

Sickness Absence Procedure

Contents

1. Introduction

1.1 The Sickness Absence Procedure underpins the School's Sickness Absence Policy

1.2 The procedure aims to provide clear, consistent and equitable processes for the management of sickness absence across the School.

2. Scope

2.1 This procedure applies to all staff (employees) employed at the School.

2.2 Please note in relation to the application of this procedure and the Sickness Absence Policy, Academic (Teaching & Research) Staff are covered by the SOAS Standing Order X: Academic Staff: Dismissal, Discipline and Grievance Procedures and Related Matters. Those members of Academic (Teaching & Research) Staff who were appointed at SOAS prior to, and not promoted after, 20 November 1987, and who have been continuously employed at the School since then, cannot be dismissed by the School's Governing Body under Part IV (Incapacity on health grounds) of that Standing Order.

3. Notification, certification and reporting

3.1 Sickness notification

3.1.1 Under Section 13 (Sickness) of the School's standard terms and conditions of employment, section 13.1 states that: "Staff must advise their Head of Department/Head of Service Area of absence from work through sickness or injury on the first day of absence by 10am and are required to follow the School's reporting procedures for absence". Section 13.2 states: "Failure to give notification and provide certification of sickness absences may result in loss of pay".

3.1.2 Employees must inform their line manager (or agreed nominated representative for receiving departmental sickness absence notifications) normally by telephone of the following information:

- a. The reason for their absence (if the employee does not wish to reveal the exact nature of their illness, they should indicate broadly the cause of the absence);
- b. When the illness started, even if this was a weekend, or Bank Holiday or School closure day;
- c. The likely duration of their illness; and
- d. Details of any outstanding work that will need to be dealt with in their absence including any meetings or classes that need to be covered/re-arranged.

3.1.1 Employees who do not work the School's standard working day should report their sickness absence to their line manager (or agreed nominated representative) by no later than one hour after their normal, agreed start time.

- 3.1.2 If, in exceptional circumstances, an employee is unable to contact their line manager or agreed nominated representative directly (e.g. through hospitalisation), a family member or friend may contact the School on their behalf.
 - 3.1.3 If an employee does not have access to a telephone at home, they should make alternative arrangements with their line manager as soon as practicable as to how they would confirm a sickness absence notification either to their line manager or agreed nominated representative.
 - 3.1.4 During sickness absence, employees are required to keep in frequent contact with their line manager directly informing them of the outline of their prognosis. It will be for the employee to decide how much detail they wish to share with their line manager regarding the reasons for their sickness absence but they must confirm at least the outline of their condition. For absences of 7 days or fewer, employees will normally be expected to contact their line manager on a daily basis unless agreed otherwise with their manager. For long-term absences, weekly contact will normally be required.
 - 3.1.5 Failure to comply with the absence notification procedure above, without good reason, will lead to the absence being treated as unpaid unauthorised absence and may result in disciplinary action, which ultimately could lead to dismissal.
- 3.2 *GPs' Fitness for Work medical certificates covering a period of sickness absence of more than 7 days duration (including weekends).*
- 3.2.1 For part-time employees, sick pay entitlement is pro-rata. A GP's Fitness for Work medical certificate will still be required for absences which would have lasted more than 7 consecutive days (including weekends).
 - 3.2.2 GPs' Fitness for Work medical certificates should be sent to the individual's line manager immediately following the GP's appointment ideally by Royal Mail Special Delivery where a signature is required upon receipt. It is recommended that employees retain a copy of their medical certificates for their own records.
 - 3.2.3 Employees should not retain medical certificates with the intention of submitting them on their return to work. Any delay in sending Fitness for Work medical certificates will impede the School's ability to consider and follow any advice from the employee's GP on the medical certificate, and could delay necessary arrangements for the employee's return to work, as well as impeding the School's ability to make the correct sick pay arrangements.
 - 3.2.4 On receipt of a Fitness for Work medical certificate, the line manager should notify the person in their Department/Directorate/Faculty who is responsible for reporting sickness absence of the anticipated absence dates if it is not them, and then send the medical certificate to the HR Directorate under cover of an envelope marked "Private and Confidential".
 - 3.2.5 The School will not normally accept post-dated Fitness for Work medical certificates (e.g. medical certificates which are signed and dated after the dates of sickness absence).
 - 3.2.6 Failure to comply with the requirement to provide Fitness for Work medical certificates will result in the loss of sick pay and may lead to disciplinary action. In

addition, failure to provide medical certification is likely to adversely affect ill-health retirement benefits.

3.3 *Self-Certification Return Form & certification*

- 3.3.1 All employees are required to report their sickness absence through [MyView](#), the HR Self-Service website (if the online system is unavailable, employees should ask the HR Directorate for the form retaining a copy for their own records).
- 3.3.2 Data entered on [MyView](#) updates the HR Payroll system (ResourceLink).
- 3.3.3 Reporting sickness absence through [MyView](#) acts as self-certification for absences of 7 days or fewer and ensures that the HR Directorate has accurate records on the duration of employees' sickness absences.
- 3.3.4 Failure to complete the Return to Work Notification Form may affect sick pay entitlement and could lead to disciplinary action being taken.

3.4 *Reporting sickness absence to the HR Directorate*

- 3.4.1 Deans of Faculty/Academic Heads of Departments/Directors of Professional Service Directorates and line managers can report any of their line reports on sick leave using [MyView](#). They can also delegate their responsibilities to another colleague in [MyView](#) so that they can report sickness absence on behalf of the manager.
- 3.4.2 When an employee first reports any sickness absence in accordance with section 3.1 above, line managers (or agreed nominated representatives) should ensure that the employee uses [MyView](#) to report their sick leave and/or that they report the sick leave on [MyView](#) on the employee's behalf. Sick leave should be entered on [MyView](#) as soon as possible.
- 3.4.3 Managers should receive automated alert messages about sickness absences (to remind them to conduct Return to Work interviews, to notify them of long-term sickness absences etc.) and can also run sickness absence reports on [MyView](#).
- 3.4.4 The HR Directorate will provide regular area absence reports to Deans of Faculty/Academic Heads of Departments/Directors of Professional Services Directorates as part of work force planning meetings for them to verify that all absence records are correct and complete. This is a requirement of Executive Board and the School's Audit Committee.

4 **Managing and monitoring sickness absences**

4.1 *Return to Work Interviews*

- 4.1.1 The Return to Work Interview (RTWI) acts as the foundation for the management of sickness absence in the School.
- 4.1.2 Line managers should conduct a RTWI with individual employees following their return from sick leave.

- 4.1.3 The interview should normally take place on the first day back at work following sick leave and usually no later than 3 days after the return to work. If the line manager is unavailable to carry out the interview (for reasons of annual leave etc), a more senior manager in the area should ideally conduct the interview. In exceptional circumstances, which have to be agreed by the HR Director, individual employees can request their RTWI is held with their line manager's line manager.
- 4.1.4 The RTWI has a number of purposes:
- a. To show a genuine concern for the well-being of each employee;
 - b. To allow the line manager to check that the employee is fit to return to work;
 - c. To give the employee an opportunity to raise any welfare, work or domestic concerns or issues with their line manager;
 - d. To discuss the potential need for an Occupational Health referral (if appropriate) which would be organised by the HR Directorate;
 - e. To identify any support or help which may be required from the line manager to enable the employee to reassume work;
 - f. To allow the line manager to ensure that the employee knows that they have been missed and to update the employee on issues and events that have occurred in their absence;
 - g. Following long-term sick leave, to discuss a Return to Work Plan; and
 - h. in the case of disabled employees, to discuss and plan any reasonable adjust that may have been identified in accordance with the School's Disability Policy.
- 4.1.5 The RTW interview should be carried out as sensitively and informally as possible. In most cases, the interview will last no longer than 5 minutes.
- 4.1.6 Line managers are advised to follow the Return to Work Interviews – Guidelines for line managers. Training for line managers on conducting a RTWI is available via the Staff Development Team. Additional advice can also be sought from the line manager's designated HR Officer.
- 4.1.7 The RTWI should be recorded on the Return to Work Interview Form (RTWI Form) which should be signed by both parties. A copy should be retained by the employee for their records.
- 4.1.8 A copy of the completed RTWI Form should be scanned by the line manager and sent to the HR Directorate electronically who will retain the information on the individual's personal file.
- 4.1.9 Issues such as frequent, short-term absences identified during Return To Work Interviews will be dealt with under the procedure outlined below.
- 4.2 *Sickness Absence Monitoring*
- 4.2.1 Deans of Faculty/Academic Heads of Departments/Directors of Professional Services Directorates (or their delegates) should regularly monitor sickness absence in their areas using the reports from [MyView](#) and in the regular work force planning meetings they hold with their designated HR Manager.
- 4.2.2 Regular sickness absence reports will also be sent to Deans of Faculty/Academic Heads of Departments/Directors of Professional Services Directorates and Departmental/Directorate Absence Recorders as outlined at 3.4.4 above. Deans/Academic Heads of Departments/Directors will be asked by their designated

HR Manager to confirm that the report is an accurate return of their area's absence records.

- 4.2.3 Deans of Faculty/Academic Heads of Departments/Directors of Professional Services Directors (or their nominated delegates) should review sickness absence reports and identify where action may need to be taken under this procedure and Occupational Health referral may be required. Factors to be identified and considered include:
- a. Frequent, short-term sickness absences (see 3.6.2 of the Sickness Absence Policy);
 - b. Long-term sick leave;
 - c. Whether there appears to be a pattern of sick leave absence (e.g. absences before or after a weekend or holiday);
 - d. Where there is a high absence level within a specific team, section or area that might indicate a work-related problem;
 - e. Where a disabled employee appears to be experiencing increasing levels of absence, which may indicate that the employee's disability/condition may be deteriorating and/or the reasonable adjustments which have been made to their role/workplace may need reviewing in consultation with them.
- 4.2.4 Where a potential sickness issue has been identified, Deans of Faculty/Academic Heads of Departments/Directors of Professional Services Directorates (or their nominated delegates) should contact their designated Employee Relations Consultant for advice in the first instance.
- 4.2.5 Following advice from the HR Directorate, the appropriate line manager should consult the individual about a referral to Occupational Health.

4.3 *Occupational Health Referrals*

- 4.3.1 Line managers should explain the reason for an Occupational Health referral to the employee. This may take place during a Return to Work Interview or a specific meeting. An Occupational Health referral may be made for a number of reasons including:
- a. In cases of recurrent short-term absences, whether there is an underlying medical condition and the likelihood of further absences;
 - b. The likely duration of absence;
 - c. Recommendations on adjustments that could be made to the employee's role/workplace to help facilitate their return to work after long-term sick leave;
 - d. Recommendations on adjustments that are required for disabled employees' roles or workplace in accordance with the Equality Act 2010;
 - e. Fitness to attend a disciplinary or similar hearing;
 - f. Where health may be a contributory factor in performance or conduct issues;
 - g. Following an accident at work;
 - h. Where there are long term concerns about an employee's fitness to work where re-deployment, dismissal or ill-health retirement are possible options;

- 5.5.1 This Process will be used in the cases of frequent, short-term absences where there does not appear to be an underlying medical reason for the absence.
- 5.5.2 In accordance with the School's Sickness Absence Policy, there is no "acceptable" level of sickness absence allowable in the School.
- 5.5.3 However, as a general guide, when an employee's absence is above the School's trigger points set out in Section 3.6.2 of the Sickness Absence Policy this Process will be invoked. Line managers should ensure they separate absence as a result of disability from other sickness absence if that is the case.

5.2 *Informal counselling*

- 5.2.1 Informal counselling will normally be initially used to try to address cases of frequent, short-term absences. The informal counselling may take place as part of a Return to Work Interview or at an informal Sickness Absence Review meeting.
- 5.2.2 When regular departmental absence monitoring (as stated above) has revealed an employee's absence pattern has triggered one of the 'Frequent, short-term sickness absences' triggers, an informal Sickness Absence Review meeting will be held between the employee and the line manager.
- 5.2.3 When considering an employee's sickness absence levels, the above is intended as a guide. Managers should take into account the individual circumstances of each case and the nature of the illness and be sympathetic towards serious illness including mental health, chronic conditions and absence as a result of surgery. Managers should also be sympathetic to employees with disabilities or pregnancy related illnesses. **It is essential that line managers assure employees that this is the case.**
- 5.2.4 The initial stage will be for the line manager to discuss the levels of absence with the employee. In particular, the line manager should explain to the employee that they may wish to arrange an Occupational Health referral in order to determine if there is an underlying medical condition which may be affecting their attendance.
- 5.2.5 The line manager should then ask the HR Directorate to make the appropriate arrangements for the Occupational Health referral as set out at section 4.3 above.
- 5.2.6 If an employee refuses to attend an Occupational Health assessment or release of a GP's report to Occupational Health (see 3.5.5 of the School's Sickness Absence Policy), the line manager should explain to the employee that decisions on their employment will be based on the limited information available to the School, which could be detrimental to them and may ultimately lead to their dismissal.
- 5.2.7 In cases where an Occupational Health report shows that there is an underlying medical reason for the high levels of frequent, short-term absences, this should be discussed with the employee and noted for the record. If, in line with Occupational Health advice, the employee's condition amounts to a disability, consultation will take place on any necessary reasonable adjustments in line with the School's Disability Policy.
- 5.2.8 In cases where the Occupational Health report shows that there is no underlying medical reason for the frequent, short-term absences, the line manager should convene a second informal Sickness Absence Review meeting with the employee.

5.2.9 At this meeting, the following issues should be discussed and where appropriate agreed:

The reason(s) for the poor attendance;

- a. Any factors which may be preventing or impacting on the employee's ability to carry out their duties;
- b. The operational impact the frequent, short-term absences have on the employee's job, colleagues and department/directorate;
- c. Any appropriate help and support which may help the employee improve their attendance;
- d. Standards should be set for future attendance and a period of monitoring determined. Normally targets of zero absences during the monitoring period would be expected. Employees who have any sickness absence during the monitoring period will be asked to obtain a Fitness for Work certificate from their GP (at the cost of the School if applicable). The period of monitoring may vary according to circumstances, but will be for at least for three months;
- e. The implications of frequent, short-term absences should be made explicit and the employee informed that the formal process will be initiated if the necessary improvements in attendance do not occur.

5.2.10 The outcome of the informal Sickness Absence Review meeting will be confirmed in writing to the employee by the line manager, normally within 3 working days.

5.2.11 As the informal Sickness Absence Review meeting is not part of the formal process, representatives will not be included at this stage.

5.2.12 After the initial agreed period of monitoring (section 5.2.9 e.), another informal meeting will be held to assess whether the employee has met the required attendance standards. The manager will inform the employee whether the standards have been met and no further action taken or whether the standards have not been met and a further period of informal monitoring is required or the formal process invoked. Evidence of the failure to meet the required attendance standards within at least one informal counselling meeting will usually be expected before a referral into the formal process takes place.

5.3 Formal Process

5.3.1 The formal process, invoked in cases where an employee has frequent, short-term sickness absences which are not due to an underlying health condition and these absences have persisted despite informal Sickness Absence Reviews, will be held in accordance with the Disciplinary Procedures for Support, Research, Teaching & Scholarship and Casual Staff. **Line managers are required to seek advice from their designated HR Manager before taking any action under this formal Process**

5.3.2 The following information will be enclosed with the letter notifying the employee of the formal disciplinary meeting:

- a. A copy of the School's Sickness Absence Policy & Procedure and of the Disciplinary Procedures for Support, Research, Teaching & Scholarship and Casual Staff;
- b. A report showing details of their attendance record;

- c. A copy of any Occupational Health referral;
 - d. Records of any informal Sickness Absence Review or counselling meetings;
 - e. Any Return to Work Forms if relevant.
- 5.3.3 If an employee raises domestic or personal factors as a contributing factor on their attendance levels, the provisions of the School's Flexible Working Procedure and any relevant School Absence or Leave Policies should be considered as these may assist the employee in the circumstances.
- 5.3.4 Any reasonable measures such as coaching or counselling (normally through the Employee Support Programme helpline) will be offered to the employee to help them achieve and maintain the required attendance levels.
- 5.3.5 In cases where an employee has already received three Formal Warnings under the Disciplinary Procedure and their attendance has failed to improve, termination of employment will be an option to be considered.
- 5.3.6 Employees have the right to appeal against Formal Warnings and Dismissal under the Disciplinary Procedure, and to be represented at the Appeal Hearing by a School recognised trade union representative or work colleague.

6 Management of Long-term Sickness absence

6.1 Return to Work Plan

- 6.1.1 In cases of long-term sickness absence, particularly those caused by serious medical conditions or the employee has been absent from work for a number of months, managers should agree plans with employees to support them on their return to work.
- 6.1.2 As a first stage of this process, line managers should consult the employee about an Occupational Health referral as part of their regular contact with the employee (see section 4.3 above).
- 6.1.3 Depending on the circumstances of the case, this consultation will take place at different times, but as a general guide, managers should consult employees on long-term sick leave about an Occupational Health referral after 4 weeks absence or at least 4 weeks before the employee is due to return to work. This is to allow time for the Occupational Health referral to take place.
- 6.1.4 The purpose of the referral will be to obtain medical advice on the employee's prognosis, their likely date of return to work, and any adjustments that will need to be made to assist them on their return to work.
- 6.1.5 If an employee refuses to attend an Occupational Health appointment or to agree the release of their GP's report to Occupational Health, their line manager should advise them that the School will have to make decisions on their employment without informed medical advice and this could have a detrimental impact on them, particularly in the support offered by the School on their return to work, and ultimately may lead to dismissal.
- 6.1.6 Following consultation with the employee, the line manager should ask their designated HR Officer to make the necessary arrangements for the Occupational Health referral.
- 6.1.7 On receipt of the Occupational Health report and before an employee is due to return to work from sick leave, the line manager should draw up a Return to Work

Plan in conjunction with the employee. This consultation may take place via telephone call or through a meeting, possibly at the employee's home (with their agreement). Any meeting at the employee's home address will include the line manager and a HR Manager from the HR Directorate.

- 6.1.8 As appropriate to the individual circumstances, the Return to Work Plan may include some or all of the following:
- a. Time-off work to attend medical appointments or counselling sessions as required;
 - b. Adjustments to tasks or working methods, normally on a temporary basis. This may include avoidance or restrictions of certain activities;
 - c. Temporary redeployment. If permanent redeployment is required, this will be carried out as outlined below and in accordance with the School's Disability Policy;
 - d. Temporary part-time work, revised start and/or finish times, or other types of flexible working, on the recommendation on Occupational Health. Where Occupational Health has recommended an initial return to work on a part-time basis, this will be on normal salary for up to 4 weeks. Employees may extend any period of part-time working by using any outstanding annual leave, with their manager's agreement. Permanent part-time work will be on pro-rata pay, terms and conditions of employment;
 - e. An assessment of the employee's workplace or equipment or any necessary adjustments to these;
 - f. Arrangements for monitoring the employee's progress on their return to work, including any meetings to review the effectiveness of the Return to Work Plan.
 - g. The line manager should confirm the agreed Return to Work Plan in writing and provide both the employee and the HR Directorate with a copy for their records.

6.2 *Consulting staff with on-going long-term sickness absence*

- 6.2.1 Where Occupational Health and/or an employee have been unable to confirm when the individual will return to work, at least one consultation meeting will be arranged with the employee.
- 6.2.2 The timing and location of any consultation meeting should be arranged in consultation with the employee, bearing in mind their medical condition, circumstances and requirements. The meeting could take place at the employee's home address with their prior agreement.
- 6.2.3 A HR Manager from the HR Directorate will be present at the consultation meeting.
- 6.2.4 The employee will have the right to be accompanied at any meeting by a work colleague or trade union representative. Requests to be accompanied by a family member, carer or friend will also be sympathetically considered.
- 6.2.5 As part of this consultation, the member of staff will be asked to set out their own views on their medical condition, their prognosis and whether they expect to be able to return to work and when this may be.

- 6.2.6 If at the consultation meeting, the employee indicates that they expect to return to work in the foreseeable future, the line manager should consult the employee on a Return to Work plan as outlined above. Further advice from Occupational Health may be sought.
- 6.2.7 Where the employee and Occupational Health is unable to confirm that they will return to work in the foreseeable future and it is possible that in the longer term the School will be unable to sustain the absence of the employee, the employee should be warned that their employment with the School may terminate if their absence continues. The employee should be given the opportunity to comment on this and have their views carefully considered. The possibility of dismissal if the employee is unable to return to work from sick leave for the foreseeable future must be confirmed in writing.
- 6.2.8 Follow-up meetings may be required to consider the impact of medical treatment the employee may be receiving and/or to obtain further advice from Occupational Health.
- 6.2.9 In cases where following consultation with the employee, there is still no foreseeable prospect of the individual returning to work and redeployment or ill-health retirement has not proved possible, a Capability Employment meeting will be arranged in accordance with the procedure outlined at section 6.5 below.

6.3 Redeployment

- 6.3.1 In cases, where following advice from Occupational Health, it is not possible for an employee on long-term sick leave to return to their former post, the School will attempt to redeploy the individual into a suitable alternative post.
- 6.3.2 Redeployment will be carried out in accordance with the School's Redeployment Policy and supporting Procedure and the School's Disability Policy.
- 6.3.3 If no redeployment opportunity is available or if a redeployment trial period proves unsuccessful and ill-health retirement is not possible, the School will follow the Capability Employment Procedure outlined at section 6.5 below.
- 6.3.4 In accordance with the School's Disability Policy, employees will have recourse to the appropriate Grievance Procedure if they feel that they have been treated unfairly

6.4 Ill-health retirement

- 6.4.1 All School employees are eligible to join one of the School's pension schemes which provide early and enhanced payment of benefits where an employee can no longer carry out the duties of their post due to incapacity which is normally expected to continue until they decide to retire.
- 6.4.2 The pension trustees and not the School will make the decision on whether an employee's application for ill-health retirement is accepted. Medical reports including reports from the employee's GP and Occupational Health report are required, and attendance records are also taken into consideration.
- 6.4.3 Employees who wish to find out more about ill-health retirement should contact their HR Manager within the HR Directorate in the first instance or alternatively with the HR Payroll and Pensions Manager.

6.5 *Capability Employment meeting*

- 6.5.1 The Capability Employment meeting will only be held in the following circumstances:
- a. Where the employee has been consulted on their fitness to work and the likelihood of returning to work (see 6.2 above)
 - b. Medical opinion indicates that the employee will remain unfit for work for the foreseeable future
 - c. Where redeployment or ill-health retirement has not proved possible or successful
- 6.5.2 In cases of long-term sick leave, a Capability Employment meeting will not normally be convened until the employee has been absent from work for at least 6 months.
- 6.5.3 Prior to the Capability Employment meeting, the School will obtain an up-to-date medical report from Occupational Health in accordance with the procedure outlined above. Where an employee refuses to consent to the School obtaining an Occupational Health report or release of their GP's report to Occupational Health, the employee will be advised in writing of the implications of this, specifically that the School will have to make a decision on their continued employment on the facts available without informed up-to-date medical consent.
- 6.5.4 **Written notification to the employee:** The employee will be invited to a Capability Employment meeting by the HR Directorate. The letter will include the following information:
- a. The fact that the meeting will be a Capability Employment meeting held in accordance with this Procedure.
 - b. The date, time and location of the meeting. At least 5 working days' notice will be given of the meeting.
 - c. The right to be accompanied by a School recognised trade union representative and/or work colleague. Requests to be accompanied by a family member, carer or friend will also be sympathetically considered. The employee will be asked to confirm if they are being represented in advance of the meeting.
 - d. The names and roles of the people who will be present at the meeting.
 - e. The reason for the meeting (e.g. that they are not capable for performing their job for reasons of ill-health, that there is no reasonably foreseeable prospect of them returning to work and redeployment or ill-health retirement has not proved possible/successful).
 - f. The fact that the meeting may result in their dismissal from employment with the School.
- 6.5.5 The following information will be enclosed with the letter notifying the individual of the Capability Employment meeting:
- a. A copy of the School's Sickness Absence Policy and Procedure
 - b. A report showing details of their attendance record
 - c. Copies of Occupational Health reports and any other relevant medical information received by the School.
 - d. Records of the consultation meetings carried out with them in accordance with section 6.2 above.

- 6.5.6 The School will bear in mind the employee's well being and medical condition when making the arrangements for the meeting. This may include holding the meeting at the employee's home with their agreement.
- 6.5.7 If the employee is not well enough to attend the Capability Employment meeting, they should inform the HR Directorate and the School will re-arrange another meeting. If they are unwell enough to attend the rescheduled meeting, the employee may be referred to Occupational Health to assess if they are fit to attend a Capability Employment meeting.
- 6.5.8 If the employee fails to attend a Capability Employment meeting or the re-arranged meeting without good reason, the hearing may be held in their and/or their representative's absence, and a decision may be taken at that meeting.
- 6.5.9 If an employee's trade union representative or colleague cannot attend on the proposed date, the employee can suggest another date so long as it is reasonable and not more than 5 working days after the date originally proposed by the School. This 5 day limit may be extended by mutual consent.
- 6.5.10 **Conduct of the Capability Employment meeting:** the meeting will normally be conducted by a Dean of Faculty/Academic Head of Department/Director of Professional Services Directorate (the "Manager), with advice from a HR Manager of the HR Directorate. It is the responsibility of the line manager conducting the meeting to ensure that the meeting is conducted fairly in line with the procedure, and to decide what action is reasonable, following the facts, and issues which were raised at the meeting.
- 6.5.11 The employee and/or his/her representative will be asked to state their case including their views on whether and how their employment can continue to be sustained.
- 6.5.12 Alternatives to dismissal, such as redeployment, will be thoroughly explored with the employee and their representative (if applicable).
- 6.5.13 The Manager may adjourn the meeting to consider the views of the employee and/or their representative and any other information available, such as Occupational Health reports.
- 6.5.14 If the Manager decides that the employment can be sustained for a further period to allow the employee further time to recuperate or alternatives to dismissal are practicable and reasonable in the circumstances, the employee will be informed and consulted on any appropriate arrangements. The outcome will be confirmed in writing to the employee.
- 6.5.15 If there are no alternatives to dismissal and the Manager decides that employment can no longer be sustained, the employee will be informed that they will be dismissed from employment with the School. In such cases, the employee will receive pay in lieu of notice and any other outstanding monies due to them (such as outstanding annual leave). For calculation purposes, the employee's last day of work will be deemed to have been the date of the Capability Employment meeting at which their dismissal was confirmed.
- 6.5.16 **Notification of dismissal:** The Manager conducting the Capability Employment meeting will, within 3 working days of the meeting, write to the employee confirming the outcome. The letter will specify the following:

- a. Confirmation of dismissal of employment, including date of dismissal and the reasons for the dismissal
 - b. Details of pay in lieu of notice and any outstanding payments due
 - c. The right of appeal, the procedure and deadline for lodging and appeal.
- 6.5.17 **Letter of appeal:** An employee, who wishes to appeal against Dismissal following a Capability Employment meeting, should inform the HR Director in writing. They should state the full grounds of their appeal, the basis for the appeal (e.g. procedural, failure to consider alternatives to dismissal), and provide all necessary supporting documents. This should be done within 7 working days of receipt of written confirmation of the dismissal.
- 6.5.18 **Invitation to an Appeal Hearing:** Within 10 working days of receipt of the letter of appeal, the HR Directorate will invite the employee to an Appeal Hearing. The letter will notify the employee of the time, the location and the date for the Appeal Hearing and their right to representation at the meeting by a work colleague or trade union representative. Requests to be accompanied by a family member, carer or friend will also be sympathetically considered.
- 6.5.19 If the employee wishes to be accompanied by a representative at the Appeal Hearing, it is their responsibility to provide the HR Directorate with the name of their representative, and to provide that person with all the information and documentation relating to their appeal. This will include the date, time and location of the Appeal Hearing.
- 6.5.20 An employee who cannot attend an Appeal Hearing should inform the manager conducting the hearing in advance. If the employee fails to attend through circumstances outside of their control and unforeseeable at the time the hearing was arranged, the School will arrange another Appeal Hearing. If the employee fails to attend the re-arranged hearing without good reason, the hearing may be held in their or their representative's absence, and a decision may be taken at that hearing.
- 6.5.21 If an employee's trade union representative or colleague cannot attend on the proposed date, the employee can suggest another date so long as it is reasonable and not more than 5 working days after the date originally proposed by the School. This 5 day limit may be extended by mutual consent.
- 6.5.22 The manager who conducted the Capability Employment meeting will be given a copy of the employee's letter of appeal. The manager will prepare a written response to the appeal letter, which he/she will present at the Appeal Hearing. A copy of this statement will be sent to the employee not less than 5 working days prior to the hearing.
- 6.5.23 **Authority to hear an Appeal:** Appeals against dismissal arising from a Capability Employment meeting, will normally be heard by the more senior manager of the person who conducted the Capability Employment meeting. This will usually be the Dean of Faculty/Director of a Professional Services Directorate or the Pro-Director (Research & Enterprise) or the Pro-Director (Learning & Teaching). A HR Manager will act as adviser to the manager conducting the Appeal Hearing.
- 6.5.24 **Conduct of Appeal Hearing:** Those hearing the appeal will consider the written submissions of the employee or his/her representative, and the responding manager, together with any oral statements they might wish to make. Minutes of the Appeal Hearing will be given to the employee following the meeting.

- 6.5.25 **Outcome of an Appeal Hearing:** The employee will receive written confirmation of the outcome of the Appeal Hearing, within 10 working days of the hearing. The available findings under this procedure are as follows:
- a. To allow the appeal and reinstate the employee
 - b. To allow the appeal and reinstate the employee but take further action under this Procedure (such as re-explore options for redeployment or allow further time for the employee to recuperate before convening another Capability Employment meeting).
 - c. To reject the appeal and uphold the dismissal.

7 Agreement

- 7.1 This Procedure together with the School's Sickness Absence Policy was discussed with the School's recognised trade unions, UCU and UNISON, in a Sickness Absence Working Group and in HR/TU Joint Interest Group meetings over the period July 2010 to May 2011. Both trade unions wish it to be recorded that they did not agree with this Procedure as laid out.
- 7.2 The Sickness Absence Policy and Procedure was also considered by the HR Committee on 26 May 2011.
- 7.3 The Sickness Absence Policy and Procedure were approved by the School's Executive Board on 26 September 2011.

HR Directorate

Updated 18 September 2016 to replace references to Online Sickness Absence Notification system [which became obsolete in June 2016] to MyView.