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Managing Sickness Absence procedure 2018			
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1. Introduction

1.1 The University is committed to the fair and consistent treatment of staff in relation to sickness absence and to supporting individuals during periods of ill health.

1.2 This document explains the process employees and their managers are required to follow in the event of absence from work due to sickness and the procedure to follow when ill health/disability prevents effective performance of an employee's duties. It also identifies sources of support and guidance for employees and managers as well as outlining its use with other University procedures.

1.3 For the purposes of this procedure, managers are defined as Heads of Departments and Professional Services and other managers with line management responsibility.

1.4 In the event that an employee is absent from work for any reason other than sickness absence, e.g. childcare, compassionate leave etc., this may be addressed with reference to the University's family friendly procedures or other procedures as appropriate. The line manager should seek advice from Human Resources (HR).

1.5 Unauthorised absence is not acceptable and may lead to disciplinary action including dismissal.

1.6 Employees have right of access to any Occupational Health records including any reports about them submitted to the University. All reports sent to management/HR will only be sent with the consent of the individual.

1.7 Employees have the right to be accompanied by their trade union representative or work colleague at all formal stages of the procedure.

1.8 Both the employer and employee have a duty of care to ensure that sickness is discussed and dealt with accordingly within the guidelines set in the procedure.

Useful sources of information are set out in Appendix A.

An overview of the process is set out in Appendix B.

2. Scope

2.1 This procedure applies to all staff in the University.

3. Responsibilities of the manager

Managers are required to:

3.1 ensure that sickness absence is recorded and regularly monitored and for taking appropriate action promptly.

3.2 inform employees at their induction of the procedure for notifying sickness absence and to make it clear to employees that they will be responsible for entering their own uncertificated sickness absence under Employee Self Service. All sickness absences will be monitored.

3.3 make clear to employees what constitutes an unacceptable level of sickness absence.

3.4 conduct return to work discussions, as appropriate, ideally on the day on which the individual returns to work, and record their discussions with employees in all cases.

3.5 apply a consistent approach to all staff, taking due account of the nature of the particular difficulties faced by individuals.

3.6 maintain contact with individuals during the period of sickness absence to seek information in relation to the likely duration of the sickness absence and to keep them in touch with developments in the department. This may include phoning, emailing or writing to them. Ideally the method and frequency should be agreed with the individual. In exceptional circumstances, it may not be appropriate for the line manager to contact the individual. In such cases, an individual can indicate they prefer to be contacted by someone other than their manager. Normally, this will be a person nominated by the Department. This arrangement should be made in consultation with the HR Business Partner/HR Adviser.

3.7 ensure the employee understands and is fully involved in each stage of the process including any implications for pay and for continued employment.

3.8 document any action taken in the management of an individual's sickness absence to ensure fairness and consistency and to keep clear and accurate records.

3.9 refer an employee to Occupational Health when it is clear that they will be absent for four weeks or more, intermittent short-term sickness absences, or for help and support with health concerns at work.

3.10 make a note of sickness absences of less than one day as they may contribute to an individual's overall pattern of attendance/sickness absence.

3.11 seek advice from and work with Occupational Health and/or HR in the application of these procedures where appropriate.

Please click on the link to access the Occupational Health Referral/Advice Request form:

<http://www.port.ac.uk/departments/services/humanresources/occupationalhealthservice/referral/>

4. Responsibilities of the employee

Employees are required to:

4.1 notify their manager of any sickness absence as soon as possible on the first day of sickness absence, and at the latest within an hour of the time that they would normally start work. They should give an indication of the length of sickness absence if at that point they expect it to last longer than one day. They should contact their manager or the nominated person and only in exceptional circumstances should they leave a message and/or ask someone to make contact on their behalf.

4.2 record sickness absence of up to 7 calendar days on the self-service part of the HR system.

4.3 provide fit notes from the eighth calendar day of sickness onwards to their line manager who will forward them onto Occupational Health for recording on the HR system. Failure to provide consecutive fit notes may result in loss of pay.

4.4 maintain contact with their manager or nominated University contact during the period of sickness absence. The method and frequency should be agreed with their manager.

4.5 inform their managers if they need to leave work due to sickness during the working day.

4.6 take part in return to work discussions as requested by their line manager on their return and where possible on the day they return to work (see section 8).

4.7 Comply with their obligations to attend any appointment with OH. Failure to do so may result in decisions being made without the benefits of OH advice.

5. Responsibilities of Human Resources (HR)

HR is responsible for:

5.1 providing advice, guidance and support to managers on how best to manage sickness absence within their departments/teams;

5.2 providing advice, guidance and support to employees;

5.3 maintaining accurate management information in relation to sickness absence, and for advising managers accordingly.

6. Responsibilities of Occupational Health

6.1 Occupational Health is responsible for providing specialist advice to individuals and management on health issues which may be affecting work or work issues that may be affecting health.

6.2 Following referral, Occupational Health is responsible for advising managers and HR on the most appropriate approach for managing the sickness absence of individuals including the recommendation of adjustments to enable individuals to return to work.

6.3 Following referral, Occupational Health may advise individuals and line managers on recommended arrangements for a phased return to work or other adjustments in order to facilitate an earlier return.

6.4 Occupational Health can request specialist assessments, or obtain specialist/GP reports, as appropriate, for individuals.

6.5 Occupational Health is responsible for the recording of medically certificated absence on the HR system.

7. Responsibilities of Trade Unions

7.1 To support their members through the process.

7.2 To encourage their members to comply with the sickness absence requirements.

7.3 Where appropriate, represent/accompany their members in meetings.

7.4 Help their members to understand why certain actions are taken.

8. Return to work discussions

8.1 Return to work discussions should be conducted as appropriate and as agreed by the line manager and including upon the request of the employee. These discussions should be recorded, shared with both parties and kept locally in the employee's personal file.

8.2 The purpose of the return to work discussion is:

- to allow the manager to show proper interest in the employee's welfare.
- to give the manager the opportunity to check with the employee that they feel fit enough to return to work.
- to give the employee an opportunity to voice any concerns he or she may have, and to identify any issues relevant to the sickness absence, be they personal or work-related.
- to give managers the opportunity to update the employee on what has occurred during their absence and particularly where it impacts on the employee or their work.
- to allow the manager to assure the employee that they have been missed, how cover has been arranged for them and to update them on events that may have occurred during their sickness absence.
- where appropriate, to set targets for improvements in sickness absence levels and to outline possible consequences of further periods of sickness absence.
- to raise the option of referral to Occupational Health if appropriate.
- to identify any other onward referral, e.g. to RehabWorks Workplace Wellness (Employee Assistance Programme).
- to identify the reason for the absence using the codes recorded on the HR System.

8.3 If employees report for work and appear to be unfit to work and present a health and safety risk to themselves or others, they must be sent home by the manager.

8.4 Where there is any doubt about the employee's fitness for work, the advice of Occupational Health should be sought, via a referral, in the first instance.

9. Monitoring sickness absence

9.1 Accurate recording of absence from the workplace for whatever reason is essential in order to develop a fair and consistent approach to attendance.

9.2 All sickness absences must be recorded on the HR System as soon as possible, as an individual's pay may be affected. The first seven days' absence should be recorded by the employee using self-service on the HR system. Thereafter, fit notes should be submitted to the line manager and the manager will send them to Occupational Health, who will record any further absence on the HR system. Fit notes must run consecutively with no gaps.

9.3 The information recorded on the HR System is used by managers and the HR department to produce sickness absence reports on a regular basis, identifying trends and potential problems, and to identify the need for early intervention, when appropriate.

9.4 The information recorded on the HR System is also used to ensure that the University is able to meet its statutory requirement to maintain Statutory Sick Pay records, and to ensure that employees are paid the correct amount of Statutory Sick Pay and Occupational Sick Pay.

9.5 It is recommended that line managers review departmental sickness absence levels on a quarterly basis to identify patterns or trends of sickness absence. These should be discussed fully with the HR Adviser and action set to address absences appropriately and in line with the procedure.

10. Short term sickness absence

10.1 Short term sickness is defined as periods of absence of less than four weeks duration.

10.2 In the event that an employee reaches five days sickness absence in a 12 month rolling year (pro-rata for part time employees¹), managers would normally be required to discuss the circumstances with the employee to try to establish/investigate the reasons for their sickness absence. For example, identify if there are any other reasons such as non-related work issues/working relationships. Notes of the meeting should be made, with a copy given to the employee, and, where appropriate, the employee will be informed that their level of sickness absence is a concern.

10.3 Where there is no apparent ongoing medical reason for the sickness absence, managers may set an employee targets for improvement within an agreed timescale. If the employee has an ongoing medical reason for the sickness absence the line manager can still set targets subject to OH and HR advice. Such targets will be documented, with a written copy each for the line manager and employee, and a review date will be arranged. The manager may also seek further advice from Occupational Health, via an OH referral. This action will be considered as being taken under Stage 1 of the procedure. See Section 21.

10.4 In the event that the employee's absence does not improve sufficiently, formal action will be taken. See Section 18 Managing unsatisfactory sickness levels.

11. Long term sickness absence

Long term sickness absence is defined as lasting, or likely to last, for four weeks or more. Managers are required to discuss the absence with the employee to try to establish/investigate the reasons for their sickness absence. Notes of the meeting should be made, with a copy given to the employee and where appropriate, the employee will be informed that their level of sickness is a concern.

¹ For example, if someone worked 0.5 fte but not over 5 days per week, this would mean 2.5 days in a 12 months rolling period.

11.1 Responsibilities of the employee

11.1.1 In the event of long term sickness absence being planned (e.g. following surgery), employees must notify their line manager, who will refer them to Occupational Health for early advice in respect of their sickness absence and subsequent return to work.

11.1.2 Where a period of long term absence develops, employees should maintain contact with their managers or nominated University contact during their absence. The method and frequency should be agreed with their manager.

11.1.3 Employees are required to keep their managers advised of their progress and submit consecutive fit notes. Failure to submit consecutive fit notes may result in loss of pay.

11.1.4 Employees are expected to follow the advice of Occupational Health.

11.2 Responsibilities of the manager

11.2.1 Managers must make an Occupational Health Referral as soon as they become aware of an individual's long term sickness absence. This will enable early intervention by Occupational Health, if appropriate.

11.2.2 Managers must consult OH if an employee remains on sick leave or the advice received is unclear.

11.2.3 Managers, or a designated deputy, must maintain regular contact with employees absent on long term sickness, through email, phone calls and, where appropriate and with the individual's agreement, home visits.

11.2.4 Managers will need to liaise with HR on managing the sickness absence and seek advice on using the sickness absence procedural stages.

11.3 Responsibilities of Occupational Health/Human Resources

11.3.1 OH will provide line managers and HR with reports on an employee's fitness to work when they are away from work on long-term sickness absence, subject to the employee's consent. If deemed appropriate, OH may obtain further information from an employee's GP or specialist, with their consent.

11.3.2 If an employee withdraws their consent to allow OH to provide the manager and HR with a report, then the line manager will have to make any management decisions without the benefit of any OH input. Managers should seek advice from HR at this point.

11.3.3 Occupational Health will provide advice to line managers and HR on the most appropriate approach to return to work for the employee. This may include a return initially to lighter duties, to part-time working, or to having adjustments, temporary or permanent, made to the workplace or work station.

12. Work related injuries (industrial injuries)

12.1 Absence due to a work-related injury which has been reported to the HSE under the reporting regulations (RIDDOR) will be recorded separately from other sickness absence. Absence due to a work related injury will be managed using the Managing Sickness Absence Procedure and the same

timescales will be applied. If an individual is unable to return to work their employment may be terminated on the grounds of ill health. The duration of paid absence will be in accordance with the normal sick pay arrangements but will be paid at full pay. Once the paid period of sickness absence has been exhausted the individual's employment will be unpaid. For information on work-related injuries, please see:

<http://www.port.ac.uk/departments/services/humanresources/healthandsafety/atoz/accidentreporting/>

13. Phased return to work

13.1 In some circumstances, such as following long term sickness absence, it may be appropriate for an employee to return to work, initially, on a phased basis. Normally, a phased return will be for no more than 4 weeks but, in consultation with HR and OH, this may be extended for up to a further 4 weeks.

13.2 Phased return to work can include a reduction in hours and/or adjusted duties. The employee will receive their full contractual pay during the phased return period.

13.3 It is not the practice to extend the period of the phased return, unless in exceptional circumstances and due to the seriousness of the reason for the absence. The line manager and HR should continue to monitor the situation and seek OH advice as appropriate.

14. Medical and Dental Appointments

14.1 Reasonable paid time off to attend medical and dental appointments will be given. Where an employee is attending an appointment for a medical procedure after which they are unable to return to work, this should be treated as sickness absence. Every effort should be made to make appointments at the beginning or end of the day to minimise the amount of time off required and impact on their work.

14.2 On occasion employees may elect to have surgery. Absence for this purpose is treated in the same way as any other sickness. The reason for the elective surgery is irrelevant.

14.3 Time off for fertility treatment should be treated in the same way as any other medical appointments and procedures, i.e. reasonable time off will be given to attend appointments. Where an employee is attending an appointment for a medical procedure after which they are unable to attend for work, this should be treated as sickness absence.

15. Disability Leave/Sickness Absence

15.1 Any employee who considers themselves disabled under the Equality Act 2010 definition and who has declared their disability to the University can apply for this type of leave. The definition of disability under the Act is a 'physical or mental impairment' that has a 'substantial long term negative effect' on the ability of the person to carry out 'normal day to day activities'. The University wishes to provide a supportive working environment where staff feel able and confident to declare their disability. If staff require disability leave or take disability related sickness their HR records

must indicate a declared disability. If it does not they should ensure that they update their disability status with HR.

15.2 Disability leave/sickness absence should be managed within the current managing sickness absence procedures which already allow for a flexible approach by managers around specific leave requirements and workplace adjustments. See the Disability Absence – Guidance for Managers and Staff for further information.

<http://www.port.ac.uk/departments/services/humanresources/occupationalhealthservice/sicknessabsence/filetodownload,179998,en.pdf>

16. Disability and reasonable adjustments

16.1 Employers have a legal duty to consider any reasonable adjustments to enable employees who have a disability as defined in the Equality Act 2010 to continue to perform their roles. Whether or not an adjustment is reasonable will depend on the practicality, cost and likely effectiveness of it. At each stage of the sickness absence procedure, consideration will be given to whether there are reasonable adjustments that can be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

17. Sick Pay Arrangements

17.1 During the first year of service:

Full pay for 1 month (31 days) and (after completing four calendar months' service before the start of the period of absence through illness) half pay for 2 months (61 days)

During second year of service:

Full pay for 3 months (91 days) and half pay for 3 months (91 days)

During third year of service:

Full pay for 4 months (122 days) and half pay for 4 months (122 days)

After three years:

Full pay for 6 months (183 days) and half pay for 6 months (183 days)

18. Managing unsatisfactory sickness levels

18.1 On most occasions sickness absence is infrequent and of short duration and can be dealt with informally. However, there are occasions when sickness absence reaches a level which is unacceptable to the University and a formal approach is required. The underlying principle of the formal procedure is to support and encourage staff to return to work.

18.2 In some cases, because of the nature of the ill health, it is clear to both the employee and employer that there is no possibility that the employee will be able to return to work. If there is clear medical evidence to support this then it may be more appropriate to consider ill health retirement or dismissal on the grounds of ill health at an early stage without the need to go through the Formal Notification stage. OH and HR must be consulted to ensure that the procedure is followed and that the individual is treated fairly, consistently and with sensitivity.

19. Record keeping

19.1 A record of all discussions and meetings must be made at every stage of the procedure and kept securely in line with the Records Management Policy which can be found at: www.port.ac.uk/departments/services/universitysecretary/recordsmanagement/.

19.2 The types of records that should be kept are emails, minutes of meetings, notes of telephone calls, copies of correspondence etc. These should include the names of the people involved, dates, the nature and frequency of incidents, action taken, follow-up and monitoring information. Notes of meetings should be shared with attendees. Any records kept need to be accurate and objective. If, for any reason, it is not possible to agree the record, any points of disagreement should be noted.

19.3 Employees have the right to see any documents used as part of the process. All sensitive information should be treated confidentially and meet the requirements of the Data Protection Act 1998. The University Data Protection Policy can be found at:

<http://policies.docstore.port.ac.uk/policy-022.pdf>

20. Occupational Health (OH) referrals

20.1 Before initiating a referral the line manager² should discuss the situation fully with the individual. The employee is not required to divulge personal medical information to their line manager. It is often in the employee's own interest to have an OH assessment of their fitness to work. OH referral should not be used as a threat or punishment. Under these procedures when managers are seeking advice from OH this should be through the normal referral process using the OH Referral form available on the HR website at

<http://www.port.ac.uk/departments/services/humanresources/occupationalhealthservice/referral/>

20.2 Employees have right of access to any OH records including any reports submitted to the University. No reports will be sent to the manager and HR without the consent of the individual.

20.3 Employees are expected to attend OH appointments. If they do not attend an OH appointment or do not consent to OH sending a report to their manager OH will inform the manager and HR of this fact and they will have to make any decisions without the benefit of any OH input. The employee will also be informed of this fact that OH will not be able to provide any advice on fitness to work or on any recommended suitable adjustments. Employees can contact OH and/or HR for advice on referrals

21. Procedure

21.1 At any point in the procedure it may be appropriate to consider alternatives to formal action, see Stage 3. As part of this consideration, the business needs of the University must be taken into account, including the impact on work colleagues, consequently, it may not be possible to accommodate alternative working arrangements. In some cases, because of the nature of the ill

² In exceptional circumstances, the referral may be made by another manager or HR. Please see [Your Guide to OH Referral and Advice](#).

health, it is clear to both the employee and employer that there is no possibility that the employee will be able to return to work. If there is clear medical evidence to support this then it may be more appropriate to consider ill health retirement or dismissal on the grounds of ill health at an early stage without the need to go through the Formal Notification stage. The advice of the HR Adviser / Business Partner must be sought before taking any action.

Right to be accompanied

At all formal stages of the procedure the employee has the right to be accompanied/represented at the meetings by a trade union representative or work colleague (University of Portsmouth employee).

Appendix C sets out a flowchart for managing unsatisfactory sickness levels.

Stage 1 – Informal

As soon as the level of sickness absence is perceived as unsatisfactory, the line manager will discuss the matter with the employee. This stage may have commenced as part of the management of short term sickness absence. See section 10. The employee will be given the opportunity to present their view of the situation. Where an employee has become temporarily unable to fulfil their duties through ill health, the individual may need additional support to return to their full duties and a flexible approach should be adopted towards this. If appropriate this could involve adapting duties, modifying hours, equipment, and accommodation or providing temporary alternative work. Where this might involve a permanent change to the contract of employment advice must also be sought from HR. Such measures must be kept under close review and documented.

As a result of these informal discussions, if appropriate, the line manager will establish with the employee an action plan, with review dates, to attempt to reduce the level of sickness absence. Normally, the review period will be of no more than 4 – 6 months duration and include at least monthly interim reviews. Where appropriate the manager should consult OH for advice.

The manager will record in writing what action is to be taken by the parties. The employee will be given a copy and one will be placed on the employee's file in HR. It will be disregarded after 12 months if a satisfactory and sustained attendance level has been achieved. If a sickness absence issue arises again within the 12 months of the action plan being agreed, then the procedure can be recommenced at Stage 2 if appropriate. Advice must be sought from HR.

The line manager will meet with the employee at the end of the review period. The line manager may conclude that:

- the sickness absence has reduced and no further action will be taken;
- the review period should be extended with some modification to the action plan, if appropriate;
- the sickness absence is unchanged or has become worse, and the matter will be referred to Stage 2 of the procedure.

The line manager will confirm the outcome of the review discussion to the employee in writing.

If the line manager decides that guidance, support and monitoring have not addressed the sickness absence issue, the line manager will proceed to the Formal Notification Stage. Advice must be sought from HR before further action is taken.

On occasion, it will become apparent during the review period that there has been no improvement in the level of sickness absence. In such cases, the line manager can terminate the review period at that point and proceed to the Formal Notification Stage.

Stage 2 – Formal Notification

The employee will be advised in writing that their sickness absence levels are causing concern and will be asked to attend a formal meeting with their manager. The employee must be given a minimum of five working days' notice and a maximum of ten working days' notice of the date of the meeting. The notice will include:

- the date, time and venue of the meeting;
- details of who will be present e.g. manager, note taker;
- that the meeting is being held under the Managing Sickness Absence Procedure;
- full written details of the sickness absence problem;
- the right to be represented by a trade union representative or work colleague;
- that the meeting may result in a Formal Notification.

The purpose of the meeting will be to determine the reasons for the continuing sickness absence. At the meeting the line manager will outline the issues. The employee will be asked to comment on the concerns raised and put forward any mitigating circumstances/explanation influencing their sickness absence levels. At the meeting targets for improvement and a review period will be agreed with the employee.

Following the meeting, if it is considered appropriate by the line manager, the employee will be given a Formal Notification in writing. The Formal Notification, incorporating the right of appeal, will be handed or sent to the employee within five working days of the meeting and a copy placed on the employee's personal file. A copy of this letter will be provided for the trade union representative or work colleague. This Formal Notification will include the period over which sickness absence levels will be reviewed and will include a formal notification that, should the employee's sickness absence levels not improve during the review period, then the matter may be considered further under Stage 3 or Stage 4 (as appropriate) of the procedure.

A copy of the Formal Notification will be placed on the employee's file in HR. Normally it will be disregarded after 12 months subject to achieving and sustaining satisfactory attendance. However, if a sickness absence issue arises again within the 12 months of the Formal Notification being issued, then the procedure can be recommenced at Stage 2 or a later stage if appropriate. Advice must be sought from HR.

Where an employee is unable to attend a formal meeting because of their ill health appropriate arrangements will be made to hear the matter in a sensitive and sympathetic manner. Advice must be sought from HR. Where an employee is persistently unwilling to attend a formal meeting, the University may take a decision on the evidence available in the absence of the employee but a representative, i.e. a union representative or work colleague, may be present.

If, following the meeting, it is decided that no further action is necessary, the employee will be notified in writing accordingly.

Stage 3 – Suitable Alternative Employment

If, following a Formal Notification, a satisfactory level of sickness absence has not been achieved and maintained, the line manager may recommend to the senior manager, normally the Dean/Head of Professional Service that consideration is given to moving the employee to a suitable alternative role. There is no entitlement to be offered suitable alternative employment, it is a consideration only. Advice should be sought from HR. The employee will be notified in writing that:

- subject to suitable vacancies being available, consideration is being given to offering a suitable alternative role (which may, for example, attract a lower rate of pay, be subject to different terms and conditions, changes to work pattern, reduction in hours, phased or flexible retirement);
- they may be expected to undertake temporary work as directed during the period that alternative employment is being sought;
- they will be advised that if a suitable alternative position is not found within three months of starting this stage they will move on to the next stage (Stage 4) in this process;
- the employee will be invited to submit any points for consideration.

If alternative work is identified there will be a trial period. The trial period will be for a period of four weeks beginning on the day they start work in the new job. The purpose of the trial period is for both the employee and their manager to establish whether or not the job is in fact suitable for the employee. During a trial period regular reviews should be held between the employee and the new line manager with the involvement of HR. Throughout this period, the employee will remain contracted to the original job and their department will continue to meet salary costs. The employee's basic pay, excluding allowances, and conditions of service will be unaffected during the trial period. If the trial period is not successful, and the post considered to be unsuitable and there are no available suitable alternative posts within three months of starting this stage, the employee will progress to Stage 4.

If an employee is permanently redeployed, a new contract of employment will be issued and the application of this procedure will cease from the date of starting the new job. The employee will be advised that their sickness absence levels will continue to be kept under review through day-to-day line management.

A copy of the Formal Notification will remain on the employee's personal file in HR. If the attendance record of the employee improves to the required standard and is sustained, then the Formal Notification will be removed from their personal file in HR, along with any related local records, after 12 months. If an attendance issue arises within the 12 months of the redeployment to an alternative role under Stage 3 then the procedure can be recommenced at Stage 2 or a later stage if appropriate. Advice must be sought from HR.

This stage may not always be appropriate. It must be recognised that there will always be ill health cases where the nature of the illness makes redeployment most unlikely. In these circumstances the only course may be termination on the grounds of ill health without the application of all stages of the procedure. If alternative employment is not considered appropriate, an employee will be informed in writing along with the reason for the decision by the senior manager, normally the Dean or Head of Professional Service.

Ill health retirement

Where an employee can no longer carry out the duties of their post or equivalent work as a result of a medical condition, consideration should be given to ill health retirement if appropriate. This would be subject to the rules of the pension scheme.

Stage 4 – Dismissal on the grounds of ill health

In the event of the requirements of the Formal Notification not being met, the Vice-Chancellor or senior post holder³ will interview the employee. The Director of HR, or a senior HR representative not involved at a previous stage, will be in attendance to act as adviser. The employee must be given, in writing, a minimum of five working days' notice and a maximum of ten working days' notice of the date of the meeting and the notification should outline the matters which will be considered. The employee will be notified of their right to be accompanied/represented by a trade union representative or work colleague (University of Portsmouth employee).

Normally, the OH Medical Adviser/ Physician will have:

- assessed the employee;
- sought, subject to the consent of the employee, further information and comments of the employee's general practitioner and/or specialist as appropriate and provided a report for consideration at the meeting.

The Vice-Chancellor/senior post holder may dismiss or take any other appropriate action. If it is concluded that the employee should be dismissed, the decision will be confirmed in writing by the Vice-Chancellor/senior post holder to the employee and, as appropriate, to the trade union representative or colleague, within three working days from date of interview. The dismissal letter will give the reasons for dismissal and bring to the attention of the employee the right to appeal. The employee will be given notice of the termination of employment in accordance with the employee's contract of employment or payment in lieu of notice.

The effective date of dismissal will be the date of the formal written notification. Where an employee is persistently unwilling to attend a formal meeting without good cause, the employer may take a decision on the evidence available in the absence of the employee but a representative, i.e. a union representative or work colleague, may be present. Where an employee is prevented from attending a formal meeting because of their ill health appropriate arrangements will be made to hear the matter in a sensitive and sympathetic manner.

22. Appeal against formal notification

22.1 If the employee wishes to appeal against a Formal Notification they must write to the Director of HR stating their reasons. The appeal must be lodged with the Director of HR not later than ten working days from the issue date of the Formal Notification.

22.2 The Director of Human Resources or their representative will arrange for a manager not involved in the case to chair the hearing. The hearing will take the form of a re-examination of the evidence. Both the employee and the line manager will present their cases and, where appropriate, further advice may be taken from OH. The employee may be accompanied by a trade union

³ Senior post holders: Pro Vice Chancellors, Chief Operating Officer and Director of Finance

representative or a work colleague. The Director of HR will advise the employee of the outcome of the appeal within ten working days of the interview. The result of the appeal may take the form of confirmation of the Formal Notification or withdrawal of the Formal Notification. The decision is final and there is no further right of appeal.

23. Appeal against dismissal

23.1. Making an appeal

When a dismissal for lack of capability due to ill health is made, the appeal may be on the grounds that, for example:

- the employee wishes to draw to the attention of the University OH Medical Adviser/Physician an alternative medical opinion (OH can provide advice on this);
- the University has not made reasonable attempts to find the employee appropriate alternative employment within the University (unless the nature of the illness makes redeployment most unlikely).

An employee who wishes to appeal against the decision to dismiss for lack of capability due to ill health should do so in writing to the Clerk to the Board of Governors (and copied to the Director of HR) within ten working days of the date of written notification of the decision. The employee should set out in full the grounds of his or her appeal, and if they are proposing to rely on new evidence, they should provide details and a copy of any relevant documentation.

For an appeal on medical grounds the employee will be given 20 working days in which to produce an alternative medical opinion. The alternative medical opinion will be referred to the University OH Medical Adviser/Physician, who will consider it fully and make all reasonable efforts to discuss the report with the report's author with the consent of the employee. If the OH Medical Adviser/Physician forms a view that this is unlikely to alter the original recommendation, the employee will be advised and given an opportunity to consider whether they still wish to proceed. Where the employee does wish to pursue the appeal, the employee will be advised that their consent to the release of the relevant medical facts will be requested in order for the Appeal Panel properly to consider the matter. The OH Medical Adviser/Physician and a medical adviser nominated by the employee will be invited to submit written reports and to attend the Panel.

Notwithstanding the absence of the employee, at the employee's request, a representative i.e. a work colleague (University of Portsmouth employee) or recognised trade union representative may be present to address the Appeal Panel, including putting the employee's case, summing up and responding on the employee's behalf to any view expressed at the hearing.

23.2 Appeal hearing

Appeals Panels will comprise at least three external governors normally drawn from the membership of the Human Resources Committee (HRC) and will be chaired by a senior post holder of the University. The following steps will be followed:

- At least five working days prior to the appeal hearing held by the Appeals Panel, the Committee members and the parties will receive the documents to be relied upon by the appellants and

their representatives and the respondent University management representatives during the consideration of the appeal.

- The hearing of the appeal will follow the predefined HRC appeals process.
- The employee will be notified in writing of the outcome of the appeal hearing normally within three working days of the appeal hearing. The individual's known private address will be the address used for correspondence.

The Decision of the Appeal Panel will be final.

24. Trade union representatives

24.1 Where action is being considered under the formal stages of this procedure affecting a trade union representative, the normal Managing Sickness Absence Procedure should be followed. Depending on the circumstances, however, it is advisable at an early stage to notify a senior representative or a full-time official of the trade union.

25. Equality Analysis

25.1 Monitoring and equality analysis is an important way of finding out whether the measures taken by the University to manage sickness absence are effective. Statistics on levels of sickness absence will be collected and the HR Business Partners will discuss them with their service group managers and they will be formally reported in the Annual Report. Where patterns of sickness absence are identified at an individual, departmental or University-wide level, the University will take appropriate action to investigate and address the problem.

25.2 The policy recognises the special circumstances of employees with disabilities and employees who are injured at work by adapting arrangements to take account of their particular needs and ensure they are treated fairly and consistently.

25.3 This approach will ensure that the University is able to demonstrate due regard in relation to protected characteristics in the decision making process, ensuring that any disproportional disadvantage or impact, be it negative or positive, is highlighted, the reasons identified and actions taken if the impact cannot be justified.

25.4 Please refer to the Equality Analysis process at:

<http://www.port.ac.uk/departments/services/equalityanddiversity/equalityanalysis/>

Appendix A - Other sources of information

HR Business Partner/HR Adviser for your area

<http://www2.port.ac.uk/departments/services/humanresources/contactus/hrbusinesspartnerteams/>

HR website

www.port.ac.uk/departments/services/humanresources/

Policy and procedures: www.port.ac.uk/accesstoinformation/policies/

Including, but not limited to:

- Grievance
- Disciplinary
- Dignity and Respect
- Staff Email
- Declaration of Interests

Accident Reporting

www.port.ac.uk/departments/services/humanresources/healthandsafety/atoz/accidentreporting

Articles of Government

www.port.ac.uk/accesstoinformation/policies/universitycirculars/filetodownload,77031,en.pdf

Occupational Health Service 023 9284 3187

www.port.ac.uk/occupationalhealthservice

Employee counselling

Workplace Wellness (Employee Assistance Programme)

Staff information and advice: 0800 111 6387 (24-hour helpline)

Managers information and advice: 0800 111 6385 (24-hour helpline)

Website:

<http://www.port.ac.uk/staffessentials/generalinformation/Wellbeing/employeeassistanceprogramme/>

If you're outside of work, go to: <http://my-eap.com/login> and type University of Portsmouth's unique username UPuser (case sensitive).

Trade unions – UCU and Unison

<http://portsmouth.web.ucu.org.uk/home/portsmouth-branch-people/> or www.ucu.org.uk

www.port.ac.uk/unison or www.unison.org.uk

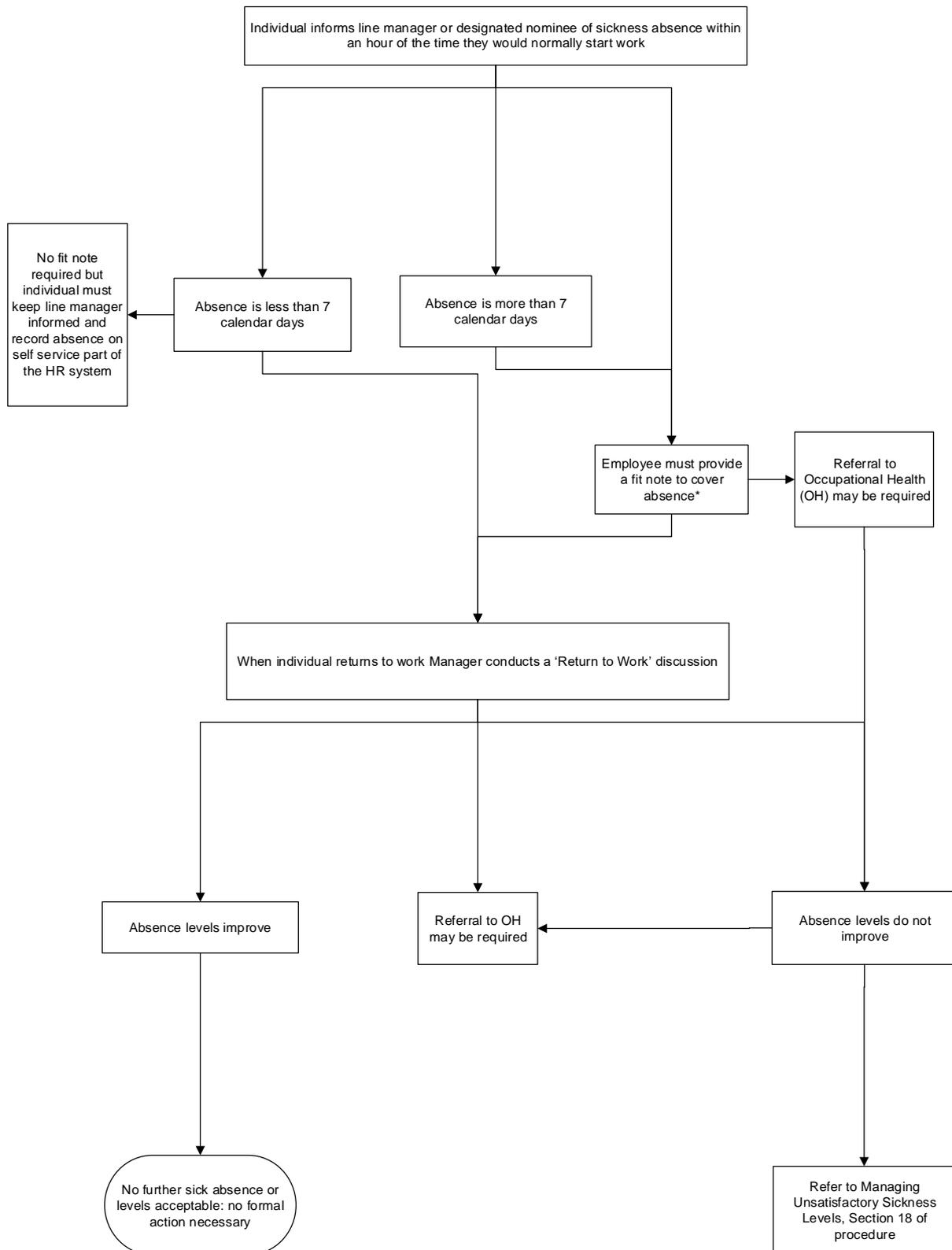
Recourse

www.recourse.org.uk

ACAS

www.acas.co.uk

Appendix B - Flowchart of sickness reporting process



Appendix C - Flowchart for managing unsatisfactory sickness levels

