



THE UNIVERSITY *of* EDINBURGH

Absence Management Policy

1. Policy Statement

The University recognises that you may need time off work due to illness or injury from time to time. We are committed to supporting you during periods of illness and on your return to work. This policy aims to help you to maximise your attendance at work and explains how your absences from work will be managed to achieve this.

2. Scope

This policy and procedure applies to all employees who are absent from work due to illness or injury.

During their probation period, new employees must report and certify their absences in line with this policy. However, any concerns about a new employee's absence will be managed in line with the [Probation Policy](#).

There may be other times when health-related issues need to be managed using a different policy. For example, if an employee's health is affecting their performance at work, this will be managed in line with the [Managing Capability Policy](#). Managers must seek early advice from their HR Partner to determine which policy should be used.

3. Principles

This policy is underpinned by the following principles:

- 3.1 Every absence will be treated fairly, reasonably and with sensitivity
- 3.2 Personal information will be handled confidentially and respectfully. Discussions relating to absence from work will be held in private
- 3.3 Employees will be given early notice of concerns regarding their absences from work and given every reasonable support to maximise their attendance
- 3.4 Every reasonable effort will be made to help employees with disabilities and underlying health conditions to attend work.

4. Abbreviations and Definitions

Calendar Days	All days in a period, including non-working days, weekends and holidays
Companion	A person who can attend formal meetings with you, normally a work colleague or trade union representative. You may request to bring another person to the meeting if you need additional support, such as someone who is familiar with your medical condition or disability.
Conflict of interest	A private, personal or commercial interest which could influence or interfere with a person's objectivity
Fit Note	A statement of your fitness for work which must be submitted for any absences lasting eight calendar days or longer. It may be issued by a GP (doctor), nurse, physiotherapist, occupational therapist or pharmacist. It will indicate whether you are <i>not</i> fit for work, or <i>may</i> be fit for work. Further information on fit notes can be found in Appendix I.
Long-Term Absence	An absence from work lasting more than four calendar weeks
OHS	Occupational Health Service
OSP	Occupational Sick Pay i.e. University enhanced sick pay
Prolonged Absence	An absence from work lasting substantially more than four calendar weeks. The reason for and length of this type of absence would normally require additional support to be put in place to help you return to work.
Rolling Period	The period of time immediately before the start of an absence
Self-Certification	A declaration from you that you were off work due to illness or injury. You can self-certify for any absence up to seven calendar days.
Short-Term Absence	An absence from work lasting four calendar weeks or less.
SSP	Statutory Sick Pay

5. Occupational Sick Pay Entitlement

Your entitlement to OSP can be found in your [Conditions of Employment](#).

6. Other Relevant Policies and Guidance

You may find it useful to refer to other relevant University policies and guidance which you can find on the [HR web pages](#):

[Capability Policy](#)

[Conditions of Employment](#)

[Conflict of Interest Policy](#)

[Probation Policy](#)

7. Policy & Procedure History and Review

Approval Date: June 2022

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Date of Next Review: 30 June 2025

Absence Management Procedure

1. Requesting Time Off for Medical Appointments

You must try to make medical appointments outside of work time. If this is not possible, you should try to arrange appointments for the start or end of your working day so that disruption is minimised.

If you have an appointment during work time, you must ask your manager for time off, giving as much notice as possible. Your manager will make every effort to approve your request for time off, particularly if your appointment is with a Specialist or Consultant or is the result of you having been placed on a waiting list for medical treatment. Your manager may request evidence of your appointment e.g. an appointment card, text, email or a letter from the hospital. You can submit your request through People and Money. Evidence can be uploaded when submitting your request in People and Money and your absence will be recorded as a Personal Health and Welfare appointment. Your time off will be paid.

If you need regular and/or ongoing time off to attend appointments in relation to a disability or underlying health condition, your manager will decide how this can be reasonably accommodated. Your manager may seek advice from HR and/or the OHS. Further guidance on support for employees with disabilities can be found in the [Guidance on Supporting Disabled Staff](#).

If your medical appointment is pregnancy related, please refer to the [Maternity Policy](#).

2. Reporting Your Absence and Keeping in Touch

If you are unable to come to work due to illness or injury, you must contact your manager by telephone. You must do this no later than your normal start time. Your manager will have made you aware if alternative local arrangements are in place for reporting and recording your absence e.g. by text or email or by contacting a designated person for your School/Department.

When making contact, you must confirm:

- the reason for your absence – saying you are “unwell” is not sufficient
- how long you expect to be absent, or when you expect to return, if known

- whether you have sought, or intend to seek medical advice or help
- whether there is anything your manager needs to be aware of regarding your work.

In exceptional circumstances, a family member or friend may contact your manager or designated person on your behalf. You must then contact your manager/designated person as soon as you are able.

You are encouraged to disclose any disability, work-related issue or concern that your manager is not already aware of, so they can consider appropriate support. This is particularly important if your absence is due to, or aggravated by a disability or work-related issue.

If your absence lasts more than a few days, you must keep in regular contact with your manager, or designated person. The method and frequency of contact will be mutually agreed between you and your manager/designated person and will take into account the reason for your absence.

3. Part-day absences

Your manager will only record a sickness absence in People and Money if you are absent from work for at least half of your working day or more. If your absence is at least half of your working day, but less than your full working day, then your absence will simply be recorded as a half day sickness absence. If you are entitled to OSP, your absence will be paid.

4. Certification Requirements

4.1 Self-Certification

You are only required to provide a self-certificate if your absence lasts between four and seven calendar days. No documentary evidence of your illness e.g. a self-certificate, fit note or hospital document, is required for absences lasting three days or less.

On your return from any absence lasting between four and seven calendar days your manager will hold a return to work discussion with you (see Section 7). You will be asked to complete and sign the self-certification section of the [Return to Work](#) (RTW) form before your manager uploads the completed form to People and Money. This includes for any illness or injury that occurred during annual leave, where you wish to reclaim the annual leave (see Section 5).

4.2 Medical Certification

If your absence lasts eight or more calendar days, you must submit a fit note or hospital documentation, as appropriate. You must send your manager a copy of this medical certificate as soon as you receive it, by post, in person or electronically e.g. by email. If you do not, this may delay the payment of your sick pay or lead to a period of unauthorised absence which could result in disciplinary action.

If you receive more than one fit note during your period of absence, there must be no gaps between the dates covered by the fit notes. If there are any gaps, you must obtain a fit note(s) which covers these. If you do not, sick pay may be withheld for the days not covered by a fit note. Further guidance on fit notes can be found in Appendix I.

5. Sickness Absence and Annual Leave

If you are ill or injured while on annual leave (including those taken to cover the Christmas closure dates) or a [public holiday](#), whether abroad or in the UK, you can reclaim the annual leave or public holiday (pro-rated for part-time staff) for use at another time, provided:

- it is a day of the week you would normally have been at work
- you follow the normal absence reporting procedures outlined in Section 2. This includes letting your manager/designated person know on the first day of your illness/injury that you would normally have worked, were you not on leave
- you meet the certification requirements in section 4.

Your manager will then cancel your annual leave/public holiday in People and Money and record this period of absence as sickness absence.

6. Returning to Work

You must let your manager know when you anticipate returning to work. This will allow you and your manager to plan for your return, if such a plan is necessary.

Depending on the nature and duration of your absence, it may be appropriate to discuss and agree a phased return to work, i.e. returning to work on a gradual basis. This will also depend on whether a fit note has been received and whether it offers any specific advice regarding your return to work. Your manager may seek advice or guidance from HR and/or OHS. Further guidance

on making a management referral to OHS can be found in Appendix II, and further guidance on phased returns can be found in Appendix III.

If you plan to return to work early i.e. before the expiry of your fit note, you must discuss this with your manager before you return. If your manager is concerned that you are not well enough to return or that an early return might hinder your full recovery, they must seek advice from OHS. On receipt of the OHS report/recommendations, your manager will arrange to further discuss your return to work with you.

If it becomes clear that you will be absent for substantially longer than four weeks, you should refer to section 12, Prolonged Absence.

7. Return to Work Discussions

7.1. Return to Work Check-In

Your manager is encouraged to check in with you when you return to work. This is to make sure you are well enough to be back, to provide help and support where it is required and to update you on anything you missed while you were off. This will be a 'light touch' discussion and may not necessarily be in person, i.e. it could be by telephone if, for example, you work in a different location to your manager.

You can request such a check in if there is something you particularly wish to discuss with your manager about your health and/or absence.

Your manager can record the date your conversation took place in People and Money.

7.2 In-depth Return to Work Discussion

Your manager will arrange a more in-depth return to work (RTW) discussion with you if any of the following apply:

- you have been absent for four or more calendar days
- local operational needs require a return to work discussion after all absences e.g. you work in close contact with food or animals
- there is information on your fit note which requires further discussion
- your manager wishes to discuss what support can be offered

- your attendance levels are of concern (see Section 8)
- your manager considers that a more structured approach to helping you to maximise your attendance is required.

If an in-depth RTW discussion is required, your manager will arrange for this to take place in private as soon as possible on your return to work, normally within the first few days of your return. Your manager will inform you of the arrangements.

In advance of your in-depth RTW discussion, you must complete section 1 of the [RTW form](#) and email it to your manager who will complete section 2 when you meet. If you do not have access to a computer, your manager will complete the form with you during the RTW discussion.

The aims of the in-depth RTW discussion are to:

- confirm that you are well enough to be back at work
- establish and/or clarify:
 - the reason for your absence
 - whether or not you sought medical advice, and to discuss the advice
 - whether your illness is likely to recur
 - whether any work-related issues caused or contributed to your absence(s)
 - whether there are any ongoing or underlying health issues that may affect your levels of attendance in the future
 - whether there are any actions you could take to improve your health and attendance
- ensure you have completed the [RTW form](#) and submitted all necessary fit notes
- if appropriate, make sure you are aware of the support services available to you e.g. [Staff Counselling](#), [online support tools](#), [health & wellbeing advice](#)
- determine whether there is a need to make a referral to OHS (see Appendix II)
- alert you to and discuss any concerns your manager may have regarding your attendance levels, and
- update you on anything you missed at work while you were off work.

7.3 Outcome of In-depth Return to Work Discussion

Following the in-depth RTW discussion, your manager must decide whether any further action is appropriate. This could be one or more of the following:

- take no further action
- schedule further discussion with you about any work-related issues that may have contributed to your absence
- schedule further discussion with you about your general health and attendance levels, to better understand whether any of the University's support services might be able to assist
- set a review period to actively monitor your health and attendance levels
- implement appropriate reasonable adjustments
- seek advice from HR
- seek advice from OHS and make a referral to OHS. Guidance on making a referral to OHS can be found in Appendix II
- if your attendance levels are of concern (see Section 8) you will be informed that any further absences could result in formal action being considered.

If you have had previous in-depth RTW discussions and your attendance levels have not improved since, your manager may decide to arrange a Formal Attendance Review meeting. Note: The point at which a Formal Attendance Review is considered appropriate will vary and will take account of individual circumstances.

Your manager will detail the discussion and outcome on the RTW form, provide you with a copy and record it in People and Money. If you are to be invited to a Formal Attendance Review meeting this will be confirmed to you in writing.

8. Unsatisfactory Attendance Levels

Your manager will monitor your attendance levels in order to support your health and wellbeing and to help you to maximise your attendance. Regular monitoring will also enable your manager to raise matters of concern with you as early as possible to give you the opportunity to improve your attendance level and avoid the need for formal review.

The University's absence review points are:

- **3 or more spells** of absence in a rolling six-month period. For example if you had one period of absence lasting three weeks in a rolling six-month period, this would count as one spell of absence in the same way as a single day or part day of absence would, or
- **10 or more intermittent days** of absence in a rolling 12-month period. For example you were absent on two separate days in February, a five-day spell in April, one day in August and two days in December.

Your manager will also consider whether action may be required before the above review points are reached if:

- a pattern of absence emerges e.g. you are regularly absent on a particular day of the week, or particular times in the month/year, or
- your absences are having an adverse impact on the work of your business area and this is not sustainable, or
- your absences are having an adverse impact on the work or wellbeing of your colleagues and this is not sustainable.

If your absences are nearing the review points and/or your manager is concerned about your absence level and/or pattern, they must make you aware of this. They must also make you aware that any further absences could result in formal action being considered. They will normally do this during an in-depth RTW discussion. A note confirming you have been made aware of the possible implications of any further absences will be recorded in People and Money.

8.1 Disability Related Absences

If you have a disability that is likely to impact your attendance, you are strongly encouraged to tell your manager. You can also notify the University by updating your personal details in People and Money.

Your manager will consider the impact of your absences on your work, business area and colleagues. Any adjustments to take account of your disability will be determined by your manager in line with advice from HR and/or OHS. Further guidance on support for employees with disabilities can be found in the [Guidance on Supporting Disabled Staff](#).

8.2 Pregnancy Related Absence

If your absence is due to pregnancy-related illness, you must report your absence in the usual way (see Section 2). Your absence will be recorded but will not be counted towards the University's absence review points detailed above.

9. Formal Attendance Review Process

If your manager considers your attendance levels to be unsatisfactory (see Section 8), they must seek early advice from HR before deciding to take any formal action.

The formal review process has three formal stages as outlined below.

9.1 Stage 1 Review

9.1.1 Written Notice of a Stage 1 Review

Your manager will write to you, asking you to attend a meeting with them to discuss their concerns about your absence levels. The letter will advise you of your right to be accompanied (see Section 10). To help you to prepare for the meeting, you will be given at least one calendar week's notice of the meeting and the letter will include any documents to be referred to in the meeting, e.g. your absence record and evidence of previous discussions, such as RTW forms.

There will be a note taker at the meeting and there may also be a representative from HR.

9.1.2 Stage 1 Review Meeting

At the meeting, your manager will:

- inform you that your absence levels have reached an unsatisfactory level
- ask you about your health, and to provide any information you feel is appropriate, including, if relevant, details of any treatment/support and how this is progressing
- discuss any advice and information received from OHS (if you have given consent for it to be shared with your manager)
- consider whether further advice is required from OHS
- further explore whether there are any circumstances at work which may be contributing to your absences
- discuss any reasonable adjustments which could be considered to support you to improve and sustain your attendance.

The meeting will be adjourned to allow your manager to consider all that has been discussed. They may also decide to seek advice from OHS and/or HR before deciding what, if any, action they will take.

The meeting will then resume, where possible on the same or following working day, and your manager will verbally inform you of the outcome of the Stage 1 Review.

9.1.3 Outcome of Stage 1 Review

The Stage 1 Review will result in one of the following outcomes:

- a) **No formal action:** your manager will continue to monitor your absence levels and pattern on an informal basis
- b) **Formal action:** your manager will issue a formal written warning for poor attendance, which will last for one year from the date of the meeting.

Regardless of the outcome, the following may also be considered, if appropriate:

- **Reasonable adjustments:** your manager will agree to make reasonable adjustments, either short or long-term, to help you to improve and sustain your attendance
- **Further medical advice sought:** your manager will seek further medical advice or clarification from OHS.

The outcome of this meeting will be confirmed to you in writing, normally within one calendar week of the meeting.

Regardless of the outcome, it will be made clear to you what level of attendance is required, in order to avoid further formal action. The review points that your attendance is measured against (see Section 8) will be reset on the date of the Stage 1 Review meeting. You will also be advised of your right to appeal the formal written warning (see Section 11).

9.1.4 Reviewing Progress and Next Steps

Your manager will continue to monitor your absence levels and pattern. If there are no further concerns about your attendance following the Stage 1 Review, any formal written warning issued will expire at the end of the one year period.

If you did not receive a formal written warning but your attendance continues to be unsatisfactory, you may be invited to attend a further formal review, normally at Stage 1. If you received a formal written warning and there is no improvement in your attendance, or it deteriorates further during the one year warning period, you will normally proceed to Stage 2 of the procedure.

Managers must seek advice from HR before deciding to proceed to the Stage 2 Review.

9.2 Stage 2 Review

9.2.1 Written Notice of a Stage 2 Review

Your manager will alert you to their ongoing concerns about your absence levels and/or pattern. They will agree with you whether any medical advice is required before a Stage 2 Review meeting is arranged. If it is, they will arrange for a referral to be made to OHS.

If an OHS referral has been made, the Stage 2 Review meeting will not be set up until the OHS report has been issued. OHS must obtain your consent before they share their report with HR or your manager. If you do not consent to this being shared, the meeting will be set up once this is confirmed and a decision will be made without the benefit of OHS advice and recommendations.

Your manager will write to you, asking you to attend a meeting with them to discuss their concerns about your absence levels and/or pattern. The letter will advise you of your right to be accompanied (see Section 10). To help you to prepare for the meeting, you will be given at least one calendar week's notice of the meeting and the letter will include any documents to be referred to in the meeting, e.g. your absence record and evidence of previous discussions, such as RTW forms, Stage 1 meeting notes/ formal written warning letter.

There will be a note taker at the meeting and there may also be a representative from HR.

9.2.2 Stage 2 Review Meeting

This meeting will follow the same format as outlined in 9.1.2 above.

The meeting will be adjourned to allow your manager to consider all that has been discussed. They may also decide to seek advice from OHS and/or HR before deciding what if any action they will take.

The meeting will then resume, where possible on the same or following working day, and the manager will verbally inform you of the outcome of the Stage 2 Review.

9.2.3 Outcome of Stage 2 Review

The Stage 2 Review will result in one of the following outcomes:

- a) **No formal action:** your manager will continue to monitor your absence levels and pattern on an informal basis. If you have a live formal written warning, it will remain on file until its expiry at the end of the original one year warning period.
- b) **Formal action:** your manager will issue a formal final written warning for poor attendance which will last for two years from the date of the meeting.

Regardless of the outcome, the following may also be considered, if appropriate:

- **Reasonable adjustments:** your manager will agree to make reasonable adjustments, either short or long-term, to help you to improve and sustain your attendance
- **Further medical advice sought:** your manager will seek further medical advice or clarification from OHS.

The outcome will be confirmed to you in writing, normally within one calendar week of the meeting. Regardless of the outcome, it will be made clear to you what level of attendance is required, in order to avoid further formal action. The review points that your attendance is measured against (see Section 8) will be reset on the date of the Stage 2 Review meeting. You will also be advised of your right to appeal the final written warning (see Section 11).

9.2.4 Reviewing Progress and Next Steps

Your manager will continue to monitor your absence levels and pattern. If there are no further concerns about your attendance following the Stage 2 Review, any formal final written warning issued will expire at the end of the two year period.

If you did not receive a formal final written warning but your attendance continues to be unsatisfactory, you may be invited to attend a further formal review, normally at Stage 2. If you received a formal final written warning and there is no improvement in your attendance, or it deteriorates further during the two year warning period, your manager may refer the matter to their manager, or their manager's nominated deputy to consider proceeding to the Final Stage of

the procedure. Managers must seek advice from HR before deciding to proceed to the Final Stage Review.

9.3 Final Stage Review

Your manager will alert you to their ongoing concerns about your absence levels and/or pattern. They will agree with you whether any medical advice is required before a Final Stage Review meeting is arranged. If it is, they will arrange for a referral to be made to OHS.

If an OHS referral has been made, the Final Stage Review meeting will not be set up until the OHS report has been issued. OHS must obtain your consent before they share their report with HR, your manager, their manager or their manager's nominated deputy. If you do not consent to this being shared, the meeting will be set up once this is confirmed and a decision will be made without the benefit of OHS advice and recommendations.

Your manager's manager, or their nominated deputy will chair the Final Stage Review meeting. The Review panel will include the Chair and up to two other managers. There will be a note taker at the meeting and a representative from HR may be there to advise the panel on process.

9.3.1 Written Notice of a Final Stage Review

The Chair will write to you, asking you to attend a meeting to discuss concerns relating to your continued poor attendance. The letter will explain the make-up of the panel and who else, if anyone, will be present at the meeting. It will also confirm that:

- you have the right to be accompanied (see Section 10)
- the manager who issued the formal final written warning will be present
- any documents which you wish to use to support your case must be provided to the Chair at least three working days in advance of the meeting
- the meeting could result in your dismissal.

To help you to prepare for the meeting, you will be given at least one calendar week's notice of the meeting and the letter will include any documents to be referred to in the meeting.

9.3.2 Final Stage Review Meeting

At the meeting you will be given full opportunity to discuss your health and the impact it has on

your attendance.

The meeting will be adjourned to allow the panel to consider all that has been discussed. They may also decide to seek further advice from OHS and/or HR before deciding what if any action they will take.

The meeting will then resume, where possible on the same or following working day, and the Chair will verbally inform you of the outcome of the Final Stage Review.

9.3.3 Outcome of Final Stage Review

The panel may decide to:

- a) **Continue the period of review:** your manager will be asked to continue to monitor your attendance levels under Stage 2 of the formal procedure. Your final written warning will remain on file until its expiry at the end of the original two year warning period.

The following may also be recommended:

- **Reasonable adjustments:** your manager will be asked to take on board the panel's recommendations regarding reasonable adjustments, either short or long-term, to help you to improve and sustain your attendance
 - **Further medical advice sought:** your manager will be asked to seek further medical advice from OHS.
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- b) **Dismiss you for poor attendance:** you will be dismissed with immediate effect and paid in lieu of notice where applicable.

The outcome will be confirmed to you in writing, normally within one calendar week of the meeting. You will also be advised of your right to appeal your dismissal (see Section 11).

10. Right to be Accompanied

10.1 Companion

You have the right to be accompanied to formal meetings by a companion. You are responsible for informing your chosen companion of the arrangements and providing them with any

documentation they may require to prepare for the meeting. You must let the Chair know in advance of the meeting if you will be accompanied, and if so by whom.

Your companion can address the meeting and confer with you during the meeting, but cannot answer questions on your behalf.

10.2 Meeting Attendance

You, and your companion if you choose to bring one, must make every effort to attend the meeting at the time and date that has been arranged.

If you or your companion are unavailable to attend the meeting, you must notify the person arranging the meeting (usually your manager) as soon as possible. You may request a postponement and suggest alternative times and dates normally within one week of the original date. Where a suggested alternative is feasible, the meeting will be postponed.

While every attempt will be made to accommodate the availability of your companion, a postponement can only be agreed provided it does not cause unreasonable delay or disruption. Therefore, if your companion is unable to attend the rearranged time, you should select a different companion who is able to be there.

If you fail to attend a rearranged Stage 1 or Stage 2 Review meeting without good reason, a decision may be made in your absence, based on the evidence available.

If you fail to attend a rearranged Final Stage Review meeting without good reason, the panel may continue with the meeting in your absence and a decision will be made based on the evidence available.

10.3 Employees on Guaranteed Minimum Hours Contracts

If you are employed on a guaranteed minimum hours (GH) contract and are required to attend a meeting or hearing at a time when you are not scheduled to be working, you will be paid for the time you spend in the meeting/hearing at your normal rate.

11 Appeals

11.1 Making an appeal

You can appeal a formal warning or dismissal within two calendar weeks of receiving your written notification. The outcome letter will make it clear to whom you must send your appeal. You must do so in writing, explaining the reasons for your appeal which must be based on one or more of the following:

- the process was not followed properly
- you have some new relevant evidence that was not available at the time of the meeting
- the sanction imposed was too severe.

If you have new evidence you must submit this with your appeal letter. If you don't provide any relevant grounds your appeal will not be taken further.

11.2 Written Notice of Appeal Hearing

Should you appeal, another manager will be appointed as the Appeal Convener to hold an Appeal Hearing with you. They will be at least the same grade as the manager who decided to issue a warning or to dismiss you. They will write to you:

- asking you to attend a formal Appeal Hearing and giving details of the arrangements
- advising you of your right to be accompanied at the hearing.

You will be given at least one calendar week's notice of the meeting, which will normally take place within four calendar weeks of your appeal letter being received.

If you need any adjustments or special arrangements to attend this hearing you must let the Appeal Convener know in advance, as they may not be aware of your circumstances. You must also let them know if you will be accompanied and by whom.

If you are aware of a conflict of interest that the appointed Appeal Convener has in relation to your case you must write to the person to whom you submitted your appeal specifying what the conflict is, and they will make an assessment about the person's objectivity and confirm their decision to you. If it is concluded that there is a conflict of interest a different manager will be appointed to carry out the role. You must refer to the [Policy on Conflict of Interest](#) before deciding to make an objection.

11.3 Rearranging the Appeal Hearing

You, and your companion if you choose to bring one, must make every effort to attend the hearing at the time and date that has been arranged. If you or your companion are unavailable to attend, you must notify the person arranging the hearing as soon as possible. You may request a postponement and suggest alternative times and dates normally within one week of the original date. Where a suggested alternative is feasible, the hearing will be postponed.

While every attempt will be made to accommodate the availability of your companion, a postponement can only be agreed provided it does not cause unreasonable delay or disruption. Therefore, if your companion is unable to attend the rearranged time, you should select a different companion who is able to be there.

If you fail to attend a rearranged Appeal Hearing without good reason, the panel may continue with the hearing in your absence and a decision will be made based on the evidence available.

11.4 Appeal Hearing – Sanctions below dismissal

The appeal panel will be chaired by the Appeal Convener who is at the same grade or higher than your manager. There will be up to two other panel members and no one will have been involved with your case previously. At least one panel member will be from the same job category as you. This means that if you are an academic at least one panel member will be an academic or if you hold a professional services role at least one panel member will have a professional services role. A representative from HR may be there to advise the panel on process and there will be a note taker. Your manager will normally attend and may have a representative from HR with them.

The appeal panel will not rehear your case. It will review and decide whether the action taken by your manager was fair and reasonable based on the reasons you provided in your letter of appeal and during the Appeal Hearing.

The hearing will normally take place as follows:

- your manager will summarise reasons for the original outcome and sanction
- the panel will ask your manager questions
- you will respond to the summary given by your manager, put forward your point of view and may ask your manager questions

- the panel will ask you questions.

After the discussion the Appeal Convener will adjourn the hearing so that the panel can consider all they have heard. You will normally be called back to the hearing later in the day to be told the outcome. If the panel needs more time to consider your appeal you will be told when you will hear the outcome.

11.5 Appeal Hearing – Dismissal

The appeal panel will be chaired by the Appeal Convener who will normally be from a different School/Professional Services Department to you. There will be up to two other panel members and no one will have been involved with your case previously. At *least* one panel member will be from the same job category as you. This means that if you are an academic at least one panel member will be an academic or if you hold a professional services role at least one panel member will have a professional services role. If you are an academic at grade 8 or above, an external panel member (from a different College, Professional Services department or to the University) will also be appointed. A representative from HR may be there to advise the panel on process and there will be a note taker. The manager who made the original decision to dismiss will normally be there and may have a representative from HR with them.

The appeal panel will not rehear your case. It will review and decide whether the action taken by the Chair of the Final Stage Review meeting was fair and reasonable based on the reasons you provided in your letter of appeal and during the Appeal Hearing.

The meeting will normally take place as follows:

- the Chair of the Final Stage Review will summarise the reasons for the original outcome and sanction of dismissal
- the panel will ask the Chair of the Final Stage Review questions
- you will respond to the summary given by the Chair of the Final Stage Review, put forward your point of view and may ask the Chair questions
- the panel will ask you questions.

After the discussion the Appeal Convener will adjourn the hearing so that the panel can consider all they have heard. You will normally be called back to the hearing later in the day to be told the

outcome. If the panel needs more time to consider your appeal you will be told when you will hear the outcome.

11.6 Outcome of Appeal

The possible outcomes of your Appeal Hearing are:

- your appeal is turned down and the original decision is confirmed
- your appeal is supported and your sanction is removed or replaced with a lower one.

If your appeal against dismissal is supported the panel may additionally reinstate you to your role or explore opportunities for redeployment to an alternative role.

The Appeal Convener will confirm the outcome of the hearing in writing to you within one calendar week of the hearing. The decision of the appeal panel is final.

12. Prolonged Absence

If you are absent from work for substantially longer than four weeks you are likely to require additional support to be put in place to help you to return to work. Depending on the reason for your absence, and ongoing health condition, it may be that you will be unable to return to the same type of work and/or working conditions, or return to work at all.

12.1 Obtaining Occupational Health or Medical Advice

As soon as it becomes clear that you will be absent for a prolonged period, your manager will seek advice from OHS. You will be informed in advance if your manager plans to refer you to OHS. You will be invited to attend an appointment with an OH Practitioner so that an assessment can be made and advice offered to you, your manager and/or HR. Your manager will seek advice on, for example:

- the short and long-term effects of your medical condition/injury on your ability to carry out your role
- the likely duration of your illness/injury
- potential appropriate work or workplace adjustments which they could consider to support your return to work
- phasing your return to normal duties and hours

You have the right to review the OHS response to your manager's referral and will be asked to give your consent before the report is given to your manager and/or HR. If you do not consent, your manager will make decisions on next steps without the benefit of OHS specialist advice and recommendations. If you do consent, your manager will consider the advice from OHS to identify what further actions can be taken. Your manager is best placed to determine what, if any, of the recommendations made in the OHS report can realistically be accommodated within your specific work area. Your manager will make sure any decisions are fair and reasonable in the circumstances, and they will explain their decision to you.

In some cases OHS may decide to approach your GP, specialist or consultant for a medical report. Your consent is required for this information to be requested and all medical information provided will remain confidential to OHS, unless you consent for it to be shared with your manager and/or HR.

12.2 Review Meeting for Prolonged Absence

Once you have given OHS your consent to share your OHS report/any other specialist medical report with your manager, your manager will invite you to attend a meeting to discuss:

- the advice received
- your view of your health situation
- your ability to return to work, and when
- the support that could be offered, prior to, or on your return to work.

If you do not give your consent for the OHS report/any other specialist medical report to be shared with your manager, the meeting will be set up and your manager will discuss your circumstances with you without the benefit of specialist advice and recommendations.

You may choose to bring a companion to this meeting, and will be given at least one week's notice of the meeting. The meeting will normally take place on University premises unless you request otherwise, in which case your manager will arrange to meet you at a mutually agreed location.

Your manager will be sympathetic and considerate in their approach to prolonged sickness absence, and will take account of the following when determining appropriate action:

- the nature of your illness/medical condition/injury

- the likelihood of your condition improving and indicative timescales for a return to work
- previous related and likely future absences
- the possibility of redeployment to alternative work, if appropriate
- the feasibility of making reasonable adjustments to your duties, workplace and/or working hours to support your return. These adjustments may be put in place for a short or long-term period or on a permanent basis.

12.3 Outcome of Review Meeting

The review meeting will result in one of the following outcomes:

- a) **No immediate action:** you must continue to keep in contact with your manager to provide regular updates regarding your condition, and your manager will continue to review your absence regularly through further prolonged absence review meetings.

The following may also be appropriate:

- **Further medical advice or treatment required:** your manager will seek further medical advice or clarification before they make any decision, or you will continue and/or complete any medical treatment before meeting with your manager again
 - **Reasonable adjustments:** your manager will agree to make reasonable adjustments to help you to return to work. Your progress will be reviewed regularly on your return. Guidance on Phased Returns can be found in Appendix III.
- b) **Redeployment within the University:** your manager will work with you to help identify possible redeployment opportunities within the University. Further guidance can be found in the [HR webpages](#).
 - c) **Ill-health retiral:** If you are a member of a University pension scheme (or any pension plan which has an ill-health retiral scheme) your manager will seek advice from HR, and in consultation with you, your manager will make a referral to OHS for an assessment to be made of your eligibility for ill-health retiral on medical grounds. Guidance on Ill-Health Retiral can be found in Appendix IV.

12.4 Medical Capacity Review Meeting

If your absence continues following the review meeting(s) detailed in section 12.2, your manager may refer you to their manager, or their manager's nominated deputy if:

- there is still no prospect of you being able to return to work and/or sustain your attendance, taking account of any adjustments that have been deemed reasonable and appropriate
- it has not been possible to redeploy you to an alternative role within the University
- you are not a member of a University pension scheme, or one which has an ill-health retiral scheme, and you are therefore unable to take ill-health retiral
- the OHS report indicates that you do not meet the criteria for retiral on grounds of ill-health
- your application to retire on grounds of ill-health is rejected by a pension scheme, or
- you do not wish to retire on grounds of ill-health.

Your manager's manager, or their nominated deputy (Chair) will write to you asking you to attend a Medical Capacity Review Meeting. The letter will explain the make-up of the panel and who, if anyone, will be present at the meeting. It will also confirm that:

- you have the right to be accompanied (see Section 10)
- any documents which you wish to use to support your case must be provided to the Chair at least three working days in advance of the meeting
- the meeting could result in your dismissal on grounds of incapacity.

To allow you to prepare for the meeting, you will normally be given at least one calendar week's notice of the meeting. The meeting will normally take place on University premises unless you request otherwise, in which case the Chair will arrange to meet you at another mutually agreed location.

The Chair will discuss your prolonged absence with you and you will have the opportunity to discuss your health and the impact it has on your ability to work. Any OHS or other medical professional report that you have given consent to be shared with the panel will be discussed in detail. In any decision taken as a result of the meeting, full consideration will be given to:

- all available medical information
- any adjustments which have been made
- any opportunities which have been considered for redeployment
- any adjustments which could be made but have not yet been made

- the requirement for further medical information, if any
- the need to get the work done
- the requirement for you in particular to do the work
- any additional cost being incurred as a result of your illness/infirmity
- any other relevant information.

After the meeting, the panel will decide, taking into account all of the above, whether or not your employment should be brought to an end on the grounds of incapacity.

If they decide to do so, the Chair will write to you confirming that the dismissal is to take place and set out the following:

- the reason for the dismissal
- the date of termination of employment
- any contractual benefits or rights such as outstanding annual leave
- your right of appeal (see Section 11).

12.5 Very Serious and Terminal Illnesses

In the event of very serious or terminal illness, your manager will make every effort to support you and to take your views into account when identifying ways to support you. Managers must always seek advice from HR and OHS in such circumstances. You are advised to refer to the Guidance on Ill-Health Retiral in Appendix IV.

Appendix I – Guidance on Fit Notes

Fit notes provide evidence of the advice you have been given about your fitness for work. Your GP (doctor), nurse, physiotherapist, occupational therapist or pharmacist may issue a fit note. They will normally only issue this if your health condition is such that you may not be able to attend work for seven or more calendar days.

A fit note will confirm either that:

- **you are not fit for work:** your health professional considers you to have a health condition which will prevent you from working for a specified period of time. Your fit note will indicate if they need to assess your fitness for work at the end of this specified period. If they do not need to reassess your fitness, you can simply return to work at the end of the specified period; or
- **you may be fit for work taking into account the health professional's advice:** your health condition does not necessarily stop you from returning to work, but you may not be able to return immediately to your normal working hours or duties.

If you receive a fit note you must send a copy of it immediately to your manager. This will ensure you receive any sick pay due and that you and your manager can discuss your health professional's advice. Your manager will upload the copy to People and Money.

If your fit note says you might be fit for work, it will usually explain the functional effects of your condition and suggest what would help you return to work. Should this be the case, you and your manager will discuss whether it is practical for you to return to work. They'll also explore with you whether the suggestions to aid your return can be accommodated. If they can, they'll agree a date for you to return to work.

Your manager does not have to follow the advice given on a fit note. However, if they believe the advice or recommendations cannot or should not be implemented, they must seek further advice and guidance from HR and/or OHS.

If it is not possible to agree any adjustments, your manager will treat the fit note as saying you are not fit for work. A new fit note is not required in these circumstances.

Further guidance for employees on fit notes can be accessed [here](#) and guidance for managers on fit notes can be accessed [here](#).

Appendix II – Referral to Occupational Health Service

OHS is a specialist medical service. It aims to assist managers and HR in supporting employees with health related issues to remain at, or return to work. Referrals to OHS should be made as quickly as possible so that positive, early action can be taken to help employees to stay at or return to work following a period of ill-health.

When OHS input is required, your manager must complete the OHS [Referral Form](#).

Your manager is encouraged to talk to OHS, and seek advice from HR, before completing the referral form. This will ensure they ask relevant questions, obtain the best possible advice and so can make informed decisions.

Example questions which may be included in a referral to OHS are:

- This employee has had six short periods of absence in the past three months, all of which appear unrelated. Is there any underlying condition which has led to these absences? If yes, what is this condition and what are its effects?
- Are there any potential adjustments we could consider making to the role to accommodate an early and sustained return to work?
- Is the employee's condition likely to have a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities? If yes, what are these effects?
- Does the employee consider there are any workplace issues which have contributed to their absence levels? If yes, what are these issues?

Your manager must always let you know that they intend to refer you to OHS. They must also explain why they are making the referral and what questions will be asked. This will ensure there are no surprises for you when you meet with a member of OHS. If you request a copy of the referral form, your manager must provide it to you.

You also have the right to review any report OHS produces for your manager, and to do so before it is shared with your manager. This is part of the consent process in OHS.

Appendix III – Phased Return to Work

A phased return can help you return to work on a gradual basis during recovery from or after a long-term illness/injury or absence due to a medical condition/disability. A phased return allows for an element of recuperation/rehabilitation where appropriate and to trial any adjustments being considered.

Although a phased return is not necessary in all cases and is not an absolute requirement, it can help you to return to work as early as possible, where you may not yet be fit for your normal working hours, or full duties.

During a gradual increase in working time and/or duties, you and your manager can gauge how the phased return is going. When determining the possible structure of your phased return, your manager will take account of the following:

- your individual circumstances
- the reason for your absence from work
- your role and the environment in which you work
- advice and/or recommendations made by your GP, specialist and/or OHS, and
- whether the proposed arrangements can be accommodated within the needs of the business.

Salary Payment During a Phased Return to Work

Prior to a period of phased return, you may have been in receipt of full pay (Occupational Sick Pay), half pay, SSP only or no pay. When you return to work on a phased basis you will receive your normal contractual pay.

Although you may work part weeks or part days the absent time will not be classed as sickness absence. Therefore it will not contribute to the accrual of sick leave for the purposes of calculating sick pay entitlement, or require certification from your GP.

Initiating a Phased Return

A phased return may be recommended by a health professional on a fit note, which may suggest how the phased return might operate. Additionally, you, your manager, HR or OHS may suggest a

phased return to work, even where the health professional has not recommended it, and/or suggest alteration to a phased return recommended by the GP.

Phased Return Arrangements

Typically, a phased return is arranged so that you can gradually build up to working your usual hours or fulfilling all of your usual duties over a defined period of time, not normally exceeding four weeks. An example of this could be where, if full-time, you begin by working two full days a week, and week by week you increase back up to five days by the end of the agreed phased return period.

Your manager will meet with you throughout the period of a phased return to ensure that the agreed arrangements are still helpful and to offer additional support where needed.

If you find it difficult to make the expected increase back up to your normal working hours or duties, your manager will arrange to discuss your phased return arrangements with you. If required, in very exceptional circumstances, your manager may increase the period of time over which you can work towards your normal working hours or duties. Any increase in time will be agreed in periods of two weeks, up to a total maximum period of twelve weeks altogether, with regular reviews throughout the extended period. Subsequently, you will be expected to be back to full working hours and duties at the end of the extended period.

Annual leave should not normally be substituted for any days away from work which are part of an agreed phased return to work programme. However, there may be some occasions where accrued annual leave could form part of an extended return to work arrangement where advice received from either the health professional or OHS specifies a period of time for the return, but the employee feels they would benefit from a more gradual arrangement than advised.

Agreeing to a Phased Return

We recognise that you and your manager may agree to, and successfully implement a phased return programme without the input of HR and OHS staff.

If a health professional has recommended a phased return on the fit note, then your manager may contact you before your return to work to discuss how the arrangement might work. If you both

agree with the arrangement proposed, then a plan can be made to action it at the appropriate time. If however, you and your manager disagree about a proposed phased return arrangement, or how it might operate, your manager should seek advice from HR and/or OHS at the earliest opportunity.

Additionally, where a phased return is thought to be appropriate, or is recommended by your health professional but you and your manager are unsure of the best arrangement, HR and/or OHS should be contacted for advice.

There may be some situations where a proposed phased return cannot be accommodated due to specific working arrangements, local business needs, working or shift patterns, or because of other staffing issues. In these circumstances, your manager will do their best to accommodate a phased return, but final arrangements may need to differ from the original proposal.

Any alteration to a phased return as proposed by OHS should be discussed with OHS and a suitable alternative explored or advice sought. Ultimately, your manager must support any arrangements for a phased return before it is implemented.

Making a Referral to OHS for a Phased Return

If you have been absent from work for a long-term or prolonged period, OHS is likely to have had some involvement in your case. In these circumstances, your manager should contact OHS confirming the details of their referral, i.e. for specific advice in relation to a phased return to work and to update any referral questions they may have raised previously.

In their request, your manager should include as much specific and relevant detail as possible. They must also let you know that they have contacted OHS, and allow you access to the correspondence they are sending to OHS if you request it.

Your manager should speak to OHS before sending their referral, to ensure that they are providing all the necessary information needed, and also to ensure that they are asking suitable questions in the referral process. Your manager must explain to you why they are making this referral before the form is sent to OHS.

The Role of OHS in a Phased Return

OHS will provide professional advice on a case-by-case basis to your manager on receipt of a referral. In order for OHS to be able to provide suitable advice, your manager must provide them with the following information:

- your job description and/or grade profile
- any issues relating to you or your role, or local working arrangements which may impact on a phased return programme.

OHS will be provided with relevant medical information known to your College or Professional Services Group in relation to this specific absence, and may seek further medical evidence from your health professional, if they decide it is appropriate and only with your consent. They will meet with you to find out your views, and may speak to your manager. You will be made aware of this as part of your consent requirements.

Before making any response or recommendation, OHS will consider:

- the questions being raised by your manager in the referral document
- the nature of the absence and any specific known medical condition(s)
- how the condition(s) affects you as an individual
- the length of the absence and prognosis
- the normal pattern of work
- the nature of the work
- types of adjustments that might assist in relation to the condition
- any potential legislative and best practice considerations.

Once they have considered all the available information, OHS will produce a report in response to the referral questions, and confirm whether, in their view, a phased return may be appropriate. If a phased return is appropriate, OHS will confirm how a phased return might operate, considering the proposed return date, the gradual increase in working time and the period of the phased return. With your consent, OHS will send their report directly to your manager who will discuss the report with you. If your manager cannot accommodate the phased return for strictly operational reasons, they will confirm this to you. Your manager may then approach OHS for advice about any potential alternatives.

Your manager will agree what hours or days you might work over the phased return period, taking into account the advice from OHS.

Monitoring Phased Returns throughout the Phased Return to Work Period

You and your manager should review how well the phased return arrangement is working on a regular basis. Your manager should discuss any difficulties with HR and OHS if they feel further support and advice is needed, or a change to the arrangement might be necessary.

If you are unable to carry out some of your duties because of the effects of your medical condition, you and your manager should discuss what further adjustments could be made to your work, or working methods, to enable you to continue.

If you have a disability, a phased return to work may be considered to be a reasonable adjustment. However, if you have not been able to return to the full range of duties and hours of work at the end of the scheduled period, it will be necessary to consider what other adjustments might be considered as reasonable. These could include using accrued annual leave to allow full pay to be maintained for an agreed period, or a move to part time working for which you will be paid for actual hours worked. Further guidance can be found in the [Guidance on Supporting Disabled Staff](#).

Appendix IV – Ill-Health Retiral

If you are absent from work due to a long-term serious or terminal illness, and are a member of a University pension scheme, or another pension plan which has an ill-health retiral (IHR) scheme, you may be able to retire early on grounds of ill-health. If you are considering doing so, you should contact the [Pensions](#) Department as soon as possible. You cannot be asked to apply for IHR. It is your pension fund and therefore, once you have all of the relevant facts, it is solely your decision.

Once you are fully aware what IHR might mean for you, you and your manager should discuss whether it is appropriate to submit a [Referral for Assessment of Ill-Health leading to Early Retirement on Medical Grounds](#) to OHS.

For your application to progress, you will need to meet with and be assessed by an Occupational Health Physician (OHP) who has been approved by your pension scheme to make this assessment.

The OHP will assess you and consider all of the evidence available about your ill-health and absence from work. They may also need to request more information about your medical condition from your own health professional or specialist. If they do, you will be asked to agree that this information can be provided, i.e. give your consent. Once they have considered all of the information about your medical condition and job, the OHP will be able to decide if they can support your application for IHR.

You will be informed of the OHP's opinion and whether they can support your application. You will be asked to consent to all of the evidence which the OHP has gathered to be passed to your pension provider. They will then make the final decision about your IHR application.

You are strongly advised to seek pension advice as soon as possible, as, if you have a life-limiting medical condition, you may be able to give up all or part of your pension in exchange for an immediate lump sum.

Further guidance on ill-health retiral can be found [here](#).

Absence Management Flowchart

Absence Management Flowchart – Formal Stages

