



MAXIMISING ATTENDANCE POLICY

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HERIOT-WATT UNIVERSITY
MAXIMISING ATTENDANCE POLICY

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1	INTRODUCTION
	<p>The University aims to develop and maintain policies that provide all employees with the appropriate levels of support in relation to their health and welfare.</p> <p>We believe that our employees' well-being is essential to effective work performance and the provision of a high quality service.</p> <p>Managing attendance and supporting employees suffering from ill-health are integral to the University's responsibilities towards its employees and form an important part of the role of Managers and Supervisors.</p> <p>The application of this policy and its supporting procedures recognise the right of academic freedom as set out in the Statutes and Ordinances.</p>
2	PURPOSE
	<p>The University is committed to taking positive steps to provide an environment to allow employees with disabilities to maximise their potential and contribution to the University.</p> <p>This Policy and the accompanying Procedures has been compiled to help ensure the smooth running of the University and that employees with health difficulties are supported appropriately while being mindful to balance the sensitive nature of genuine individual sickness against the University's need to be publicly accountable for its resource allocation.</p> <p>This Policy is based on the recognition and appreciation that staff always make every reasonable effort to attend work and that non-attendance is for a genuine reason.</p> <p>The emphasis of this policy is to encourage and assist employees who are absent due to ill-health and all those with responsibilities for their management to manage and support optimal attendance. However, there may be occasions where continuing or intermittent absence for any reason, including ill-health, impacts on an employee's ability to carry out their duties effectively to the extent that it may not be possible to continue their employment.</p>
3	OBJECTIVES
	<p>It is a key principle to manage proactively the return to work of those employees who have been absent as a result of ill-health, accident or incapacity and to seek to make reasonable adjustments to duties, environment or workload where required and where practicable.</p>
4	SCOPE
	<p>This Policy and supporting procedures apply to all UK based University employees and is designed to ensure that the University's approach to managing absence is fair and consistent.</p> <p>Employees not based in the UK will normally have a separate policy and process due to differing local Labour laws. This will be explicit in the appropriate contract terms and conditions.</p>

	<p>This Policy applies to instances of absence as a result of ill-health. Absence for any other reason is covered in the appropriate policy.</p> <p><u>Appendix 1; Sick Pay Entitlement</u> is the only element of this Policy that is a contractual entitlement. The remainder of this Policy does not form part of employees' contracts of employment and it may be amended from time to time.</p>
5	<p>LINES OF RESPONSIBILITY</p> <p><u>Managers</u></p> <p>In keeping with good practice, managers should:</p> <ul style="list-style-type: none"> • Ensure their staff are aware of the Maximising Attendance Policy and Procedures and in particular the requirements for reporting sickness absence and return to work • Ensure the absence and the reason is recorded on Cloud ERP and closed off "approved" on return • Conduct a Return to Work meeting after every absence (see Section 2 of the Procedures for further detail) • Manage instances of unauthorised absence quickly • Maintain regular contact with staff absent due to ill health • Provide support and assistance for individuals returning to work after illness, with support from HR and Occupational Health as appropriate <p><u>Employees</u></p> <p>Employees should:</p> <ul style="list-style-type: none"> • take responsibility for their own well-being • make sensible decisions as to whether they are fit enough to attend work or should, for their own and others health, refrain from attending work • report absence in line with the procedures set out below • update Cloud ERP after every absence, completing all the fields including the reason for absence • attend a Return to Work meeting when requested • Attend a meeting with Occupational Health when requested <p><u>The Human Resources Team will:</u></p> <ul style="list-style-type: none"> • Support managers with the Maximising Attendance, Redeployment-Ill Health, Mental Health and Stress Awareness Policies to manage sickness absence. • Assist in monitoring the effectiveness of measures to maximise attendance by collating and reporting sickness absence statistics. • Work with the employee's Manager to make referrals to Occupational Health where appropriate. • Work with Occupational Health to support employees who have been absent, in particular with long-term or stress-related illness and advise them and their Managers on a structured return to work programme and/or other measures to enable them to return to work. • Make employees aware of the Employee Counselling Service as required.

6	MONITORING AND EVALUATION
	<p>All records and information obtained in relation to an individual's sickness absence will be kept confidential and securely held in lockable cabinets or secure systems.</p> <p>Information will be retained in line with relevant Data Protection and Access to Medical Records legislation as personal sensitive data, and the University's Records Retention Policy.</p> <p>Summaries of breakdown of absence length and type are and general statistics are maintained and reported for equal opportunity monitoring, FOI and key performance indicator purposes. Such information is kept securely and confidentially with personal data removed in accordance with relevant Data Protection Act legislation and the University's Records Retention Policy.</p> <p>Contact details (phone, mobile, email) may be accessed by the Line Manager as a means of maintaining contact and the Duty of Care.</p> <p>How the University uses both individual and anonymised data is set out in our Privacy Notice</p>
7	RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE
	<p>All HR Policies can be found at this link HR Policies</p> <p><u>Occupational Health and Wellbeing</u></p> <ul style="list-style-type: none"> • Stress Awareness Policy • Mental Health Policy • Redeployment Ill Health Policy <p><u>Leave of Absence</u></p> <ul style="list-style-type: none"> • Leave of Absence Policy • Guidance for Time off for Medical/Dental Appointments <p><u>Performance Management</u></p> <ul style="list-style-type: none"> • Capability Policy <p><u>Family Friendly</u></p> <ul style="list-style-type: none"> • Supporting Family Life Overarching Policy and Procedures
	<p>Further reference</p> <p><u>University Retention Policy</u> https://www.hw.ac.uk/services/information-governance/manage/what-to-keep.htm.</p> <p><u>Privacy Notice</u> https://www.hw.ac.uk/services/information-governance/access/privacy-employees-contractors.htm</p>
8	FURTHER HELP AND ADVICE
	<p>For further help and advice about health-related absence and support, visit our Well Being Hub or contact HR helpdesk</p>

	For queries about your own sick pay, contact HR helpdesk			
9	POLICY VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V. 1.2	originally approved at Court June 2012, refreshed December 2021	PSLB-CJNCC- for minor revisions	Minor updates to reflect changed internal practices

APPENDIX 1 - SICK PAY ENTITLEMENT

Subject to the University procedures being followed, a member of staff absent on account of sickness or injury is entitled to the following sick pay entitlement

Grades 1-3	Full Pay	Half Pay
During the first 6 months of service	SSP where the employee qualifies	
7 months to one year	2 months	2 months
Second and third year	3 months	3 months
Fourth and fifth year	5 months	5 months
After fifth year of service	6 months	6 months

Grades 4-5	Full Pay	Half Pay
First 3 months	2 weeks	2 weeks
4 months to one year	2 months	2 months
Second and third year	3 months	3 months
Fourth and fifth year	5 months	5 months
After fifth year of service	6 months	6 months

Grades 6-10	Full Pay	Half Pay
No qualifying Period	6 months	6 months

The normal weekly earnings for the purposes of sick pay are the normal weekly wage plus enhanced payment for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages. Where earnings for a normal working week vary from week to week or from one part of the year to another then the calculation is based on average earnings over whatever period is necessary to cover the variations.

The full sick pay allowance includes any entitlement to Statutory Sick Pay or other state sickness benefits. No deductions are taken from the half pay allowance, unless half pay plus SSP or other state sickness benefits exceeds the full normal weekly earnings.

The rate of sick pay (i.e. whether full, half or nil pay) for any sickness absence is calculated by adding together the total amount of absence taken during the previous twelve months and calculating the remaining sick pay entitlement (i.e. full, half or nil, in line with the entitlement for the grade) payable for the current period of absence. Any unpaid absence on sick leave does not count towards the rolling 12 month period for calculating entitlement to sick pay.

The salary is subject to deduction of the relevant National Insurance benefit.



Procedures - Maximising Attendance

PROCEDURES

HERIOT-WATT UNIVERSITY
PROCEDURES TO SUPPORT MAXIMISING ATTENDANCE POLICY
CONTENT

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1.	INTRODUCTION
	<p>Our approach to maximising attendance is rooted in encouraging communication between managers and their staff. By supporting open dialogue the University hopes to create a process that is able to take account of individual circumstances, while taking full account of business requirements.</p> <p>The following procedures will be carried out with tact and sensitivity at all times and a realisation that the management of sickness absence is the joint responsibility of the Line Manager and the individual employee.</p>
2.	PROCEDURES FOR MAXIMISING ATTENDANCE POLICY
	<p>1. SICKNESS ABSENCE REPORTING AND CERTIFICATION</p> <p>1.1 Reporting and keeping in contact during sickness absence</p> <p>If an employee is taken ill or is injured while at work they should inform their Manager and be given permission to leave work. Managers should make arrangements for anyone who is unwell to be accompanied home and/or receive medical treatment from a qualified First-Aider where necessary.</p> <p>Where an employee is absent for any illness, it is the responsibility of their Manager to monitor and manage their attendance, with HR available for support and advice. If an employee is absent on the grounds of ill health, they will be contacted from time to time by their Manager. The purpose of this contact is to provide support, discuss wellbeing, expected length of continued absence and any of the employee's work which will require attention in their absence. Such contact will be kept to a reasonable level mindful of the reason for the absence.</p> <p>Employees also have certain responsibilities to report their absence due to sickness or accident:</p> <ol style="list-style-type: none"> a) On the first day of absence the employee should telephone their Manager no later than one hour after their normal starting time. If the Manager is not available at this time, the employee should leave a voice-mail message so their Manager can call back; or contact another Manager if their own is not available so the absence may be noted. If it is not practicable to phone, the employee may email instead; b) For manual staff, where reasonably practicable, the employee should contact their section two hours prior to the start of their shift; c) The employee should state the reason for and the likely length of their absence, and provide the Manager with a contact number; d) If the absence is due to an injury or accident at work, the employee should complete an Accident / Incident Report Form on the safety management system shield which can be found: https://heriotwatt.info-exchange.com/HSIncidents. <p>Managers should ensure that:</p> <ol style="list-style-type: none"> a) Any sickness absence that is notified to them is recorded on the ERP system as soon as possible. Guidance can be found here Cloud ERP

- b) If the absence is due to an injury or accident at work, the manager should ensure that the Accident/Incident Report Form which can be found online at <https://heriotwatt.info-exchange.com/HSIncidents> has been completed by the employee so that the University complies with the RIDDOR regulations (the requirement to report accidents at work resulting in “major injury” or more than 7 days absence).
- c) Arrangements are made, where necessary, to cover work and inform colleagues of the absence while maintaining confidentiality.

Details of sick pay are provided at Appendix 1 of the Policy Document.

1.2 Sickness Certification

For the purposes of this section all the days of the week should be counted during a period of absence, including Saturdays and Sundays, whether these days are normally worked or not.

When the employee returns to work they should log in to [Cloud ERP](#) and update their sickness record with the end date of the sickness (i.e. the last day they were absent from work) and the reason for the absence. Once the sickness record in [Cloud ERP](#) has been updated, the line manager will receive an email from [Cloud ERP](#) to approve/confirm the sickness absence.

An employee does not require a medical certificate from their GP if the sickness absence is for seven days or less. If the absence lasts longer than seven calendar days, the employee must also contact their GP to receive a medical certificate to cover the period of absence. Certificates should be forwarded to the employee’s Manager at weekly/fortnightly or appropriate intervals to cover the whole period of absence.

If an employee’s doctor provides a certificate stating that the employee “may be fit for work” the employee should inform their Manager immediately. The Manager will discuss with them any additional measures that may be needed to facilitate their return to work, taking account of the doctor’s advice and after consulting with the HR team if required. This may take place at a return to work interview (see Section 2 below) or prior to returning to work. If appropriate measures cannot be taken, the employee will remain on sick leave and the manager will set a date to review the situation.

If an employee feels well enough to return to work before the fit note expires, it is important that they speak to their line manager first to discuss the practicalities and impact on their health of returning to work early. In some cases, a formal risk assessment may be required and/or the employee may be asked to visit their GP to advice about their fitness for an early return to work.

The reporting procedures in paragraphs 1.1 and 1.2 are important to both the employee and the University, and employees should note that failure to comply may result in suspension of occupational sick pay and/or ultimately disciplinary action.

If an employee is ill or injured during a period of pre-arranged annual leave they may elect to treat the days of incapacity as sickness absence instead of annual leave. Employees must inform their Manager of their incapacity and its likely duration as soon as possible even if they are abroad. Employees will not receive occupational sick pay unless they are able to provide a medical certificate or other evidence of incapacity for the full period of incapacity. If a medical certificate is produced, the period will be treated as sickness absence and the annual leave can be re-credited. If no medical

<p>certificate is produced, the absence will be treated as annual leave and will not be re-credited.</p> <p>1.3 Unauthorised Absence Cases of unauthorised absence will be dealt with under the University's Disciplinary Procedure.</p> <p>Absence that has not been notified according to the relevant reporting procedure, including this sickness absence reporting procedure, will be treated as unauthorised absence and pay may be deducted.</p> <p>If an employee does not report for work and has not telephoned their Manager to explain the reason for their absence, their Manager will attempt to contact them by telephone, text and/or in writing, if necessary. This should not be treated as a substitute for reporting sickness absence.</p> <p>2. RETURN TO WORK PROCEDURE</p> <p>For all absences, the employee's Manager should invite the employee to a Return To Work discussion within 3 working days of the employee's return to work. Depending on the length of absence, this discussion will range from an informal check that the employee is feeling better to a one-to-one meeting for longer absences. The purpose of this meeting is to manage and monitor the employee's absence and attendance, to identify whether there are any underlying reasons behind the absence or any problem areas, and to offer support to facilitate the employee's return to work.</p> <p>If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, this should be raised as early as possible so that appropriate support and advice may be obtained (see Section 5, Disability).</p> <p>No formal action should be taken at the Return to Work Meeting. For most absences, the meeting should be relatively short and should conclude with a summary of the meeting being documented using a Return to Work form found on the HR Web page here: https://www.hw.ac.uk/uk/services/human-resources/human-resources-forms.htm and also at Appendix 2 below. In other instances, the Return to Work meeting may need to take longer, depending on, for example, the length of, or reason for, the absence.</p> <p>Where an employee's doctor has provided a certificate stating that the employee "may be fit for work" if certain adjustments could be made by the University, any additional measures that may be needed to facilitate the employee's return to work should be discussed, taking account of the doctor's advice and, if appropriate, Occupational Health. Such advice is not binding on the University, but it will be given due consideration.</p> <p>Once the employee has returned to work they must update and complete their absence record in ERP so that it may be closed off ("approved") by the Line Manager</p> <p>3. PROCEDURE FOR DEALING WITH SHORT TERM INTERMITTENT ABSENCES</p> <p>Where an employee has been absent from work through sickness on a number of occasions for short periods and this is either creating an operational difficulty, or the University is concerned about an employee's ability to carry out their role for medical reasons, or there is concern over the impact of such intermittent absences on</p>
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colleagues, the University will use a fair and reasonable procedure to address the issue. The employee's Manager will undertake the appropriate initial assessment.

The process for dealing with short term intermittent absences is designed to encourage improvement but ultimately it may lead to dismissal where acceptable improvement cannot be achieved and maintained.

The Human Resources Team is available to provide support and advice to managers at any stage of this process as required, either remotely or face to face.

The Employment Counselling Service is also available for all employees; further information is here [Counselling Provision](#)

Stage 1- Informal Meeting

Where an employee has had five instances of short term sickness absences, or a total of 10 days, during any six month period (pro-rata for part-time staff), their Manager should raise this with the employee and investigate any particular circumstances concerning these periods of sickness absences.

This informal investigation aims to establish the underlying reason for the frequent absences, with a view to reaching an appropriate remedy and improving attendance. The Manager should discuss with the employee the reason for the absences, explaining why it is causing concern and exploring possible reasons for it. The employee is entitled to be accompanied by a work colleague or trade union representative at this meeting.

If there are stress related issues it may be more appropriate to address the absences under the University's Stress Awareness Policy & Procedure for Staff.

If appropriate the employee may be referred to the University's Occupational Health Physician at this stage, through the Human Resources Team.

Following the Informal Meeting, the Manager will explain what improvement is required and over what period (a monitoring period of up to a maximum of six months will normally be set). The Manager should make it clear that further action under this procedure will be taken if there is insufficient improvement. The Manager will confirm in writing the expected attendance levels that should be attained and the timeframe in which this will be monitored.

Absences clearly identified as pregnancy-related are excluded from the monitoring period.

Absences arising from an accident at work may be excluded from the monitoring period but continued or intermittent absence which impacts adversely on the ability to carry out duties effectively may need to be considered under the formal stages set out below.

If any such absence is considered to be as a result of a disability, Section 5 below should be followed.

Stage 2- First Formal Meeting

If during the monitoring period there has been no satisfactory improvement in the employee's attendance and/or the employee has failed to meet the attendance targets set during the Informal Meeting, the Manager should conduct a First Formal Meeting

with the employee. The employee is entitled to be accompanied by a work colleague or trade union representative at this meeting.

The aim of the meeting will be to:

- a) Identify the frequency and reason for the absences and ensure that the employee is aware that their absence record is giving cause for concern;
- b) Assess whether there is any underlying condition responsible for the employee's absences. If appropriate the employee may be referred to the University's Occupational Health Physician at this stage, through the Human Resources Office
- c) Give consideration to any problems raised by the employee and consider possible ways of helping the employee to resolve them
- (d) Set a reasonable period of time, normally 3-6 months, over which the employee's attendance can be further monitored;

Following the First Formal Meeting the Manager will explain what improvement is required and over what period. After consideration of the discussions and facts at the First Formal Meeting the Manager may issue the employee with a formal warning.

The Manager will confirm in writing the expected attendance levels that should be attained and the timeframe in which this will be monitored. Any warning will also be confirmed in writing and the employee will be informed of their right of appeal. A warning provided at this stage of the process will remain on the employee's personal file for 12 months.

Stage 3 Further Formal Meeting

If, at the end of this further monitoring period, there has been no satisfactory improvement in the employee's attendance and/or the employee has failed to meet the attendance targets set at the First Formal Meeting, then a Further Formal Meeting should take place with a manager more senior to the manager who carried out the first formal meeting. Ideally this should be the next line manager but if this is not practicable or would unnecessarily delay the process, another manager with the same level of seniority may be nominated. The employee will be entitled to be accompanied by a colleague or a trade union representative at this meeting and an HR Representative will normally be in attendance. This meeting will be held to address the same issues as addressed in the First Formal Meeting.

If, after consideration of the employee's absence record and any representations made by the employee, the Manager considers there are compelling reasons that the employee should be afforded a further period of monitoring, they may introduce a further such period in which the employee may be afforded the opportunity to improve their attendance. In normal circumstances where no improvement in the employee's attendance has occurred, the employee will be dismissed with notice or payment in lieu of notice.

The decision to dismiss will be confirmed in writing and the employee will be informed of their right of appeal.

Appeal

Where the employee wishes to appeal the decision after stage 2 or 3, they should contact their Head of School/Service (or the most appropriate Senior Manager if the Head of School/Service carried out the formal meeting being appealed against) in writing within 10 working days of the meeting. An appeal hearing will normally be

arranged to take place within 10 working days of the University's receipt of the appeal or as soon as is reasonably practicable. An appeal hearing will normally be heard by a Manager more senior than the Manager who has issued the particular warning.

4. LONG TERM ABSENCE DUE TO ILL HEALTH

The following procedure will apply where an employee is absent from work due to long-term ill health for a period extending beyond 4 weeks:

- a) The Manager should keep in contact with the employee throughout their absence. The purpose of this is to maintain friendly and supportive contact; keep the employee up to date with any news within their department, as well as establishing the reasons for the absence and its likely duration. The Manager should keep written records of all conversations during this period.
- b) Taking into account the particular circumstances of the case, and normally after the period of 4 weeks continuous absence the employee's Manager will arrange an Attendance Meeting to discuss the employee's continued absence. The purpose of this meeting is to discuss the nature of the illness/condition and the content of any medical input received; and to assess the duration of the employee's absence and whether the University can assist the employee in their return to work. Where the University can assist the employee the University will endeavour to do so. It would normally be appropriate for the University to have requested a medical report prior to the Attendance Meeting (see below)
- c) The employee should be referred to the University's Occupational Health Service via the Human Resources Team if they are medically certificated beyond 4 weeks, or as soon as a certificate indicates the reason for absence is due to stress or work-related stress. If they consider it appropriate, Occupational Health (OH) may make a request to contact the employee's doctor and/or consultant (in line with the requirements of the Access to Medical Reports legislation) in order to establish the likely length of absence and to advise on the long-term effect on capability in relation to job performance and attendance at work.
- d) Under the "fit note" system, the employee's doctor has the opportunity to highlight options available to the University which may facilitate the employee's return to work. Any advice provided by the doctor should be considered by the University and additional advice from OH may also be considered.
- e) In all cases the University should consider offering temporary or permanent alternative employment or a shorter working week on a temporary or permanent basis if this would enable the member of staff to return to work. This course of action must be deemed appropriate by the OH, acceptable to the individual and reasonably practicable within the School /Section. Permanent changes to hours or working pattern may require changes to terms and conditions.
- f) If after receipt of the appropriate medical input the University considers that the employee has a disability within the definition in the Equality Act 2010, the University should look to make any appropriate reasonable adjustments to facilitate the employee's return to work (see Section 5 "Disability" below).
- g) The employee should be informed that long-term absence due to ill health may put their continued employment at risk.

- h) Further Attendance Meetings will be scheduled on a regular basis to continue to assist the employee.
- i) If it appears to the Manager at any Attendance Meeting that the employee's absence will continue for a prolonged period, or medical and Occupational Health advice indicates that there are no further or possible reasonable adjustments that may be made, the University may undertake the process set out in Section 6 below.

Returning to work from Long Term Absence

The University is committed to helping employees return to work from long term sickness absence.

As part of the University's Attendance Meetings process the University will, where appropriate and reasonably practicable, support a return to work by:

- a) obtaining medical and occupational health advice;
- b) making reasonable adjustments to the workplace, working practices and/or working hours;
- c) considering redeployment; and/or
- d) agreeing to a return to work programme with those affected.

In addition, the Redeployment – Ill Health Policy and Questionnaire should be used as a tool to identify suitable alternative positions on a short or long term basis.

5. WORKING WITH DISABILITY

The University recognises that sickness absence may result from a disability. In line with its accreditation as being a Disability Confident Employer, wherever practicable, the University will:

- Aim to retain any employee who becomes disabled during their employment
- Make use of the services and advice offered by external support agencies such as Access to Work where appropriate, to support new employees with a disability or existing employees who have become disabled during their employment
- Seek professional medical advice from OH both at the beginning of and during employment on reasonable adjustments to consider
- Make reasonable adjustments to enable the employee to continue to make a valuable contribution to the work of the University

If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their Manager and/or HR in the first instance. At the earliest possible stage, the employee will be referred to OH in order to understand the University's obligations in relation to the Equality Act 2010; its duty of care to the employee; and any reasonable adjustments that could be made to provide support at work and/or assist a return to work and/or that would remove any substantial disadvantage to an employee who may be considered to have a disability under the Equality Act 2010.

The procedure set out in paragraphs 3 and 4 above should be followed for all employees but at each stage, including the Return to Work Interview outlined in paragraph 2, the focus should be on enabling and maximising attendance and encouraging a supported return to work.

Making Reasonable Adjustments

Following referral to OH it will usually be appropriate to have a meeting with the employee and their Line Manager to consider the recommendations and any proposed reasonable adjustments. A member of the HR team would normally be in attendance and it may also be appropriate from time to time for OH to attend.

Adjustments will vary, depending on the type of role the employee is employed to carry out, but they may include:

- Adapting the premises
- Developing a PEEP (Personal Emergency Evacuation Procedure)
- A phased return to work
- Re-allocating certain duties
- Altering working hours or working pattern
- Finding alternative working accommodation or working from home
- Provision of car parking closer to the employee's workplace
- Modifying the work-station or equipment
- Providing extra training
- Redeployment into another role.

Where the disability leads to frequent or intermittent short term absences, it may also be a reasonable adjustment to discount these absences or to extend the monitoring period at any of the formal stages of the process.

Where time off is required, for example, to undergo regular treatment such as hospital treatment (e.g. dialysis, chemotherapy, operations, physiotherapy); or to attend for assessments, tests or out-patient appointments; or to recover from treatment such as blood transfusion, cancer treatments or dialysis, this will be discounted as sickness absence leave in the event of any formal consideration of attendance.

6. DECISION TO DISMISS BY REASON OF MEDICAL INCAPACITY / CAPABILITY

In certain circumstances it may become necessary from a business perspective to consider termination of employment. This will depend on the length of absence and the likelihood of a return to work.

Where ill health retirement is an option, this should be considered in preference to dismissal. If ultimately the only option available to the University is to consider dismissal, we will act reasonably and sensitively at all times. A decision to dismiss will not be taken lightly, and the University will use its best endeavours to follow the following procedure in this event:

- a) The employee should be advised in writing as soon as it is established that termination of employment may be a possibility. This letter should confirm the facts, the action to be taken, and a relevant timescale. A copy of this letter will be kept on the individual's personal record.
- b) The employee's absence record will be reviewed to assess whether or not dismissal is a justifiable course of action;
- c) The University should obtain up-to-date medical and occupational health advice;
- d) The University should meet and consult with the employee to discuss the options available and the employee's views on continuing employment;

	<p>e) The University will explore the possibility of the employee taking on a different role within the University, or any other possible adjustments which could facilitate a return to work;</p> <p>f) All opportunities to encourage the employee to return to work or to maintain an acceptable level of attendance should be explored prior to any decision to dismiss.</p> <p>If, after all due consideration, all possible alternatives have been exhausted, a formal meeting should take place with the Head of School/Section (or appropriate senior manager). The employee is entitled to be accompanied by a colleague or a trade union representative at this meeting and an HR Representative will normally be in attendance. This meeting will consider and address all the information obtained and discussions held to date as outlined in a) – f) above.</p> <p>If, after consideration of the above, the Manager considers there are compelling reasons that the employee should be afforded a further period of monitoring, or readjustments to the role, they may introduce a further such period in which the employee may be afforded the opportunity to improve their attendance.</p> <p>In normal circumstances where no improvement in the employee's attendance has occurred and ill-health retirement is either not applicable or has been refused by the pension provider, the employee will be dismissed with notice or payment in lieu of notice.</p> <p>The decision to dismiss will be confirmed in writing and the employee will be informed of their right of appeal.</p> <p>Appeal</p> <p>The employee has the right of appeal against a dismissal on the grounds of medical incapacity/capability. Where the appeal is against a decision not to award ill-health retirement by the pension provider, separate procedures specific to the pension provider must be followed and the HR Team, in conjunction with Payroll will be able to provide details on how to do this.</p> <p>An appeal against the decision to dismiss should be made to the Director of Human Resources in writing within 10 working days of the meeting. An appeal hearing will normally be arranged to take place within 10 working days of the University's receipt of the appeal or as soon as is reasonably practicable. An appeal hearing will normally be heard by a Manager more senior than the Manager who issued the dismissal.</p>								
4.	FURTHER HELP AND ADVICE								
4.1	<p>For further help and advice about health-related absence and support, Well Being Hub or contact HR helpdesk</p> <p>For queries about your own sick pay, contact HR helpdesk</p>								
6.	PROCEDURES VERSION AND HISTORY								
	<table border="1"> <thead> <tr> <th data-bbox="261 1843 459 1910">Version No</th> <th data-bbox="459 1843 692 1910">Date of Approval</th> <th data-bbox="692 1843 943 1910">Approving Authority</th> <th data-bbox="943 1843 1401 1910">Brief Description of Amendment</th> </tr> </thead> <tbody> <tr> <td data-bbox="261 1910 459 2000">V. 1.2</td> <td data-bbox="459 1910 692 2000">approved 06/12 refreshed 10/19 and 12/21</td> <td data-bbox="692 1910 943 2000">CJNCC-GOE for minor revisions</td> <td data-bbox="943 1910 1401 2000">Minor updates to reflect changed internal practices</td> </tr> </tbody> </table>	Version No	Date of Approval	Approving Authority	Brief Description of Amendment	V. 1.2	approved 06/12 refreshed 10/19 and 12/21	CJNCC-GOE for minor revisions	Minor updates to reflect changed internal practices
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APPENDIX 1 – SAMPLE RETURN TO WORK FORM

Return to Work Meeting

Employee Name:	
Date of Return To Work Interview:	

Preparation

- Check the employee's previous absence over the last 6 months;(Look at the attendance records)
- Note any patterns; e.g. Saturdays, Mondays, directly after building close days, etc;
- Check whether the employee is at or approaching an unacceptable level

Welcome

- Welcome back the employee to work;
- Check that the employee is fit to return to work.

Absence – details should be entered on ERP

- Discuss the absence, explore the reasons behind it and talk through solutions to help avoid future absences

If over 7 days, has employee provided doctors certificate?	Yes / No
Did employee consult doctor?	Yes / No
If yes, on what date?	
Does employee feel fit to return to work? (<i>Absences of 7+ days may require confirmation from doctor</i>)	Yes / No
Is there anything that we can do to assist employee in order to avoid further absences?	Yes / No
If yes, please give details:	
How many days of absence in the last 6 months?	
In last 6 months, how many instances of absence?	
Has the employee closed off the absence in ERP? Double check the absence in ERP to ensure it has been closed off fully.	

If the employee is approaching or has reached an unacceptable level of absence in regards to short term (4 weeks or less) intermittent absences: 5 periods in a 6 month period or 10 days in a 6 month period, you should discuss that it is the responsibility of the employee to attend work, and agree next steps. e.g. invite to formal absence review and/or request medical report.

Agreed Actions:	
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Move On

- Talk to the employee about what they missed when they were absent from work and what they need to focus on now they are back at work e.g. What areas in their department need attention as it has only had cover, University news, relevant changes, information from staff meetings, etc.