

SICKNESS ABSENCE AND MEDICAL INCAPACITY PROCEDURE (Regulation 34)

1. GUIDANCE NOTES

Introduction

- 1.1 The University's policy in relation to sickness absence is to support members of staff by paying sick pay and investigating absence and issues relating to sickness and medical incapacity in line with this procedure. This will normally be carried out through return to work interviews and/or in cases of long-term or recurring short-term absences the referral of the member of staff for occupational health assessments. The aim of such referrals is to identify the necessary support to enable the member of staff to return to work and/or continue working in their post where reasonably practicable. The purpose of this procedure is to clarify managers' and member of staff's responsibilities in relation to managing sickness absence, to ensure consistency across the University when dealing with matters related to sickness absence and medical incapacity, and to ensure fairness of treatment in individual cases. Appropriate levels of confidentiality and privacy will be maintained at all times during the process. This applies to all documentation, medical reports, meetings and hearings.

Application of the Procedure

- 1.2 This procedure shall apply to all staff including Associate Tutors and other staff contracted to work on a variable hours basis, but excluding casual staff; and references to "member of staff" or "staff" shall be interpreted accordingly.
- 1.3 Formal resolution of operational problems arising from a member of staff's sickness absence or medical incapacity will always be sought by means of this procedure, unless another procedure is more appropriate (see 1.31 to 1.33 below).
- 1.4 This procedure is intended to:
- (i) provide a sympathetic, fair and consistent process for dealing with a member of staff whose attendance or work performance is affected by ill health in order to ensure as far as possible that he/she is given the necessary support to enable him/her to attend or return to work on a substantive basis;
 - (ii) encourage regular and appropriate communication between a member of staff and his/her manager, and, where appropriate, the Human Resources Division and the Occupational Health Service;
 - (iii) ensure that, where a member of staff's attendance or work performance is affected by ill health, appropriate steps are taken at an early stage to identify the nature of that illness and its impact on the member of staff's ability to attend work and carry out his/her work, and that no decision is taken concerning his/her employment without consultation with him/ her.
- 1.5 There are separate provisions in this procedure for dealing with:-
- (i) recurrent short term sickness absence; and
 - (ii) long term sickness absence or other medical incapacity.
- 1.6 Although up-to-date medical information should normally be obtained before any formal meeting or hearing takes place under this procedure, the manager or Chair (as appropriate) may adjourn

the meeting or hearing to obtain a further medical assessment from the Occupational Health Service or to obtain any other medical report if, in their view, this appears to be necessary.

- 1.7 In order to ensure as far as reasonably possible that members of staff are treated fairly and consistently in accordance with the procedure, all sickness absence must be reported to Human Resources. Both managers and members of staff are responsible for ensuring that they are fully aware of their obligations for reporting sickness absence as detailed in the Absence Notification Procedures, which are set out at Appendix 1.
- 1.8 Nothing in this procedure shall prevent an application being made at any stage for the member of staff to retire on ill-health grounds, although this procedure may be operated in parallel with an employee's application for ill health retirement. If ill health retirement is granted to the member of staff by the relevant pension scheme, the application of the Sickness Absence and Medical Incapacity procedures may be ceased at whatever point has been reached, providing the member of staff has provided (i) completed ill health retirement forms; and (ii) confirmed to the University, in writing, that he/she is retiring from his/her employment with the University on ill health grounds and specifying a termination date.
- 1.9 A medical assessment by Occupational Health may also be requested by the University in circumstances where the member of staff is not signed off by their GP as unfit to work but where the University has reasonable grounds to consider that the member of staff is medically unfit to attend work. In such circumstances the member of staff may be instructed not to attend work until such time as Occupational Health have advised that he/she is medically fit to do so.

Right to be accompanied

- 1.10 At all formal meetings or hearings held in accordance with the Sickness Absence and Medical Incapacity procedure, a member of staff may be accompanied by a fellow employee or trade union representative. The chosen companion will be allowed to address the meeting or hearing in order to put the member of staff's case, sum up the member of staff's case, and respond on behalf of the member of staff to any view expressed at the meeting or hearing. The companion does not have the right to answer questions on the member of staff's behalf.
- 1.11 Members of staff must make a reasonable request to the University to be accompanied, for example, it would not be reasonable to request a companion whose presence would prejudice the meeting or hearing, or one who is from a remote geographical location if someone suitable and willing was available on site.
- 1.12 Members of staff are required to give notice of the name and relevant details of any companion to the Human Resources representative responsible for the case at least two working days prior to a meeting or hearing under this procedure.
- 1.13 If the member of staff is disabled, it may be appropriate to allow him/her to be accompanied by a suitable person because of his/her disability, in addition to any chosen companion.
- 1.14 If the member of staff's first language is not English, it may be appropriate to allow him/her to be accompanied by someone who can provide support with communication in English, in addition to any chosen companion.

Postponing a meeting

- 1.15 The member of staff and companion shall make every effort to attend meetings or hearings under this procedure. If the chosen companion cannot attend on the date proposed and a suitable alternative companion cannot be found, the member of staff may propose an alternative date and time which is reasonable and is normally within five working days of the original date

set (exceptional arrangements may be needed during vacation periods). The University will make the necessary arrangements to postpone the meeting or hearing.

- 1.16 If a member of staff or his/her companion becomes unable to attend any meeting for reasons that were unforeseeable at the time of arranging it, the member of staff will be notified of a new date, time and location. If a member of staff or his/her companion fails to attend a meeting or hearing without good reason, the University reserves the right to proceed with the meeting or hearing in the absence of the member of staff or his/her companion.
- 1.17 If the member of staff is absent due to sickness prior to the meeting or hearing, the individual may be required to see the University's Occupational Health Service to assess his/her fitness to attend, and to give advice on any special requirements or adjustments for the meeting or hearing.
- 1.18 Whilst in the sensitive situation of long-term ill health, it may be more difficult for the member of staff to attend meetings or hearings in person, it is preferable that he/she does so, and appropriate arrangements, including travel arrangements, shall be made, where requested. It may also be appropriate to visit the member of staff at home, by prior arrangement if they consent to this. However, in exceptional circumstances it is possible to proceed with the meeting or hearing in the absence of a member of staff, in which case all details that will be considered at the meeting or hearing should be made available to the member of staff in advance, and they should be invited to make a written submission. Alternatively, the manager or Chair may decide to conduct proceedings with a representative nominated by the member of staff, after careful consideration and the full agreement of the member of staff and his/her chosen representative. The outcome will be confirmed to the member of staff in writing, as set out at the relevant stage(s) of the procedure below. In deciding which of the above options to pursue, the manager or Chair will take advice from Human Resources, and Occupational Health if appropriate, and will take the member of staff's individual circumstances into account.

Medical Assessment

- 1.19 To assist with consideration of issues relating to ill-health or medical incapacity under this procedure, the University may request that the member of staff undergo a medical assessment by the Occupational Health Service. The University or the Occupational Health Service may also suggest a referral to an alternative or additional medical specialist where this is considered to be appropriate.
- 1.20 The purpose of any medical assessment requested under this procedure is to better understand the nature of the member of staff's ill health or medical incapacity, and its implications for his/her future attendance or work performance. The medical assessment will typically seek the following information:
- (i) the nature of the sickness absence or medical incapacity;
 - (ii) the estimated level or frequency of sickness absence likely to arise from the ill health;
 - (iii) the likely employment significance of any underlying medical condition and treatment;
 - (iv) the likelihood, and timescale, of a full return to work;
 - (v) any adjustments that might reasonably be made to the member of staff's job or work environment that will facilitate a sustained return to work or improve the member of staff's ability to attend work.

- 1.21 As part of the medical assessment, a report from the member of staff's GP or a relevant hospital specialist may be sought by the Occupational Health Service or by the University directly. This is to ensure that all available, appropriate, information has been obtained before decisions affecting the member of staff's employment are made.
- 1.22 Where such medical assessment(s) is/are considered appropriate, the member of staff shall be requested to sign a medical consent form, allowing a summarised report of the medical assessment to be sent to the University. The medical assessment or report will be provided to Human Resources and will be provided, in confidence, to those responsible for taking decisions under this procedure.
- 1.23 The member of staff will be advised, in writing, by Human Resources or the Occupational Health Service that such an assessment has been requested and the time, date and location of the appointment. Where necessary the University will arrange transport, including the reimbursement of any costs incurred by the member of staff to enable him/her to attend. The University shall take all reasonable steps to ensure that such a referral is arranged in good time, and the member of staff will be expected to co-operate in this process.
- 1.24 Where a member of staff refuses to attend a medical assessment, or refuses to give consent for the University to receive a summarised report of the medical assessment, a decision will be made on the basis of the information available. The member of staff will however be given an opportunity to reconsider their wish to withhold consent prior to any decision as to whether to terminate his/her employment is made.
- 1.25 The member of staff has the following rights in relation to any medical report provided by his/her GP or Specialist:
- (i) to withhold consent to the obtaining of such a medical report, in which case the University would be obliged to act solely on the basis of the information available to it, and the member of staff would be advised of that fact;
 - (ii) to request to see any medical report before it is sent to the University; the member of staff will then have 21 days in which to do so before it is sent;
 - (iii) to request that any medical report seen by him/her be altered before issue, or, if the GP or relevant hospital specialist is not willing to comply with such a request, to add a statement of his/her own.

Time limits

- 1.26 Every effort will be made to deal with sickness absence and medical incapacity matters within a reasonable timescale, however it should be recognised that delays may occur due to factors beyond the University's control, for example when obtaining information from external medical professionals.
- 1.27 Working days include all weekdays except days when the University is closed or has a Minimum Service Day.

Grievances raised during Sickness Absence and Medical Incapacity proceedings

- 1.28 The University's Staff Grievance Procedure and/or Policy to Prevent Harassment and Bullying at Work cannot normally be used to challenge or complain about:
- (a) any decision to invoke the formal or informal stages of this procedure;

- (b) any decision or action taken or proposed under this procedure; or
- (c) the operation of this procedure.

1.29 In the event that a member of staff raises a complaint about such matters his/her complaint will normally be investigated and dealt with under this procedure (i.e. the Sickness Absence and Medical Incapacity procedure) at the same time as any absence or performance concerns are being discussed or considered. The application of this procedure may be modified as deemed appropriate by the Director of Human Resources or his/her nominee in order to facilitate this. If the member of staff is dissatisfied with the outcome of the procedure, he/she may appeal under the appeal stage of this procedure at section 5. The purpose of this paragraph is to assist all parties by allowing both the substantive issues and any related complaint or grievance from the member of staff to be considered expeditiously, avoiding multiplicity of procedures and associated delay.

Operation of the procedure for a trade union representative or safety representative

1.30 The circumstances of any action to be taken regarding a representative of a recognised trade union will be notified to a full time officer of that union.

Exclusions and transfer of procedures

1.31 This procedure does not apply to:

- (i) absence or the reporting of absence that can be attributed to misconduct, that may more appropriately be dealt with under the Staff Disciplinary Procedure;
- (ii) underperformance that is not attributed to a medical condition and which may more appropriately be dealt with under the Capability Procedure;
- (iii) underperformance during a member of staff's probationary period, which may be more appropriately dealt with under the appropriate Probationary Procedure.

1.32 If after commencing action under this procedure, the manager considers that the issue under review may be one of misconduct, or of capability not related to sickness absence or medical incapacity, he/she may discontinue proceedings under this Procedure and transfer the matter to the appropriate stage of the Disciplinary Procedure or Capability Procedure. It shall be for the manager dealing with the issue, with advice from the Human Resources representative, to determine which procedure shall apply.

1.33 Should it become apparent at any stage of using this procedure that the issues being addressed are alcohol or drugs-related, a manager may decide to suspend the use of this Procedure if an offer of referral for assessment and advice on treatment is accepted by the employee. In such cases, reference should be made to the Alcohol and Drugs Policy and Procedure. If this offer is declined, then this Procedure shall continue as normal.

2. **ILL HEALTH PROCEDURE: RECURRENT SHORT-TERM SICKNESS ABSENCE**

Recording absence and return to work interviews

- 2.1 Members of staff should be made aware of the notification procedure for sickness absence during their induction, and that their attendance levels will be monitored throughout their employment with the University. The notification procedures are set out at Appendix 1.
- 2.2 Accurate recording of staff sickness absence by managers is essential in order to develop a fair and consistent approach to attendance.
- 2.3 When a member of staff returns to work after sickness absence or unauthorised absence, their immediate line manager should arrange a return to work interview with him/her on their first day back, or as soon as possible thereafter, and a return to work form should be completed. Further information on return to work interviews (including guidance and the return to work form) can be found at Appendix 2. The return to work form can also be found on the Human Resources website at www.sussex.ac.uk/humanresources/personnel/forms/occupationalhealthforms.

Action before commencing Stage 1

- 2.4 If the absence of a member of staff gives cause for concern in terms of reason, pattern or amount (which would normally be three or more separate incidents of sickness, of any duration, in a three month period); his/her manager should discuss this with the member of staff during their return to work interview. The member of staff shall be made aware that an attempt to discipline him or her with regard to his or her absence is not being made at this stage. The member of staff will be invited to discuss the reasons for his/her sickness absence as recorded in his/her sickness record, and they will be offered assistance wherever possible to reduce future absences, and will be invited to state how long absences are likely to continue. The manager should refer the member of staff to the Occupational Health Service obtain a medical opinion as to whether there is an underlying reason why the member of staff may have a higher level of absence.
- 2.5 Where there is genuine doubt about the grounds for absences, the manager may require the member of staff to submit a medical certificate for each period of absence of whatever length, but the manager should obtain advice from Human Resources before implementing this (please note that GPs will usually charge for issuing a certificate for an illness lasting fewer than seven consecutive days, and where a member of staff is required to produce such a certificate they will be entitled to claim reimbursement of the cost via the University's expenses system, on production of a receipt).
- 2.6 If the medical advice received from the Occupational Health Service is that the member of staff would be able to attend work on a substantive basis if reasonable adjustments were made to the place of work and/or method of work, the manager should consider, in liaison with the Human Resources Adviser, whether this can be reasonably accommodated, and if so the necessary arrangements shall be made. If the adjustments cannot be reasonably accommodated, the reasons for this will be communicated to the member of staff.
- 2.7 If the medical advice received from the Occupational Health Service is that there is no underlying reason for a high level of absence, or if reasonable adjustments have been put in place but the absence level has not satisfactorily improved, the manager should inform the member of staff that an immediate and sustained improvement is expected. If the member of staff's absence level continues to cause concern in terms of reason, pattern or amount, the manager will commence Stage 1 of this procedure.

Stage 1

- 2.8 A formal Stage 1 meeting shall be heard by the manager supported by a member of Human Resources.

Convening a Stage 1 meeting

- 2.9 The member of staff shall normally be given at least five working days' written notice of a Stage 1 meeting. The written notice will:
- (i) inform the member of staff of the name of those who will be present at the meeting;
 - (ii) include a summary of the member of staff's absence record for the relevant period;
 - (iii) include a summary from the manager which will outline the process followed to date (including support provided to help the member of staff to improve their attendance level), and copies of any relevant medical reports obtained;
 - (iv) advise the member of staff that the purpose of the meeting will be to consider the total absence pattern and its effect on the work area, to explore the member of staff's views and to identify action that may support or assist in improvement attendance;
 - (v) warn the member of staff of the potential outcomes of the meeting; and
 - (vi) advise the member of staff of his/her right to be accompanied at the meeting under paragraphs 1.10 to 1.14 above.

Conduct of a Stage 1 meeting

- 2.10 The procedure at the meeting will usually be as follows:
- (i) the manager shall explain the purpose of the meeting and detail the instances of absence (for example, the number of days, the period over which the absence has occurred, the pattern of absence, etc.), together with the reasons why the absence is giving cause for concern;
 - (ii) the member of staff, or his/her companion, shall then be given an opportunity to ask questions for the purposes of clarification, comment on the manager's concerns, raising any relevant factors or proposals that should be taken into account when deciding on future action;
 - (iii) at the end of the meeting, the manager will adjourn the meeting to decide on the appropriate action to be taken, if any;
 - (iv) the manager will normally reconvene the meeting in order to give their decision.
- 2.11 The outcomes of a Stage 1 meeting under this procedure may include:
- (i) a decision that no further action is necessary, in which case the member of staff shall be notified in writing that they have been removed from the formal procedure;
 - (ii) consistent with the University's obligations under the Equalities Act 2010, if the medical advice is that the member of staff would be able to attend work on a

substantive basis if reasonable adjustments were made to the place of work and/or method of work on a temporary or permanent basis, and this has not already taken place, consideration shall be given to whether the adjustments can be reasonably accommodated, and if so arrangements shall be made accordingly;

- (iii) a decision to keep the absence level under review under the informal part of this procedure where the member of staff has made improvements in attendance but where the attendance level is still not considered satisfactory. At the end of the review period a decision will be made as to whether to convene a Stage 1 meeting, or that no action is necessary as per (i) above;
- (iv) a Stage 1 warning - this will set a review period during which the circumstances relating to the member of staff's health and his/her attendance will be monitored against an improvement plan (normally 3 months), setting the objectives to be attained and maintained over the period of the review. The member of staff will be warned that a failure to improve attendance during or by the end of the review period may lead to a further formal meeting, which may result in a Stage 2 warning;
- (v) if appropriate, an application for ill health-retirement.

Confirmation of the outcome

- 2.12 The manager is responsible for confirming the outcome to the member of staff in writing within five working days of the meeting. Where the outcome is a Stage 1 warning, the member of staff will be advised of his/her right of appeal against that decision, via the appeals procedure which is set out in section 5.

Stage 1 review meeting

- 2.13 If the outcome of the meeting is to issue a Stage 1 warning, a review meeting will be held at the end of the review period, normally involving all those present at the initial Stage 1 meeting, in order to assess progress against targets and effectiveness of reasonable adjustments made. Outcomes of the review meeting may be:
- (i) the member of staff's attendance levels are considered to be satisfactory against the improvement plan, in which case the member of staff shall be notified in writing that they have been removed from the formal procedure, but if the improvement in attendance level is not maintained the manager may recommence Stage 1 of the procedure;
 - (ii) the member of staff's absence levels have improved significantly but are not considered to be satisfactory against the improvement plan, in which case the review period will be extended and a further Stage 1 review meeting will be held at the end of the extension to consider whether options (i) or (iii) should be pursued; or
 - (iii) the member of staff's attendance levels are not considered to be satisfactory against the improvement plan, in which case the manager will inform the member of staff that they will progress the matter to Stage 2 of the procedure, and that a Stage 2 meeting will be convened.

Stage 2

- 2.14 A formal meeting which may result in a Stage 2 warning shall be heard by the manager, supported by a member of Human Resources.

- 2.15 The convening and written notice of a Stage 2 meeting will be as for that of a Stage 1 meeting, as set out in section 2.9 above.
- 2.16 The conduct of a Stage 2 meeting will be as for a Stage 1 meeting, as set out in section 2.10 above.

Outcomes

- 2.17 The outcomes of a Stage 2 meeting may include:
- (i) a decision that no further action is necessary, in which case the member of staff shall be notified in writing that they have been removed from the formal procedure, but if the improvement in attendance level is not maintained the manager may recommence the procedure at Stage 1 or 2, as appropriate;
 - (ii) consistent with the University's obligations under the Equalities Act 2010, if the medical advice is that the member of staff's ability to attend work on a substantive basis is substantially affected by the nature of his/her role and his/her place of work and/or method of work consideration shall be given to whether permanent or temporary adjustments can reasonably be made to remove or substantially reduce those effects which may include consideration of permanent or temporary transfer to alternative duties which the member of staff is competent to undertake. If such arrangements are made, the position will be kept under review to ensure that the desired improvements in attendance occur;
 - (iii) a decision to keep the absence level under formal review under Stage 1 of this procedure where the member of staff has made improvements in attendance but where the attendance level is still not considered satisfactory. At the end of the review period a decision will be made as to whether to convene a Stage 2 meeting, or that no action is necessary as per (i) above;
 - (iv) a Stage 2 warning - this will set a review period during which the circumstances relating to the member of staff's health and his/her attendance will be monitored against an improvement plan (normally 3 months), setting the objectives to be attained and maintained over the period of the review. The member of staff will be warned that a failure to improve attendance during or by the end of the review period may lead to a further formal meeting, at which the termination of the member of staff's employment is considered; or
 - (v) if appropriate, an application for ill health-retirement.

Confirmation of the outcome

- 2.18 The manager is responsible for confirming the outcome to the member of staff in writing within 5 working days of the meeting. Where the outcome is a Stage 2 warning, the member of staff will be advised of his/her right of appeal against that decision, via the appeals procedure which is set out in section 5.

Stage 2 review meeting

- 2.19 If the outcome of the meeting is to issue a Stage 2 warning, a review meeting will be held at the end of the review period, normally involving all those present at the initial Stage 2 meeting, in order to assess progress against targets and the effectiveness of any reasonable adjustments made. Outcomes of the review meeting may be:

- (i) the member of staff's attendance levels are considered to be satisfactory against the improvement plan, in which case the member of staff shall be notified in writing that they have been removed from the formal procedure;
- (ii) the member of staff's absence levels have improved significantly but are not considered to be satisfactory against the improvement plan, in which case the review period will be extended and a further Stage 2 review meeting will be held at the end of the extension to consider whether options (i) or (iii) should be pursued; or
- (iii) The member of staff's attendance levels are not considered to be satisfactory against the improvement plan, in which case the manager will inform the member of staff that they will progress the matter to Stage 3 of the procedure, and that a Stage 3 hearing will be convened.

Stage 3

Convening a Stage 3 hearing

- 2.20 A formal hearing which may result in termination of employment shall be heard by a panel appointed by the Vice Chancellor (or nominee), which will consist of three senior¹ members of staff (a Chair and two other members, one of whom must be from another School/area of the University²) who have had no previous involvement in the matter. The Chair must have the authority to dismiss. The manager who handled the first two stages will attend to present the management case, and they may be accompanied by the HR Adviser who advised them in this respect. The panel will be supported by another member of Human Resources.
- 2.21 The member of staff shall normally be given at least ten working days' written notice of a Stage 3 hearing. The written notice will:
- (i) inform the member of staff of the name of those who will be present at the hearing;
 - (ii) include a summary of the member of staff's absence record for the relevant period;
 - (iii) include a report from the member of staff's manager which will outline the process followed to date (including support provided to help the member of staff to improve their attendance level), and any relevant medical reports obtained, and invite the member of staff to submit a written response in advance of the hearing if they wish to do so;
 - (iv) advise the member of staff that the purpose of the hearing will be to consider the total absence pattern and its effect on the work area, to explore the member of staff's views and to identify action that may support or assist in improvement attendance;
 - (v) warn the member of staff of the potential outcomes of the hearing, including a decision to terminate their employment;
 - (vi) advise the member of staff of his/her right to be accompanied at the hearing under paragraphs 1.10 to 1.14 above.

Conduct of a Stage 3 hearing

¹ Grade 8 or above

² Where the member of staff is employed within a School, the panel member will be from a different School; where the member of staff is employed with Professional Services, the panel member will be from another Division. The panel member will normally be from the same staff group as the member of staff (e.g. academic, professional support, technical etc)

2.22 The procedure at the hearing will usually be as follows:

- (i) the Chair shall explain the purpose of the hearing and invite the manager to detail the instances of absence (for example, the number of days, the period over which the absence has occurred, the pattern of absence, etc.), together with the reasons why the absence is giving cause for concern, and any steps that have been taken to date to help the member of staff improve their attendance;
- (ii) the member of staff, or his/her companion, shall then be given an opportunity to respond to the management case and ask questions for the purposes of clarification, comment on the manager's concerns, raising any relevant factors or proposals that should be taken into account when deciding on future action;
- (iii) during the course of both presentations, and at their conclusion, members of the panel may question both parties for purposes of clarification. Each party may question the other for purposes of clarification, if necessary through the Chair;
- (iv) both parties shall be given the opportunity to sum up, with the member of staff's summing up being given last; and
- (v) when all the facts of the case have been presented, the hearing shall be adjourned to enable the panel to reach a decision. The hearing shall normally be reconvened on the same day for the decision to be given orally to the member of staff; however if the Chair requires additional time in making the decision, the hearing may be reconvened as soon as possible afterwards.

Outcomes

2.23 The outcomes of a Stage 3 hearing may include:

- (i) a decision that no further action is necessary, in which case the member of staff shall be notified in writing that they have been removed from the formal procedure, but if the improvement in attendance level is not maintained the manager may recommence the procedure at Stage 1, 2 or 3, as appropriate;
- (ii) a decision to extend the formal review period set in relation to the Stage 2 warning, where the member of staff has made significant improvements in attendance but has not met completely the required improvement or where it is considered appropriate to extend the review period to assess whether the improvement achieved can be maintained. At the end of the review period a decision will be made as to whether to convene a Stage 3 meeting, or that no action is necessary as per (i) above;
- (iii) consistent with the University's obligations under the Equalities Act 2010, if the medical advice is that the member of staff's ability to attend work on a substantive basis is substantially affected by his/her place of work and/or method of work, consideration shall be given to whether permanent or temporary adjustments can reasonably be made to remove or substantially reduce those effects. If such arrangements are made, the position will be kept under review to ensure that the desired improvements in attendance occur and the Stage 2 formal review period will be extended. At the end of the review period, a decision will be made as to whether to convene a Stage 3 meeting, or that no action is necessary as per (i) above;
- (iv) termination of employment where the member of staff has been unable to achieve, or maintain, the required attendance improvements set as part of the Stage 2 warning; or

- (v) where a decision has been taken to terminate the member of staff's employment, consideration may be given to the issue of whether the member of staff can be offered alternative employment with the University, under section 4 below, if this has not already taken place. This option will usually only be considered where the member of staff's existing role or working conditions is a contributory factor to his/her absence levels.

2.24 In making the decision to terminate the employment of the member of staff, the following factors should be taken into account:

- (a) his/her length of service and previous attendance/health record;
- (b) if applicable, the medical assessment of his/her illness and prospects for recovery and/or reduction in absence rate;
- (c) the position that the member of staff holds and the impact of his/her absences on the effective running of the Unit; and
- (d) the effect on other members of the Unit.

2.25 No action will be taken to terminate employment unless, prior to the hearing, the member of staff has been assessed by the Occupational Health Service, relevant medical evidence has been considered, and any recommendations have been taken into account.

Confirmation of the outcome

2.26 The Chair is responsible for confirming the outcome to the member of staff in writing within five working days of the hearing. Where the outcome is a termination of employment, the member of staff will be advised of the reasons for their dismissal, his/her right of appeal against that decision (via the appeals procedure which is set out in section 5), the date of termination of his/her employment, details of the appropriate period of notice, and details of final payments due.

3. **ILL HEALTH PROCEDURE: LONG TERM SICKNESS ABSENCE OR MEDICAL INCAPACITY**

Managing long-term sickness

- 3.1 In cases of long-term absence, either the line manager or a nominee should contact the member of staff periodically, and the member of staff should be asked to maintain regular contact. In appropriate circumstances, the member of staff should be invited to the workplace from time-to-time to reacquaint them with colleagues, meet new colleagues, or catch up on news. The manager should also consider appropriate ways in which the member of staff can keep in touch with developments in their unit and the University (e.g. by posting them regular copies of the Bulletin).
- 3.2 To aid a member of staff's return from long-term sickness absence, consideration should be given to a phased return to work. If appropriate, this will be recommended by the Occupational Health Service, who will also give guidance on the hours the member of staff will be able to work, the types of duties they will be able to perform, and the timescale for increasing the member of staff's working hours or incorporating a wider range of duties, back to their normal working pattern. Where this recommendation is made and the member of staff returns to work on fewer hours than they are contracted for, he/she should not suffer any loss in salary in comparison to the amount that they would have received under the terms of the Sickness Benefit Scheme which applies to them. Human Resources will be able to provide further information about payment arrangements during a phased return to work.

Application of the procedure

- 3.3 This procedure shall apply:
- (i) where a member of staff has been absent from work due to ill-health for a continuous period of four weeks or more (such absence being deemed to be "long term" for the purposes of this procedure); or
 - (ii) where, due to any medical condition, illness or other incapacity, a member of staff is, or has become, or is considered to have become or likely to become, unable to perform his or her duties (or any part thereof), or to be able to do so only with difficulty, or to be unable to perform his or her duties to an acceptable standard; or
 - (iii) where long-term absence, performance problems or a combination of long- and short-term absence are causing operational difficulty, and where it has been established by means of the medical assessment report that such absence or performance problems are due to ill health.

Informal Stage

- 3.4 Meetings under this stage of the procedure will normally take place between the member of staff and their manager. An Occupational Health Service report will normally be obtained early on in this process, and updated reports should be obtained on a regular basis, as and when this becomes necessary. The meetings will explore the following issues:
- (i) the nature of the member of staff's medical condition, illness or incapacity;
 - (ii) the likely prognosis for the member of staff's health and fitness to carry out his or her duties;

- (iii) where the member of staff is absent from work, the likely prognosis for him or her returning to work on a sustained basis and being fit to carry out his/her duties in full and/or to perform them to an acceptable standard;
- (iv) where relevant, the likely prognosis for the member of staff being able to perform his or her duties, in whole or in part, and/or to perform them to an acceptable standard;
- (v) whether any changes can be made to the member of staff's role or duties or to his/her work environment, or to the way in which his/her duties are organised or performed, on a temporary or permanent basis, in order to resolve the situation to the satisfaction of the member of staff and the University and/or (in cases of absence) to facilitate the member of staff's return to work on a sustained basis;
- (vi) whether any other action could be taken, on a temporary or permanent basis, to address the issues raised by the member of staff's ill-health incapacity; and/or
- (vii) if applicable, whether the member of staff wishes to pursue an application for ill health early retirement.

Performance Review Meetings (Medical incapacity cases only)

- 3.5 In cases where the member of staff is at work but is unable to perform all or part of their role for reasons connected to their health (see definition in 3.3 above) and it is not possible for the manager to resolve the situation at the informal stage, he/she may hold a meeting with the member of staff to discuss an improvement plan, setting out the objectives to be attained over a specified review period. Occupational Health advice will be taken into account when setting appropriate timescales for improvement. The member of staff will have the right to be accompanied at this meeting under paragraphs 1.10 to 1.14 above. The manager will be accompanied by a member of Human Resources. The member of staff will receive advance written notice of this meeting. After the meeting, the manager will confirm the improvement plan and timescale in writing.
- 3.6 A review meeting will be held at the end of the review period, usually involving all those present at the initial performance review meeting, in order to assess progress against targets and the effectiveness of any reasonable adjustments made. Outcomes of the review meeting may be:
- (a) the member of staff's performance is considered to be satisfactory against the improvement plan, in which case the member of staff shall be notified in writing that they have been removed from the procedure;
 - (b) the member of staff's performance has improved significantly but is not considered to be satisfactory against the improvement plan, in which case the review period will be extended; or
 - (c) the member of staff's performance is not considered to be satisfactory against the improvement plan, in which case the manager will inform the member of staff that they will progress the matter to a hearing under the Formal Stage of this procedure.

Formal Stage

- 3.7 If it is not possible for the manager to resolve the situation at the informal stage, (or, in the case of medical incapacity, under the Performance Review stage above) he/she may progress the matter to the formal stage of the procedure, which shall be heard by a panel appointed by the

Vice Chancellor or nominee, which will consist of three senior³ members of staff (a Chair and two other members one of whom must be from another School/area of the University⁴) who have had no previous involvement in the matter. The Chair must have the authority to dismiss. The panel will be supported by a member of Human Resources. The panel will consider, as appropriate, whether the member of staff should be dismissed and/or other action (including the matters referred to in paragraph 3.11 below) should be taken.

- 3.8 The member of staff's manager shall inform him/her of the decision to refer the issues as set out above, and that they will shortly receive information about the time, location and format of the hearing as per 3.9 below. The manager shall also prepare a report summarising the relevant issues and the action taken under this procedure to date and the issues which it is proposed should be considered, and include any relevant medical reports.

Convening a meeting

- 3.9 The member of staff shall normally be given at least ten working days' written notice of a hearing under the formal stage of this procedure. The written notice will inform the member of staff:

- (i) of the names of those who will be present at the hearing;
- (ii) of the issues to be considered at the hearing, enclosing a copy of the manager's report and any other documentation or information which shall be referred to at the hearing in support of the action recommended by the manager, including any relevant medical reports;
- (iii) that if he/she wishes medical evidence that he/she has obtained to be considered at the hearing, this evidence must be provided to the Human Resources Adviser at least twenty-four hours prior to the hearing;
- (iv) if applicable, that the termination of his/her employment is under consideration;
- (v) of the proposed time and date for the hearing and details of the venue;
- (vi) of his/her right to be accompanied in accordance with paragraphs 1.10 to 1.14.

Conduct of the hearing

- 3.10 The procedure at the hearing will normally be as follows:
- (i) the manager will present the management case and will outline, with reference to any medical assessment report, the nature of the member of staff's ill health, the details of any absence arising from it, and its operational impact. Reference should also be made to all attempts to resolve the situation to date (for example, return-to-work discussions, counselling sessions or previous medical referrals);
 - (ii) the member of staff or his/her companion shall then be given the opportunity to respond to the management case, with reference to any medical evidence he/she has obtained;

³ Grade 8 or above

⁴ Where the member of staff is employed within a School, the panel member will be from a different School; where the member of staff is employed with Professional Services, the panel member will be from another Division. The panel member will normally be from the same staff group as the member of staff (e.g. academic, professional support, technical etc)

- (iii) during the course of both presentations, and at their conclusion, the Chair and/or members of the panel may question both parties for purposes of clarification. Each party may question the other for purposes of clarification, if necessary through the Chair;
- (iv) both parties shall be given the opportunity to sum up, with the member of staff's summing up being given last; and
- (v) when all the facts of the case have been presented, the hearing shall be adjourned to enable the panel to reach a decision. The hearing shall normally be reconvened on the same day for the decision to be given orally to the member of staff; however if the panel require additional time in making the decision, the hearing may be reconvened as soon as possible afterwards.

Outcome of the hearing

3.11 Any or several of the following may be possible outcomes of a hearing under the formal stage of this procedure, but the list is not necessarily exhaustive.

- (i) no further action, in which case the member of staff would be formally advised as such;
- (ii) monitoring and review of the situation, depending on the circumstances of the case, in which event the length and objectives of such reviews shall be agreed and specified. A further formal hearing will be arranged at the end of the review period, at which consideration may be given to the termination of the member of staff's contract of employment on grounds of ill health;
- (iii) in cases of underperformance, an agreed improvement plan, setting the objectives to be attained over a specified review period. A further formal hearing will be arranged at the end of the review period, at which consideration may be given to the termination of the member of staff's contract of employment on grounds of medical incapacity;
- (iv) consistent with the University's obligations under the Equality Act 2010, if the medical advice is that the member of staff's ability to attend work is substantially affected by the nature of his/her role and his/her place of work and/or method of work, or that he/she may be able to return on a limited basis to undertake his/her role or alternative work which he/she is competent to carry out, consideration shall be given to whether permanent or temporary adjustments can reasonably be made to remove or substantially reduce those effects or facilitate a full or partial return to work, which may include consideration of permanent or temporary transfer to alternative duties which the member of staff is competent to undertake. If such arrangements are made, the position will be kept under review to ensure that the desired improvements in attendance occur. A further formal hearing will be arranged at the end of the review period, at which consideration may be given to the termination of the member of staff's contract of employment on grounds of medical incapacity;
- (v) where the medical assessment is one of permanent ill health, early retirement on grounds of ill health shall be explored, bearing in mind the consideration of whether the member of staff belongs to one of the University's pension schemes, if this has not already taken place;
- (vi) where the medical assessment indicates continued absence, or the likelihood of frequent further absences (whether continuous or intermittent) of such duration or nature that the member of staff is unlikely to return on a sustained basis to his/her

employment within an acceptable timescale, a decision may be taken to terminate the member of staff's contract of employment and to explore the possibility of alternative employment for the member of staff under section 4.

- 3.12 In making the decision to dismiss, the following factors should be taken into account:
- (a) the member of staff's length of service and attendance/health record up until the present illness;
 - (b) the medical assessment of his/her illness and the prospects of recovery;
 - (c) the position that the member of staff holds and the impact of his/her absence or underperformance on the effective functioning of the unit;
 - (d) the effect on other members of staff in the Unit; and
 - (e) the likelihood of the current level of absence or underperformance recurring in the future following a return to work.
- 3.13 No action to terminate an appointment will be taken unless, prior to the hearing:
- (a) the member of staff has been assessed by the Occupational Health Service, further medical advice has been obtained if necessary, and any recommendations have been taken into account;
 - (b) all other options as set out in paragraph 3.11 above have been considered; and
 - (c) the member of staff has been warned at a previous meeting of the likelihood of termination of employment.

Confirming the outcome

- 3.14 The decision shall be confirmed in writing, normally within ten working days of the hearing, giving reasons. Where the decision is to dismiss the member of staff, the member of staff will be sent notice of termination of employment on behalf of the University and advise of his/her right of appeal via the appeals procedure, which is set out in section 5 below.

4. **ALTERNATIVE EMPLOYMENT**

- 4.1 Where medical advice indicates that a member of staff is not fit or is not likely to be fit in a reasonable timescale to return to their current post, or is at work but is not fit to undertake their job on a sustained basis, but alternative work would be possible, the University shall consider whether there is any suitable alternative employment.
- 4.2 In order to determine what would constitute suitable alternative employment, the member of staff shall be asked for details regarding his/her experience and qualifications. This will be used, in conjunction with the medical advice, in assessing vacancies that are available at that time and for a reasonable time period afterwards, normally no longer than two months.
- 4.3 Support shall be given to the member of staff by Human Resources by identifying possible vacancies, helping the member of staff to find out more information if appropriate and discussing the member of staff's suitability for the post with the recruiting manager.
- 4.4 The job description and person specification will be sent to the Occupational Health Service to confirm that the post is suitable in terms of the member of staff's medical condition. This should normally take place prior to the member of staff being interviewed for the post.
- 4.5 Provided that the member of staff appears to meet the essential criteria specified for the post on a prima facie basis at shortlisting, or is likely to do so with a reasonable amount of training, he/she will normally be interviewed prior to the post being advertised. The purpose of the interview will be to assess whether or not the member of staff could satisfactorily undertake the full range of duties for the post. A member of staff under this procedure may have the right to be considered for alternative employment in priority to other candidates, other than members of staff who are at risk of dismissal for redundancy during periods of maternity leave, adoption leave or *additional* paternity leave.
- 4.6 If the member of staff is appointed to the post, this will be subject to a trial period, normally of three months. Criteria for successful completion will be set at the beginning of the trial period, and progress should be continually reviewed and monitored for its duration. Where the trial period is not successful, the member of staff will revert to the Sickness Absence and Medical Incapacity Procedure to consider the remaining options (normally ill health retirement or termination of employment).
- 4.7 If the trial period is successfully completed, the member of staff will be confirmed in the new post. The member of staff will be transferred on the grade and salary appropriate to the new post. If this results in a drop in salary due to a change in grade, he/she will continue to receive his/her previous salary during the three month trial period in the new post, and will move to the salary associated with the new post thereafter.
- 4.8 If there are further problems in attendance and/or performance due to the same reasons within the 12 months following a confirmed trial period, the member of staff will revert to the Sickness Absence and Medical Incapacity Procedure when the options of ill health retirement or termination of employment will be considered. If the problems occur after 12 months following the confirmed trial period, or are due to a different reason, the member of staff will revert to the Sickness Absence and Medical Incapacity Procedure and all possible options will be considered.

5. APPEALS

- 5.1 A member of staff who wishes to appeal against a decision taken under paragraphs 2.12, 2.18, 2.26 or 3.14 above should do so in writing to the Director of Human Resources within ten working days of receipt of the decision. The member of staff should set out the grounds of his/her appeal in full.
- 5.2 Appeals may be made on one or more of the following grounds:
- (i) that the decision taken was not supported by the evidence presented or considered;
 - (ii) that the decision taken was too harsh;
 - (iii) that new evidence or information has come to light that was genuinely not available at the time the original decision was taken; or
 - (iv) that the decision taken was materially affected by breaches of this procedure.
- 5.3 Appeals against warnings will be chaired by a manager who is senior to the manager who decided to issue the warning, and who has not previously been involved in the case.
- 5.4 Appeals against dismissal are heard by an Appeals panel appointed by the Vice Chancellor (or nominee), and will consist of two independent senior managers (one of whom shall be the Chair) and an independent employment solicitor appointed by the University (who shall not be employed by the University nor act for the University other than in their capacity as a member of a panel for appeals against dismissal). In the case of the independent peer (from the staff), independent shall have the meaning of not having had prior involvement in the case. In the case of the independent person external to the University, independent shall have the meaning of having no involvement with the University which might be prejudicial to impartial judgement (and for the avoidance of doubt, any payment by the University to such external person in respect of their time incurred in respect of the appeal shall not be deemed to prejudice their impartial judgement). In the case of an appeal of an academic member of staff, one of the two senior managers shall be a Head of School from another School or other academic peer. The panel will be supported by a member of Human Resources.
- 5.5 An appeal shall not normally take the form of a re-hearing of the evidence. Witnesses may be called only with the permission of the Appeal Chair. Permission shall usually be given only where there was good reason for the witness not being called to give evidence at the original hearing or where the Appeal Chair considers that such witness evidence is required to deal with the grounds of appeal.
- 5.6 If the member of staff wishes to propose that evidence is heard at the appeal hearing from any person other than the member of staff and the manager whose decision is being appealed against, he/she should name the proposed witnesses in the grounds of appeal and explain why this evidence is required.
- 5.7 The manager whose decision is being appealed shall be asked to provide written comments on the grounds of appeal, to provide copies of all medical reports obtained during the process, and to identify any witnesses which he/she considers should be called with permission of the Appeal Chair, giving reasons. A copy of these written comments will be provided to the member of staff in advance of the appeal hearing.
- 5.8 No later than five working days before the appeal hearing the member of staff shall receive written notification of:

- (i) the date, time and place of the appeal hearing;
 - (ii) his/her right to be accompanied at the appeal hearing under paragraphs 1.10 to 1.14 above; and
 - (iii) so far as they are known at the time, the name(s) of the person(s) to be present at the appeal hearing.
- 5.9 At the appeal hearing the member of staff shall present his/her grounds of appeal and the manager shall respond. Where the Appeal Chair permits either the member of staff or the manager to call any witnesses, they shall be questioned first by the person calling them to give evidence and then by the other side. The Appeal Chair (or panel, if applicable) may question witnesses at any stage. After each side's case has been presented, the Appeal Chair will ask the member of staff and then the manager to sum up. The hearing will then be adjourned while the facts of the case and the representations made are considered and a decision is reached. Where it is reasonably possible for a decision to be reached that day, the Appeal Chair (or panel, if applicable) will reconvene the meeting to inform the member of staff of the decision.
- 5.10 When deciding on the outcome of the appeal, the Appeal Chair (or panel, if applicable) may:
- (i) confirm the decision; or
 - (ii) withdraw the decision; or
 - (iii) substitute the decision for one of the other lesser outcomes referred to in paragraphs 2.11, 2.17 or 2.23 for the Recurrent Short-Term Absence Procedure, as applicable; or paragraph 3.11 for the Long Term Sickness Absence or Medical Incapacity Procedure.
- 5.11 Where the decision is taken to overturn a member of staff's dismissal:
- (i) in cases where any notice of dismissal has yet to expire, the notice shall be revoked; and
 - (ii) in cases where the member of staff's employment has already terminated, he/she shall be offered reinstatement with no loss of continuous service and no loss of entitlement to salary (subject to applicable sick pay entitlements).
- 5.12 The Appeal Chair shall produce a written decision, giving reasons, normally within five working days of the appeal hearing, which will be sent to the member of staff and his/her companion.
- 5.13 The decision of the Appeal Chair/Panel shall be final.

APPENDIX 1 – ABSENCE NOTIFICATION AND RECORDING PROCEDURES

Notification from the member of staff

1. Staff should be made aware of the notification procedure for sickness absence during their departmental induction, and of the fact that their attendance levels will be monitored throughout their employment with the University. They should be made aware that they will not be entitled to receive any sickness benefits if they do not follow the absence notification procedure.
2. Staff are required to inform their immediate line manager as early as possible on their first day of absence, and no later than two hours after the normal time of starting work. If the immediate line manager is unavailable they should contact another senior member of staff. They should give the following information:
 - An assessment of the nature of the illness
 - The date on which the illness started
 - The date on which they expect to return to work
 - How they can be contacted if necessary
 - ill without giving a reason. Where there is a risk of contagion to staff or students, this will not apply.

Where any responsibility for the notification and/or record-keeping of sickness leave detailed above has been delegated to another member of staff, or the absence is reported to another senior member of staff, it is essential that the line manager of the employee is informed promptly of planned and/or unplanned absence, including sickness absence.

This will allow the line manager to have full oversight of when their employee(s) should be present at work, and to identify any unauthorised absence promptly. Following this policy will ensure that all appropriate steps are taken by the line manager and Human Resources in a timely manner. Additionally, this will ensure that the Home Office (UKVI) reporting obligations for Tier 2 and Tier 5 sponsored employees are met by the University, as required by our sponsorship licence(s).

3. Staff should later inform their line manager if the illness is likely to last longer than first expected.
4. A self-certificate must be completed by the member of staff on return to work in cases of absence between four and seven days (including sickness at week-ends).
5. A medical certificate must be submitted to the line manager for absences greater than seven days. In exceptional circumstances, where the illness is of a personal nature, the certificate may be forwarded to the relevant HR Adviser, who may agree to inform the relevant manager that the member of staff is

Absence recording by managers

6. Accurate recording of sickness absence is essential in order to develop a fair and consistent approach to attendance. All absences, including those of faculty, should be noted on a sickness absence form by the Head of School or Division (or nominee), and reported to Human Resources (Payroll) at the end of each month for monthly paid staff, using the form given in Appendix 2. This information will be used to ensure that accurate Statutory Sick Pay records and payments are made.

Unauthorised absence

7. Absence that has not been notified according to the above procedures should be treated as unauthorised absence, unless a reason is subsequently given which the manager considers to be

acceptable. If a member of staff does not report for work and has not informed their immediate line manager or other senior member of staff why they have not attended, their line manager should make all reasonable efforts to contact them, e.g. by telephone, by writing to them or by visiting them (if appropriate) and should record any actions taken.

The HR Adviser for the Unit and the HR Compliance Office (HRCompliance@sussex.ac.uk) should be informed as soon as possible once an unauthorised absence is identified. In the event of any unauthorised absence of a Tier 2 or Tier 5 sponsored visa-holder, it is a requirement of the University sponsorship licence(s) that we must report an unauthorised absence to the Home Office (UKVI) within 10 working days of the 10th day of absence.

In any event, the manager should not take measures to instigate any formal action, e.g. to discipline or dismiss them, prior to contacting the HR Adviser and HR Compliance Officer who will advise on the most suitable procedure to follow, taking into account any legal implications.

APPENDIX 2 – MONTHLY ABSENCE RETURN FORM

**THE UNIVERSITY OF SUSSEX
HUMAN RESOURCES (PAYROLL)**

Reference No:

**RETURN OF ABSENCES OF MONTHLY PAID STAFF FOR THE MONTH
OF.....**

The following staff in my school/unit were absent from work due to sickness or unpaid leave last month:

Surname	Initials	First date of Absence	Last date of Absence	Total days absent	Reason for Absence (sick or unpaid leave)

Authorised School/Unit:.....

Name and job title..... Date:

.....

(in capitals)

- Please compile this return as at the first working day of each month and send it to Human Resources (Payroll), Sussex House, to arrive by the 5th of the month
- All sickness absence and unpaid leave should be included, stating the first working day and the last working date off.
- Approved absence on compassionate grounds with pay and normal holidays with pay need not be included.
- All staff (including faculty) in your school/unit should be included in this return.
- Where staff have not returned by the last day of the month, please state this.
- For one day absences, just show the date under the "first date of absence".

APPENDIX 3 – GUIDANCE ON CONDUCTING A RETURN TO WORK INTERVIEW

Preparing for the interview

A return to work interview provides the correct forum for the member of staff's sickness record to be discussed. Prior to the interview, you should gather all relevant information regarding his or her absence record, giving consideration to the following factors:

- Are the member of staff's absences regular or erratic?
- Does the absence precede or follow annual leave?
- In which part of the week do their absences occur?
- What is the average length of their absence?
- What is the reason given for the absence?
- Are the reasons varied, or is there a pattern?
- How does their absence record compare with those of the other staff in the Unit?

Conducting the interview

During the interview, ensure that you give the member of staff every opportunity to discuss any concerns that they may have with regard to their absence. Do not be judgmental, become over-involved, make assumptions about their absence, or attempt to give any advice which you are not qualified to give.

The following structure should be followed:

1. Welcome back

Begin the interview by welcoming back the member of staff and letting them know that they have been missed. Explain the purpose of the interview, and make it clear that it is routine to conduct one with all members of staff who are absent due to sickness and on every occasion of absence.

2. Enquire about health

You need to gain information on the following:

- Whether the member of staff is fit enough to resume their duties
- Whether the absence was work related
- What steps the member of staff has taken towards their recovery
- What preventative measures they are taking to reduce the likelihood of such absence occurring in the future.

These areas should be explored in a caring and concerned manner. The best way to do this is by active listening, i.e. listening carefully to what the person has to say and by not challenging them at this stage.

3. Any consequences of absence

In cases of persistent absence, you should take this opportunity to remind the member of staff of the importance of full attendance wherever possible. You should point out the actions that either you or other colleagues had to take as a result of their absence e.g. working extra hours, employing extra help. Discuss any observations you have made regarding their absence e.g. if their absence seems to form a pattern, and explore ways in which you can help the member of staff attend as required.

4. Future action

In cases of persistent absence, you should explain that continued periods of absence could lead to formal action being instigated. In all cases, you should summarise any action that you have agreed should take

place e.g. referral to the Occupational Health Service, referral to counselling, changes to working arrangements, etc. You should ensure that it is clear who will be taking this action and whether anyone else needs to be involved.

5. Completion of formalities

You should now complete the Return to Work form, ensuring that you note any future action you have agreed to take as above.

APPENDIX 4 – RETURN TO WORK FORM

RETURN TO WORK FORM

Staff Member’s Name:

Manager:

I was ill/absent from (date) to (date)

because (give details, symptoms, etc.)

.....
.....

I returned to work on (date)

Signed Date

Manager’s Comments

.....
.....
.....
.....
.....
.....
.....
.....
.....

Action to be taken (e.g. date of review meeting, referral to Occupational Health, special leave, provision of special equipment etc.)

.....
.....
.....
.....

Signed Date

This form should be kept confidentially by the manager with other records relating to the member of staff