

Royal Northern College of Music
<b>Sickness Absence Management</b>
Policy & Procedure
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RNCM  
ROYAL NORTHERN  
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## **1 Purpose**

It is the policy of the College to encourage and ensure the regular attendance at work of all its employees. Regular, punctual attendance is an implied term of every employee's contract of employment. Employees should take responsibility for achieving and maintaining good attendance. Whilst recognising that employees may be prevented from attending work due to ill health, the College has a duty to maintain service delivery and minimise disruption. The College is therefore committed to managing attendance and sickness absence and believes that it is the responsibility of the College's managers, trade union/employee representatives and employees to work together to develop and promote a positive attendance culture through the effective management of sickness absence and ill health in a fair and consistent manner.

The purpose of this policy and its procedures are to:

- provide support to those employees who are unable to work due to ill health;
- ensure a fair and consistent approach to absence which applies to all employees;
- maximise attendance by keeping all absences to a minimum and therefore minimising replacement costs, disruption to service delivery and the negative impact sickness absence can have on colleagues;
- ensure any associated factors in the work environment are identified at an early stage and that appropriate action is taken to address these;
- ensure the College meets its statutory responsibilities in relation to relevant employment legislation and to take account of best practice guidelines.

## **2 Scope**

This policy and its procedures apply to all College employees employed under a permanent or fixed term contract.

### **2.1 Pregnancy Related Absence**

Pregnancy related absence will be recorded but will be disregarded when calculating absence in terms of trigger points (see paragraph 9). However, absences during pregnancy which are not pregnancy related will be monitored and managed as any other absence.

### **2.2 Disability**

The Equality Act 2010 defines disability as a 'physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities'.

All sickness absences of employees who are classed as disabled under the Act will be recorded in the same way as the absences of non-disabled employees. However, it is important that the line manager establish which absences are related to the disability. This may be through consultation with the employee or may necessitate seeking medical advice via Occupational Health.

In circumstances where all reasonable adjustments have been made to accommodate the individual's disability related needs and regular/persistent absence is having a detrimental effect on service delivery or colleagues, the case will be reviewed under the long term ill health procedure.

## 2.3 Doctor, Dentist and Hospital Appointments

Employees should make every effort to arrange routine appointments outside of normal working hours. Where this is not possible, they should be made at the beginning or end of the employee's normal working time; in such circumstances an employee will not normally be asked to make up the time. However, if the employee has had a significant number of appointments in the previous 12 months during working hours, they may be asked to make the time up.

All medical and dental appointments during an employee's normal working hours should be recorded as sick leave by the line manager and notification sent to the Human Resources department if the absence is more than half their normal working day.

A line manager may request to see confirmation of the appointment e.g. an appointment card or letter. Where this is not possible prior to the appointment, e.g. appointments made over the telephone, confirmation must be provided upon return to work.

## 2.4 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)

Reporting certain incidents is a legal requirement. The College has a legal duty to report to the Health and Safety Executive (HSE) all work related accidents that result in 7 or more consecutive days away from work (not counting the day of the accident).

For this reason if the absence falls into this category our Policy requires an investigation to be conducted. This will take place as soon as it is reasonably practicable for all involved, taking into consideration that the HSE must be informed within 15 days of the accident. The purpose of the investigation is not to apportion blame but to identify the cause of the accident to prevent a reoccurrence.

## 3 Roles and Responsibilities

### **Line manager**

- Ensure that all members of their team are aware of, and comply with, this reporting procedure. All new members of staff should be taken through the procedure as part of the departmental induction procedure.
- Monitor employee sickness levels, addressing sickness absence issues when they become known and seek to resolve these at the earliest opportunity in a fair and confidential manner.
- Seek to identify and analyse patterns of absence and trends e.g. coinciding with weekends, bank holidays or rest days etc.
- Conduct and record return to work discussions following every period of absence.
- Ensure employees submit the appropriate documentation to cover their absence.
- Conduct Informal and Stage 1 Absence Review Meetings
- Seek advice from a member of the Human Resources department as appropriate.
- Inform the employee when an Occupational Health referral is being made, and the reason(s) for the referral.

### **Employee**

- Comply with sickness absence reporting procedures by informing their line manager when they are unable to attend work due to illness.
- Maintain regular contact with their line manager while absent from work due to illness, including responding to contact made by their line manager in a timely way.
- Provide relevant documentation in relation to their absence (e.g. Fit Note).

<ul style="list-style-type: none"> <li>• Attend any meetings arranged, including Occupational Health appointments, or give sufficient notice and reason where attendance is not possible.</li> <li>• Make every attempt to arrange medical appointments outside of their normal working hours, or at the beginning / end of the working day where this is not possible.</li> <li>• Understand that failure to comply with reporting requirements and provision of documentation may affect eligibility for sick pay, and may result in disciplinary procedures.</li> <li>• Follow any medical advice to assist their return to work and return to work as soon as soon as fit to do so.</li> </ul>
<b>Human Resources</b> <ul style="list-style-type: none"> <li>• Provide advice and guidance on sickness absence matters to line managers and employees.</li> <li>• Make referrals to Occupational Health as and when necessary or requested by the line manager.</li> <li>• Recording of relevant documents on the employee's file.</li> <li>• Attend formal sickness absence review meetings where appropriate and provide procedural advice.</li> <li>• Provide sickness absence statistics to line managers.</li> </ul>
<b>Head of department / school</b> <ul style="list-style-type: none"> <li>• Ensure that the Sickness Absence Management policy is implemented within their area of responsibility.</li> <li>• Conduct Stage 2 Absence Review Meetings.</li> </ul>

## 4 **Notification and certification requirements**

### 4.1 **First working day of absence**

If an employee cannot attend work due to ill-health they should notify their manager (or their nominated representative) of their absence as soon as possible on the first day of absence and, normally, before the start of their normal working day, providing the following details:

- General nature of their illness/injury i.e. reason for absence;
- If the illness/injury is work related e.g. an accident at the College or work related stress;
- Anticipated return date – if the employee is uncertain if they will be fit to attend work on the following day they must make contact on each day of absence;
- Any work issues that require immediate action;
- If any assistance or advice is required.

The method of contact for notification can be agreed as appropriate for each department but it is the line manager's responsibility to ensure all staff are aware of and follow the agreed procedure.

If an employee does not arrive at work as expected and does not notify their line manager of their absence, the line manager will attempt to contact the employee either by telephone, email or letter to ensure their wellbeing.

Any employee scheduled to work from home or at locations other than the College premises on a certain day, or due to attend an external training course or similar commitment, must also follow the procedure outlined below, if prevented from doing so due to illness.

Exceptionally, where the employee is incapacitated to such an extent that they cannot make contact personally, they must arrange for someone else to do so, on their behalf. The employee must make direct contact as soon as possible thereafter.

There may be circumstances where due to the nature of the health issue, or for some other good reason, the employee does not wish to discuss the reason for absence with their line manager. In such circumstances the employee must discuss this with a member of the Human Resources Department. The employee must explain to their manager that they have contacted Human Resources.

Employees who become unwell during the working day and feel unable to continue their duties must notify their line manager if they need to leave their place of work.

Employees must contact their manager on the next consecutive working day should the illness continue.

#### **4.2 Absence beyond seven calendar days – Statement of Fitness for Work**

If the absence continues beyond 7 calendar days, a Statement of Fitness for Work (Fit Note) signed by a registered doctor will be required and the employee must contact the line manager to advise them of the anticipated date of return.

The original Fit Note should be forwarded to the employee's manager (or the Human Resources Department if appropriate) as soon as possible. All certificates will be treated as confidential.

Subsequent medical certificates must be submitted to cover the absence if it extends beyond the period covered by the initial certificate. Certificates must be consecutive and cover all days including weekends.

It is responsible and wholly appropriate for line managers to contact staff whilst they are on sick leave in order to maintain meaningful dialogue between parties, to ensure that both parties are doing all they can to manage the situation effectively, and to agree times when contact will be made during the sick leave period. The frequency and method of communication will depend on the circumstances and nature of the absence. Employees are required to ensure that they can reciprocate this contact and be available to do so.

An employee must return to work as soon as they are fit to do so and must notify their line manager of their intended date of return, which can be before the expiry of the period covered by a Fit Note. If an employee wishes to return to work before the end of the period covered by their Fit Note, their line manager should discuss this with them to satisfy themselves that returning to work will not exacerbate the employee's illness, slow their recovery or put other employees at risk. The employer should keep a record of the discussion and the reasons for its decision. Line managers can seek advice from HR in such circumstances.

The entitlement to self-certify sickness absence may be withdrawn, for example where an employee has had several periods of self-certified absence. The employee will be required to produce a medical certificate for any further period of sickness absence. Failure to do so may result in suspension of Occupational Sick Pay.

#### **4.3 Failure to Comply with Notification and Certification Requirements**

Where an employee fails to make contact and/or submit the appropriate documentation, contact will be made with the employee to establish the circumstances of their absence. If there appears to be no legitimate reason for the failure to make contact/submit the

appropriate documentation, or the employee does not respond to contact made by the line manager the absence will be considered unauthorised and the payment of Occupational Sick Pay may be suspended.

Any reinstatement of Occupational Sick Pay will only occur following a thorough investigation of the case. As a minimum, the employee will be reminded of the need to follow the notification procedure and this will be confirmed in writing.

Repeated failure to follow the notification procedure and/or certification requirements may lead to formal disciplinary action.

Where an employee knowingly submits false information in relation to their sickness or incapacity, it will be considered in accordance with the College Disciplinary Policy and Procedure.

Where an employee undertakes paid employment away from the College whilst in receipt of Occupational Sick Pay, this will be treated as fraud and dealt with in accordance with the College Disciplinary Policy and Procedure.

## **5      Return to work**

Following every period of sickness absence, whether self or medically certified, a return to work interview will be conducted by the line manager on a one to one basis with the employee. There may be circumstances where the nature of the illness may make it preferable for the return to work interview to be conducted by a person of the same gender as the employee or exceptionally by someone other than the line manager. Such a request should be made to the line manager or where this is not appropriate, the Human Resources Department and will be accommodated where it is possible to do so.

The discussion should take place on the day the employee returns to work. However, it is acknowledged that on some occasions this may not be possible. In such circumstances, the discussion will take place at the earliest opportunity.

The discussion will be confidential and provide the opportunity to:

- Welcome the employee back to work and satisfy both parties that the employee is fit to return to work;
- Update the employee regarding any work related events or issues they may have missed as a result of their absence;
- Establish whether the employee sought medical advice and/or will be taking any medication after their return that might have side effects e.g. tiredness;
- Ensure that all appropriate medical certificates have been completed and submitted;
- Discuss the nature of the illness;
- Discuss any perceived work related problems;
- Consider any reasonable support or adjustments to the employee's duties, working conditions or environment to assist the employee.

The key points of the discussion will be recorded on the return to work/self-certificate form (Appendix 1). The form will become part of the employee's health record and be retained on their file.

### **5.1      Phased Return to Work**

There may be occasions where an employee has recovered from a long term or debilitating illness but would find it difficult to return immediately to their full contracted duties and hours of work without further risk to their health, or has sufficiently recovered to be able to carry out

some of their duties/hours of work. In such cases (and where there is support for this from the employee's medical practitioner and/or Occupational Health) managers should in consultation with the Human Resources Department, consider adopting a flexible approach to facilitate the employee's earlier return to work by allowing a phased return. Advice from Occupational Health may be sought on agreeing a suitably structured programme for a phased return to work.

The period of time over which the return is phased will be agreed between the line manager and employee. Full contractual benefits and pay will be maintained for a maximum of 4 weeks of an approved phased return to work. Where reasonable the employee will be encouraged to use annual leave during this period. Any continuation of the phased return would normally be via the use of annual leave, unpaid leave or reduced contractual hours of work. At the end of the phased return period, a review meeting will take place with the line manager.

A letter summarising the details of the phased return may be sent to the employee by the Human Resources Department, where appropriate. If during this period the employee has any further periods of absence they will be recorded accordingly.

In exceptional circumstances the Head of Department/School will have the discretion, based on recommendations from Occupational Health and in consultation with the Human Resources Department to extend the maximum 4 week period of phased return to work.

## **6 Monitoring**

An employee's absence record is likely to cause concern and require a review where there is a high level of short term absence; a continuous period of long term absence; or the condition of the employee may conflict with the nature of their work, thus causing a health and safety risk.

Not all patterns of absence fall neatly into one of these categories and the patterns may change over time – some flexibility in approach may therefore be required. Individual cases will be managed by line managers in accordance with persistent short term and long term absence procedures.

### **6.1 Persistent short term absence**

These types of absence are usually sporadic, may be unconnected and will generally be as a result of minor ailments. They will however be frequent or unacceptable absences.

Where a series of linked absences relate to an on-going chronic condition it may be more appropriate to deal with it under 'Long Term Absence'.

The procedure for dealing with persistent short term absence will be triggered when absences reach the following points:

- 3 separate periods of absence in a 3 month rolling period
- 5 separate periods of absence in a 12 month rolling period
- 12 days in a 12 month rolling period
- Any unacceptable pattern of absence e.g. regular absence on a Monday and Friday, before or after a bank holiday etc.

The procedure to be followed when addressing persistent short term absence can be found at Appendix 2.

## **6.2 Long term absence (over 4 weeks)**

For the purposes of this procedure long term absence is defined as continuous absence of 4 weeks or more. There may also be circumstances where linked short term absences relating to a chronic condition would be more appropriately dealt with under this procedure.

The procedure to be followed when addressing long term absence can be found at Appendix 3.

## **6.3 Appeals procedure**

An employee may appeal against a caution/sanction issued under these procedures as outlined in Appendix 4.

## **7 Occupational Health**

Referral to the College's Occupational Health Advisers is for help and support for all parties. Many illnesses and absences may be outside the expertise of a line manager and the purpose of a referral to Occupational Health is to support the member of staff and obtain professional advice. Advice will be sought to provide an indication of the likely duration of the employee's absence and whether any steps can be taken to facilitate the employee's return to work.

The College reserves the right to make a referral to Occupational Health at any stage of the procedure to establish any underlying conditions contributing towards the absence.

In accordance with the Access to Medical Reports Act 1988, medical reports may be sought at any point by the College to provide further information about the employee's medical condition and potential recovery time. Decisions will be taken on the strength of available evidence in cases where employees refuse to co-operate in the obtaining of medical evidence or to undergo medical examination.

## **8 Occupational and Statutory Sick Pay**

Sick Pay consists of two elements – Occupational sick pay and Statutory sick pay:

<b>Statutory Sick Pay (SSP)</b> Statutory sick pay is the government sick pay scheme that we are statutorily obliged to pay to employees provided you have paid sufficient National Insurance contributions. Statutory sick pay is paid after the fourth working day of absence. It is paid for a period of up to 28 weeks at a rate set by the government each year.	<b>Occupational Sick Pay (OSP)</b> Occupational sick pay is paid in addition to SSP and is a sick pay scheme devised by the RNCM and its OSP entitlements are based on average earnings and continuous service in compliance with current conditions of service.
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### **8.1 Entitlement**

Entitlement to sick pay will be as set out in the appropriate terms and conditions of appointment. The College reserves the right to terminate employment in accordance with this policy prior to the expiry of Occupational Sick Pay.

The period of service shall be the period of continuous service from the date of appointment to the first day of absence. If a break in service occurs due to resignation and reappointment,



the effective period of service for calculating the allowance due will run from the date of reappointment.

Entitlement is calculated on the basis of length of service. A deduction from allowance is made for any days of paid sickness absence occurring during the 12 months prior to the first day of your current period of absence.

The College will normally pay salaries during sickness in accordance with the following arrangements:

<b>Length of Service</b>	<b>Full Pay Entitlement</b>	<b>Half Pay Entitlement</b>
During the first four months of service	No Pay	No Pay
Four months' complete service up to 12 months' service	1 month	2 months
One complete year of service	3 months	3 months
Two years of complete service	4 months	4 months
Three years of complete service onwards	6 months	6 months

Occupational Sick Pay is inclusive of any entitlement that you may have to Statutory Sick Pay (SSP). In addition to half pay you will receive any outstanding balance of SSP entitlement.

Occupational Sick Pay may be withheld under the following circumstances:

- a) falsification of certificates (self and medical);
- b) failure to follow the procedures in accordance with this policy without good reason;
- c) abuse of the sickness scheme i.e. claiming sick leave when the reason for absence is not connected to ill health or injury;
- d) deliberate conduct prejudicial to recovery from illness/injury;
- e) employee misconduct, negligence or recklessness in undertaking any activities either in, or outside, the College's employment;
- f) injury whilst working in the employee's own time on their own account for private gain or for another employer;
- g) active participation in high risk sport.

Circumstances a-e above will constitute misconduct and will be dealt with in accordance with the College's Disciplinary Policy and Procedure. Employees will be advised, in writing, of the grounds for suspension of sick pay and will have the right to appeal. If following appeal, it is concluded that the grounds of suspension were justified the employee will forfeit the right of any further payment in respect of their period of absence. If it is concluded that the grounds of suspension of sick pay were not justified, sick pay will be paid in full, retrospectively.

In the event that an overpayment of Occupational Sick Pay is made the College has the right to recover such payment.

## **8.2 Sickness and Annual Leave**

### **8.2.1 Sickness during a Period of Annual Leave**

If an employee is sick during a period of authorised annual leave (which does not include periods during which the College is closed), they may be entitled to reclaim the annual leave. The employee should notify their line manager as soon as practically possible that they are sick and not wait until they return to work.

On the employee's first day back at work, they must submit a medical certificate signed by a registered medical practitioner confirming the details and dates of the illness. The certificate should be dated from the first day of the illness. An employee will not be reimbursed for public or extra statutory day holidays as these are already taken into account when calculating contractual sick pay entitlement.

### **8.2.2 Entitlement to Paid Annual Leave when on Long Term Sick Leave**

An employee on long term sickness will continue to accrue annual leave entitlement and may take annual leave whilst on sick leave. For the period of annual leave sick pay entitlement will cease and the employee will receive their normal pay. Employees are required to get approval of all annual leave dates in accordance with the normal procedures.

Wherever possible, accrued annual leave should be taken before the end of the leave year in which it is accrued. Employees on long term sickness absence will be allowed to carry leave forward to a different leave year if prevented from taking that leave due to sickness.

Please refer to a member of the Human Resources department for further information on the accrual of annual leave during long term sick leave.

## **9 Related policies**

- Capability Policy
- Staff Disciplinary Policy

## Return to Work Discussion Form

This form is to be completed by the line manager as part of the return to work discussion held with the employee upon their return from sickness absence.

Once completed this form must be returned via email to [Human.Resources@rncm.ac.uk](mailto:Human.Resources@rncm.ac.uk).

### Employee details

Name:

Department/School:

Type of certification for absence (self/medical/both):

### Absence details

First day absent from work due to sickness:

Last day absent from work due to sickness:

Total working days/hours absent:

If the employee was absent from work for more than one working day:

Please complete the table below providing detail of the work pattern (in hours) that the employee was due to work during the week(s) of their absence and then detail the actual hours worked.

#### **Week 1**

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Hours due to work								
Actual hours worked								

#### **Week 2 (if applicable)**

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Hours due to work								
Actual hours worked								

If the absence is longer than two weeks please provide the above details when returning the form to Human Resources and if the absence is more than four weeks please contact a member of the Human Resources team.

**1:** Provide details regarding the sickness absence (ill/sick is not a sufficient reason):

**2:** What the absence disability related? Yes/No (delete as applicable)

**3:** Was the absence due to an accident at work? Yes/No (delete as applicable)

If yes, please provide details and ensure that an accident report is completed.

**4:** What steps did the employee take to aid their recovery?

**5:** Did they seek medical advice? Yes/No (delete as applicable)

**6:** How are they feeling now?

**7:** Are they taking any medication? Yes/No (delete as applicable)  
If yes, are there any side effects?

**8:** Are there any patterns of sickness absence identified or has the employee hit a trigger point? Yes/No (delete as applicable)  
If patterns of sickness absence have been identified or has the employee hit a trigger point please provide details.

Information regarding trigger points can be found in the Sickness Absence Management Policy.

**Declaration**

I, the Line Manager confirm that this form reflects the return to work discussion held with the employee.

Signed (electronically):

Date:

### **Procedure for dealing with persistent short term absence**

#### **B1. Stage 1: Informal absence review meeting**

When an employee's absence level meets any of the trigger points, or where the levels of absence are considered to be a cause for concern, an informal absence review meeting should be arranged and the discussion should cover:

- Any underlying problems that may be contributing to the employee's absence;
- Any patterns of absence that may be occurring;
- Where appropriate, set reasonable targets and time limits for improvement in attendance and ensure that the employee is committed to achieving them;
- Warn of the consequences of continuing unsatisfactory attendance e.g. potential dismissal on the grounds of capability due to ill health.

If appropriate, an attendance target over a specific period of time will be set. If the employee's absence levels reduce, the target is met and the desired improvement is made, no further action will be taken. However, if the employee fails to meet the agreed attendance target, it may be appropriate to hold a formal Absence Review Meeting.

#### **B2. Stage 2: First formal absence review meeting**

Employees will be given a minimum of 5 working days' notice, in writing, of any formal absence review meeting. They will also be advised of the reason for the meeting and of their right to be accompanied by a trade union representative or a work colleague. A representative from the Human Resources Department may also be present.

Where an employee's representative/companion cannot attend on the proposed date, the employee can suggest another date so long as it is reasonable and not more than 5 working days after the date originally proposed by the College. The 5 day time limit may be extended by mutual agreement.

Where the employee fails to attend the meeting due to circumstances outside of their control and they were unforeseeable at the time the meeting was arranged, the College will arrange a further meeting. A decision may be taken in the employee's absence if they fail to attend the re-arranged meeting without good reason.

After full consideration, the manager may determine that there is no further action necessary other than to continue to monitor absence or that the absence is a cause for concern.

Where absence is a cause for concern, all practical steps to alleviate the situation should be explored and an action plan, including any support mechanisms which may be appropriate, will be determined together with targets and timescales for improving attendance.

The outcome of the meeting will be confirmed in writing, detailing any action plan and targets for improvement and the consequences of not achieving such improvements. A copy will be retained on the employee's personnel file for a period of 2 years.

At the end of the specified review period the employee's level of attendance will be assessed by the line manager.

### **B3. Stage 3: Second formal absence review meeting**

Where there is insufficient improvement in the employee's sickness absence level at Stage 2, a second formal absence review meeting will be conducted by a Head of School / Department (where the line manager is the Head of School / Department they will also conduct the Stage 2 meeting). A representative from the Human Resources Department may also be present.

The meeting will reaffirm the issues discussed at the Stage 2 absence review meeting. The employee will have the opportunity to offer additional information and/or notify the Head of Department of a change in circumstances. The Head of School / Department will consider any medical/occupational health reports and evaluate the effectiveness of any support mechanisms that have been implemented.

Additional support mechanisms may be considered, if appropriate e.g. temporary/permanent change in working hours, change in job content, redeployment on medical grounds where possible. Targets and timescales for improvement will be determined and if appropriate, a further action plan which may include obtaining additional medical information/advice.

The employee will be told what improvement in attendance is expected and advised that their employment will be placed at risk if the required improvement in attendance is not achieved. A formal caution/improvement notice may be issued at this stage which will be kept on the employee's personnel file for a period of 2 years.

The outcome of the meeting will be confirmed in writing, detailing any action plan and targets for improvement and the consequences of not achieving such improvements

At the end of the specified review period the employee's level of attendance will be assessed by the line manager.

### **B4. Stage 4: Final absence review meeting**

If, despite all reasonable support, there is still insufficient improvement in attendance, a final absence review meeting will be conducted by a panel which will include a member of Executive Committee. A representative from the Human Resources Department will also be present.

The member of Executive Committee will review the case based on a number of factors including, but not exclusively, Occupational Health advice or other medical reports and a workplace review of the role and the impact that the absence has on the delivery of the service.

The employee and/or their representative will be given the opportunity to state their case.

When reviewing the case and reaching a decision the following factors will be considered.

- the likelihood of a change in attendance
- the impact of the employee's absence/ill health on other employees and service delivery
- the employee's overall absence record
- representations made by the employee and/or representative
- medical advice received
- actions taken to attempt to enable the employee to continue in employment.

This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the employee and the College.

Following a review of all the evidence the person hearing the case will decide whether to;

- Terminate the contract of employment on the grounds of failing to adequately and consistently carry out the duties of the post and dismiss on the grounds of medical incapability.
- Set a further review period following the steps outlined in stage 3. Another member of Executive Committee shall make a final decision as to whether the staff member should be dismissed on the grounds of medical incapability.

Where it is decided to recommend termination of the employee's contract, the individual will be advised of this decision and the reasons for it at the end of the meeting.

If the decision is taken not to dismiss and the staff member's absence levels deteriorate during the 12 month period following the stage 3 meeting with the staff member, the member of staff may be required to return to the third formal stage.

#### B4.1 Appeal

The employee will have the right to appeal against dismissal under this procedure (see Appendix 4).

**Procedure for dealing with long term absence**

**C1. Employer contact**

The College wishes to support employees who are ill. The line manager will therefore maintain reasonable contact throughout the period of absence to keep up to date with progress, identify areas for support and determine whether any other action should be taken.

The frequency and form of this contact e.g. telephone calls, home visits, will depend upon the circumstances and may vary from case to case.

Home visits will be by prior arrangement other than in exceptional circumstances, e.g. where reasonable attempts to contact the employee have failed. If the employee wishes, a trade union representative, friend or relative may be present. Line managers must not make unaccompanied visits to the homes of employees. If the absent employee wishes to be seen at work rather than visited at home, such a request will be accommodated where possible.

The purpose of the visit will be to:

- discuss how an individual's recovery is progressing
- discuss any concerns they may have about their absence from work
- review the support that could be provided.

**C2. Absence review meetings**

**C2.1 Application**

The following will apply in circumstances where:

- (i) Following a period of long term absence and examination by Occupational Health it cannot be categorically stated that the employee is capable of returning to work within a reasonable period of time nor declare the employee permanently unfit for their employment.
- (ii) The level of absence due to a chronic condition (including a disability related condition) has become unacceptable.

The objective of the procedure is to facilitate a return to work or, in the case of chronic conditions, reduce the incidence of absence to an acceptable level.

**C2.2 First Absence Review Meeting**

This meeting will take place following receipt of the Occupational Health report. The line manager will discuss the situation fully with the employee having regard to any medical reports, any further investigations that may be required and the potential and time for recovery. Consideration will be given to the options available under the circumstances which may include status quo, a temporary/permanent change to job content, phased return to work or redeployment. A timescale will be agreed for review of the case depending on the option pursued.

**C2.3 Second Absence Review Meeting**

If the absence continues, a further meeting will be held similar to the first. The meeting will provide the opportunity to discuss any further medical reports and the course of action agreed at the previous meeting. Any new information will be considered and where appropriate the action plan revised accordingly. Possible outcomes will be discussed and a way forward agreed.



Depending upon the option pursued, a timescale will be set for review of the cases. The employee will be advised to make any further evidence available prior to the final absence review meeting.

#### **C2.4 Final Absence Review Meeting**

The final absence review meeting will be conducted by a member of Executive Committee. There will be a full discussion of the situation taking account of any further medical information. The employee and/or their representative will be given the opportunity to state their case. If there is no foreseeable return to work, it has not been possible to re-deploy and no other solution can be found to facilitate the employee's return to work, the employee will be informed that their employment will be terminated on the grounds of ill health.

##### **C2.4.1 Appeal**

The employee will have the right of appeal against their termination of employment on the grounds of ill health under this procedure (see Appendix 4).

#### **C3. Procedure for managing permanent ill health**

Where Occupational Health/medical evidence show an employee is no longer capable of carrying out efficiently the full range of duties of their post by reason of ill health the following procedure will apply.

A case review will be conducted by a member of Executive Committee. The employee may be accompanied by a trade union representative or work colleague.

The employee will be required to submit any additional or alternative evidence of their condition if appropriate e.g. own GP/Consultant's report prior to the case meeting.

The content of Occupational Health and any other medical reports will be fully discussed. If necessary the meeting will be suspended to allow for further investigations to be undertaken.

In the event of a difference in medical opinion as to the employee's fitness for work, the College will seek an independent medical opinion.

Wherever possible the following options should be considered, although the nature of the medical condition may exclude the possibility of options (i) and (ii).

- (i) **Different approach to current job:** the possibility of adopting a modified approach to the job or introducing specialist equipment which will enable the employee to continue to carry out their duties should be explored. A record should be kept on the employee's personal file of this discussion and the nature of any proposed adjustments and subsequent action noted.
- (ii) **Redeployment:** the College is committed to attempting to retain the services of those employees, who as a result of disability, illness or injury, find they are no longer able to continue to work for the College in their current post. All reasonable attempts to secure suitable alternative employment within the College will be made.
- (iii) **Dismissal on the Grounds of Capability due to Ill health:** Where all reasonable attempts to retain the employee have been exhausted, the employee will be dismissed on the grounds of capability due to ill health.
- (iv) **Retirement on Health Grounds:** Where the medical condition dictates and the employee is a member of the Pension Scheme, the College will investigate whether early retirement on the grounds of ill-health is a possibility.

Where the employee is declared permanently unfit, notice will be given immediately and pay in lieu of notice given. The date of termination will be the date on which notice is served.

##### **C3.1 Appeal**

The employee will have the right of appeal against their termination of employment on the grounds of ill health under this procedure (see Appendix 4).

## Appendix 4

### Appeals procedure

If the employee wishes to appeal any of the outcomes made at any formal stage of the Sickness Procedure they should appeal to the Head of Human Resources in writing, within 10 working days of receiving the written decision, stating the grounds for appeal.

An Appeal Hearing may or may not be a re-hearing of the case depending on the circumstances of the case. The employee must be specific about the grounds of appeal; these will effectively form the agenda for the hearing.

Appeals may only be raised on the grounds of

- **Procedure** -a failure to follow procedure had a material effect on the decision;
- **Decision** -the evidence did not support the conclusion reached or is inconsistent with other decisions within the College.
- **New evidence** -which has genuinely come to light since the first hearing. Where new evidence is raised, further investigations may need to be carried out which may require the Appeal Hearing to be delayed pending the outcome of these investigations and to give the employee an opportunity to consider any new information obtained.

The Head of Human Resources, or their designated representative, will arrange a meeting of the Appeals Panel at the earliest convenient date. This should normally be within one month after the matter has been formally raised with the Head of Human Resources.

The Appeals Panel will comprise;

Appeals against Stage 1 of the process

- As Chair, a senior manager independent from the case;
- An HR representative

Appeals against Stage 2 or Stage 3 of the process (including dismissal):

- As Chair, a senior manager independent from the case;
- One other senior manager independent from the case.
- An HR representative

The Appeals Panel will invite the employee in writing to attend an appeal meeting, informing the employee of the entitlement to be accompanied by a colleague or recognised trade union representative.

The decision of the Appeals Panel shall be:

- a) confirm the original decision;
- b) revoke the original decision; or
- c) substitute a different decision.

The decision of the Appeal Panel shall be final and there shall be no further right of appeal.