



UNIVERSITY OF  
LINCOLN

# Managing Sickness Absence Policy

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## 1. Statement of Policy

1.1 This policy is designed to:

- Make explicit the University's commitment to the fair and consistent treatment of staff in the matter of sickness absence
- Provide a framework for promoting good employment practice in matters of sickness absence according to the spirit and intent of current employment legislation
- Promote a proactive approach to equalities and diversity in employment
- Set out procedures for reporting and recording sickness absence to enable the University to fulfil its statutory obligations concerning work-related health problems
- Clarify the responsibility of Line Managers for managing sickness absence fairly and consistently and in a manner that gives staff confidence in the University's approach to such matters
- Ensure that staff are aware of the support that is available to them during absence through sickness and upon their return to work
- Balance the interests of the employee and the operational needs of the University in cases of persistent short-term and long-term sickness

1.2 This policy and the accompanying guidance documents apply to all employees including those employed on fixed-term contracts, after successful completion of their probationary period. Absence during a probation period will be dealt with under the probation process and therefore falls outside the scope of this policy.

1.3 This policy covers short and long term sickness absence. For information on University support and provision made for employees for other forms of absence please refer to: Supporting New and Expectant Families Policy (Maternity / Paternity / Adoption and Shared Parental Leave), the Leave of Absence and Parental Leave, policies.

## 2. Purpose

2.1 This policy aims to promote a positive, proactive and supportive approach to the management of sickness absence within the University, and to encourage and assist employees to maintain good records of attendance.

2.2 The University is committed to supporting employees, as far as reasonably practicable, where they have an underlying medical condition that affects their ability to perform in their role.

2.3 The University is committed to providing an approach to managing sickness that ensures no employee is treated less favourably due to a protected characteristic as

defined under the Equality Act (2010) i.e. age, disability, gender, race and by extension nationality, religion or belief, gender-reassignment, marital status, pregnancy, or sexual orientation. Sickness absence will always be managed sensitively and appropriately within employment legislation and will respect the employee's right to confidentiality.

**2.4** The University is a responsible employer and is committed to take steps to support disabled employees by way of putting in place reasonable adjustments to working practices and procedures to allow disabled employees, including those who become disabled, to remain in employment. The University will continue to support the retention of disabled employees through taking all reasonable action.

**2.5** The University actively encourages disabled Employees and Managers to participate in the Access to Work scheme.

**2.6** Where absence is caused by an underlying medical condition that is a disability under the terms of Equality Act (2010) the University' will formally consider reasonable adjustments and put these in place as appropriate.

### **3. Principles**

**3.1** Sickness absence will be managed positively and sensitively by Managers in line with this policy, with the support of the Human Resources Department. The University's duty of care to all employees will be at the centre of this policy.

**3.2** The University will treat employees who are absent due to a medical condition, sympathetically and supportively.

**3.3** The Managing Sickness Absence policy will be communicated clearly to all employees. Managers will receive training to enable them to manage sickness absence within their schools and departments in line with this policy.

**3.4** The recording and monitoring procedures used in the management of sickness absence will be applied in a fair and consistent manner and detailed under section 4.2.5 of the policy.

**3.5** The University recognises its obligations under the Equality Act (2010) for those employees with either disability or an underlying health condition which would constitute a disability under the Act and / or females in relation to pregnancy. Therefore absences arising from these protected characteristics will be recorded separately from general sickness absence against the employee's record.

**3.6** Where an employee is absent from work as a result of an accident in the workplace, they will be paid University sick pay (inclusive of statutory benefits) in line with their contractual entitlement.

**3.7** The University adopts the position that reported ill health is genuine, unless there is evidence to the contrary, and that employees will be supported and managed sympathetically to make a recovery and return to work. However, the University cannot in the interests of managing its duty of care for all employees, and in its

delivery of the expected standards of service to our students and other service users, permit absence to continue indefinitely. In such circumstances the reason for taking action to reach a resolution will therefore relate to the capability of an employee and will not be because of their illness.

**3.8** Capability is defined in Section 98 (3)(a) of the Employment Rights Act (1996) as follows:

“capability, in relation to an employee, means his [or her] capability assessed by reference to skill, aptitude, health or any other physical or mental quality”

**3.9** Where an employee experiences prolonged or persistent short-term absence through illness or injury, and where medical evidence shows that the employee is unable to fulfil their duties within a reasonable time or on a consistent basis, it may be necessary for the University to consider termination of employment. In such cases, there will be a clear process that will be managed sympathetically and supportively.

**3.10** Employees are responsible for their own general health and are expected to take steps to minimise unnecessary absence from work due to ill health and should avoid prolonging or aggravating an episode by either remaining at work or returning too soon.

**3.11** The University will continue its commitment to creating and maintaining a positive and healthy workplace environment and to develop further the extensive portfolio of proactive support service provisions available to its employees which currently include:

- Access to a free confidential 24/7 Employee Assistance Programme (EAP) that provides a range of advice and support services to staff including counselling
- Occupational Health provision
- Access to an ongoing wellbeing and health check programme
- Ongoing programme of staff initiatives to support staff general health and wellbeing

## **4. Responsibilities under this Policy**

### **4.1 Employees' Responsibilities**

**4.1.1** Employees should ensure they are aware of the absence notification procedures and comply with them in a timely manner.

**4.1.2** It is the University's expectation that the employee notifies their Line Manager and / or the area sickness notification officer personally on the first day of absence. The University's preference is that this notification is by telephone, however it may be appropriate in some circumstance for the use of email, although, the University

retains the right to reasonably expect the employee to call. This will also enable the Manager to fulfil their responsibility under point 4.2.6 of the policy.

**4.1.3** If it is not reasonably practicable for the employee to make personal contact with their Line Manager and / or sickness notification officer then an employee's family member or close friend should fulfil this requirement on the first day of absence by the quickest means possible i.e. by telephone. This will also enable the Manager to fulfil their responsibility under point 4.2.6 of the policy.

**4.1.4** In cases where the absence extends longer than anticipated the employee should inform the Line Manager and / or the departmental sickness notification officer on a regular basis explaining the reason, the likely duration, and the proposed date of returning to work. This will assist the Line Manager in planning the operational needs of the business. The frequency and time of contact should be mutually agreed.

**4.1.5** During any period of sickness absence, employees should make every effort to focus on getting better and expedite their recovery.

**4.1.6** Employees are required to complete and submit the necessary certification forms covering each individual absence. These will be either a Self-Certification Form (for absences totalling seven calendar days or less) or a Medical Certificate for absences greater than seven days in total.

## **4.2 Management Responsibilities**

**4.2.1** All Managers have a responsibility to manage sickness absence proactively and sensitively. They should actively manage an employee's return to work after a period of sickness, support their attendance and address any issues affecting return to work as they arise.

**4.2.2** Managers have responsibility for undertaking appropriate training to allow them deal with sickness absence and return to work issues effectively and consistently.

**4.2.3** Managers have a responsibility to maintain regular dialogue with an employee who is absent whether it is long term absence or a series of short-term absences. Dialogue with the employee may include such issues as the management of workload, the need to refrain from activities likely to exacerbate or prolong recovery, for example, carrying out business on behalf of the University, email etc.

**4.2.4** In cases that are of particular concern, or are of a complex nature, or involve the protected characteristics under the Equality Act (2010), especially those of disability and / or pregnancy implications, Line Managers should engage appropriate Human Resources support.

**4.2.5** Managers are required to conduct return to work meetings upon an employee's return to work after every period of absence. A record of the meeting should be made by the Line Manager on the return to work form.

**4.2.6** Managers are required to ensure all sickness absence is recorded accurately by the area's Sickness Notification Officer through the University's Manager self-serve System MyView in a timely manner.

**4.2.7** Managers are responsible for fairly and consistently applying the policy and its procedures in all areas of managing sickness absence.

### **4.3 Human Resources Responsibilities**

**4.3.1** The Human Resources Department is responsible for providing advice, guidance and support to Managers and employees on the application of this policy.

**4.3.2** The Human Resources Department is responsible for monitoring and reviewing the effectiveness of this policy and procedure and for providing training in the management responsibilities required under this policy.

**4.3.3** The Human Resources Department will provide attendance information and other associated people management information to Line Managers on a regular basis.

## **5. Interaction with other University Policies**

**5.1** Where there is evidence of misconduct e.g. unauthorised absence and / or abuse of the sickness management policy, such conduct issues will be referred to and be resolved through the application of the Disciplinary Policy.

**5.2** The University has a framework of policy provisions that operate to support and enable staff to balance their work and life commitments to positively contribute to general good health; these include provisions for different types of leave which are out of scope of the Managing Sickness Absence Policy and these are:

- Supporting New and Expectant Families (Maternity / Paternity / Adoption & Shared Parental Leave)
- Leave of Absence
- Annual Leave
- Parental Leave
- Flexible Working

## **6. Sick Pay**

### **6.1 Sick Pay Entitlement**

**6.1.1** Sick pay entitlements are contained in contracts of employment and are based on the continuous service date. No recalculation of entitlement will take place where a service anniversary date is passed during a continuous period of absence.

**6.1.2** In cases where employees are not eligible to receive University sick pay, they may be entitled to receive statutory benefits.

## **6.2 University Sick Pay**

**6.2.1** Sick pay entitlement for Academic employees is based on a fixed year of entitlement (April to March) in contrast to Senior Manager and, Professional Support employees whose sick pay entitlement is based on a rolling year.

**6.2.2** The University reserves the right to withhold University Sick Pay if there is evidence of non-compliance with the Managing Sickness Absence policy e.g. failure to provide the necessary certification forms, as requested. Consideration will be given on an individual case by case basis and prior approval from the HR Director sought.

## **7. Sickness Absence and Annual Leave (including Concessionary Days)**

**7.1** If an employee is sick whilst on annual leave the annual leave can be 'retaken' at a later date on condition that evidence is provided to the University at the time of the illness. This will include medical evidence, e.g. medical certificate details of treatment and, if relevant, copy of any insurance policy claim. To be able to 'reclassify leave' the employee must be able to show that they would not have been fit for work had they not been on holiday. Wherever reasonable and practicable the notification procedures will still be required to be followed.

**7.2** In circumstances where an employee is sick prior to commencing annual leave, and they wish to use the entitlement at another time, then they should inform their Line Manager at the earliest opportunity. The request to cancel a period of booked leave must be supported by a Self-Certification Form or a Medical Certificate. The Line Manager will discuss the request and inform the employee accordingly.

**7.3** When an employee has been on long term sickness absence, and has been unable to use their annual leave entitlement by the end of the annual leave year, the employee may wish to carry over leave not taken due to the sickness absence (to a maximum of the statutory entitlement of 28 days). This will be discussed by the Line Manager with the employee, on an individual basis. It is the Line Manager's responsibility to ensure that the opportunity to take accrued but untaken annual leave is provided. Upon termination of employment all employees are entitled to payment in lieu for accrued but untaken annual leave.

## **8. Sickness Absence Monitoring**

**8.1** To ensure disabled and pregnant employees are supported appropriately under this policy, disability and pregnancy related absence will be recorded separately and not used to contribute to the trigger point standards.



**8.2** Managers should consider taking informal action initially where sickness levels reach the following trigger points:

- A number of recurring absences due to sickness - 3 occasions or 6 days of sickness within any 4-month rolling period. NB Occurrences may be more significant than total days in establishing a pattern of absence and raising cause for concern
- A long-term period of sickness absence that has lasted or is expected to last four weeks or more

## **9. Return to Work Meetings**

**9.1** Return to work meetings must be conducted by Line Managers following every period of sickness absence. The immediate Line Manager should arrange a meeting with the employee on their first day back, or as soon as possible thereafter. If an employee feels that they are unable to discuss the reasons for their absence with their Line Manager, they should contact a HR Representative.

**9.2** The purpose of the return to work meeting is:

- To give the Manager the opportunity to check that the person is fit enough to return to work
- To allow the Manager to express a proper interest in and concern for the member of staff's welfare
- To give the member of staff an opportunity to voice any concerns they may have, and to identify any domestic, welfare or work-related problems that might affect their return to work
- To raise awareness about the available services and support provision available to staff, e.g. Employee Assistance Programme (EAP) and Occupational Health
- Where appropriate to discuss the need for a referral to Occupational Health
- To discuss where appropriate an agreed return to work programme, including phasing, where deemed necessary
- To allow the Manager to ensure that the member of staff knows that they have been missed and to update them on events that may have occurred during their absence

**9.3** A record of the return to work meeting will be made by the Manager on the return to work form, and filed on the employee's personnel record.

## **10. Informal Process**

**10.1** Where an employee's absence through sickness becomes a cause for concern i.e. absence levels have reached the trigger points, the Line Manager will invite the employee to an informal review meeting.

**10.2** At the meeting the Line Manager will sympathetically discuss with the employee the reasons for their absence, and advise them that their level of attendance is cause for concern. The Line Manager will also discuss at the meeting any issues that might be affecting the employee's attendance e.g. personal, family or work-related issues.

**10.3** The Line Manager will record in writing the main points of the meeting (including details of remedial or supportive measures to be taken by both sides).

**10.4** The support provided by the University to assist employees during their sickness absence includes Line Management, Human Resources, Occupational Health and Trade Unions.

**10.5** Where periods of absence are not reported or supported by medical or other evidence, the case may be dealt with as one of unauthorised absenteeism and will be dealt with as an employee conduct issue.

## **11. Formal Process – Short Term Sickness Absence**

**11.1** The formal procedure should only be followed when all appropriate support on an informal basis has failed to lead to a sustained return to work.

**11.2** If following an informal review meeting an employee is unable to demonstrate a clear and sustained improvement in their attendance within the stated review period, the employee will be required to attend a formal review meeting with their Line Manager. At the meeting the employee is permitted to be accompanied by a trade union official or a suitable work colleague of their choice and will be advised of their right to do so.

**11.3** Where a formal meeting is to be held, the Line Manager will notify the employee in writing of the formal meeting, normally giving 5 working days' notice, and explaining the reason for the meeting.

**11.4** Formal review meetings should be conducted by Line Managers in a supportive manner with the aim of identifying any underlying health problems and to discuss the pattern of absence, previous return to work interviews etc. Line Managers should also explain to employees the impact of their level of absence on the operational efficiency of the department and upon colleagues, and remind employees of the support available to them as noted under 3.11 and 9.2 of the policy.

**11.5** Where there are no underlying medical conditions or mitigating reasons for the periods of absence, this may be treated as unauthorised absence from work and dealt with accordingly.

## **12. Formal Process – Long Term Sickness Absence**

**12.1** A single period of sickness absence which lasts more than four weeks is normally considered to be a period of long-term sickness absence.

**12.2** It is the Line Manager's responsibility to maintain regular dialogue with their employees throughout the entire period of absence, to understand the nature and progress of the absence, and to provide the appropriate support, information and advice where necessary. During periods of long-term absence, employees should, if appropriate, be kept informed of any key issues or developments within the University.

**12.3** If an employee has been absent from work for more than 4 weeks and it is clear that the employee is unlikely to return to work within a reasonable period of time, the Line Manager and a member of the Human Resources team will, where appropriate, meet with the employee to discuss the nature of their absence. At this meeting it may be appropriate to discuss with the employee referring them to Occupational Health. The employee may opt to be accompanied at this meeting by a trade union representative or work colleague of their choice and should be advised of their right to do so.

**12.4** The focus of the meeting should be on the wellbeing of the employee and should be conducted in a sensitive, sympathetic and supportive way. Depending on the nature of the illness it may be appropriate to visit the employee at a mutually convenient meeting place.

**12.5** If it is appropriate to refer an employee to Occupational Health the Line Manager and an HR representative will, upon receipt of the Occupational Health report, meet with the employee again, to review the position and discuss with them the Occupational Health report and seek their views. This meeting will usually occur within 8 weeks of the employee being absent from work, subject to receipt of the Occupational Health report. The employee may opt to be accompanied at this meeting by a trade union representative or work colleague of their choice and should be advised of their right to do so.

**12.6** Where the employee is likely to return to the same job in the near future it will be necessary to clarify with Occupational Health, whether they will require any particular support or reasonable short term adjustments to assist in their return e.g. phased return to work, the use of ergonomic equipment, a change in working hours or the pattern of work. Following a successful return to work after a long-term absence, an employee's well-being and attendance should be carefully monitored.

**12.7** If the prognosis of the employee returning to work is uncertain and it is not possible to take a firm decision on the future position, it will be necessary to continue to monitor the absence and review the situation on a regular basis e.g. 3 monthly intervals, obtaining additional up-to-date medical advice as appropriate. In these circumstances it is the responsibility of the Line Manager to maintain regular contact with the employee. Where the absence is 6 months or more and the prognosis is still unclear, appropriate timescales should be considered by the Line Manager and HR representative (e.g. 3 months) to bring matters to a resolution. If after the review

period, the prognosis is still unclear, and the employee cannot return to work in the near future and / or redeployment or ill health retirement is not possible, then subject to consultation, it may be necessary to terminate the employment of the employee on grounds of medical incapability. Where such action is necessary, it will be conducted supportively, sympathetically and with full information and advice in order to help the employee to make an effective transition.

**12.8** Where medical advice is that the employee is not fit to carry out their role in the foreseeable future e.g. 3-6 months, it will be necessary to discuss this with the employee. It may be appropriate to discuss the possibility of redeployment into a suitable alternative role, and, where necessary and appropriate, advice should be sought from Occupational Health. If there are no suitable opportunities for redeployment, or redeployment is unsuccessful, subject to consultation, it may be necessary for the Line Manager and HR representative to consider ill health retirement or termination of employment on the grounds of medical incapability. Where such action is necessary, it will be conducted supportively, sympathetically and with full information and advice in order to help the employee to make an effective transition.

**12.9** It is unlikely that an employee's employment will be terminated on the grounds of medical incapability before University Sick Pay entitlement has been exhausted, unless in extenuating circumstances and with prior approval from the HR Director.

**12.10** If the employee is absent for several periods of long-term absence (whether for the same reason or not) consideration needs to be given to the University's ability to sustain the level of non-attendance. In such cases advice should be sought from Occupational Health, and it may be necessary to consider termination of employment on the grounds of medical incapability. Where such action is necessary, it will be conducted supportively, sympathetically and with full information and advice in order to help the employee to make an effective transition.

**12.11** In cases where employment is terminated on the grounds of medical incapability, statutory processes will be applied (in line with ACAS code of practice) as follows:

**Stage 1 - Invite to Formal Hearing:** A Human Resources representative will invite the employee to attend a formal hearing with the Line Manager, giving 10 working days' notice, stating the reason for the meeting e.g. the circumstances surrounding the employee's absence from work. The employee may opt to be accompanied at the meeting by a Trade Union official or work colleague and should be advised of their right to do so. The employee should be informed that as a result of the hearing, termination of employment on the grounds of medical incapability may be considered.

**Stage 2 - Formal Hearing:** The formal hearing takes place and should be conducted in a sensitive and supportive way. Depending on the nature of the illness it may be appropriate to make arrangements to visit the employee at a mutually convenient meeting place.

**Stage 3 - Appeal:** The employee has the right of appeal against the decision. An appeal against the decision made can be submitted using the Appeal Form at Appendix 1 to HR. This must be done within 10 working days from the receipt of the decision letter.

## **13. Referrals to Occupational Health**

**13.1** There will be situations where it is appropriate to refer employees to Occupational Health in order that further medical information on their condition may be obtained in order to inform both the Line Manager and the employee in the best way to support the management of sickness absence.

**13.2** The University reserves the right to require employees in cases of long term or short term absence to undergo a medical assessment with an Occupational Health Advisor, a Doctor or a Consultant appointed by the University at any time and at the expense of the University. Where such a request is necessary the employee will be advised of their rights under the Access to Medical Records Act 1988. Any employee unwilling to give their consent should be made aware that this will result in the University making decisions on their ongoing employment without the benefit of specialist professional guidance.

**13.3** Where referral to Occupational Health is appropriate the employee's information will be treated in the strictest of confidence. Employees should be aware that the University has a duty of care to all employees and has the right to disclose information where it believes there may be an unacceptable risk to the individual, colleagues or the University. In such circumstances the Employee will be consulted accordingly prior to the disclosure of any such information.

**13.4** Occupational Health has the right to request permission to obtain a medical report from the employee's medical treatment team e.g. Doctor / Specialist, in order that specialist medical information can be used in the assessment and management of their absence.

## 14. Appendix 1

### Appeal Form Managing Sickness Absence

To be completed by the employee and copies sent to Line Manager and Human Resources. Please keep a copy for your records.

Please read the Managing Sickness Absence Policy before completing this form.

Employee's Name:	School / Department
Please indicate here what decision you are appealing against:	
Grounds for Appeal: The time limit for lodging an appeal is 10 working days from the receipt of the letter of the decision. An appeal can be made if you are disputing any of the following: <ul style="list-style-type: none"><li>• That the original decision was reached in a procedurally correct way</li><li>• That the action taken was reasonable</li></ul> On which of the points above are you appealing?  If none of the above, what new evidence have you got to form the basis of your appeal?  How and why is it relevant to your appeal? Please provide a detailed explanation here of the basis of your appeal.	
I provide this information in good faith. Signature:	Date:

### Notes to employees

- (i) Your Trade Union representative or a work colleague can support you.
- (ii) Use the Appeal form to raise questions which are only related to your employment.

# Managing Sickness Absence Policy

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