



Sickness Absence Policy

1.0 Introduction

- 1.1 The students' union encourages and requires all employees to maximise their attendance at work. However, illness and accidents do occur and we recognise that a certain level of sickness absence is inevitable.
- 1.2 Sickness absence can vary from short, intermittent periods of ill-health to a continuous period of long-term absence. It may be physical or mental, and it may have a number of different causes, treatments and outcomes.
- 1.3 This policy is designed to promote good practice in supporting employee wellbeing and managing sickness absence fairly when it occurs. It also emphasises the rehabilitation of staff, including measures to support and retain employees wherever possible, including those with disabilities. Through it we aim to:
 - Reduce the level of sickness absence wherever possible through early intervention and support.
 - Ensure a fair, consistent and non-discriminatory approach to the management of sickness absence across the union.
 - Support staff through periods of ill-health, with the aim of securing their early and sustained return to work.
 - Manage employees' rehabilitation on their return to work, including any support mechanisms or reasonable adjustments.
 - Ensure that we comply with Equality Act 2010 and other relevant statutory requirements.
 - Have regard to the impact of sickness absence on our union's operations and other employees.
- 1.4 Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection and Access to Medical Records Act. Medical certificates and information on the medical reasons for absence must be treated in a confidential manner.
- 1.5 Employees who are off sick and who comply with the terms of the policy will be paid sick pay in accordance with the terms set out in section 8.

2.0 Disabilities

- 2.1 The Equality Act 2010 defines disability as "a physical or mental impairment that has a substantial and long term adverse effect on someone's ability to carry out normal daily activities". The definition includes people with hidden disabilities (such as diabetes or

mental health problems). It also covers past disabilities. People with cancer, HIV and MS are automatically covered by the Act.

- 2.2 The Equality Act 2010 requires employers to make reasonable adjustments for employees with a disability. This means, wherever possible, removing barriers that might get in the way of a disabled person doing their job effectively, including being able to sustain their attendance or return to work following sickness absence.
- 2.3 Line managers should ensure that they always discuss possible adjustments with the employee, who should be able to describe the effects of their disability and provide knowledge of any relevant adjustments that have helped previously or may help in future.
- 2.4. Employees are encouraged to inform their line manager if they consider that they are affected by a disability or any medical condition which affects their ability to undertake their work. They are also asked to explain the nature of any disability/ill-health condition and the impact this may have at work to assist managers with providing reasonable adjustments.

3.0 Monitoring and Assessment

- 3.1 Maintaining awareness of absence levels across the students' union is an important part both of reducing it and of identifying individual ill-health problems at an early stage. It also helps to alert us to any environmental or workplace issues that could be contributing to staff absence.
- 3.2 Line managers are responsible for recording staff absence from work and the reasons for it. This is primarily with the intention of supporting employees, including those with long-term health conditions or disabilities. The information will be collated and monitored by the Finance and Resources Manager. This is so that we're alerted early to any cause for concern, or to unexplained patterns or changes in employees' attendance.
- 3.3 Line managers are required to hold 'return to work' interviews with employees after any period of absence (see section 9.0).
- 3.4 Bath Spa students' Union has access to an occupational health service. Employees may be requested to consent to being examined by a registered medical practitioner, and to agree to the doctor providing us with a medical report. The Union will pay for any such examination. Employees are expected to consent to any such reasonable requests to participate in medical examinations and for the contents of any report to be discussed with the relevant doctor as required.
- 3.5 The union will investigate where we find repeated or unexplained absence. We will provide support, sensitivity and help where people genuinely need it. However, in circumstances where we believe the absence is not genuine, action will be taken under our Disciplinary Policy. Ultimately, this could result in dismissal.

4.0 Notifying Sickness Absence

The following applies to all absence that hasn't been agreed in advance with an employee's line manager.

- 4.1 Employees should contact their line manager by 9.30am or at least one hour before the start of their normal working time on the first day of sickness absence, wherever practicable. They should provide details of the nature of absence or illness and how long they expect to be absent. Employees should ensure that their manager has their contact

details and should also provide information on any outstanding or urgent work that needs attention

- 4.2 Employees who are scheduled to work an evening shift should notify their line manager as early as possible on the day they will be unable to work and at least one hour before the start of a shift.
- 4.3 Employees should speak to their line manager directly if they're unable to come to work. It isn't acceptable to leave a message on an answerphone, send a text message or to pass a message via another member of staff.
- 4.4 In exceptional circumstances, where an employee is unable to notify their manager personally, they may ask a friend or relative to do it on their behalf. However, it remains the employee's responsibility to ensure that notification takes place as described and that they do it in person as soon as they're able.
- 4.5 Note that failing to follow the above notification procedure may result in action under the terms of our Disciplinary Policy.

5.0 Certification

5.1 Absence for less than seven days

Immediately on return to work, the employee must complete a Self-Certification Form to account for all days of absence due to sickness or injury.

5.2 Absence for more than seven days

After the first seven days of continuous sickness absence (including non-working days), the employee must produce a doctor's 'Statement of Fitness to Work' certificate (also known as a 'Fit Note'). This should be sent to the Finance and Resources Manager without delay. Immediately on return to work, employees will also need to complete a Self-Certification Form to cover all days of absence due to sickness or injury.

- 5.3 For longer periods of absence extending beyond the initial period covered by the doctor's fit note, additional Fit Notes should be supplied.
- 5.4 If the employee's doctor provides a certificate stating that they 'may be fit for work', they should inform their line manager immediately. The line manager and the Finance and Resources Manager will discuss with them any additional measures that may be needed to support their return to work, taking account of the doctor's advice. This may take place at a 'return to work' interview. If appropriate measures cannot be taken, the employee will remain on sick leave and we will set a date to review the situation.
- 5.5 Where an employee wishes to return to work before the doctor's certificate has expired, they must obtain a doctor's 'Statement of Fitness to Resume Duties' before they return to work. Such a statement may also be required in other special cases if we request it.

6.0 Keeping in Contact

- 6.1 Employees who are absent on sick leave should expect to be contacted from time to time by their line manager in order to discuss their wellbeing, expected length of continued absence from work and any of their work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

6.2 Employees who have any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, are asked to contact their line manager to discuss them.

7.0 Sickness during Annual Leave

7.1 If an employee is sick during annual leave, they should notify their line manager on the first day of sickness and follow the reporting procedure set out above. On their return, they must complete a Self-Certification Form. Where the absence is for more than seven days, a doctor's note must be provided.

7.2 Employees may be regarded as being off sick rather than on annual leave for the dates declared, and they will be allowed to take the annual leave at a future date as agreed by us. Note that if an employee tells us they are sick but still continues to take pre-booked holiday, this will not apply.

8.0 Sick Pay

8.1 In order to claim sick pay allowance, it is essential that the notification and certification procedures set out above are followed. Failing to do so may affect employees' entitlement to receive statutory and/or union sickness benefit.

8.2 Within any span of 52 weeks, payment of Occupational Sick Pay is for the following periods based on length of continuous service:

- During 1st year of service: 1 months' (31 days) full pay and (after completing 4 months service) 2 months (61 days) half pay;
- During 2nd year of service: 2 months (61 days) full pay and 2 months (61 days) half pay;
- During 3rd year of service: 4 months (122 days) full pay and 4 months (122 days) half pay;
- During 4th & 5th years of service: 5 months(152 days) full pay and 5 months (152 days) half pay;
- After 5 years' services: 6 months (183 days) full pay and 6 months (183 days) half pay)

For each period of absence any previous sickness absence in the last 12 months will be deducted from the above entitlements. The practice of including sickness absence in the last 12 months is known as a "rolling year". If during a period of absence an employee moves into a new year of service, the sickness entitlement will be adjusted accordingly.

Payment is calculated at the employee's basic rate of pay (which excludes any allowances or bonus payments but includes Statutory Sick Pay (SSP)).

8.3 Statutory Sick Pay (SSP) is paid to eligible employees, regardless of the length of service (but subject to certain exclusions), for up to 28 weeks of sickness in any period of incapacity for work (PIW).

8.4. SSP payments are made as part of salary and are therefore liable to tax and national insurance deductions.

8.5 If the employee does not meet the SSP payment criteria, they will be notified and sent a SSP1 form to enable them to claim any state benefit to which they may be entitled to.

- 8.6. In cases of long-term sickness absence, it is possible that payment of full or half pay under the occupational sick pay scheme may be exhausted, but SSP continues to be due.
- 8.7 Employees may not be entitled to sick pay under this scheme if their absence is a result of illness or injury related to any of the following circumstances. Any payments given would be at the union's discretion:
- Their own misconduct.
 - Injury whilst working for private gain in their own time, for themselves or for another employer.
 - Injury occurring outside of work, in their own time and as a result of their own actions.
- 8.8 Employees who are absent as a result of an accident are not entitled to sick pay if damages may be received from a third party. In this event the union may advance them a sum no greater than the allowance provided under the scheme. However, this is subject to the employee agreeing to refund us all or part of the sum advanced to them from any damages they receive.

9.0 'Return to Work' Interviews

- 9.1 Employees who have been absent due to sickness or injury will be asked by their line manager to a 'return to work' interview. This is an informal meeting, held in private, so they can confirm the details of the sickness and discuss whether any measures are required to support the employee at work, or to prevent a recurrence of the illness.
- 9.2 Where an employee was issued with a certificate saying they may be fit for work, we will hold an interview with them to make sure that we accommodate any adjustments or measures that are needed for them to return, following their doctor's advice.

10.0 Managing Sickness Absence

- 10.1 Bath Spa students' union has a clear intention to build a positive culture of support, trust and collaboration with staff. Our flexible working and leave policies, and support mechanisms are designed to help staff to manage their working lives responsibly and accountably. The following are mechanisms we will use, where necessary, to manage sickness absence at our union.
- 10.2 Line managers will monitor sickness absence levels. This information will be collated by the Finance and Resources Manager. Where absence meets certain trigger points we will investigate further. Any employee who has been absent for 6 days or on 3 separate occasions during the previous 6 months will be considered to have reached a trigger point.
- 10.3 Sickness absence related to pregnancy or a disability will be recorded separately and will not be taken into account when reviewing frequent absence trigger points or attendance targets.
- 10.4 If there is frequent or unexplained absence, we may request employees to be examined by a medical practitioner to determine their fitness for work.
- 10.5 If an employee is off work and they are medically assessed as being fit to return to work, their entitlement to sick pay will stop from that date.

10.6 Formal Action

- 10.6.1 Where short-term absences are continued and unexplained, or cannot be verified medically, we may instigate a formal three-stage sickness absence procedure. In this, staff will be contacted in writing and asked to attend a formal meeting(s) to discuss the absence(s). Clear timeframes will be set for improvement, and reasonable help and support will be offered to the employee in making these improvements. However, if there is no satisfactory improvement over the agreed timeframes, the employee may ultimately be dismissed.
- 10.6.2 As this is a formal procedure, employees may be accompanied by a companion, such as a trade union representative or work colleague, during these meetings and may appeal following any decisions.

11.0 **Pregnancy-related sickness**

- 11.1 An employee who is absent due to a pregnancy-related illness during the four week period prior to her due date will usually be required to start her maternity leave, and will be entitled to maternity pay and not sick pay.

12.0 **Long-Term Sickness Absence**

- 12.1 It may happen from time to time that an employee suffers long-term sickness or injury where they may be off work for several weeks or more, or where the future outcome is uncertain. The union will do what we can to offer all reasonable support to employees, both during their illness and on their return to work. Employees will be treated fairly and reasonably throughout.
- 12.2 The employee's line manager will keep in touch with the employee periodically to discuss their health and when they might be able to return to work. The employee will continue to be paid any sick pay entitlement under the rules of the scheme. As part of this, and with the employee's permission, we may request to visit them at home and we may ask for medical assessment of their condition or seek current advice from a doctor. Where the condition is defined as a disability, we will comply fully with the relevant legislation.
- 12.3 We will do all we can to support and rehabilitate employees on their return to work from long-term sickness absence. The following are examples of the measures that can be considered, as necessary:
- Phased return
 - Temporary or permanent reduction in hours or times of work
 - Change of location such as the option to work from home
 - Additional rest periods
 - Help with transport
 - Refresher training
 - Alternative duties or roles
 - Reasonable physical adjustments
 - Support under the Access to Work scheme.

12.4 The employee's line manager will continue to monitor, review and discuss how things are going with the employee on their return to work. This is to support the employee, and with the aim of being proactive should the adjustments need to be changed to help their ongoing rehabilitation.

12.5 Termination of Employment

12.5.1 The union would not normally consider terminating the employment of an employee off on long-term sick for a period of six months. However, whilst the union recognises the sensitivity of such situations, at some point we would need to consider doing so for business reasons. There is no set time for this and the circumstances may vary depending on the nature of the illness or injury, the expected outcome and the impact on the organisation. Termination of employment will only happen where there is no realistic expectation that the employee can return to work, even with reasonable adjustments or alternative arrangements.

12.5.2 If this happens, the union will act reasonably at all times. We will:

- Meet and consult with the employee to discuss the options and consider the employee's views on continuing employment.
- Obtain up-to-date medical advice.
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility.
- Consider whether there are any other jobs that the employee could do, prior to taking any decision on whether or not to dismiss.
- Consider whether the employee is entitled to any benefits under their contract and/or any insurance schemes we operate.

12.5.3 Should the decision be made to dismiss on the grounds of long term ill-health, the employee will have the right to appeal against that decision. The union will act reasonably towards the employee at all times and will:

- Arrange a further meeting with the employee to hear any appeal.
- After this meeting, inform the employee of the final decision.

Approved by Board of Trustees: March 2017.

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