the facts has determined that the individual's absence levels are reaching an unacceptable level an informal attendance review meeting should be held (note: this meeting does not form part of any formal review procedure). Informal attendance review meetings do not attract the right to be accompanied. However, should the individual request to be accompanied, this may be permitted provided that it does not delay or obstruct the process.
- D2.1.4 The aim of the informal attendance review meeting is to explain to the member of staff that his or her current level of sickness absence presents a problem to the University and to explore the reasons for the absences and to consider practical steps that might be taken to reduce his or her absence levels and whether there is any support that the member of staff could be given. Measures which may prove helpful include advice, guidance, coaching, training or supervision. The meeting should be open and frank and the member of staff should be encouraged to discuss any potential factors contributing to his or her sickness absence.
- D2.1.5 The manager should explain to the individual that once any identified supports/adjustments are implemented, an improvement in absence levels will be expected within a reasonable, specified period of time.
- D2.1.6 The aim of attendance targets agreed at this stage is to improve attendance and should be monitored on a regular basis during the specified period.
- D2.1.7 The member of staff must be advised at this meeting that failure to meet the agreed targets may result in the formal process (see below) being invoked.
- D2.1.8 Before consideration is given to invoking the formal procedure it is vital that further expert advice is sought from the Human Resources Department and/or the Occupational Health Service.
- D2.1.9 The member of staff will, following the meeting, be issued with written confirmation of attendance targets (within a given time period which will usually be between 3 and 6 months) rather than relying on the content of the verbal discussions.
- D2.1.10 The manager should review the individual's absence levels both during and at the end of the specified period and determine whether the required improvements are being, or have been, achieved. If they have been achieved no further action will be taken. If they have not been achieved the formal process (see below) may be adopted. In some circumstances insufficient progress (i.e. where it becomes clear that the targets cannot be met) towards the required improvements will be evident before the end of the specified period and, following advice from Human Resources, the manager may consider progressing to the formal process before the end of this period.

### **D3. FORMAL PROCESS**

D3.1 Where, following the informal stage above, the member of staff's absence levels have not improved to the required standard, or improvement has not been maintained, the formal process may be invoked. A move to the formal stages will necessitate continued attempts to guide/advise a member of staff about attendance with a view to improvement.

D3.2 The expectation is that any of the formal stages short of dismissal will involve continued efforts to assist individuals to improve their attendance through a mixture of monitoring and support.

#### **D3.3 Warning and Monitoring Periods**

D3.3.1 As formal attendance review meetings held under this procedure may result in a warning or, ultimately, dismissal, members of staff have the right to be accompanied by a work colleague or trade union representative. For further details of the general principles applicable to formal meetings, reference should be made to Appendix 1 of this Annex. The outcome of formal attendance review meetings will be confirmed in writing, normally within five working days of the decision.

D3.3.2 Where a warning is issued at Stages 2 or 3 of this procedure, the manager will also specify a monitoring period over which the member of staff's attendance will be closely monitored and reviewed. The monitoring periods specific to Stages 2 and 3 must be sufficient to provide a reasonable opportunity for improvement and for any remedial measures to take effect. At Stage 2 this will normally be no less than 6 weeks in length and at Stage 3 normally no less than 8 weeks but may be longer, where appropriate.

D3.3.3 Interim reviews will normally be conducted throughout the monitoring period to ensure that performance is adequately supervised and monitored and to inform the member of staff of progress. In some circumstances failure to improve will be evident before the end of the monitoring period and, following advice from Human Resources, the manager may consider progressing to the next stage before the end of the monitoring period.

D3.3.4 Any warning issued shall be confirmed in writing and shall:

- a) state the reason for the warning;
- b) state the nature of the improvement required and any steps that will be taken to help the member of staff achieve the improvements;
- c) state the timescale within which the improvement is to be achieved and over which attendance will be monitored (the 'monitoring period');
- d) state the duration of the warning;
- e) state the consequence of any further failure to improve and sustain the required standards of attendance (including, where relevant, that the consequence of further failure to improve may be an escalation of attendance warnings and ultimately dismissal);
- f) remind the member of staff of his or her right of appeal and how this right may be exercised.

- D3.3.5 Where a warning is given, a record of the warning will be placed on the member of staff's file in the Human Resources Department, and a copy of the warning shall also be placed on the file kept by the member of staff's line manager. These records will be removed at the end of the designated duration of the warning (normally 12 months for a written warning and 24 months for a final written warning).
- D3.3.6 The warning period extends beyond the monitoring period in order to give the member of staff the opportunity to demonstrate sustained improvement. If, following the end of the monitoring period, the member of staff's attendance deteriorates to an unacceptable level, the manager can consider progression to the next stage, provided the warning has not expired.
- D3.3.7 In most cases it is expected that the warning will result in the required improvement. If so, the manager will write to the member of staff noting the progress made. The member of staff will be reminded that he or she will be expected to sustain the improvement and that failure to do so before the end of the expiry of the warning may result in progression to the following stage.
- D3.3.8 Where a period of long-term absence, whether planned or unplanned, would render a warning meaningless, the monitoring period and duration of the warning may be suspended during the absence, thus extending the date on which the monitoring period and/or warning expires. Alternatively, the date on which the period of warning will commence may be deferred until the member of staff resumes his or her duties.
- D3.3.9 Where a member of staff with a current formal warning on file moves to an alternative role within the University the warning will remain in place for the designated warning period. Where a member of staff is on a fixed-term contract, and is given a formal warning, this can be continued beyond the end of the fixed-term contract where the contract is extended or the member of staff secures alternative employment within the University.

#### **D3.4 Stage 2: First Formal Written Warning**

- D3.4.1 The member of staff will receive notice, in writing, to attend a formal meeting convened to review his or her absence situation (see Annex B, Appendix 1). The aim of this meeting, in light of the member of staff's failure to achieve the required improvements through the informal process, is to further explore the attendance problems and any additional measures that can be taken by the member of staff and/or the University to address any issues and ultimately improve his or her attendance.
- D3.4.2 The outcome of this meeting may be a first formal written warning (for staff whose employment is governed by Statute 31, it is referred to as an "oral warning").

#### **D3.5 Stage 3: Second Formal Written Warning**

- D3.5.1 Where the required improvements set out as part of the final formal written warning have not been achieved during the monitoring period, or appropriate improvement has not been maintained throughout the warning period, the member of staff will be given notice, in writing, to attend a formal meeting at Stage 3 of this procedure (see Appendix 1 of this Annex).

D3.5.2 The aim of this meeting is to review the member of staff's failure to achieve the required improvements determined at the formal meeting held at Stage 2 of this procedure. The member of staff will be given the opportunity to put forward any relevant information that he or she wishes to be taken in to consideration. Consideration will be given to any further measures that could be taken to assist the member of staff to achieve the required improvements.

D3.5.3 The outcome of this meeting may be a final formal written warning (for staff whose employment is governed by Statute 31, it is referred to as a "written warning"). The letter will emphasise that unless improvement is achieved within the specified period, further formal action which may include dismissal may be contemplated.

#### **D3.6 Stage 4: Dismissal**

D3.6.1 Where the required improvements set out as part of the final formal written warning have not been achieved during the monitoring period, or improvement has not been maintained during the warning period, the member of staff will be given notice, in writing, to attend a formal meeting at Stage 4 of the procedure (see Appendix 1 of this Annex). **The letter must advise the member of staff that an outcome of the meeting could be dismissal.**

D3.6.2 At this meeting the facts of the case will be discussed with the member of staff. This meeting will be conducted by a Designated University Manager (see Annex B). The member of staff's manager will also normally attend the meeting to present details of the member of staff's sickness absence history from the commencement of the attendance management process, the measures that have been implemented to assist the member of staff to improve his or her attendance and any support that has been offered to the member of staff. Records of the meetings that have taken place throughout the process will also be made available. The member of staff will be given the opportunity to put forward his or her case.

D3.6.3 A decision will be taken, based on full consideration of the facts of the case and any other relevant information, as to whether the member of staff's employment should be terminated on the grounds of incapability.

#### **D4. APPEALS**

D4.1 Any member of staff who is issued with a formal warning or is dismissed under this procedure will have the right to appeal to the designated Appeals Manager detailed in the letter confirming the outcome of the meeting.

D4.2 Appeals should be lodged, in writing, within ten working days of the date on which the letter confirming the outcome of the meeting is sent. Where the appeal letter does not specify the grounds for appeal, when the University acknowledges receipt of the appeal letter, the member of staff will be asked to detail their grounds for appeal.

D4.3 The member of staff will be notified of the date of the appeal meeting within ten working days of the submission of the appeal (the meeting itself will not normally take place within this timescale although every effort will be made to hold the meeting as soon as possible). This timescale may be extended by mutual agreement.

- D4.4 A member of staff will normally be given at least five working days written notice of the date of an appeal meeting, except in the case of an appeal against dismissal, in which case seven working days written notice will be given.
- D4.5 In advance of an appeal meeting, the member of staff must provide, in good time, copies of any documents on which he or she intends to rely on and/or his or her statement of case. The member of staff will also receive copies of any documentation, which he or she has not previously received, which the University intends to rely on.

## **ANNEX D - APPENDIX 1**

### **GENERAL PRINCIPLES APPLYING TO THE FORMAL STAGES OF THE ATTENDANCE MANAGEMENT PROCEDURE.**

#### **D1)1. Definitions and Principles**

D1)1.1 Designated levels of authority under this procedure can be found at Annex B.

D1)1.2 No formal action under this procedure will be taken against an accredited representative of a recognised Trade Union until the matter has been discussed with an employed Trade Union Official of the Union concerned.

D1)1.3 Members of staff will have the right of appeal against any formal action under this procedure, up to and including dismissal, and will be advised of this right and the procedure for submitting an appeal, as appropriate.

D1)1.4 Any member of staff who has been involved in determining the outcome of a formal attendance meeting will automatically be excluded from playing such a role in an appeal meeting.

#### **D1)2. Right to be Accompanied**

D1)2.1 Members of staff have a right to be accompanied at all formal meetings convened under any procedure that could result in:

- a) a formal warning;
- b) dismissal;
- c) the confirmation of a warning or dismissal (such as an appeal meeting).

D1)2.2 The representative may be:

- a) a University work colleague; or
- b) an Official employed by a Trade Union, or a lay Trade Union Official<sup>5</sup>.

#### **D1)3. Arrangements and Principles for Formal Meetings**

D1)3.1 If a formal meeting is to be convened under this procedure (i.e. a meeting that could result in a formal warning or dismissal), the member of staff should be given a reasonable opportunity to consider his or her response to the issues to be discussed. The member of staff will receive the following, in writing, at least five working days in advance of the meeting:

- a) the date and time and location of the meeting;
- b) the member of staff's sickness absence history and any other related information, which leads the University to contemplate taking formal action (which may include dismissal) against the member of staff;

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<sup>5</sup> Lay Trade Union officials not employed by the University will be required to provide proof in writing that they have been certified by their union as having experience of, or having received training in, acting as a representative at such meetings.

- c) the name of the person who may be asked to present the case to the manager conducting the meeting;
- d) the names of any witnesses;
- e) the member of staff's right to be accompanied;
- f) any other documentation to which the University will refer.

D1)3.2 Not later than two working days before the meeting the member of staff should similarly provide:

- a) the name and status of the member of staff's representative, if any;
- b) any documents the member of staff may wish to rely on at the meeting;
- c) the names of any witnesses.

D1)3.3 Where reasonable adjustments need to be made relating to a disability, the member of staff should inform the manager in advance of the meeting so that appropriate action may be taken.

D1)3.4 The manager conducting the meeting shall consider the evidence that has been gathered. The member of staff will be given an opportunity to present his or her case and any evidence in mitigation of his or her absence levels.

#### **D1)4. *Failure to Attend a Meeting***

D1)4.1 If a member of staff fails to attend a meeting without reasonable justification and without notifying the manager in advance, the meeting may go ahead in the member of staff's absence, based on the available evidence. The outcome of the meeting will be communicated to the member of staff in writing.

D1)4.2 If the representative cannot attend the meeting on the proposed date, the member of staff can offer an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

D1)4.3 All members of staff are expected to cooperate with any requests from the University for evidence to support their reasons for non-attendance at meetings. This can include medical evidence and/or a statement from the member of staff justifying his or her non-attendance with supporting documentation, if it is available.

#### **D1)5. *Time Limits***

D1)5.1 Time limits are included in this procedure in order to ensure that matters are dealt with promptly and without undue delay. However, in complex matters it may be appropriate to extend these time limits.

## ANNEX E

### **SICKNESS INCAPABILITY PROCEDURE**

**Note: This procedure will generally be used for members of staff who are absent from work due to ill health for a long (i.e. 4 weeks or more) period of time. It should also be used for members of staff who have frequent, short-term sickness absences caused by an underlying health condition. The Human Resources Department will provide advice and support to managers in the application of this procedure.**

- E1.1 This procedure applies to all Keele University staff. For staff whose employment is governed by the University Statute 31, the provisions of that Statute will also apply and take precedence where appropriate.
- E1.2 From the outset of a long-term sickness absence (or as soon as it becomes apparent that the absence is likely to be long-term or indefinite) and periodically throughout its duration, discussions (telephone and/or face-to-face) should take place between the manager and the member of staff. These discussions are intended to assist both parties plan the individual's return to work, where possible, and to ensure the member of staff is kept informed of any relevant developments/changes at work.
- E1.3 When a member of staff is absent from work due to illness or injury for 4 weeks the manager should refer the individual to Occupational Health to establish:
- a) a prognosis of the staff's illness in terms of a likely return to work;
  - b) whether support might be required to facilitate a return to work;
  - c) an early indication of whether a return to any form of work is likely in the foreseeable future.
- E1.4 The manager should also consider whether a referral to the Occupational Health Service is required where there are indications that a member of staff will be absent for 4 weeks or more.
- E1.5 On receipt of the Occupational Health report the manager should arrange to meet with the member of staff. The meeting may take place at the individual's normal place of work or may, by mutual agreement, take place at another location, e.g. the individual's home or a suitable neutral venue. The purpose of the meeting is to discuss the Occupational Health report, offer support, ascertain progress and obtain the individual's views on his/her ability to return to work.
- E1.6 Where it is considered unlikely that the member of staff will be able to return to work to his or her original role, alternative roles should be explored. The manager should seek advice from the Human Resources Department.
- E1.7 Where a return to work is imminent, the manager should continue to maintain contact with the member of staff and plan his or her return to work with the member of staff. The manager should take all reasonable steps to facilitate the member of staff's re-integration to the workplace. The manager should monitor the member of staff's progress over the first few weeks to ensure that he or she is coping and to help him or her remain in work.

- E1.8 Where a return to work in the near future is unlikely, the manager should continue to maintain contact with the member of staff and may wish to have further meetings with him or her. When managing a prolonged absence it is vital to have up-to-date medical advice and Occupational Health will provide on-going reports, as necessary.
- E1.9 There may reach a point where, after a reasonable period of time has elapsed and after all other options have been explored and exhausted, medical advice and the member of staff's own views indicate that a sustained return to work in the foreseeable future is highly unlikely. At this point the University may have no alternative but to consider termination of employment.

## **E2. Termination of Employment**

- E2.1 Prior to any decision to terminate employment the member of staff will be invited, in writing, to a formal meeting. The member of staff will normally be given at least five working days' notice of the meeting and will have the right to be accompanied. The member of staff will be asked to advise his or her manager the name and status of his or her representative, if any. He or she will be sent any documentation which will be referred to at the meeting. The letter inviting the member of staff to the meeting must advise him or her that the outcome of the meeting could be termination of his or her employment from the University.
- E2.2 The following process assumes that the member of staff would be able to attend a meeting to discuss his or her employment with the University, although where the member of staff is unable to attend a meeting due to illness, he or she may wish to send an advocate or representative to attend. In such cases the advocate will be regarded as acting on behalf of the member of staff and will therefore be able to answer questions and address the meeting on the member of staff's behalf.
- E2.3 The University will make every effort to meet personally with the member of staff or his or her representative, but recognises that in some cases, this will not be possible and the process will be adapted to fit the circumstances. Any decision to terminate employment on the grounds of incapability will be confirmed in writing and will include details of appeal rights.
- E2.4 At this meeting, the member of staff's absence including reference to medical and other specialist advice will be discussed, as will any measures that have been taken to assist the member of staff to return to work and the likelihood of his or her return. The member of staff will be given an opportunity to have an input into the discussions and make suggestions.
- E2.5 Full consideration will be given to the situation and any other relevant information in deciding whether the member of staff's employment should be terminated. The member of staff will be notified, in writing, of the decision taken.

## **E3. Appeals**

- E3.1 Members of staff will have the right to appeal against termination of employment to a higher level of management.

- E3.2 The member of staff will be informed of his or her right to appeal (and the means by which it may be exercised) at the end of any formal meeting. This information will also be repeated in the letter confirming the outcome of the meeting.
- E3.3 Appeals should be lodged, in writing, within ten working days of the date on which the letter confirming the outcome of the meeting is sent. Where the appeal letter does not specify the grounds for appeal, when the University acknowledges receipt of the appeal letter, the member of staff will be asked to detail their grounds for appeal.
- E3.4 The member of staff will be notified of the date of the appeal meeting within ten working days of the submission of the appeal (the meeting itself will not normally take place within this timescale although every effort will be made to hold the meeting as soon as possible). This timescale may be extended by mutual agreement.
- E3.5 A member of staff will normally be given at least seven working days written notice of the date of an appeal meeting.
- E3.6 In advance of an appeal meeting, the member of staff must provide, in good time, copies of any documents on which he or she intends to rely on and/or his or her statement of case. The member of staff will also receive copies of any documentation, which he or she has not previously received, which the University intends to rely on.

**ANNEX F**

**SICKNESS ABSENCE FLOW CHART**

