

## **ABSENCE REPORTING AND SICK PAY POLICY**

### **INTRODUCTION**

We are sympathetic to genuine cases of illness or other problems which might make absence unavoidable. However, excessive or unauthorised absence causes disruption to the business, lowers the morale of other staff and makes us less able to accommodate genuine cases of long-term illness. Therefore, all absences are taken seriously and unnecessary absence is likely to lead to disciplinary action.

This policy is not contractual but sets out the way in which St Catharine's College plans to deal with absence from work.

### **SCOPE OF THIS POLICY**

This policy applies to all employees. It does not apply to casual workers, agency workers or contractors.

### **AIMS OF THIS POLICY**

This policy aims to minimise the disruption caused by employee absence by setting clear guidelines on absence notification, encouraging regular communication to assist employees to return to work as soon and as safely as possible, and by assisting Heads of Department to handle absences due to illness or injury in a fair, consistent and effective way.

### **LEGAL CONSIDERATIONS**

The following legislation applies to this policy:

- The Social Security Contributions and Benefits Act 1992 (as amended).
- The Employment Rights Act 1996.
- The Data Protection Act 1998.

### **RESPONSIBILITIES**

It is the responsibility of Head of Departments to perform return to work interviews with the employees who report to them and to support individuals whilst they are off sick and also upon their return. In addition, Head of Departments are required to complete the correct paperwork and ensure that records are given to the HR Office in order to manage absence efficiently; bearing in mind the requirements to comply with the Data Protection Act/GDPR principles when handling confidential sensitive personal data. Head of Departments are not expected to be medical professionals and if specialist advice or guidance is required to manage a case of absence, consent and permission to obtain this should be sought.

Our employees are responsible for following our absence notification procedures, and for informing us of any medical condition that may affect their ability to perform their role safely with us. We only encourage employees to return to work when they are fit to do so, for their own health benefits and also for those with whom they work. Absence leave should only be taken however when genuinely ill and not for any reason other than the employee's own sickness.

### **TIME OFF FOR MEDICAL AND DENTAL APPOINTMENTS**

Wherever possible, and in order to minimise disruption, employees are asked to make medical and dental appointments either outside of normal working hours, or at the beginning or end of the working day or on a day of the week when their workload tends to be quieter. However, we do realise that this may not always be possible, particularly with hospital appointments.

Employees who need to take time off to attend a medical or dental appointment should notify their Head of Department giving as much notice as possible. Such time off will be paid, but we do request that the time is made up, with the exception of hospital appointments. The Head of Department may, at his/her discretion, require the employee to produce an appointment card.

An employee who has an appointment which is not at the end of the working day will normally be expected to return to work following the appointment.

We reserve the right to ask an employee to reschedule a routine appointment if its timing would cause disruption to the running of the particular department, or the completion of vital or urgent work.

Any employee who requests or takes time off work for a medical or similar appointment when such an appointment has not in fact been made; who deliberately arranges appointments at times that are clearly inconvenient for us to accommodate; or who fails to give reasonable notice of a pre-scheduled appointment, will be subjected to disciplinary action under our disciplinary procedure.

### **ABSENCE NOTIFICATION**

An employee who is unable to attend work for any reason should contact their Head of Department personally as soon as possible, but in any event no later than 30 minutes after his/her normal start time on the first day of absence. In order to minimise disruption it is important that we receive as much notice of absence as practically possible. An employee who is unable to notify us personally should ensure that a relative, neighbour or friend contacts us. In addition, the reason for the absence and an indication of its likely duration should be provided. The reason for the absence will be kept confidential.

Absent employees are then responsible for keeping their Head of Department informed of their situation on a regular basis. They should remain in contact with us and if they are away from home at any time during their absence, should provide us with full contact details. We may contact them during a period of absence and, in addition, may visit them at home to discuss their health and progress towards returning to work.

An employee who is absent through sickness or injury for more than one week must obtain a Statement of Fitness for Work from a doctor and forward it to the Head of Department. He/she is required to notify the College of his/her continued incapacity at least once a week thereafter, unless otherwise agreed. The name of the doctor, the surgery and its contact information should be clearly stated.

If a period of medically certified absence is extended by a further Statement, the Head of Department must be informed on the same day and advised of the extension of the absence.

Statements of Fitness for Work should then continue to be sent on a regular basis until such time as the employee is able to return to work. This applies even where any entitlement to sick pay is exhausted.

If a Statement of Fitness for Work indicates that the employee is unable to undertake the full duties of his/her normal job, but may be able to do some work, we will discuss this with him/her and consider any recommendations or suggestions made by the GP which may facilitate an earlier return to work.

On return to work after absence all employees are required to complete a Sickness Self-Certification Absence Form covering the complete period of their absence, or to submit the Fitness for Work certificate at the latest. The Head of Department will discuss the details with the employee during the "return to work interview" and action as necessary with HR. This form will then be retained against the employee's personnel record, and will be shared with the Payroll Administrator if there are payment implications.

If an employee is ill either whilst absent from work on authorised holiday, or just prior to taking authorised holiday, they should seek immediate advice from their Head of Department/HR. Sick pay will not normally be paid for any absences that are due to reasons other than the employee's own illness/injury.

Whilst absent from work due to illness or injury, employees are expected to remain resting at home, unless specifically advised otherwise by their GP or other qualified medical advisor, and to refrain from any strenuous activity or activity that a reasonable person or healthcare professional would consider to be inconsistent with the reason for their absence. They are also expected to comply with the advice given by their GP or healthcare professional.

Employees must not take on any other work, either paid or unpaid, without our consent, irrespective of whether sick pay is still being paid. Employees remain bound by all of the terms and conditions of their contracts of employment.

Failure to comply with the above procedures could affect any entitlement to sick pay and, in some instances, could warrant disciplinary action.

If therapeutic work is recommended we should be informed and we will take any appropriate steps to provide this ourselves if practicable, perhaps by way of guidance from our Occupational Health Doctor. The College also has excellent links with the University Counselling Service. A referral can be made by HR, or a self-referral can also be made. The College is supportive of Counselling and has the health and wellbeing of all staff as one of its main priorities. Where it can, the College will help with the cost of a referral. The HR Manager refers employees directly to this service and offers a confidential space in which to discuss personal circumstances. If this is of interest to you, please call in at the HR office for further information.

## **SICK PAY AND BENEFITS**

Contractual sick pay will normally be paid for absences owing to illness or accident, up to a maximum period as follows:

During Probationary period	SSP only	SSP only
Completion of probationary period/up to one year	8 weeks	8 weeks
One year but less than three years' service	12 weeks	12 weeks
Three years but less than five years' service	20 weeks	20weeks
Five years' service or more	26 weeks	26 weeks

The maximum period of entitlement (which may be made up of one or more periods of absence) will be calculated on a rolling 12-month basis. The entitlement to sick pay will be calculated as at the first date of absence in the current absence period, deducting any sick pay paid in the twelve-month period prior to that date. For clarification, once the total maximum entitlement has been exhausted, it will not be recalculated during the current absence, irrespective of its duration or irrespective of any increased length of service.

Employees who exhaust their entitlement to contractual sick pay, may still be entitled to receive SSP (see below).

Payment of contractual sick pay depends on us being satisfied that the sick pay system is not being abused. Failure to report the reason for absence or to maintain regular contact could result in non-payment, as could repeated instances of short-term absence (where there appears to be no underlying medical reason for these) or failure to attend an occupational health appointment, if this is requested. Entitlement to contractual sick pay may also be affected if notification of absence is later than the end of the first qualifying day of absence.

Contractual sick pay may not necessarily be paid during any notice period (irrespective of whether the notice is given by the employee or by us). Also contractual sick pay may not be paid if the absence is due to sickness during the course of disciplinary proceedings against the employee or during investigations into alleged breaches by the employee of our rules, procedures or contractual obligations.

In the event of the self-certification of absence form not being countersigned by the Head of Department, the absence will be treated as unauthorised and payment of contractual sick pay will be withheld. An employee who feels that his/her payment has been unfairly withheld should use our grievance procedure policy. Statutory leave will continue to accrue during periods of long-term sick leave.

### **STATUTORY SICK PAY (SSP)**

Employees are entitled to SSP provided they meet the detailed requirements of the scheme. They cannot get SSP if they are sick for less than four days in a row as this does not form a "period of incapacity for work". The following categories of employee are excluded from receiving SSP if:

- Their average weekly earnings are less than the lower earnings limit for National Insurance contributions.
- They have already had 28 weeks' worth of SSP from us and this new spell of sickness links to their last one.
- They were not entitled to SSP the last time they were sick, for any reason, and this spell of sickness links to that one.
- They started or returned to work after getting Employment and Support Allowance (ESA) from the Job Centre Plus and are a 'benefit recipient' who is sick within the first 104 weeks of starting, or returning to, work for us.
- They had a series of linked periods of incapacity, lasting more than three years.
- They have not done any work for us under their contract of employment.
- They are away sick during a stoppage of work due to a trade dispute, which started before the first day of sickness unless they have not taken part in the trade dispute and have no direct interest in it.
- They are pregnant and the absence is either wholly or partly because of the pregnancy, and it occurs during the qualifying period for Statutory Maternity Pay (SMP) which commences with:
  - the beginning of the week they are first entitled to SMP or the fourth week before their expected week of confinement or;
  - the beginning of the week they are first entitled to Maternity Allowance (MA) from the Department for Work and Pensions (DWP) or;
  - the beginning of the fourth week before their expected week of confinement if they cannot get SMP or MA.
- They are outside the EU and we are not liable to pay employer's Class 1 NICs, even if their earnings are high enough.
- They are in legal custody.

### **QUALIFYING DAYS FOR SSP**

Unless otherwise specified in the employee's contract of employment, the days on which he/she would normally have worked had he/she not fallen sick will be identified as his/her qualifying days for SSP.

### **WAITING DAYS**

Employees are eligible for SSP on the fourth qualifying day in a 'period of incapacity for work (PIW)'. The first three qualifying days are known as 'waiting days', and there is no entitlement to SSP for these days.

### **LINKED PERIODS OF ABSENCE**

Two or more continuous spells of sickness both lasting at least four days, which are separated by 56 calendar days or less, are linked together and counted as one. This means that an employee who has already had three waiting days in a period of incapacity, and then has a second linked spell within 56 days, will be paid SSP from the first qualifying day in the second spell.

### **DURATION OF PAYMENT**

Provided the eligibility criteria are met, SSP is payable for up to 28 weeks of sickness absence in either:

- One period of incapacity for work or.

- Any number of periods linked by 56 calendar days (eight weeks) or less. These cannot extend for more than three years.

### **AMOUNT OF SSP**

The Government fixes the rate of SSP, which is normally reviewed annually. To be entitled to SSP the employee must earn at least the equivalent of Class One National Insurance Lower Earnings limit. SSP is subject to Income Tax and National Insurance deductions. The amount of SSP will be shown on the employee's payslip.

### **RETURN TO WORK AFTER ABSENCE**

It is our policy that all employees attend a "return to work interview" with their Head of Department as soon as possible. The reasons for the absence will be discussed in appropriate detail depending on the nature and frequency of the absence(s). The HR Manager has a back to work form, so please ask if you would like to refer to this, or find the form in the College shared area.

If necessary, the Head of Department will also brief the employee on any developments in his/her area of work that occurred during the absence. The Head of Department will discuss the workload and how best to minimise any disruption which may have been caused by the absence. He/she will also need to know whether the employee is fully fit to return or whether he/she should refrain from any tasks for health reasons.

An employee who has been suffering from an infectious or contagious disease or illness such as rubella or hepatitis must not report for work without clearance from his/her own doctor. Separate rules relating to infectious diseases and food handling should be taken seriously and discussed with the Catering Director/Health & Safety Manager.

### **PHASED RETURN**

An employee who returns to work on a phased basis for a temporary period of less than four weeks will normally be paid full salary for this period. If he/she wishes to continue the reduced (or revised) hours indefinitely, he/she should make a request to his/her Head of Department to consider a permanent change to the contract of employment and HR/HoD will discuss the implications of this with him/her. St Catharine's may seek the support and recommendations of our OH Doctor in these circumstances.

### **MEDICAL REPORTS**

We reserve the right, at any time during employment, to require an employee to attend an independent medical examination, or to ask permission to contact his/her doctor or consultant for a report.

Prior written consent will be requested before we approach any doctor or consultant who is treating the employee, and full details will be provided of the employee's rights and obligations under the Access to Medical Reports Act.

We would normally request such a report in the following circumstances: where an employee complains of an ongoing health problem which is affecting his/her ability to do the job; where an employee claims that any aspect of his/her job is creating a health problem; where his/her absence

gives cause for concern; where an employee has been absent for some time and there is doubt about when he/she may be able to return to work.

We may also request a medical report if we are considering dismissal for either unsatisfactory attendance made up of repeated short absences or a long-term health problem. In addition if an employee has any health problem that could be considered a disability we would wish to seek a report in order to obtain guidance on what, if any, reasonable adjustments should be made to assist him/her in performing his/her duties satisfactorily.

All employees are required to co-operate with our procedures, including providing medical advice, and ensuring we are kept informed of any developments in their treatment or condition.

In addition to the above, we have contracted an external occupational health doctor with whom we may ask to advise us generally, and also to assist with the rehabilitation of those returning to work after lengthy absences or following serious illness or injury. In instances where we consider it reasonable to obtain recommendations from our OH Doctor, we hope that we can work with the staff member to organise this. Cooperation with this, is likely to be in the employees and the department's interests. Failure or refusal to do so would be a breach of contract, and could lead to any contractual sick pay being withdrawn, as could the failure to authorise us to obtain a medical report.

### **EXCESSIVE ABSENTEEISM**

Employees who have a number of short absences that together comprise an unacceptable overall level of absence, will be seen by their Head of Department/HR Manager to discuss the frequency and reasons for these absences. This will be on the grounds of unsatisfactory attendance, and will apply irrespective of whether the absences are believed to be genuine or not.

If a member of staff has 10 days' absence, other than agreed leave, over a twelve-month period they will be invited to attend a review meeting. These 10 absence days are the "trigger" days. If you have this amount of absence, you may receive a letter of concern from the HR Manager – this will be discussed in detail with the HR Manager and your line manager.

At this meeting the reasons for the absence will be discussed and an assessment made whether any assistance can be given by the College to help the employee. Once a full assessment has been made, absence targets may be set for the employee and further review meetings arranged. If these targets are not met, there is the possibility that the disciplinary process will commence.

Procedures are designed to provide protection to staff who are ill or facing other difficulties and to ensure that any problems staff might be facing at work can be dealt with quickly, whilst also ensuring that departments are able to provide an excellent service without burdening other staff.

The Head of Department will explain what we consider to be an "acceptable" level of attendance. What is "acceptable" may be different depending on the nature of the work, the ability of the department to provide cover, the employee's length of service, previous absence history, the reasons given for the absences and the treatment of other employees in similar situations.

If, despite warnings, attendance remains unsatisfactory, this may result in dismissal. Prior to dismissal, the employee will be sent a letter inviting him/her to attend a formal meeting to discuss his/her attendance. The employee may be accompanied at this meeting by a work colleague or a trade union representative. The reasons for the absence and the individual's overall level of attendance will be

fully discussed. If a decision is taken to dismiss, this will be confirmed in writing together with details of any right of appeal and our appeals procedure.

### **LONG TERM SICKNESS**

We will normally make arrangements to see employees who are absent from work for a period in excess of 4 weeks, if information from their Head of Department for whatever reason cannot be gleaned. This may be either at work or at their home, to update ourselves on their progress and to ask for their permission to obtain a doctor's or consultant's report. The employee has the right to refuse this permission, but it should be emphasised that the reason for this request is to help us manage the situation and it will usually be to his/her advantage if we are able to get further information about his/her likely date of return to work, whether any medical restrictions should be placed on his/her activities, and whether he/she has any condition which would be classed as a disability.

We will aim to inform an employee who is about to exhaust his/her entitlement to either SSP or College sick pay. Note that an employee who has exhausted his/her sick pay is still required to comply with our absence notification procedure and to send in Statements of Fitness for Work to cover his/her absence.

Employees may choose to request to take some of their annual leave during periods of sickness absence, or prior to returning to work. Employees who are unable to take at least the basic four weeks' statutory holiday entitlement during the holiday year (including any bank/public holidays taken as paid leave) the shortfall may be carried forward until the next holiday year. Statutory leave will continue to accrue during periods of long-term sick leave.

It should be noted that you cannot claim sickness pay for Bank Holidays as these are non-working days.

If the absence continues at a level that we deem unacceptable, or if it becomes evident that there is little likelihood of a return to work, we will reassess the situation and may take a decision to dismiss on grounds of ill-health.

If dismissal is being considered, we will write to the employee giving advance notice of a formal meeting to discuss the situation. The employee may, if he/she wishes, be accompanied at this meeting by a work colleague or a trade union representative.

Before reaching a decision we will take into account the nature of the illness, any advice we have received from a doctor, consultant or occupational health professional as to likely return to work and future capabilities, length of service, previous absence history and performance. If the absence is due to a reason related to a disability, we will also wish to explore any ways of accommodating this.

If a decision is taken to dismiss, this will be confirmed in writing, together with details of any right of appeal and the appeals procedure.

### **HEALTH CONCERNS AND CONTACT WITH INFECTIOUS AND CONTAGIOUS DISEASES**

An employee who suspects that they may be suffering from, or who is diagnosed as suffering from, any condition which may affect his/her ability to do his/her job is required to notify his/her Head of Department in order that the College may take all reasonable steps to ensure his/her well-being at work.

Any employee who has been in contact with an infectious or contagious disease (including diphtheria, typhoid, paratyphoid, polio or tuberculosis) should report the fact immediately to his/her Head of Department and then obtain advice as to whether it is necessary to remain away from work. Such absence will be treated as paid sick leave.

Any employee who has been in contact with measles, mumps, whooping cough, German measles (rubella) or chicken pox need not normally remain away from work. However, if there is any doubt please refer directly to the HR Manager/ Health & Safety Manager.

### **ACCIDENTS WHILST AT WORK**

The details of any absence that is related in any way to an accident at work should be recorded at the time of the accident. The details should be overseen by a First Aider of the College. If this was not completed before the absence it must be completed on the employee's return to work. If there are any queries in relation to accidents whilst at work, please refer these to the Health & Safety Manager.

### **ABSENCE WHILST ON HOLIDAY**

An employee who falls sick either prior to commencing planned holiday absence or during a period of paid holiday and would otherwise be unable to take at least his/her statutory holiday entitlement under the Working Time Regulations in this holiday year (including any bank/public holidays taken as paid holiday), may request that the period of illness during the authorised holiday is converted to sick leave and the holiday be taken at a later date.

In this case the employee is required to phone his/her Head of Department on each day of the illness to confirm that he/she is ill and, if he/she would be entitled to contractual sick pay during this period, provide a medical certificate covering the total period of the absence. Note that self-certification may suffice for SSP but is not regarded as sufficient for the payment of contractual sick pay whilst absent on pre-authorised holiday.

An employee who falls sick on a working day directly before or after a bank or public holiday, or directly before or following absence for authorised holiday, WILL be required to produce a Statement of Fitness to Work in order to qualify for contractual sick pay.

### **EMERGENCY TIME OFF FOR DEPENDANTS**

Our absence policy and payment schemes relate to absence due to employees' own illness or injury, not that of other members of their family or dependants. Emergency time off to deal with the urgent unforeseen needs of a dependant will be authorised but this will normally be unpaid.

### **ABSENCE RECORDS AND MONITORING**

Details of an employee's health, either physical or mental, are categorised as "sensitive personal data" under the Data Protection Act. Health records are therefore kept confidentially in the HR Office.

Records for employee absence must be kept by law, detailing the number of days absent, dates and reasons given. These records are kept by the HR/Payroll Office but the employee and his/her Head of Department can request to see the individual details.

Overall absence figures and the reasons for these will be reviewed and analysed by the HR Manager on a regular basis to identify any trends or any areas of concern. Where areas of concern are

highlighted action will be taken with the HoD in order to identify the causes and take appropriate action.

#### **IMPLEMENTATION, MONITORING AND REVIEW OF THIS POLICY**

The HR Manager has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation (at least annually) and additionally whenever there are relevant changes in legislation or to our working practices.

Any queries or comments about this policy should be addressed to the HR Manager.