

Health & Wellbeing Framework

Absence Management Policy

1 Introduction

This Policy is part of the Health & Wellbeing Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to health and wellbeing in Abertay University.

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated HR Partner.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. The University may also vary any parts of this procedure, including any time limits, as appropriate in any case.

2 Purpose and Scope

This Absence Management Policy sets out the University's procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. The policy and procedure applies to all employees.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and has a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).

The University wishes to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

This policy does not form part of any employee's contract of employment and it may be amended at any time. The University may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

3 Disabilities

The University is aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 1.8 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager or the School/Service designated HR Partner.

4 Independent Counselling Service

The University offers to its employees an independent counselling service, which provides the opportunity to discuss problems in confidence, at a location away from the workplace.

More information is available from Human Resources and the Occupational Health Advisor, and also: <http://www.rowan-consultancy.co.uk/Counselling/default.htm>

5 Sickness Absence Reporting Procedure

If an employee cannot attend work because they are ill or injured they should normally telephone their line manager as early as possible but no later than 60 minutes after the time when they are normally expected to start work. The following details should be provided:

- The nature of your illness or injury.
- The expected length of your absence from work.
- Contact details.
- Whether you have arranged a medical appointment.
- Any outstanding or urgent work (including meetings) that requires attention.

If their line manager is unavailable the employee should contact their nominated School/Service representative and then follow up with their line manager at the earliest opportunity. It is reasonable for a School/Service to adopt local guidelines on notifying absence, and if so, the employee must comply with those.

6 Management Contact

It is important for managers to keep in contact with an employee whilst they are absent due to sickness. Maintaining contact allows the line manager to be aware of changes in an employee's circumstances, offer appropriate support and keep the employee informed of developments within the workplace. It also helps plan workload and manage cover

arrangements during the employee's absence and make preparations for their return. This is particularly important where the employee is absent for an extended period of time.

Therefore, if an employee is absent on sick leave they should expect to be contacted from time to time by their line manager or another relevant person in order to discuss their wellbeing, expected length of continued absence from work and any of their work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

Keeping in contact is particularly important in respect of migrant workers for whom there is a legal requirement for the University to inform the UK Visas & Immigration Service of any possible unauthorised absence. Managers will involve their designated Senior HR Officer if they have any concerns regarding compliance with this requirement.

Home visits may be appropriate for employees who cannot easily attend a meeting on University premises. In sensitive circumstances, for example work-related stress, advice about contact will be sought from the designated HR Partner.

7 Certification

For sickness absence of up to 7 calendar days an employee and their manager must complete a University Self Certificate which is available from the School/Service offices.

For absences of 8 or more days the employee must obtain a certificate from their doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. This should be forwarded to their line manager as soon as possible. If the employee's absence continues, further medical certificates must be provided to cover the whole period of absence.

If the employee's doctor provides a certificate stating that they "may be fit for work" they should inform their line manager immediately. The line manager will discuss any additional measures that may be needed to facilitate the return to work, taking account of the doctor's advice. This may take place at a return to work interview (see paragraph 1.6). If appropriate measures cannot be taken, the employee will remain on sick leave and the line manager will set a date to review the situation.

8 Return to Work

Managers will have a discussion with their employees on their return to work following an occasion of absence over two working days.

In general, the purpose of return to work discussions is to:-

- establish the reason for the employee's absence and to ensure that the employee is fit to resume work,

- give the employee the opportunity to raise any concerns or questions that they may have and to discuss any support or amendments to duties or the work environment that may be required,
- ensure that the employee is updated by either the line manager, or other staff as appropriate, on any developments which have taken place during their absence.

The return to work discussion is essentially an informal discussion between the line manager and employee aimed at facilitating the employee's resumption of duties and clarifying any outstanding aspects of their sickness absence. Such discussions will be conducted sensitively and in private.

In cases of long-term sickness absence, the discussion should be used to allow consideration of any particular difficulties or concerns the employee may have relating to their return to work following a prolonged absence. This will ideally precede the return to work to allow time for consultation with the Occupational Health Advisor as appropriate and to discuss duties, working patterns, potential redeployment opportunities and any reasonable adjustments, if required.

9 Additional Support and Adjustments

As part of the University's duty of care, and for insurance reasons, it is important that employees do not undertake work during sickness absence. However they may attend meetings to discuss their ill health.

The University may, at any time in operating this policy, (and in accordance with their contract of employment) require an employee to undergo a health assessment by the University's Occupational Health Advisor. Any report produced in connection with any such examination may be disclosed to the University and the University may discuss the contents of the report with its advisors and the relevant doctor. This will be done in line with clause 2.4 in terms of confidentiality.

After lengthy periods of absence, or where the absence reason may have implications for the working environment, it may be necessary to make temporary or permanent adjustments to the workplace, hours and/or duties of an employee to help reduce the likelihood of future absence. If this is the case then the employee will be referred to the University's Occupational Health Advisor. Risk Assessments may also be undertaken as appropriate.

A GP may indicate on a fit note that the employee 'may be fit for work' if certain support can be provided. The employee will be referred to the Occupational Health Adviser before the proposed return and advice will be sought to ensure any suggested adjustments are appropriate. If, after consideration by OH, HR and the line manager it is not possible for the University to agree the suggested adjustments on a fit note (there is no legal obligation to do so) then the employee will remain unfit for work and continue to be on sick leave without needing to obtain a new fit note for the period.

10 Sickness and other leave

10.1 Annual Leave

An employee who becomes ill when on annual leave must contact their Line Manager immediately, and not wait until they return to work. A GP Statement of Fitness for Work must be provided for **any** length of sickness absence whilst on annual leave. This includes absence when the University is closed for the 8 day festive period.

Where the above procedure is undertaken, then the relevant days of annual leave will be recorded as sickness absence, and the annual leave entitlement will be credited back to the employee. If the procedure is not followed then no annual leave will be credited back.

All queries in relation to accrued annual leave whilst absent through sickness are covered in the employees terms and conditions.

10.2 Flexi Time

An employee, who becomes ill when on a leave day used by accrued flexitime, will not be allowed to have the flexitime credited back to them. They will not need to record this day as a sick day.

10.3 Appointments

Employees who are entitled to flexitime are expected to utilise such time to attend any appointments (dental/GP), but for those who are not entitled to flexitime, they should make any lost time up by working flexibly, e.g. taking a shorter lunch period, starting work earlier or staying later at work. Where such arrangements are not feasible, employees should endeavour to make appointments that cause minimal disruption to University service provision, and preferably outwith core flexitime hours (i.e. 10am to 12noon and 2pm to 4pm).

It is acknowledged that employees may have to attend a Hospital/Clinic appointments within the timeframe set by the health service provider, therefore reasonable time off (i.e. up to a maximum of 2.5 hours) will be given for such appointments. This time will include travel to and from the Hospital/Clinic, this time may be extended if the location is not local.

Employees attending appointments may be requested to provide evidence of their attendance at the doctors or dentist, e.g. a doctor/dental appointment card. The employee should therefore ensure such evidence is obtained.

11 Sickness Absence Meetings Procedure

When employees are unable to maintain good levels of attendance, managers will deal with cases fairly and sympathetically in a supportive manner, in the context of the operational needs of the University.

The University will apply this absence meetings procedure when certain “trigger points” are initiated i.e. the employee:

- Has intermittent absence of:
 - 3 separate occasions of sickness within a 6 month rolling period; or
 - 5 separate occasions of sickness within a 12 month rolling period;
- Has discussed matters at a return to work interview that require investigation; and/or
- Has been absent for more than 4 weeks.
- Has a distinct pattern of absence

The line manager will give the employee a reasonable period of written notice (which may be by email) of the date time and place of a sickness absence meeting. The line manager will put any concerns about the employee's sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for the employee to consider this information before a meeting will be provided.

The meeting will be conducted by the line manager and will normally be attended by a HR Partner.

A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to the employee in writing as soon as is practicable.

11.1 Right to be accompanied

An employee has the right to be accompanied by a recognised trades union representative, Abertay staff representative or current work colleague employed by the University at all formal stages of this procedure, including an appeal. For the avoidance of doubt, legal representation or representation by anyone outside of this group is not permitted. The University may permit the employee to bring a companion who is not a work colleague or recognised trades union representative (for example a family member or interpreter) if this will help overcome the effect of any disability or if the employee has difficulty in understanding English, but this does not extend to a legal representative.

Any formal meetings with the employee will be rescheduled if the chosen companion cannot attend, provided that the employee proposes an alternative date and time within 5 working days of the original date.

The companion is permitted to confer with the employee and address the meetings by making representations or asking questions, but not to answer questions that are directly put to the employee. They must also not interfere with, or prevent people from contributing to, the meetings.

If the employee's choice of companion is unreasonable they may be asked to choose someone else, for example if in the opinion of the management representative and Senior HR Officer the companion may have a conflict of interest, or may prejudice the meeting, or be unavailable at the time the meeting is scheduled and will not be available for more than five working days after the date set down for the meeting.

11.2 Stage 1 – First Sickness Absence Meeting

The purposes of a first sickness absence meeting may include:

- Discussing the reasons for absence.
- Where the employee is on long-term sickness absence, determining how long the absence is likely to last.
- Where the employee has been absent on a number of occasions, determining the likelihood of further absences.
- Considering whether medical advice is required.
- Considering what, if any, measures might improve the employees' health and/or attendance.
- Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary.

11.3 Stage 2 - Further Sickness Absence Meeting(s)

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of the employee's ongoing absence(s).
- Where the employee is on long-term sickness absence, discussing how long the absence is likely to last.
- Where the employee has been absent on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether health assessment is required. If it has been obtained, consideration of the advice that has been given and whether further advice and information is required.
- Considering the employee's ability to return to/remain in the role in view both of the employee's capabilities and the business needs and any adjustments that can reasonably be made to the employee's role or work environment to enable them to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee.
- Where the employee is able to return from long-term sick leave, whether to their role or a redeployed role, agreeing a return to work programme.
- If it is considered that the employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which the employee should be considered including the potential of ill-health retirement.
- Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps that have already taken, include warning the employee that they are at risk of dismissal.

11.4 Stage 3 – Final Sickness Absence Meeting

Where the employee has been warned that they are at risk of dismissal, the line manager may invite the employee to a meeting under the third stage of the sickness absence procedure.

The purposes of the meeting will be:

- To review the meetings that have taken place and matters discussed with the employee.
- Where the employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards to their possible return to work or opportunities for return or redeployment.
- To consider any further matters that the employee wishes to raise.
- To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time.
- To consider the possible termination of the employee's employment.

Termination will normally be with full notice or payment in lieu of notice.

12 Exclusions

Certain situations relating to sickness absence should be dealt with under the discipline procedure. These situations are generally where an employee has failed to follow the appropriate process or has abused the provisions of the sick pay scheme.

Examples include:

- Claiming sick pay when absent due to another reason
- Failure to follow the sickness absence notification procedure
- Failure to provide fit notes/ self-certifications without good reason.
- Failure to attend sickness absence meetings and/or Occupational Health Assessments without good reasons.

13 Confidentiality

Access to medical records is restricted to the Occupational Health Advisor who will ensure that medical information remains confidential. Medical certificates, absence and interview records are restricted to Human Resources, Payroll and Line Managers on a need to know basis.

Employees in particular circumstances may request absolute confidentiality from HR which will be respected. The reasons for absence may sometimes be very personal and private.

This may make it difficult to explain the sickness absence to a line manager. If this is the case, the employee may tell their designated Senior HR Officer in confidence. In certain circumstances however, legislative requirements may require disclosure of information to other appropriate officers.

14 Appeals

If an employee feels that a decision under this procedure is wrong or unjust they should appeal in writing, stating their full grounds of appeal, to the Director of Human Resources and Organisational Development within 5 working days of receipt of the written decision.

If an employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.

An appeal will be held as soon as is practical to do so. The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the University's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.

The University will send out written notification of the appeal hearing.

The employee's appeal will be heard by the next level of management and a Senior HR Officer.

The appeal decision will be provided in writing, the decision made on appeal shall be final.

15 Confidentiality, Documentation & Data Protection

The University aims to deal with absence matters sensitively and with due respect for all individuals involved. All documentation relating to the absence procedure will be retained within Human Resources and will be held and processed in accordance with the Data Protection Act 1998. Employees (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure.

All employees must treat as confidential any information communicated to them in connection with the absence procedure. Any breach of confidentiality may result in disciplinary action.

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