



Brasenose College

Sickness Absence – Ill Health Capability Procedure

Applies to Non- academic employees

Approved by Governing Body - February 2019

The College recognises that during employment an employee's capability to carry out their duties may deteriorate because of health reasons. This procedure is designed to provide clarity for staff and managers in dealing with problems regarding performance or the inability to fully perform the requirements of the role due to ill health or high levels of sickness absence.

Short-term Absence

Staff must comply with the certification for absence requirements set out in the College Sick Leave policy (2015). On their first day of absence, they must inform their manager by phone of the reason for absence at the earliest opportunity. It is helpful for staff to give some indication of when they are likely to return.

Following sickness absence of up to 7 days the employee should complete a Self-Certification form on return to work and will be required to have a 'Return To Work' meeting with their manager, at which their reasons for absence and any follow up actions will be discussed and agreed. A copy of the record of the Return To Work meeting must be passed to HR, so that the details of their absence can be recorded, as well as for Statutory Sick Pay and anonymised statistical purposes. Care must be taken to ensure that reasons for absence are kept confidential.

Staff will usually be required to attend a meeting with their manager and HR if their absence reaches a concerning level (usually a cumulative total of 10 one-off days in a 12 month period) but the meeting may be called at the manager's discretion if they have concerns regarding absence. Concerns might arise because of the number of sick days or because of the pattern of sick days.

An employee who the College considers to have an excessive sickness absence record will initially be spoken to informally and will usually have specific attendance targets set, and support offered eg an Occupational Health appointment and reasonable adjustments made. (Patterns of absence will vary, but excessive absence may reflect 10 one-off days absence in a 12 month period or a longer period of absence due to an underlying medical reason). Where appropriate, staff may be

advised that if attendance targets are breached, they will be invited to a formal meeting to discuss their attendance.

The formal meeting will usually be conducted by the employee's line manager, with HR present to take notes. The employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure.

At the formal meeting, the employee will be asked to explain the level of their absence. Where there is any indication that the absences are caused by an underlying medical condition then the matter may be dealt with under the procedure for long-term absence set out below. The College may also seek medical evidence from either the employee's doctor or an occupational health specialist, in which case the meeting will be adjourned for a report to be obtained.

Subject to any medical evidence, the manager conducting this first-stage formal meeting may decide to issue a warning to the employee setting out the College's expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from one month to 12 months depending on the circumstances. During this period, the College will consider if there are reasonable adjustments, which could be put in place to assist the employee on a temporary basis, for example light duties, or a transfer to another department. Where poor performance is linked partly or wholly to a qualifying disability under the Equality Act 2010, the requirements of that Act allow for reasonable adjustments to the workplace or the job to be taken into account.

If the employee's attendance does not improve to the extent required, they may at any stage in the review period, be invited to attend a second-stage formal meeting to discuss the matter. The meeting will again be conducted by the line manager and the employee will be entitled to be accompanied by a fellow employee or trade union official. This meeting may result in an extension of the review period or the issuing of a final written warning requiring the employee's attendance to improve and setting out the level of improvement required over a specified period, for example of up to one year.

If the employee does not meet this standard and there is no underlying medical condition where reasonable adjustments could be made to assist the employee to attend, then they may be dismissed. A final meeting will be convened which shall be conducted by a manager with appropriate authority to dismiss, who will consider any representations made by or on behalf of the employee. The employee again has the right to be accompanied by a fellow employee or trade union official.

Any dismissal arising out of this meeting will be with notice.

There is a right of appeal against a decision to dismiss, which must be exercised within five working days of the decision being communicated.

Such dismissals do not depend on any wrongdoing on the employee's part and do not mean that the College does not accept that their absences are genuinely due to illness or injury. Rather, dismissal is recognition that unfortunately the employee is no longer able to perform their role, or attend work on a sufficiently regular basis to make their continued employment a practicable option.

Long-term Sickness Absence

Where an employee is absent for an extended period, or it is clear that their absence is likely to continue for some time, then the College will want to investigate the prospects for their return and consider what actions can be taken to facilitate this and where possible, support the member of staff. The extent to which the College can continue to accommodate an employee's absence will depend on a range of factors, including the role of the employee and the prevailing circumstances of the business.

The College will seek medical advice as to the employee's condition either from the appropriate professionals who are caring for the employee or from a specialist occupational health practitioner. The focus will be on ascertaining when the employee will be able to return to work and what steps the College can take to facilitate this.

An employee is not obliged to consent to any medical reports or records being shared with the College as part of this process. However, in the absence of medical evidence the College will have to work on the basis of available information in reaching its decision.

One or more meetings will be arranged with the employee to discuss their condition, the prospects for any return to work, and whether anything more can be done by the College to help. The employee may be accompanied at the meeting by a fellow employee or trade union official.

Every effort will be made to make suitable arrangements for the meeting to allow the employee to attend. Where the employee is simply too ill to take part in the process, however, the College may proceed to dismissal in the absence of a meeting taking into account any representations made on the employee's behalf.

Where it appears that the employee will be unable to return to work within a reasonable time frame, the College may need to consider dismissal. Any dismissal will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

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