

Sickness Absence Procedure

November 2012

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Version Control History

| Version Number | Date of Change | Summary of Revisions Made |
|-----------------------|-----------------------|---|
| 4 | November 2012 | Minor changes were the addition of definitions for Staff Companion and Trade Union Representative and removal of the words 'laid down' in 4.1 bullet point 2. |
| 4.1 | July 2016 | Footer updated to reflect new template model. |

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Sickness Absence Procedure

1 Purpose

- 1.1 Perth College recognises that good health and high levels of attendance at work make a significant contribution to excellent service delivery and are major factors in maintaining morale.
- 1.2 This document presents the procedures to be followed in managing sickness absence and ensures that an individual's rights, conditions of service and other policies and procedures are observed.

2 Scope

- 2.1 These procedures apply to all staff employed by Perth College.

3 Definitions

- 3.1 For the purpose of this document, the following definitions apply:
 - Short Term Absence is defined as a period of absence not exceeding 7 days.
 - Long Term Absence is defined as a period of absence of 4 consecutive weeks or more.
 - Medical Statements refers to Statement of Fitness for Work (Med3) (also known as 'Fit Notes'), issued by a GP or hospital doctors/specialists.
 - Frequency of absences refers to the number of occasions of absence, whether or not for related reasons, and the regularity of occurrence in a period of time.
 - Staff Companion - another employee of Perth College UHI chosen, if desired, by the individual, to provide support during the investigatory process and to address hearings and respond to questions on behalf of the individual.
 - Trade Union Representative - an elected representative of EIS-FELA or Unison.

4 Responsibilities

- 4.1 All staff have the following responsibilities in relation to this procedure:
 - To inform their line manager or another appropriate manager of their absence as soon as is reasonably practicable and ideally prior to their normal starting time.
 - To comply with the notification, certification and contact procedures in relation to periods of sickness absence.
 - To take other forms of leave where the absence is not for a sickness or injury reason (eg time off for dependants, parental leave etc.)
 - To ensure CIPHR Net is updated with absence details.

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- To participate in an appropriate return to work update.
 - To attend any referral appointment made with the College's Occupational Health Service.
 - To attend discussions with management on absence issues as appropriate.
- 4.2 In addition, all managers have the following responsibilities in relation to this procedure:
- To ensure CIPHR Net is updated appropriately.
 - To lead Return to Work Updates as appropriate.
- 4.3 Quality approval check of the procedure is the responsibility of the Quality Manager who will arrange for the procedure to be posted on the web.

5 Procedure

5.1 Notification and Certification Procedures

These procedures present the standard to be followed when any member of staff requires to be absent from work due to sickness.

5.1.1 Initial Notification

5.1.1.1 As with an absence for any other reason, staff unable to attend work due to sickness must inform their line manager of their impending absence. Only when absolutely necessary should some other person acting on behalf of the member of staff contact the line manager to advise of the member of staff's absence. If the line manager is unavailable, another manager in the curriculum area or department should be contacted. Contact must be made as soon as is reasonably practicable and ideally prior to the normal start time.

5.1.1.2 The member of staff must advise the reason for the absence, the likely duration (as far as is possible) and inform their line manager of any important work which requires to be undertaken during their absence, eg classes or meetings to be covered, deadlines due, etc.

5.1.1.3 Where the absence is for a reason other than sickness (eg parental leave, time off for dependants), the manager must apply the terms of the relevant policy. The absence must not be recorded as sickness absence.

5.1.1.4 Where the absence is due to sickness, the manager or their administrator will record the details on the HR database, CIPHR Net. Where the absence is due to an accident or injury at work, the manager must also contact the Health and Safety Officer as soon as is reasonably practicable and within 3 days.

5.1.2 Self-Certification

The member of staff is required to complete their record on CIPHR Net (the HR database) for sickness absence periods up to 7 consecutive days (including weekends and non-working days). This must be completed at the earliest opportunity upon return to work. Guidance on recording absence on CIPHR Net is available on PerthNet.

5.1.3 Medical Certification

5.1.3.1 Medical statements (Med3) (Statement of Fitness for Work) are required to cover sickness absence periods which continue beyond the eighth day. The member of staff must advise their line manager and send the medical statements to the HR Department for recording on the HR database and to ensure payment of any statutory and/or occupational sick pay. Failure to forward medical statements promptly may result in a delay or non-payment of statutory sick pay and/or occupational sick pay and failure to follow procedures may result in disciplinary action.

5.1.3.2 A member of staff will not be allowed to return to work following a medically certified absence until either their GP confirms that they are fit to return, fit for some work, or until their medical certificate expires. In cases of long term periods of absence, the College may require that the member of staff's fitness to return is confirmed by the College's occupational health provider.

5.1.3.3 In exceptional circumstances, the College may require an employee to provide medical statements for absences of less than 7 days.

5.2 Contact During Long Term Sickness Absence Periods

5.2.1 As part of good management practice, reasonable line management contact should be maintained with the member of staff during long term sickness absence periods. Such contact should be handled sensitively and with due consideration for the nature of the member of staff's illness. The purpose of the contact is to gather information on progress, offer any support and to pass on any relevant updates from the workplace to keep the member of staff informed.

5.2.2 Contact will normally be made by telephone, e-mail and/or letter. Where contact is to be maintained by a home visit, prior notification of the visit shall be given. The frequency and nature of contact will be agreed between the member of staff and their line manager.

5.2.3 Such contact is separate from any contact from colleagues.

5.2.4 Line managers may wish to take advice from the HR Department prior to contact.

5.3 Returning to Work

5.3.1 HR and Payroll Records

5.3.1.1 The date on which the member of staff returned to work must be recorded on CIPHR Net to ensure accuracy and to inform payroll. This will normally be easily done by the member of staff as soon as possible upon their return to work.

5.3.1.2 Any over-payments which are caused by failure to notify start and end times of periods of sickness absence must be re-paid.

5.3.2 Return to Work Update

5.3.2.1 An appropriate return to work update between a member of staff and their line manager will take place as a matter of good practice as soon as possible after each period of sickness absence. The purpose of this update is to check on how the member of staff is feeling and to catch up on what has happened at work during their absence.

5.3.2.2 Depending on the nature, length and/or pattern of absences, a separate discussion may be appropriate to provide:

- A check that the member of staff is fit to return to work.
- A discussion on any work-related factors which may have contributed to the absence.
- Identification of any appropriate support or assistance through occupational health or welfare services.
- Discussion on any concerns the member of staff may have about their return to work.
- Discussion on any concern the Manager may have about the nature, length and/or pattern of the member of staff's absence.

5.3.3 Phased Returns

5.3.3.1 Temporary adjustments to a member of staff's working conditions, for example, to their hours of work or duties, will be considered to help support a return to work and will be accommodated wherever possible. Used properly, phased returns are beneficial in enabling a member of staff to make a contribution at work as early as is reasonably possible. Requests for a phased return to work will be supported by medical information from the occupational health service or the member of staff's GP, and will be considered in discussion between the member of staff, their line manager and a representative of the HR Department. The member of staff may be accompanied by a trade union representative or workplace colleague if they wish.

5.3.3.2 Phased returns are generally intended to be of short duration for rehabilitation purposes or for those awaiting or undergoing medical treatment and will normally be for a period of up to 4 weeks. This period may be extended to up to 6 weeks in discussion between the member of staff, their line manager and the HR Department. In normal circumstances, the member of staff will be expected to build up to full-time or normal working hours and duties. During the phased return, the member of staff's normal terms and conditions will continue to apply.

5.3.3.3 Where, after a temporary period of reduced hours or duties, a longer term arrangement of reduced hours or flexible working is required, this will be discussed between the member of staff, their staff companion or trade union representative if desired, the line manager and the HR Department. The appropriate policy conditions, eg proportioning of salary for reduced hours, will apply for that continuing period of reduced hours or duties.

5.4 Medical Examination

5.4.1 The College reserves the right to request that a member of staff be seen by our occupational health provider at any stage of their employment, including pre-employment, in order to seek a medical opinion. The College may also request the member of staff's permission for occupational health to contact their GP and ask for a medical report. In this latter case, the member of staff will be provided with information on their rights under the Access to Medical Reports Act 1988.

5.4.2 In making a with-consent referral to occupational health, the College will provide details of the member of staff's sickness record, showing dates and reasons for absence.

5.4.3 The member of staff has a responsibility to attend scheduled appointments with occupational health.

5.4.4 Where the member of staff chooses not to attend an occupational health appointment or does not give their consent for the College to obtain or see medical information, then the College will require to make decisions on their fitness to work and continued employment on the basis of the information available to the College.

5.4.5 Where a medical report has been received from occupational health, the contents of the report will be discussed at a meeting with the member of staff, their staff companion or trade union representative (if desired), the line manager and the HR Department. This allows consideration of the information and any appropriate courses for action.

5.4.6 The medical report received will be securely stored in the member of staff's personal file, along with any notes taken during discussion.

5.5 Short Term Sickness Absence Procedure

- 5.5.1 For the purposes of this procedure, short term absences are defined as periods of absence not exceeding 7 consecutive days – ie absences which can normally be self-certified.
- 5.5.2 It is recognised that staff will be absent on occasion for short periods of time, for example, with minor illnesses such as colds, stomach upsets and headaches. In the majority of cases, the nature and frequency of such absences will be such that absence levels are considered acceptable.
- However, an emerging, pattern of short term absences may be indicative of either an underlying health problem or an attendance issue that is not related to health. It is therefore important that managers are aware of any emerging patterns to enable appropriate action to be taken.
- 5.5.3 To enable a review, trigger levels for short term absences have been set. Where a member of staff has 6 or more short/self-certified absences in a period of up to 12 months, the line manager will arrange a meeting with the member of staff to discuss the frequency, nature and impact of the absences.
- 5.5.4 Review of the member of staff's absence record is not confined to this trigger point and may occur when it is considered by a line manager in discussion with the HR Department that their sickness absence is giving cause for concern.
- 5.5.5 A referral to occupational health may be necessary to determine if there is an underlying medical cause for the absences. The contents of the medical report will be discussed with the member of staff and where the information indicates there is an underlying medical cause for the absences, the discussion will focus on support.
- 5.5.6 Where, after a reasonable period of time, the agreed support mechanisms do not contribute to an improved pattern of attendance, there will be discussion between the member of staff, their representative (if desired), the line manager and HR on options. The focus of the discussion will be on the retention of the member of staff, however, where the impact of their absences cannot be accommodated, dismissal with notice may be a reasonable option. Further medical reports may be requested to inform decisions.
- 5.5.7 Where there is no underlying medical or health reason for the frequency of absences, the matter will be considered as a potential unacceptable attendance issue. In such cases the precise reason for the absences will determine the nature of any action taken by the College, which could include dismissal with notice.

5.6 Long Term Sickness Absence Procedure

5.6.1 For the purposes of this procedure, long term absences are defined as absence periods of 4 consecutive weeks or more.

5.6.2 A referral to occupational health will normally be made to gather medical information on the condition, the likely duration of the absence, the likelihood of recurrence, and any support or adjustments which might help the member of staff return to work. The timing of referrals to occupational health will be considered on a case-by-case basis.

5.6.3 The contents of medical reports will be discussed with the member of staff and the information used to inform a management decision on the most appropriate course of action in each case. The focus will be on support, rehabilitation and retention, however, where the impact of the absence can no longer be accepted by the College, options such as redeployment, flexible or part-time working, retirement or dismissal on the grounds of capability as a result of ill-health will require to be considered.

5.6.4 Redeployment

5.6.4.1 Where a member of staff is unable to continue in their substantive role, but is considered fit for other work, redeployment to another role will be sought. The member of staff will be required to complete a 'skills profile' to focus the search for an alternative post within the College.

5.6.4.2 Where an alternative post is identified which matches the skills and abilities and qualifications, where appropriate, of the member of staff, they will be guaranteed an interview for that post. This may or may not be a competitive interview situation, with other internal or external candidates, dependant upon the role. The salary and terms and conditions of the post will be applied.

5.6.4.3 Where, after a reasonable period, normally up to 3 months, no suitable redeployment is found, alternative options will require to be explored. **Note:** the 3 month period is not a set timescale and each case will be considered on an individual basis.

5.6.5 Retirement

5.6.5.1 Where the medical information indicates that the member of staff is a candidate for ill-health retirement under the terms of the relevant pension scheme, this can be pursued through the pension scheme provider.

5.6.5.2 The terms of the pension scheme will apply. This may mean a separate referral to the Pension Scheme's Medical Adviser.

5.6.6 Capability Dismissal

5.6.6.1 Where all reasonable alternatives have been exhausted or precluded, termination of employment on the grounds of capability may require to be considered.

5.6.6.2 Dismissal on the grounds of capability is where the member of staff is either permanently unfit on the grounds of ill-health or is not medically fit to fulfil the functions of their role and there are no suitable alternative roles.

5.6.6.3 Where there is no underlying medical reason for the long-term absence, the matter will be considered as a potential unacceptable attendance issue. In such cases the precise reason for the absences will determine the nature of any action taken by the College, which could include dismissal with or without notice.

5.6.7 Conduct

Where a member of staff provides false information regarding their sickness absence, or does not follow this procedure, this will be considered as a potential disciplinary issue.

5.7 Equality Act 2010

5.7.1 Where the medical information indicates that the member of staff is considered disabled within the meaning of the legislation, the College will make reasonable adjustments to attempt to retain them within the workplace.

5.7.2 Such adjustments may include (but are not restricted to):

- Obtaining aids (eg specialist equipment) or adapting the workplace.
- Reducing working hours.
- Changing aspects of the role.
- Redeployment to another (existing) role.

5.7.3 Preservation of salary for reductions in hours or duties or extending periods of occupational sick pay during sickness absence are not reasonable adjustments.

5.7.4 Where there are no adjustments that can be reasonably made, or where an adjustment would make no difference to the member of staff's ability to perform in the role, then termination of employment may require to be explored.

5.8 Occupational Sick Pay

5.8.1 Provided there is compliance with the stated notification and certification procedures, eligibility to occupational sick pay is as follows:

| Length of Service | Full Pay for | Half Pay for |
|--------------------------|---------------------|---------------------|
| Less than one year | 5 weeks | 5 weeks |
| 1 year but less than 2 | 9 weeks | 9 weeks |
| 2 years but less than 3 | 18 weeks | 18 weeks |
| 3 years but less than 5 | 22 weeks | 22 weeks |
| 5 years or more | 26 weeks | 26 weeks |

5.8.2 This is in addition to the right to statutory sick pay. Any payment of occupational sick pay will be deemed to include statutory sick pay entitlement where applicable.

5.8.3 Members of staff will be advised in writing of the dates on which their pay will reduce.

5.8.4 In exceptional circumstances, the Senior Management Team will have the discretion to extend the period of full occupational sick pay or half occupational sick pay provided for.

5.9 Annual Leave and Sickness Absence

5.9.1 The accrual of annual leave entitlement is subject to legislation and contractual terms and conditions of employment.

5.9.2 Upon a member of staff's return to work following long term sickness absence, the Human Resources Department shall advise their outstanding annual leave entitlement, to be requested and granted or taken as directed by their line manager, taking into account operational requirements.

5.9.3 Where a member of staff leaves the employment of the College, payment will be made for annual leave accrued but not taken in the period worked within the current leave year.

5.9.4 Where a member of staff becomes sick during a period of annual leave, the relevant period of annual leave may be re-scheduled or accrued as special leave and the period recorded as sick leave. This may require the submission of a medical statement.

5.10 Recording and Monitoring of Sickness Absence

5.10.1 Absence information is collated and recorded via CIPHR Net. This information is limited to the first and last date of absence, the reason for the absence, and whether the absence was self-certified or medically certified. Senior and line management and the HR Department may use this information for monitoring and management purposes.

5.10.2 Anonymised statistical data will also be produced from the information held to inform performance indicators and other management information and returns as required.

6 Linked Policies/Related Documents

6.1 College policies, procedures and terms and conditions in relation to:

- Compassionate Leave
- Time Off for Dependants
- Time Off for Emergencies
- Disciplinary Procedures

6.2 Legislation in relation to:

- Equality Act 2010
- Access to Medical Reports Act 1988
- Working Time Regulations 1998

6.3 Other Regulations relating to:

- Local Government Pension Scheme and the Scottish Teachers' Superannuation Scheme
- Statutory Sick Pay