

## **ABSENCE MANAGEMENT PROCEDURE**

### **1 INTRODUCTION**

We are fully committed to supporting our staff in achieving good attendance levels at work. This commitment is reinforced by ensuring a range of support mechanisms, including early intervention, is available for our staff.

However, we recognise that it is inevitable that individuals will become ill and experience periods of sickness absence from time to time.

We are committed to maintaining and promoting the health and wellbeing of all our staff. Whilst our approach to managing absence is supportive, we recognise that we have to achieve a balance between the needs of the individual and the needs of the University.

This procedure provides a fair and consistent framework in which managers can appropriately address attendance concerns and support employees through periods of ill-health.

This procedure and has been developed in conjunction with, and agreed by, the recognised trade unions.

### **2 OBJECTIVES OF PROCEDURE**

The objectives of this procedure are to:

- Ensure that individuals are aware of what is expected of them if they become unwell and are unable to attend work
- Provide a framework that enables the University to support employees at times of ill-health
- Provide a fair and consistent approach to managing absence
- Provide a framework that enables managers to ensure adequate support is provided on return to work
- To make staff aware of what support is available to employees.

### **3 KEY PRINCIPLES IN MANAGING SICKNESS ABSENCE**

The key principles associated with this procedure are that:

- Accurate records of all sickness absences and actions taken must be kept, and monitored on a regular basis.
- Line Managers must carry out a return to work interview following each episode of absence so that support and advice can be given at an early stage.
- Line Managers should explore the reason(s) for an individual's sickness absence at the earliest opportunity and follow the appropriate procedure(s) as set out in this document.
- Early intervention support should be offered, where appropriate, to individuals e.g. Occupational Health, the Employee Assistance Programme or Physiotherapy.
- Where work may be impacting on an individual's health, or where health problems may be affecting an individual's attendance, managers should obtain medical advice, in consultation with an appropriate HR Representative.

### **4 DEFINITIONS**

#### **4.1 Short-Term Absence**

Short-term absence is defined as a single occurrence which lasts up to 4 weeks.

## **4.2 Long-Term**

Long-term Absence is defined as a single occurrence of absence of more than 4 weeks.

## **4.3 Planned Sickness Absence**

Planned sickness absence is where an employee requires, for example elective surgery, and therefore knows in advance that they are going to be absent from work to undergo treatment. In such cases, employees should advise their line manager as soon as possible of when they are expecting to be off and their expected return to work date. It may be appropriate that an Occupational Health referral is made at this point to ensure that all support and advice is being provided to employees.

## **5 PROCEDURE**

The procedure for managing absence will be followed when:

- The reason for absence requires further support and intervention (identified through the return to work meeting).
- An employee has had four (4) occurrences of absence within a rolling 52-week period.
- The absence has been identified as work-related.
- The pattern of absence causes concern.
- The absence is over 4 weeks and is deemed as long-term.

### **5.1 Notification of Absence**

If a member of staff is unable to attend work due to sickness, they must inform their line manager (or other nominated person) normally within two hours of the start of their working day and in accordance with departmental/school requirements.

The line manager (or nominated person) will open a new period of sickness absence on iTrent to ensure that the absence is recorded and monitored appropriately.

### **Failure to Notify an Absence**

Should an individual fail to notify their line manager of their absence or does not arrive in the workplace within a reasonable time, the line manager will contact them to establish if they are safe and well and to determine the background of the failure to report their non-attendance at work.

Failure to report an absence may impact on the individual's entitlement to sick pay and could lead to disciplinary action.

### **5.2 Contact during Absence**

The frequency and method of contact will be agreed between the manager and individual when the absence is first notified, and subsequently during the length of absence covered by the Statement of Fitness for Work. This is to ensure individuals are provided with appropriate support and that their work is covered.

In appropriate circumstances, meetings may take place in a neutral setting out with the University, or in the individual's home if both the employee and manager are in agreement. If a home visit does take place, both the employee and the line manager involved can choose to be accompanied.

### 5.3 Absence Certification

For absences of **less** than 7 calendar days, individuals must complete a **Self-Certificate** on their return to work.

For absences lasting **more** than 7 calendar days, individuals must provide a 'Statement of Fitness for Work' from their GP to their line manager as soon as possible. This will allow the University to take full consideration of advice provided by the GP.

The line manager will forward the Statement of Fitness for Work to the Department of People and OD who will use it to certify statutory and occupational sick pay arrangements.

The manager or nominated person will update iTrent with the appropriate dates from the Statement of Fitness for Work to ensure effective monitoring and support is being provided. This will also ensure entitlements to sick pay are accurate.

### 5.4 Procedure for absence monitoring (short-term or persistent absence)

The procedure for absence monitoring for short-term or persistent absence will be initiated when:

- An individual has had at least four (4) occurrences of absence within a rolling 52-week period.
- The pattern of absence causes concern.

#### Notification of Absence Review Meeting

Where the individual has had at least four occurrences of absence within a rolling 52-week period and/or the pattern of absence causes concern, they will be invited to attend an Absence Review Meeting with their line manager and an appropriate HR Representative will be in attendance.

The individual will be provided with at least 5 working days' notice of the meeting and will be notified in writing of:

- the date, time and location of the meeting along with the cause for concern
- a copy of the University's Absence Management Procedure
- who will be attending the meeting
- their right to be accompanied by a trade union representative or work colleague
- when appropriate, the possible outcome

#### Stage 1 - Absence Review Meeting

The primary purpose of the meeting is to support the individual to remain at work and to identify if there are any underlying medical conditions.

The line manager will discuss and explore the background surrounding the absences, highlight areas of concern, offer tailored support and put in place any agreed actions or reasonable adjustments, if appropriate.

Where applicable, the line manager will advise the individual that if satisfactory improvement does not occur, Stage 2 of the procedure will be initiated.

Following the meeting, the line manager will confirm in writing a summary of the discussions and any agreed actions to the employee.

**Stage 2 – Absence Review Meeting**

Stage 2 of the procedure will be initiated when the individual has a further absence within the rolling 52 week period and/or the pattern of absence continues to cause concern.

The line manager should discuss and explore the background surrounding the absences, highlight areas of concern, offer tailored support and put in place any agreed actions or reasonable adjustments, if appropriate.

The line manager will advise the individual that if satisfactory improvement does not occur, Stage 3 of the procedure will be initiated.

Following the meeting, the line manager will confirm in writing a summary of the discussions and agreed actions to the employee and a 6-month review period will be formally recorded on the employee's personal file. The individual will also be notified of their right to appeal (see section 6: Appeal).

**Stage 3 – Absence Review Meeting**

Stage 3 of the procedure will be initiated if the individual has a further absence and/or the pattern of absence continues to cause concern within the 6-month review period.

The line manager will highlight areas of concern, discuss and explore the reason behind any further absences, offer tailored support and put in place any agreed actions or reasonable adjustments, if appropriate.

The line manager will advise the individual that if satisfactory improvement does not occur, further action under the procedure may lead to dismissal.

Following the meeting, the line manager will confirm in writing a summary of the discussions and agreed actions to the employee and a 12-month review period will be formally recorded on the individual's personal file. The individual will also be notified of their right to appeal (see section 6: Appeal).

**Stage 4 – Conduct/Capability Hearing**

Stage 4 of the procedure will be initiated when the individual has had any further absences and/or the pattern of absence continues causes concern within the 12-month review period.

Prior to the hearing being arranged, the line manager must ensure that:

- The individual has been made aware of the need to improve absence levels in an agreed monitoring period.
- Full consideration given to up-to-date medical information.
- Action has been taken to support the individual in improving attendance.
- All agreed reasonable adjustments have been made.
- The individual has been made aware that failure to improve attendance may result in dismissal.
- Full consultation with an appropriate HR Representative has taken place.

**Notification of Conduct/Capability Hearing**

The individual will be provided with at least 5 working days' notice of the Hearing and will be notified in writing of:

- Who the chair of the Hearing will be (in accordance with the Authority to Take Action) and any other representative who will be in attendance (including an appropriate HR Representative)
- the date, time and location of the meeting along with the cause for concern
- a copy of the University's Absence Management Procedure
- any applicable documents that will be referred to during the hearing (i.e. Occupational Health, GP reports etc.)
- their right to be accompanied by a trade union representative or work colleague
- the possible outcomes

### **Conduct/Capability Hearing**

During the hearing the manager will discuss with the individual the outcome and opinions of all the medical information and reports received. If the absences cannot continue to be accommodated, the manager will outline this along with the reasons why.

The individual and their representative will have the opportunity to raise any issues and/or concerns, which will be fully considered by the manager.

Normally, the manager will adjourn the hearing to fully consider all relevant information prior to a decision being made.

Having taken all the information into account, the line manager will advise the individual of the outcome of the hearing. Potential outcomes may be:

- No further action
- Extension to absence review period.
- Dismissal; or an alternative to dismissal (redeployment or change to working pattern)

The manager will confirm in writing the outcome of the Hearing within 7 days, which will include the employee's right to appeal (see section 6: Appeal).

## **5.5 Procedure for managing Long-Term absence**

The procedure for managing long-term absence will be followed when the absence is or is likely to last over 4 weeks.

Individual circumstances will determine the appropriate timeframe for initiating this procedure, however, as a general principle the first meeting should be held as soon as the circumstances allow to ensure appropriate support is identified and offered at the earliest point.

### **Notification of Long-Term Absence Meeting**

The line manager will arrange a long-term absence meeting after taking into consideration the individual circumstances of the absence, as well as, agreeing with an appropriate HR Representative that it is appropriate timing for the meeting.

The line manager will write to the individual to invite them to attend the meeting. Individuals will be notified of:

- the date, time and location of the meeting
- the purpose of the meeting
- Who will be in attendance, including an appropriate HR Representative
- a copy of the University's Absence Management Procedure

- their right to be accompanied by a trade union representative or work colleague

**Initial Long-Term Absence Meeting (1<sup>st</sup> meeting since notification of absence)**

The line manager and the individual will jointly explore the background surrounding the absence and discuss:

- Support available including provisions through the early intervention scheme
- Depending on the circumstances, potential return to work date and any appropriate or reasonable adjustments that could be made to facilitate this
- Potential occupational health referral
- the possibility of any underlying health condition

Following the meeting, the line manager will confirm in writing a summary of the discussions and any agreed actions.

**On-going Long-Term Absence Meeting(s)**

The number of on-going long-term absence meetings should be continuous throughout the absence but will vary in number depending on the nature of the absence. However, it is expected that through this procedure the line manager, supported by an appropriate HR Representative ensures that the frequency of the meetings are tailored to suit the individual.

During on-going long-term absence meetings, the line manager will continue to support the individual and will:

- review the individual's progress, including any up to date medical information
- ensure appropriate support is being offered and provided, including possible referral to OH and/or GP
- explore the possibility of any underlying health condition
- continually consider any reasonable adjustments to facilitate a return to work

Where it has been identified that individual is unlikely to be able to return to work within a reasonable timescale, the line manager should meet with the individual to discuss options, including:

- Redeployment
- Change to work pattern
- Ill-health retiral or where appropriate, the possibility of the consideration of the case under capability which may lead to dismissal.

**Capability Hearing**

A Capability Hearing is normally initiated when it has been identified that the individual is unlikely to be able to return to work within a reasonable timescale; or Occupational Health/specialist's reports indicate that the individual is permanently unfit or that a return to work is not likely to be achievable in the foreseeable future.

Prior to the hearing being arranged, the line manager must ensure that:

- Full consideration has been given to up-to-date medical information (from occupational health and/or the employee's Consultant or GP/and or independent consultant/practitioner)
- Full consideration has been given to the employee's illness and that all agreed reasonable adjustments have been explored and, if appropriate, implemented in accordance with the Equality Act 2010

- The University has taken all appropriate action and provided support to the employee in an effort to achieve a return to work
- The employee has been made aware of possible dismissal on grounds of capability during the long-term absence procedure.
- Full consultation with an appropriate HR Representative has taken place

**Notification of Capability Hearing**

The individual will be provided with at least 5 working days' notice of the Hearing and will be notified in writing of:

- Who the chair of Hearing will be (in accordance with the Authority to Take Action) and any other representative who will be in attendance
- the date, time and location of the meeting along with the cause for concern
- a copy of the University's Absence Management Procedure
- any applicable documents that will be referred to during the hearing (i.e. Occupational Health, GP reports etc.)
- their right to be accompanied by a trade union representative or work colleague
- the possible outcomes

**Capability Hearing**

During the hearing the manager will discuss with the individual the outcome and opinions of all the medical information and reports received. If the absences cannot continue to be accommodated, the manager will outline this along with the reasons why.

The individual and their representative will have the opportunity to raise any issues and/or concerns, which will be fully considered by the manager.

Normally, the manager will adjourn the hearing to fully consider all relevant information prior to a decision being made.

Having taken all the information into account, the line manager will advise the individual of the outcome of the hearing. Potential outcomes may be:

- No further action
- Extension to absence review period.
- Dismissal; or an alternative to dismissal (redeployment or change to working pattern)

The manager will confirm in writing the outcome of the Hearing within 7 days, which will include the employee's right to appeal (see section 6: Appeal).

**6 APPEAL**

The appeal process provides the individual with an opportunity to put forward their case for appeal and the University to address any unfairness in the original process

The appeal hearing is not a re-hearing of the original hearing but to consider areas where the individual believes there was insufficient consideration, or to consider new evidence.

Individuals have the right to be accompanied by a trade union representative or work colleague throughout the appeal procedure.

The purpose of an appeal hearing is to:

- Provide an opportunity to address any unfairness in the original process, and/or;

- Provide individuals with the opportunity to challenge the original decision by focusing on specific factors which they believe have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

An individual's written outcome letter will include the right to appeal. Should an individual wish to appeal the decision that has been made, they should follow the process outlined below, and as detailed in the Appeal process flowchart (Appendix 2).

### **6.1 Submission of an Appeal**

The individual must submit their appeal to [human.resources@uws.ac.uk](mailto:human.resources@uws.ac.uk) in writing, within 10 days of receiving their outcome letter.

Ideally, the individual should include any evidence/information that they wish to be considered at the appeal hearing at the time of submission, but must submit it at least 2 working days in advance of the hearing to [human.resources@uws.ac.uk](mailto:human.resources@uws.ac.uk).

### **6.2 Notification of Appeal Hearing**

The individual will be provided with at least 5 working days' notice of the appeal hearing and will be notified in writing of:

- the date, time and location of the appeal hearing along
- the impartial manager chairing the appeal hearing
- A copy of all available evidence that will be considered during the appeal hearing
- their right to be accompanied by a trade union representative or work colleague
- their right to call any witnesses
- the possible outcomes; appeal upheld, appeal partially upheld or appeal not upheld

### **6.3 The Appeal Hearing**

The individual should note that an appeal hearing is not intended to repeat the full detailed investigation of the original hearing, but to focus on specific factors which they believe have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

All appeals will be chaired by a manager who is impartial, has not been involved in the case at any stage and, where possible, will be more senior than the manager who made the original decision.

An appropriate HR Representative from the Department of People and OD will be present at the appeal hearing to ensure procedures are adhered to, and advise managers on equitable employment practice and consistency of approach.

The individual will be given full opportunity to state the grounds of their appeal, which may include calling witnesses. The manager will have the opportunity to respond to each of the points raised and to make representation to the appeal panel.

When all the evidence has been heard, the appeal hearing will be adjourned to allow the manager / appeal panel to consider the decision. Potential outcome of the appeal hearing will be:

- Appeal Upheld
- Appeal Partially Upheld
- Appeal Not Upheld



The outcome of the appeal will be issued to the individual, in writing, normally within 10 working days of the decision being made.

The appeal decision is final and there is no further opportunity for appeal - the internal process has been exhausted. If the appeal is against dismissal and is upheld, the individual will be re-instated and all back pay, to the date of dismissal, reimbursed and contractual rights reinstated.

Once the internal procedure has been exhausted, and an employee wishes to make a claim to an employment tribunal, they must first notify ACAS and complete an Early Conciliation Notification Form. ACAS offers conciliation to both parties with the aim of settling the matter without the need for a legal claim to be lodged. Further information is available from the [ACAS website](#).

## 7 RETURN TO WORK

### Self-Certification

Upon their return to work, individuals are required to complete a University Self Certificate to cover the first 7 calendar days.

It is the line manager's responsibility to ensure that a completed self-certificate is submitted timeously to People and OD who will monitor and where appropriate provide additional support.

### 7.1 Return to Work Meeting

Individuals should contact their line manager immediately (or as soon as reasonably possible) on returning to work.

The line manager should make appropriate arrangements for a '**Return to Work**' meeting. This meeting should normally take place within 2 days of the individual returning. Return to Work Meetings represent best practice and the following should be discussed:

- Review the reason for the absence
- Identify any issues affecting the individual and their ability to attend work
- Discuss any concerns that you have in regards to attendance
- Identify support mechanisms or carry out a Risk Assessment where appropriate
- Remind the individual of the support mechanisms available to them
- Arrange any support identified
- Identify any requirements for workplace adjustments or rehabilitation based on medical advice
- If appropriate discuss and agree with the individual their referral to Occupational Health
- Update the employee on any changes within the workplace since their absence
- Ensure that the relevant paperwork has been completed

A template Return to Work form is available on the staff intranet.

After the Return to Work meeting, the line manager and employee should ensure that all support and/or agreed actions are implemented. They can seek advice and support from an appropriate HR Representative if appropriate.

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## **Official Use**

**Procedure Author** – Employee Relations & Performance Adviser

**Procedure Owner** – Director of People and Organisational Development

**Parent Policy Statement** – People and Organisational Development

**Public Access or Staff Only Access** – Public

**Version** – Version 6 Approved June 2021

**Changes and Reason for Changes** – Annual People & OD Procedure Update

**Appendix 1: Authority to Take Action**

Sanction	Professional Support Services Staff		Academic Staff		University Senior Management		Vice Chancellor's Executive Group		Principal	
	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal	Hearing	Appeal
Stage 1 – no sanction at this stage	Appropriate Line Manager	Not applicable	Appropriate Line Manager	Not applicable	Line Manager	Not applicable	Principal	Not applicable	Chair of Court	Not applicable
Stage 2	Appropriate Line Manager	1 Manager senior to line manager or suitable depute	Appropriate Line Manager	1 Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeal Panel	Chair of Court	Court Appeal Panel
Stage 3	Appropriate Line Manager	1 Manager senior to line manager or suitable depute	Appropriate Line Manager	1 Manager senior to line manager or suitable depute	Line Manager	Appeal Panel (University Senior Management)	Principal	Court Appeal Panel	Chair of Court	Court Appeal Panel
Stage 4 Dismissal/Summary Dismissal	Director/ Senior Manager or designated depute	Appeal Panel consisting of 3 members of University Senior Management	Dean of School/ Senior Manager or designated depute	Appeal Panel consisting of 3 members of University Senior Management	Line Manager	Appeal Panel (University Senior Management)	Principal	Court Appeal Panel	Chair of Court	Court Appeal Panel

**Notes:**

- Appeal Panels for University Senior Management will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeal Panels will consist of either 3 lay members of Court or the Chair of Court plus 2 lay members (where the Chair has not had previous involvement).
- An appropriate member of People & OD will be in attendance at Appeal Panels and Court Appeal Panels.

Appendix 2: Appeals process

