



**BISHOP GROSSETESTE UNIVERSITY**

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**BISHOP GROSSETESTE UNIVERSITY & BG (LINCOLN) LTD**

**SICKNESS ABSENCE POLICY AND PROCEDURE**

Manager responsible for policy	Head of HR
Forum for initial approval (as delegated by the Governing Body)	SLT/Board of Directors
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Equality Impact Assessment Completed	

The University aims to encourage employees to maximize their attendance at work. Whilst the University understands that there will inevitably be some short-term sickness absence among employees, it must also pay due regard to its business needs. If an employee is frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on the employee's colleagues. By implementing this policy, the University aims to support employees who are unable to come to work and strike a reasonable balance between the pursuit of its business needs and the genuine needs of employees to take time off work because of sickness.

Other policies are in place for dealing with time off work for personal/family reasons, bereavement and compassionate leave.

It is the University's policy to pay employees their normal basic rate of pay during a period of sickness absence in accordance with the University Sick Pay Entitlement. Full details of entitlements are detailed later. Payment is, however, conditional upon an employee complying with the Universities procedure for notifying the absence.

Employees may be requested to consent to be examined by a nominated Occupational Health Advisor / Doctor and to agree to allow them to provide a medical report to the University.

In cases where the employee is disabled within the meaning of the Equality Act 2010 the University will consider making reasonable adjustments to the particular job to accommodate the employee's short-term or long-term requirements.

## **ABSENCE NOTIFICATION PROCEDURES**

Irrespective of the length of time you expect to be unable to attend work for any reason, all staff should follow the Absence Notification Procedure, [Appendix 1: Absence Notification Procedure](#).

Failure to follow this procedure will result in the absence being treated as unauthorized, and may result in sick pay being delayed or disallowed and may lead to action being taken under the Disciplinary Procedure.

Full details see [Appendix 2: Unauthorised Absence Policy](#)

## **CERTIFICATION**

You must follow the certification procedure. Failure or refusal to do so may result in the withholding of SSP and ultimately in disciplinary action.

Employees can self-certificate for 5 working days (7 calendar days). On the 6th working day (8<sup>th</sup> calendar day) of absence you must visit your Doctor and obtain a Statement of Fitness for Work (Fit Note). The doctor will discuss with you and state whether you are:

- **Not fit for work** - the doctor has assessed that you should not work for the period indicated

- **May be fit for work after taking into consideration their recommendations.** - Please contact the HR department to arrange a meeting to discuss the doctor's suggestions and establish if a return to work on the basis of this advice is possible. A return date will be agreed and a date will be agreed for this to be reviewed. **The advice from the GP is not binding.** If no suitable options can be found then the Fit Note should be treated as though you are 'Not fit for work'. You don't have to go back to your doctor in this instance. [Appendix 3: May be fit for work flowchart](#)

The original Fit Notes should be forwarded directly to the HR Department as soon as possible, who will confirm to the line manager that it has been received. You must continue to send the Fit Note to the HR Department. At intervals you must telephone your line manager to advise them of progress during your continuing illness.

If you have been absent for a period of four weeks or more, your doctor or the University will refer you to the Fit for Work Service. You will be required to sign a declaration form giving permission for the referral. You will be contacted by an Fit for Work health professional, by telephone, who will explore all the issues that might be preventing your from returning to work. This will include work-related wider personal issues as well as health matters. They will then work with you to agree a personalized Return to Work Plan to assist you back to work.

Further details can be found in the Fit for Work section.

A fit for work plan can be accepted as evidence of sickness absence in exactly the same way as a GP fit note. If there is a period of time that is not covered by a GP's Fit Note or return to work plan, you may lose your entitlement to University sick pay and/or your statutory sick pay. Therefore you should ensure that you submit Fit Notes or Return to Work Plans on time and covering all the period of absence.

**Failure to provide a Statement of Fitness for Work (Fit Note) without good reason could result in the loss of sick pay and the absence being treated as unauthorized. Continued failure to provide the required fit note, may result in disciplinary action.**

The GP will specify if they need to assess their patient's fitness for work at the end of the fit note period. If the GP does not need to see you again, you will return to work at the end of the period.

## **WHO IS ELIGIBLE FOR PAYMENT AND HOW DOES THE PROCESS WORK**

### **Statutory Sick Pay**

The University complies with the requirements of the relevant legislation and is responsible for paying Statutory Sick Pay (SSP) to members of its staff.

Payment of SSP will not normally be made for the first three qualifying days in a period of illness. These days are called 'waiting days'. You are entitled to SSP from the 4<sup>th</sup> day of absence (including weekends and bank holidays and days that you do not normally work). If you have more than one job you may get SSP from each employer. However, a second (or subsequent) illness, which occurs within eight weeks of an earlier illness, will be regarded as a continuation of the earlier illness.

SSP will be paid with normal monthly salary. It will be treated like salary in that it will be subject to PAYE income tax, NI and pension contributions. The allowance paid to an ill employee by the University, as occupational sick pay in lieu of normal salary, will be adjusted by the amount of SSP paid to the employee. For continuous or related sickness supported by a Doctor's certificate employees will be entitled to up to a **maximum SSP** of 28 weeks regardless of length of service.

If you use up your full entitlement of SSP (28 weeks) you must be back at work for 8 weeks before you are eligible to claim SSP again.

Further information on Statutory Sick Pay can be found at <https://www.gov.uk/statutory-sick-pay-ssp/overview>.

**Occupational Sick Pay** In most cases where the University Occupational sick pay scheme is applicable, SSP is a sum less than that paid by the University and is included within the allowances payable under the University's own scheme. Where SSP exceeds those allowances, it will be paid in full.

### Entitlement to Payment

Entitlement to receive Occupational Sick Pay for a period of absence due to sickness is in accordance with the following:

#### All Professional Support staff

YEAR OF SERVICE	ENTITLEMENT
During 1st year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and 5th year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

The period for entitlement of Professional Support Staff is calculated on a rolling 12 month period.

**Lecturing staff covered by the Agreed Contract of Employment** as per the Staff Handbook Agreed National Text are entitled to receive occupational sick pay of:

<b>YEAR OF SERVICE</b>	<b>ENTITLEMENT</b>
During 1st year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	3 months full pay and 3 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and successive years	6 months full pay and 6 months half pay

The period for the entitlement of lecturing staff is from 01 April to 31 March each year.

For the purposes of calculating entitlement a month shall be deemed to include 22 working days (including Saturdays and Sundays where this is a normal working day) and will be pro-rata for part time staff.

#### **For Employees of BG (Lincoln) Ltd**

<b>YEAR OF SERVICE</b>	<b>ENTITLEMENT</b>
Less than 6 months	Nil
6 months or more but less than 1 year	2 weeks
1 year or more but less than 2 years	4 weeks
2 years or more but less than 4 years	6 weeks
4 years or more but less than 8 years	8 weeks
8 years or more but less than 10 years	10 weeks
10 years or more	26 weeks

'Weeks' refers to the maximum allowed in any calendar year.

To be entitled to payment you must comply with the notification process and certification requirements. Please refer to [Appendix 1: Absence Notification Procedure](#)

#### **RETURN TO WORK**

On your return to work you should inform your line manager to arrange for a return to work interview. Preferably, this should be conducted on the first day you return to work, or as soon as possible after your return.

In all cases the return to work discussion is designed to:

- Ensure that you are fit to return to work;
- Allow the University to express its concern for your welfare and discuss issues of relevance to it;
- Ensure that the line manager is aware of any ongoing health issues that need to be taken into account;
- Where the issue is one of frequent, short-term absence to consider the total amount of absence in the last 12 months;

- Provide an opportunity for you to raise other wider issues of concern in a confidential manner;
- Provide an opportunity to brief you on any changes that have taken place in the Department and University while you have been absent.

The time required for the return to work discussion will vary according to the nature of the absence. With a case of occasional short-term sickness absence the return to work discussion is likely to take only a few minutes. When a member of staff is returning to work after several months' absence the return to work discussion may be longer with a review date. The return to work discussion will normally be held without the employee being accompanied.

During the return to work interview the University Absence Form should be completed and signed, by both you and your line manager. It should then be returned to the HR department.

Line manager guidance is available in [Appendix 4: Line Managers Guide to return to work interviews](#)

## **PHASED RETURN**

Phased returns will not normally exceed four weeks. A period of excess of four weeks for a phased return can only be agreed following further discussions with HR. Full pay will only be paid for a maximum of four weeks; thereafter the rate of pay will normally be reduced to the number of hours you are able to work.

For full details on phased return meetings see [Appendix 5: Phased Return Procedure](#).

## **REQUESTING A MEDICAL REPORT**

Before starting employment with the University, you will be required to complete a Declaration of Health Form. If necessary, the University reserves the right to request you to have a medical examination to ascertain that you are medically fit to perform the duties of the post.

The Occupational Health provider also provides a service to University managers by providing them with a confidential report giving an opinion, based on the medical evidence, designed to deal with long-term or frequent short-term ill health absences.

Employees that have been absent for longer than 4 weeks or employees with ongoing health issues may be referred to see Occupational Health appointed by the University. The Occupational Health provider can prepare a medical report on the employee's health and make recommendations to assist the employee back into work.

Where the University requires a medical report, the employee will be asked to give written consent to contact their GP or specialist for medical records or for a medical report. Any such request will be subject to the employee's rights under the Access to Medical Reports Act 1988 and/or all relevant Data Protection legislation from 2008 revisions onwards, as per current law within the UK and International requirements, as relevant.

If a staff member does not consent to attending Occupational Health and/or obtaining a specialist medical report or withdraws consent for the use of this information by Occupational Health, then a decision about their skills or abilities will be taken based on the information available.

There are two main types of sickness absence:

### **Long-term absence**

Any period of absence from work because of ill health lasting more than four weeks will be deemed as long-term sickness. This includes:

- Long-term absence because of a single illness or disability;
- Repeated periods of absence arising from a single illness or disability;

### **Frequent short-term absences**

Frequent short-term absence involves patterns of absence due to minor illnesses that are usually not connected. Such patterns could vary from a relatively large number of single days of absence, to fewer occasions of absence involving a loss of up to a week or more, or a mixture of individual days and longer periods of absence.

High levels of this type of absence may indicate problems, which need to be explored and resolved.

## **KEEPING RECORDS**

The University is obliged to keep records of SSP paid and any incidence of sickness for which the University withheld SSP together with proof of sickness and have such records available for inspection.

Responsibility for recording each instance of an employee's sickness (whether it be a half day or several weeks) rests with both the employee and line manager. Line managers should check with Reception that the correct reporting notification procedure has been followed and the absence has been recorded.

Absence data is passed to the HR Department for recording and monitoring.

The Finance Department, keeps a record of all sickness absence through the University Certificate of Absence Form and Doctors Statements of Fitness for Work to ensure that SSP and Occupational sick pay is paid appropriately and correctly.

## **FIT FOR WORK SERVICE**

Fit for Work is a Government-funded service, to provide advice for employers, employees and GPs on matters relating to health and work. It also provides occupational health assessments on referral from the employee's GP or employer, where an employee is absent from work for at least four weeks. The advice service, which is delivered through a website and telephone helpline, has been in operation since the beginning of January 2015.

GPs and Employers now have the option of referring to the Fit for Work service employees who:

- have been absent from work for at least four weeks;
- have a reasonable likelihood of being able to return to work within three months;
- have not undergone a Fit for Work assessment in the previous 12 months and have not received a Fit for Work return-to-work plan as a result of the previous referral; and
- consent to be referred.

### **How it works**

Within two days of a referral to fit for Work, the employee will receive an in-depth consultation with an occupational health professional who will explore all the issues that might be preventing a return to work. This will include work-related and wider personal issues as well as health matters. They would then work with the employee to agree a personalised Return to Work Plan.

The Return to Work Plan will direct employees towards services that will help them overcome any obstacles keeping them away from work. If the employee consents, fit for Work professionals can also work directly with employers to help achieve a return to work. The Return to Work plan will provide evidence of sickness for pay purposes, replacing the need for a fit note.

The fit for work referral service is complemented by a telephone advice line and website, both of which can be used by anyone requiring work-related health advice, including employees, employers and GP's.

If a staff member does not consent to participating in the Fit Work referral, then a decision about their skills or abilities will be taken based on the information available.

The employee will have a case manager at the Fit for Work service, who can arrange a further assessment if necessary. The employee will be discharged from the service:

- on returning to work;
- at the point when the service can no longer provide assistance (if this occurs within the first three months of absence); or
- If he or she has not returned to work after three months.

For more details visit [www.fitforwork.org](http://www.fitforwork.org)

## **ABSENCE MANAGEMENT**

### **MONITORING ABSENCE – TRIGGER REVIEW POINTS**

All employee absences will be counted for the purpose of this policy/procedure except approved holidays, family leave periods (e.g. maternity leave), approved compassionate or special leave, pregnancy-related absences, absences resulting from a workplace accident, and (unless it is justifiable to include them) absences that are related to an employee's disability will be adjusted on an individual basis.

The application of this attendance procedure does not imply that an employee is doing, or has done, anything wrong. The procedure is a means of managing attendance, and should not be confused with the disciplinary procedure.

Where it appears that there is no acceptable reason for the absence the matter should be treated as a conduct issue and dealt with under the Disciplinary Procedure.

A Bradford score of up to 124 point will be monitored by the line manager at the Return to Work stage.

For details on how the Bradford Factor scores are calculated see [Appendix 6: Bradford Factor](#)

### **MANAGING SHORT-TERM ABSENCE**

#### **Formal Stage (1): Attendance review meeting**

When an employee reaches a Bradford score of 125 - 499 they will automatically trigger a review. Line managers will conduct a Formal Stage (1) Attendance Review meeting with the individual to discuss their absence record. You will be informed of the meeting in writing no less than 3 working days prior to the meeting, and given details of your absence record. The letter will highlight that you can be accompanied by a Trade Union Representative or colleague.

The meeting will aim to:

- Give you the opportunity to explain the reasons for your absence ;
- Identify the frequency and reasons for the absences, and whether the absence record indicates a pattern of absence e.g. before or after holidays, following weekends or non-working days;
- Check if there is a likelihood of a reoccurrence;
- Check whether the absences relate to sickness arising from a disability or an underlying health condition;
- Check if there is a requirement for a referral to the Occupational Health provider, or request for a GP report;
- Check that the Sickness Notification Procedure has been followed;
- Inform you that the persistent short-term absences are unacceptable and put continued employment at risk;
- Give consideration to any personal problems and possible ways of helping to resolve them.

At the end of the meeting the line manager will note any actions to be taken if no extenuating circumstances have been identified or appropriate actions been agree a first written warning may be issued. A copy of the warning will remain on your file for 6 months. Failure to improve attendance is likely to lead to a Formal Stage 2: Formal attendance review meeting

### **Formal Stage (2): Attendance review meeting**

Where the Stage (1) Attendance Review Meeting has failed to address the issue or there is a Bradford score between 500 - 999, a Stage (2) Attendance Review Meeting will be arranged.

You will be informed of the meeting in writing no less than 3 working days prior to the meeting, and given details of your absence record. The letter will highlight that you can be accompanied by a Trade Union Representative or colleague.

The manager will offer you the opportunity to explain the reasons for your absence, and explore any work related issues or other factors which are leading to the high levels of absence. Agree a reasonable period of time over which your attendance can be assessed and indicate what the next step will be if you fail to reach the standards that are required.

Following this meeting a final written warning letter will be sent confirming the facts, the action to be taken and specifying what will happen if the attendance does not improve within the period set. A copy will be retained on your file for 12 months..

You have the right of appeal against any formal action taken by writing to HR within 5 working days of the date from which the decision is confirmed in writing.

### **Final Stage (3)**

Attendance within the review period will be closely monitored. If there is still no improvement and the is a Bradford Score in excess of 1000 or if the University has reasonable grounds to believe that there will not be an improvement in the foreseeable future, you may be dismissed with notice on the grounds of capability.

In reaching a decision the level of sickness, which may be intermittent absences or a continuous period, will be considered; the impact this has had on the Department and other employees; the actions or adjustments which have been taken so far; whether re-deployment or early retirement has been discussed where appropriate.

The decision will be confirmed in writing and you will have the right of appeal within 5 working days from the date on which the decision is confirmed in writing.

## **LONG-TERM ABSENCES**

### **Definition of long-term**

Long-term sickness absence, for the purpose of this policy, is defined as a continuous period of absence for **four weeks or more**.

### **Informal Stage (1): Initial attendance review meeting**

After 4 weeks absence you will be invited to an informal meeting, which aims to:

- Establish the reasons for absence and its likely duration;
- Request your permission to refer you to the Return to Work Service or allow the University to obtain a medical report from your Doctor or Occupational Health Provider to establish the likely length of absence and the long-term effect on capability in relation to job performance and attendance at work.

If you refuse to cooperate in providing medical evidence or to undergo an independent medical examination it may be treated as a serious disciplinary offence, potentially constituting gross misconduct.

### **Formal Stage (2): Attendance review meeting**

Following receipt of additional medical information (if requested) a further meeting will be arranged. If no additional medical information has been sought this meeting will never the less take place if the duration of absence exceeds that which was established at the initial meeting. You will be informed of the meeting in writing no less than 3 working days prior to the meeting. The letter will highlight that you can be accompanied by a Trade Union Representative or colleague. In some cases it may be more appropriate to meet with you at your home; this will be stated in the letter and only by agreement with you.

The meeting will aim to:

- Give you the opportunity to explain the reasons for your absence;
- ascertain the nature and extent of the illness based on the medical report;
- consider any recommendations in the report ;
- Consider if alternative work or making reasonable adjustments would facilitate a return. Reasonable adjustments can include such things as improvements to work equipment, adjustment to working hours or graduated return to work after a long period of absence. Any reasonable adjustments will be considered on a case by case basis bearing in mind the needs of the University at the time.

If the prognosis is favourable and there is a likelihood that you will be able to return to work your manager will agree what steps will be taken to achieve this, making any changes as appropriate, with advice from HR.

If the prognosis is unfavourable (after consideration has been given to all the available evidence, including: the medical evidence, likely length of absence, any risk to the University and other employees, redeployment options, reasonable adjustments and ill health retirement) a review date will be set for a further meeting. A potential outcome of this further meeting is that the employment will be ended with notice.

### **Formal Stage (3): Attendance review meeting**

If the long term absence continues a stage (3) Attendance Review meeting will be arranged. You will be informed of the meeting in writing no less than 3 working days prior to the meeting. The letter will highlight that you can be accompanied by a Trade Union Representative or colleague.

At this point unless the University has reasonable grounds to believe that there will be an improvement in the foreseeable future the decision to dismiss you by reason of capability will be confirmed.

The decision will be confirmed in writing and you will have the right of appeal.

#### **Right of Appeal against dismissal - University**

You may appeal against the decision to dismiss you by writing to the Clerk to Council at the University, giving the reasons for the appeal. The appeal must be made within 10 working days from the date on which the decision is confirmed in writing. The appeal will be held by a panel of three University Council Members, and be advised by an HR advisor/legal representative who will contribute specialist knowledge but will take no part in the decision. The decision of the appeal panel is final.

#### **Right of Appeal against dismissal – BG (Lincoln) Ltd**

You may appeal against the decision to dismiss you by writing to the Company Secretary of BG (Lincoln) Ltd, giving the reasons for the appeal. The appeal must be made within 10 working days from the date on which the decision is confirmed in writing. The appeal will be held by a panel of three BG (Lincoln) Ltd Board Directors, and be advised by an HR advisor/legal representative who will contribute specialist knowledge but will take no part in the decision. The decision of the appeal panel is final.