

STAFF SICKNESS ABSENCE MANAGEMENT POLICY

Policy Statement

This policy has been developed with due reference to ACAS guidance, the Equality Act 2010, the Employment Rights Act 1996, the Health and Safety at Work Act and the University of Cambridge Sickness Absence Management policy and procedure.

This policy and procedure applies to all contracted, non-academic employees who have successfully completed their probation period, regardless of whether their contract is temporary or permanent. Matters relating to conduct, capability or other time sensitive processes (e.g. investigations) will not normally be deferred or delayed in the event an employee is off sick.

This policy is non contractual and may be reviewed and altered, in consultation with the HR Committee and other appropriate staff groups, at any time.

The College reserves the right to exercise discretion regarding the application of this policy in the event there is an exceptional circumstance e.g. limited life expectancy or significant personal circumstance.

This policy outlines:

- how employees should report their sickness absence, including who to contact and when
- when there is statutory requirement to provide a GP fit note
- sickness absence 'trigger' points that will mean a review meeting should be considered
- contractual and statutory sick pay entitlements
- health and wellbeing support – e.g. occupational health (OH), confidential college wellbeing support, counselling, wellness action plans and stress/mental and/or physical health risk assessments
- arrangements for return to work discussions and informal support meetings
- arrangements for formal sickness absence review meetings

1. Introduction

St Catharine's College recognises and takes seriously, its responsibility for the health, safety and welfare of all employees. This policy and procedure, sets out the steps which line managers or supervisors will normally follow when sickness absence occurs within their teams, to ensure it is managed in a fair and consistent way. This policy places emphasis on proactive support for employees in the event of ill health difficulties.

When dealing with sickness absence matters, it is the responsibility of line managers, in consultation with HR, to:

- monitor sickness absence and to proactively address actual and potential issues relating the health of their team members
- be aware of the effect of sickness absence levels on the quality and effectiveness of the service within their team and across the wider college community (e.g. impact on other departments)
- identify and seek to address issues in the work environment and/or job factors, that may contribute to staff absence

Sickness absence information is reported to and monitored by the HR Committee on an anonymised basis, each term.

Sickness absence may result from a disability, as defined under the Equality Act 2010. Where there is an indication that absence is due to a suspected or diagnosed disability, reasonable adjustments and the application of this policy may be reviewed, still taking into account the impact of the absence on the service provision and colleagues. Where this may be applicable, line managers should discuss the matter with HR, prior to adjustments being implemented.

In normal circumstances, the immediate line manager has authority to conduct Return to Work discussions, informal and stage 1 Sickness Absence Review meetings held in accordance with this policy.

Senior College Officers (who have delegated authority to consider adjustments to employment arrangements including changing duties, hours, pay and dismissal) are normally expected to chair stage 2 Sickness Absence Review meetings and/or hear appeals if required.

2. Contractual and Statutory Sick Pay (SSP) entitlements

- 2.1 Contractual sick pay and SSP will normally be paid for absences owing to illness or accident, up to maximum periods as follows:

Length of employment	Full contractual pay	Half contractual pay
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	20 weeks
Five years' service or more	26 weeks	26 weeks

In the event employees exhaust their entitlement to contractual sick pay, some may remain entitled to receive SSP for a period of time. In such circumstances, the entitlement will be confirmed by HR and/or Payroll.

- 2.2 The maximum period of entitlement (which may be made up of one or more periods of absence) to contractual sick pay 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. Once the total maximum entitlement has been exhausted, it will not be recalculated during the current absence, irrespective of its duration or any increased length of service.
- 2.3 Failure to report the reason for absence or to maintain regular contact could result in non-payment of sick pay, as could repeated instances of short-term absence (where there appears to be no underlying medical reason for these) or failure to engage in the review process, 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 working day of absence.
- 2.4 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). In addition, contractual sick pay may not be paid if absence due to sickness occurs during a disciplinary, capability or grievance process.
- 2.5 In the event a self-certification form is not provided after 7 calendar days' absence, the absence may be classed as unauthorised and payment of contractual sick pay may be withheld.
- 2.6 Statutory annual leave will continue to accrue during periods of long-term sick leave.

Statutory Sick Pay (SSP)

- 2.7 Unless otherwise specified in the employee's contract of employment, qualifying days for SSP, commence on the first day someone is unwell, regardless of the day of the week. Further details on SSP can be found on the gov.uk website at: <https://www.gov.uk/statutory-sick-pay>
- 2.8 Employees are eligible for SSP on the fourth qualifying day in a 'period of incapacity for work'. The first three qualifying days are known as 'waiting days', and there is no entitlement to SSP for these days.

Linked periods of absence

- 2.9 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 period of sickness absence within 56 days, will be paid SSP (if eligible) from the first qualifying day in the second period.

3. Employees' Responsibilities

- 3.1 Employees are expected to attend work when fit to do so in order to fulfil their contractual obligations.
- 3.2 In the event an employee is not fit for work due to sickness, they must follow the below reporting procedure unless there is a specific departmental or individual arrangement in place, in which case that should be followed instead:
- An employee who is prevented by illness or injury from reporting for duty shall personally notify their line manager or supervisor, as soon as possible, preferably by phone, as early as possible on the first day of absence and no later than 30 minutes after their start time. If they are unable to contact us directly due to the extent of their illness, they can ask a relative, friend or neighbour to contact us on their behalf. The following details should be provided:
 - The nature of the employee's illness/injury
 - An indication as to the expected length of absence from work (if possible)
 - Current contact details
 - Any outstanding or urgent work that requires attention in their absence

- 3.3 If an employee does not report for work and has not explained the reason for absence within 2 hours of their normal start time, their line manager will attempt to make contact with them, by phone in the first instance. The purpose of this will be to enquire after the employee's health and be advised, if possible, as to the employee's expected return date. This process is not a substitute for reporting sickness absence and individuals are still expected to proactively make contact.
- 3.4 Absence that has not been notified in accordance with the sickness absence reporting procedure, may be treated as unauthorised absence and may be without pay.
- 3.5 All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven calendar days in duration, regardless of their working pattern. The self-certification form which is available from either their line manager or from the college shared drive, should be completed on the first day back after absence and given to their line manager.
- 3.6 A medical certificate (GP 'Fit Note') must be provided from the eighth calendar day of absence (weekends and bank holidays are included in that count) regardless of working pattern/rota shifts. Electronic and paper Fit Notes are both accepted. This should be provided to the line manager as soon as possible and, if absence continues further, Fit Notes should be provided to cover the whole, ongoing period of absence. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if the reporting procedure has not been followed. Employees must continue to submit Fit Notes covering any college closure periods (e.g. Christmas/New Year).
- 3.7 The college will keep a copy of the Fit Note on file for recording and payroll purposes.

4. Sickness Absence during Probationary Periods for non-academic Staff

- 4.1 New non-academic members of staff, contracted to work more than 3 months, are subject to a probationary period. Sickness absence issues that arise during this time will be considered as part of the probation process, this policy will not apply (save for the sickness absence reporting procedure and presentation of Fit Notes covering the absence).

5. Medical Information and Occupational Health (OH)

- 5.1 An employee shall, if required at any time, be expected to attend an OH or other medical appointment/examination by a registered medical practitioner nominated by the College.
- 5.2 Individuals will be provided with a copy of the OH referral form submitted by the employer to the OH doctor, for their records and in advance of the OH appointment. Every effort will be made to explain the reason for the referral and employee consent will be required in the event the OH doctor needs to obtain medical information from a GP or consultant specialist, as well as for the OH report to be released to us.
- 5.3 If the employee does not give consent for information to be obtained or for the report to be released, the College will continue the process and make decisions based on the information available at that time.

6. Reimbursement of Cost of Doctors' Statements

- 6.1 The College shall, on provision of a receipt, reimburse the employee if a charge is made for a GP Fit Note or medical report.

7. Unauthorised Absence and/or False Information

- 7.1 Unauthorised absence will be dealt with in accordance with the Disciplinary Procedure and could result in disciplinary action which may include dismissal.
- 7.2 The provision of any false information will be dealt with in accordance with the Disciplinary Procedure and could result in disciplinary action, which may include dismissal.

8. The Right to be Accompanied at Sickness Absence Review Meetings

- 8.1 Employees will not normally be entitled to be accompanied by a Companion at informal meetings unless it is to remove a potential barrier to enable the employee to fully engage in the process (e.g. translator or guide).
- 8.2 At all formal meetings (including appeal hearings) held in accordance with this policy, employees may be accompanied by a Companion (who can be either a member of their professional association/union or a work place colleague, who must not be a relative, or a translator or guide if appropriate).

9. Illness or Injury Arising from Work

- 9.1 Any accident arising out of, or in the course of, employment with the College must be reported and recorded in accordance with the required procedures which can be obtained from either the Head of Department, H&S Compliance Adviser or the Duty Porter. The accident may be subject to investigation by an appropriate person, appointed by the College.
- 9.2 Where an employee seeks medical advice about an illness which is suspected or alleged to be as a result from their employment, they must report the relevant information to their line manager as soon as possible.
- 9.3 In the case of any absence due to industrial disease or accident, an employee shall agree, at any time during such absence, if so required by the employer, to attend a medical examination by a registered medical practitioner nominated by the College (with reference to the same consent arrangements as outlined under clause 5.2).

10. Sickness Absence Review 'Triggers'

- 10.1 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence for a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment or recuperation). Sickness absence is kept under review and in the event one of the below triggers are met, a sickness absence review meeting (either informal or formal) will be held:
- a total of 7 working days' absence within 3 months
 - 10 working days within 6 months
 - 3 occasions (regardless of duration) of absence within 3 months; or
 - Unusual patterns of absence (e.g. consistent patterns/days off over a period of time).
- 10.2 In the event absence is expected to be long term, it may be appropriate to move straight to the formal stage of this process without an informal sickness absence review meeting being held.

11. General Return to Work Arrangements

Phased returns and contractual pay

- 11.1 Where an employee returns to work on a part time basis following long-term sickness absence or serious illness/injury, with the expectation that they will be able to work their full contractual hours (or other such amended contractual hours as agreed) within a reasonable period of time, then, in accordance with medical advice provided by Occupational Health, GP or other medical specialist, the following arrangements will normally be made in relation to pay:
- Where an employee who is still in receipt of full sick pay returns to work on a phased return, they will be entitled to return to work on full pay, irrespective of the number of hours worked during the phased return, which will not normally last longer than 4 – 6 consecutive weeks.

- Where an employee has a second period of absence for the same reason and requires a second phased return they will receive either: the sick pay entitlement or payment for the actual hours worked, whichever is the higher.
- Where an employee has exhausted sick pay but makes a phased return, the salary payment will be based on the actual number of hours worked.

11.2 If the employee returns to work with a Fit Note which states 'may be fit for work', the advice on the note will be discussed together with any additional measures that may be needed to facilitate the employee's return to work, taking into account the GP's advice, where given. Consideration will be given as to how the advice impacts the employee, their role, colleagues (where relevant) and the service delivery. The GP's comments, any of the return to work tick boxes and any other action that could facilitate a return to work will be considered with due regard to the Equality Act 2010. Options may include:

- phased return to work
- altered hours
- amended duties
- consideration of redeployment
- workplace adaptations
- other reasonable adjustments (e.g. hybrid working / no lone working for a period of time).

Return to work supportive action planning

11.3 If a return to work is possible, an action plan will be agreed and implemented. If it is not possible to provide the support suggested by the GP, the employee will remain on sick leave and will be required to continue to obtain and provide Fit Notes. A review period will be established and the arrangement revisited to see whether changes in the employee's health condition means they could return to work at some point in the near future, with or without adjustments.

11.4 Consideration will be given as to whether a risk assessment is required to ensure due regard to the health and safety of the employee in light of the reason for their ill health, e.g. mental health and stress, physical working environment or other more general working arrangements/duties.

11.5 In such instances, a risk assessment or Wellness Action Plan will normally be completed by the individual and their line manager, in consultation with either the Head of Wellbeing or Community Health Practitioner, and/or the HR Manager.

Note that such activities can also be used to support employees with their general wellbeing, regardless of whether they have remained in work, or needed to take time off for a health related issue.

The following documents can be used to support discussions:

- Return to work action plan form
- Mental health / stress risk assessment template
- Wellness Action Plan

12. Return to Work Meetings

12.1 Line managers will normally have a discussion with the employee who has been off sick, upon their return from any period of sickness absence. The purpose of the discussion is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee may be experiencing in carrying out their duties, and give them an opportunity to raise any concerns or questions and bring any matters to the line manager's attention. Though it may not need be a long meeting, the return to work discussion should be held in private and as soon as possible upon the return to work. When notes of the matters discussed are made to capture action points or factual information, the employee will be provided with a copy and asked to confirm they agree the notes are an accurate account of what was discussed and agreed.

13. Employees' Attendance at Sickness Absence Review Meetings

- 13.1 Employees are expected to make reasonable efforts to attend meetings, regardless of whether they are fit to carry out their duties. Failure to do so without good reason may be treated as misconduct.
- 13.2 If the employee (and/or their Companion) is unable to attend at the time specified, the employee should immediately inform their line manager who will normally seek to agree an alternative time. Meetings will not normally be postponed beyond 5 working days from the original proposed date. Depending on the circumstances, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:
- meet in another venue or at their home; or
 - attend via telephone conference; or
 - send a Companion to represent them, providing appropriate written consent (though this will not normally apply in the case of informal meetings); or
 - provide a written statement for consideration in their absence; or
 - request that the meeting takes place in their absence.
- 13.3 If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not, in normal circumstances, be postponed beyond 5 working days unless there is medical evidence that the employee is not medically fit to take part, by any of the means described in above and, even if this is the case, the employer reserves the right to proceed with any necessary steps required to manage the situation, including holding meetings, as appropriate.
- 13.4 Any line manager visiting an employee's home will normally be accompanied by another appropriate colleague.
- 13.5 A meeting may be adjourned (delayed) if the employee's line manager or HR, is awaiting receipt of information, needs to gather any further information, or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

14. Informal Sickness Absence Management Procedure

- 14.1 Where an absence trigger has been met (see section 9), an informal absence review meeting will be arranged.
- 14.2 In advance of an informal review meeting, the line manager will make contact with the individual to confirm that following a review of their absence, a trigger has been met and they will be required to attend an informal absence review meeting. The line manager should also confirm that a written invitation to the meeting will follow from HR.
- 14.3 The informal absence review meeting will be chaired by the line manager, with support from HR or the wellbeing team if required. The purpose of the meeting is to:
- Explore the health issues and reasons for absence that is impacting on attendance
 - Provide an update on any college/work related issues (if the individual is off work at the time of the review meeting)
 - Identify what supportive measures might be implemented to enable the individual to return to work / improve their attendance
 - Establish if a monitoring period is required and if so, what that will be
 - Identify possible next steps e.g. OH referral, further treatment, formal absence review meeting if attendance is not improved.

14.4 The line manager will, in normal circumstances, use the template contained in Appendix A to facilitate the discussion and record relevant points. The employee will be given a copy of the notes and asked to confirm they agree the notes are an accurate reflection of what was discussed.

Note: there is no entitlement for the employee to be accompanied by a Companion at an informal sickness absence meeting although it may be granted as a reasonable adjustment. A note taker or representative from HR or the Wellbeing team may be present.

15. Monitoring Period following Sickness Absence Meetings

15.1 After conducting a sickness absence meeting, the line manager will monitor (review) the employee's attendance for a further period, normally between 1 – 3 months. Further meetings may take place during the monitoring period if there are further instances of sickness absence, or the employee has remained off sick throughout the review period.

15.2 As part of this exercise, the line manager, with support from HR will:

- continue to review the employee's absence record and impact of the absence on operational matters and the workload of others in the team
- agree a keeping in touch plan with the employee in order to keep matters under review
- actively offer assistance and support that may not have already been accessed (e.g. Occupational Health, Wellbeing team support / University Counselling Service referral, discussion on work related issues)
- consider what, if any, measures might improve the employee's health and/or attendance with a view to supporting the employee and improving the employee's attendance record.

15.3 During the monitoring period the line manager may require that any period of absence (regardless of duration) is covered by a Fit Note. If the employee has a Fit Note which states 'may be fit for work', every effort will be made to establish a return to work arrangement to support that.

15.4 If the Fit Note suggests adjustments that cannot be reasonably accommodated, a decision may be made to move to the formal stage of this policy and procedure.

15.5 When the line manager is of the view that the employee's attendance has not improved to an acceptable level after the monitoring period, they will inform the employee that the issue will either:

- be moved to Stage 1 of the formal procedure and the employee will be notified in writing; or
- if there are exceptional circumstances and it is appropriate to do so, extend the monitoring period

16. Formal Sickness Absence Management Procedure

Stages in the Process

16.1 There are two stages in the formal process. The nature of the absence (i.e. short or long-term sickness absence) along with the type of illness that underpins the reason, will be considered when determining whether it is appropriate to start at Stage 1 and move through the process (if required) or, in some circumstances, directly to Stage 2 (particularly if the absence is likely to be long-term or there is a significant and/or degenerative health issue). The procedure can end at any point in the process if there is sustained improvement in attendance. If attendance improves for a time but further unacceptable periods of absence arise within 12 months of a Stage 1 meeting being held, the procedure may resume at Stage 2.

Preparation for Stage 1 Formal Sickness Absence Review

- 16.2 The line manager will arrange a formal meeting with the employee and give them no less than 5 working days' notice in writing, outlining the agenda which will include:
- the reason for the meeting, outlining the issue and action taken to date
 - a summary of their absence due to sickness – normally over a 12 month rolling period
 - the time, date and location of the meeting
 - who will chair the meeting and who else will be present
 - the employee's right to be accompanied by a Companion if they wish; and
 - any documents to be referred to including any previous action plans and inviting the employee to submit documents for consideration at the meeting (to be received at least 2 working days prior to the meeting being held) and any other parties they may wish to call to the meeting.

Stage 1 Sickness Absence Review Meeting

- 16.3 At the Stage 1 meeting, the chair will explain the purpose of the meeting (as outlined above) in addition to the following:
- the outcome of the informal procedure, including any measures taken to support the employee so far, including any reasonable adjustments if appropriate, any work-related issues and consider the content of any medical reports and advice received
 - explore the likelihood and nature of potential further absences e.g. intermittent, long term
 - seek agreement from the employee for a referral to Occupational Health if this is required and/or appropriate in the circumstances
 - consider the employee's ability to return to/remain in their job in view both of their capabilities and the business needs and consider any adjustments that can reasonably be made, if appropriate, to their job to enable them to do so
 - consider possible redeployment opportunities and whether any adjustments can reasonably be made, if appropriate, to assist in redeploying the employee
 - where the employee can return from sick leave, whether to their job or a redeployed job if possible and/or appropriate, agreeing a return to work programme
 - give the employee and/or any Companion the opportunity to explain any mitigating circumstances
 - if appropriate, inform the employee that they may wish to consult their pension scheme provider about ill health benefits
 - discuss the way forward and determine an action plan that clearly identifies:
 - the improvements necessary to achieve satisfactory levels of attendance
 - the timescale for improvement
 - how attendance will be measured/monitored
 - any additional support/training to be provided; and
 - the review period.
- 16.4 The line manager will write to the employee, normally within 5 working days of the formal Stage 1 meeting to:
- confirm the action plan and outcomes
 - issue an Improvement Notice advising the employee that if they are not able to achieve the expected standard of attendance in the review period then, unless the circumstances otherwise require, a Stage 2 meeting will be arranged where dismissal will be considered
 - confirm the employee's right to appeal the Improvement Notice warning and ask that another senior manager (as appropriate) reviews the decision. Any appeal should be made in writing to the employee's line manager within 5 working days of the date on which the decision letter was received by the employee.

End of Stage 1 Review Period

- 16.5 The line manager will ensure that during the review period, the employee's attendance is monitored. Normally, if the employee is able to work, weekly (or an alternative pattern agreed by both parties) catch up meetings will be held between the employee and the appropriate manager to ensure:
- effective monitoring
 - appropriate support is given to the employee
 - positive feedback is given where possible; and
 - if further periods of non-attendance are identified, the reasons are discussed.
- 16.6 Notes of the monitoring process will normally be kept by the appropriate manager and HR and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

Stage 1 Review Period Evaluation

- 16.7 If, at the end of the review period, the employee's level of attendance has improved to an acceptable standard, no further action will be taken under this procedure (unless attendance is not sustained during the next 12 months).
- 16.8 The decision to take no further action will be confirmed by the appropriate manager in writing, normally within 5 working days of the end of the review period. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further unacceptable periods of absence, the Sickness Absence Management procedure may be re-evoked at Stage 2. A copy of the letter will be kept on the employee's personnel file for 12 months and / will be removed from file when a satisfactory improvement in attendance has been made.
- 16.9 If, at the end of the review period, the employee's attendance has not improved to an acceptable standard then:
- the issue will be referred to a Senior College Officer (SCO) to be considered under Stage 2 of the procedure; or
 - in exceptional circumstances, if appropriate, the review period will be extended

Note: Where the employee is in a pension scheme it may be appropriate to explore eligibility for ill health retirement in advance of the Stage 2 Sickness Absence Review.

Preparation for a Stage 2 Absence Review Meeting

17. The SCO chairing the formal meeting with the employee will giving them 5 working days' notice, in writing, outlining:
- the reason for the meeting and outlining the outstanding concerns about the employee's level of attendance due to ill-health
 - the time, date and location of the meeting
 - who will be chairing the meeting and who else will be present
 - any documents to be referred to, which may include, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from OH or other medical specialists
 - the employee's right to be accompanied by a Companion, to call other parties and to refer to any documents they wish, copies of which should be sent to the appropriate manager at least 2 days in advance of the meeting; and
 - the possible outcomes of the meeting, i.e. that it may result in the employee's dismissal but that other options will be considered (e.g. redeployment, permanent changes to contractual arrangements).

Stage 2 Absence Review Meeting

17.1 At the meeting the chair will (with advice from HR where necessary):

- explain the purpose and potential outcomes of the Stage 2 meeting
- ask the appropriate manager to outline:
 - the ways in which the employee has been assessed as not meeting the expected levels of attendance due to ill-health;
 - the process so far under the sickness absence procedure;
 - any opportunities for return or redeployment that have been identified and where identified, the outcome of discussions with the employee
- review, as appropriate:
 - levels of attendance;
 - notes of any previous meetings held in relation to this policy plus any other information relating to the informal action taken;
- review the previous monitoring of attendance and steps taken under any appropriate action plans;
- refer to medical advice received from OH or other medical specialists which will be obtained prior to this meeting being held
- consider measures taken by management to support the employee, e.g. reasonable adjustments (if applicable)
- review the impact of the unsatisfactory and unsustainable level of attendance on the service delivery and work colleagues;
- explore, as appropriate, the potential for the employee to achieve a sustained improvement in attendance; and
- give the employee and/or their Companion opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances.

Stage 2 Absence Management Review Decision

17.2 Following the discussion, the Chair will adjourn the meeting to consider the options available including, (without limit and for guidance only):

- take no further action under the procedure
- set a further/final review period to allow for additional monitoring and/or additional support. A further formal Stage 2 meeting may be held at the end of this review period. If attendance is not satisfactory by that time, then the employee may be dismissed
- dismiss the employee for lack of capability due to ill-health, ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

18. Dismissal

- 18.1 If the decision at the conclusion of a final Stage 2 meeting is to dismiss, the employee and their Companion will be notified in person, where possible.
- 18.2 The chair of the meeting will confirm in writing, to the employee within 5 working days, or as soon as reasonably practicable thereafter:
- that they have been dismissed
 - the grounds for dismissal and the reasons
 - the required contractual or statutory notice due (or payment in lieu of notice where applicable)
 - the date the dismissal will be effective
 - the employee's right of appeal
- 18.3 The appropriate contractual or statutory pay will be paid during the notice period (we reserve the right to issue pay in lieu of notice).
- 18.4 In the event the employee is not able to work during their notice period or a period of 'garden leave' is agreed, that will be confirmed along with expectations for keeping in touch, providing GP Fit Notes etc.

19. Appeals against dismissal

- 19.1 An employee has the right to appeal against a dismissal decision.
- 19.2 Any appeal must be submitted within 5 working days following the employee receiving the letter confirming dismissal (usually sent via email and sometimes followed up by a letter) and must clearly state the grounds for appeal.
- 19.3 The HR Manager will arrange for an SCO, previously unconnected with the proceedings, to decide if the decision was reasonable, in the circumstances. A meeting (appeal hearing) may be arranged if requested or it is deemed necessary (i.e. if there is further information that has recently come to light). The employee will be given 5 working days' notice of such a meeting and will have the right to representation at the meeting by a Companion.
- 19.4 The relevant SCO considering the appeal has the authority to:
- uphold the appeal (i.e. to reinstate the employee)
 - issue a lesser level of management action, e.g. to drop the formal process
 - refer to a lower stage in the formal process
 - reduce standards of attendance or targets set in the action plan
 - dismiss the appeal, i.e. the decision to dismiss remains in place.
- 19.5 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal however, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.
- 19.6 The decision of the SCO considering the appeal is final and the employee has no further right of appeal under this policy.

Implementation, Monitoring and Review of this Policy and Procedure

The HR Manager has overall responsibility for implementing and monitoring this policy. This policy takes effect from 6 June 2022 and will be reviewed every 3 years unless changes in legislation require that to take place sooner. Any queries or comments about this policy should be addressed to the HR Manager.

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Return to Work /Sickness Absence Review Meeting Form

This form is for use when an employee returns from a period of sick leave or for a sickness absence review meeting if a trigger has been met.

Employee Name:	
Interviewing Manager:	
Date of Meeting:	
Details of Sickness Absence	
Period of current and recent absence (Note the no. of days' absence due to sickness during the previous 12-month period as well as the current/most recent period of absence. Days and number of absence periods will be noted, where applicable.)	
Reason(s) for recent period of absence	
Is absence related to a known or possible disability as defined under the Equality Act?	No Yes (Give details)
Has there been consideration of whether the trigger point for a review meeting should be extended, or if the application of the sickness absence policy could be modified?	No Yes (Give details)
Is there a GP Fit Note or other medical evidence to confirm a medical condition?	No Yes (Give details)

Details of Meeting	
Key Agenda Items	
Reason(s) for Absence / Health issues (inc. if there is an underlying health condition)	
College updates: to include, where applicable, information on any changes, the operational impact of their absence, what support will be provided to help them reintegrate.	
Fit to resume full duties as outline in job description?	No Yes (Give details)
Action Plan	
Supportive measures e.g. OH, therapeutic visits, Wellness Action Plan, Risk Assessment, phased return (inc. reduced hours on a temporary or permanent basis), redeployment, counselling, training, changes to working practices.	
What steps are they taking to address health issues e.g. acting on medical advice, lifestyle adjustments.	
Review Period & Next Steps	
Is a review period required to monitor attendance over a defined period?	No Yes (If yes, state how long the review period will be and when further review meetings will be held.)
Any Other Business / Comments?	
Copy of Sickness Absence Management Policy given to Employee?	No / Yes
Signature of Interviewing Manager:	
Date:	
I confirm I have received a copy of these notes and agree they are an accurate reflection of our discussion:	
Signature of Employee:	
Date:	

A copy of these notes should be kept on the employee's file.