**Attendance**

**Policy and Procedure**

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1. Policy

* 1. This policy and procedure is for use in the management of attendance. Queen Mary University of London (QMUL) recognises the importance of managing sickness absence effectively and being committed to supporting the health, wellbeing and attendance of its employees. In doing so, the policy and procedure will enable managers to effectively support employees to help maintain regular and efficient attendance at work.
  2. Its aim is to maximise attendance and minimise any work-related causes of sickness absence. Sickness may be short or long term and it is *frequent* short-term sickness or *long-term* sickness that requires management attention and which this policy and procedure seeks to address.
  3. QMUL will ensure that the policy and the procedures are carried out in a non-discriminatory manner, taking account of individual circumstances and respecting confidentiality. The policy will be implemented in accordance with QMUL’s statements on equality and diversity, dignity at work, health and safety and other relevant policies and legislation in force at the time.
  4. Line managers are responsible for managing sickness absence issues and should approach the management of sickness absence in a consistent and fair manner giving regard to individual circumstances based on understanding and compassion. Managers should be competent in managing, investigating and dealing with them in an effective and sensitive way, taking advice from Human Resources (HR) including Occupational Health Service (OHS) as necessary.

2. Scope

2.1 This policy covers employees employed by QMUL whether working full time or part-time, or on fixed term or permanent contracts.

3. General

3.1 It is important that QMUL manages attendance (sickness/absence) in a systematic and sympathetic way and seeks to:

* Treat employees in a way that is sensitive and fair which balances the needs of the individual and QMUL
* Deal with problems caused by sickness absence as early as possible
* Focus on supporting staff to improve their wellbeing by promoting a healthy working environment
* Offer support to employees who are sick to enable them to improve attendance or return to work as soon as their condition allows
* Deal effectively with sickness absence and minimise the impact on service delivery
* Apply a consistent approach to the reporting, monitoring and management of attendance
* Allow an appeal at all formal stages of this procedure
* Take into account time lags in obtaining specialist and other medical reports.

3.2 Whilst policies and procedures are designed to assist managers in making reasonable decisions, the outcomes should take into account individual circumstances such as special conditions set out under the Equality Act 2010.

3.3 If it is not appropriate for the line manager to deal with a particular case or they are unavailable, another manager of equal or higher seniority will be sought to manage the case. At each stage of the formal process, meetings will be chaired by managers who have not been previously involved and are senior to the manager who previously made the decision. The role of the Chair will be to review the information and evidence provided, decide whether further action is required, and assist the line manager and employee to draw up an agreed Support Plan (as outlined in Appendix 2). Stage 3 will be heard by a panel (see section 13.5)

3.4 If there is a concern about an individual’s sickness absence it should be tackled informally first where possible. If it has not been resolved informally then formal action may be taken.

3.5 Advice may be sought from the OHS but not all cases will require their input. Information provided by the OHS is to assist management decision making and is therefore advisory in nature.

3.6 Employees have every right not to disclose or allow to be disclosed personal medical information. Where a request for such a disclosure is declined the individual should be informed that decisions will have to be made based on the information available.

3.7 Annual leave that cannot be taken due to sickness absence may be carried forward to the next leave year. Carrying forward of outstanding holidays to the following year will be capped at 20 days and must be taken within 18 months of the end of the holiday year in which the outstanding holiday was accrued.

3.8 Employees have the right to be accompanied by a Trade Union Representative or work colleague at all formal stages of the procedure.

4. Responsibilities

4.1 Line managers are responsible for:

* Promoting a healthy and safe workplace and encouraging regular attendance and adopting local arrangements to help improve attendance in their departments
* Ensuring employees are aware of the Attendance Policy and Procedure particularly in relation to employee responsibilities
* Identifying areas of risk that may affect the health and wellbeing of employees
* Ensuring the Attendance Policy and Procedure is applied fairly and consistently by responding to initial indictors for sickness absence as required
* Maintaining regular contact with absent employees
* Conducting return to work interviews with employees after every period of sickness absence
* Taking steps to ensure that employees provide up to date ‘fit notes’ from their GP to cover periods of sickness absence where necessary
* Providing employees with support to help manage sickness absence such as the Employee Assistance Programme (EAP), non-contractual changes in the workplace or referrals to OHS
* Providing reasonable adjustments where appropriate
* Maintaining and updating manual and electronic sickness records to ensure correct payments are made
* Dealing with both informal and formal attendance matters including any referrals to panels
* Ensuring that employees are informed that they may be subject to formal action under this policy
* Undertaking any necessary risk assessments and drawing up action plans arising from them
* Following such action plans and carrying out appropriate recommendations of OHS or other medical practitioners.
* Ensuring that employees are not approached about work related matters while on sick leave.

4.2 Employees are responsible for:

* Reporting sickness absence by informing their manager if they are unable to attend work due to ill-health
* Submitting fit notes or other recognised medical certificates at the relevant time in line with the Attendance Policy and Procedure. Failure to do so may result in pay being stopped.
* Where possible, taking appropriate action to facilitate a speedy return to fitness when they are absent from work.
* Maintaining regular contact with their manager/work base during periods of sickness absence
* Being aware that unreasonable delay or refusing to allow a GP or other medical professional to release relevant medical information may result in decisions being taken which will be based on the information available at the time
* Providing managers with an up to date address and telephone contact number or email address so that they may maintain regular contact whilst on sick leave
* Exercising their statutory rights to secure a representative who is a Trade Union representative or work colleague if they wish to be accompanied at formal meetings.

4.3 The chosen representative or companion may:

* take notes
* confer with the employee
* address the meeting/hearing.  
  1. The chosen representative or companion may not usually:
* answer questions that are put directly to the employee
* address the hearing if the employee indicates that he or she does not wish the companion to do so.

4.5 Human Resources are responsible for:

* briefing and advising managers on the implementation of these policies and procedures
* ensuring that appropriate documentation is provided to employees
* ensuring meetings/hearings are convened as necessary
* keeping a record of meetings
* attendance at formal meetings/hearings to provide advice and guidance where necessary
* providing impartial advice to manager throughout the proceedings.

5. Attendance at Interviews and Formal Meetings

5.1 The employee (and their companion) should make every effort to attend interviews and any subsequent meetings or hearings. If the employee’s companion cannot reasonably attend on a proposed date, he or she may suggest another date so long as it is reasonable and is not more than fiveworking days after the date originally proposed. This five-day limit may be extended by mutual agreement.

5.2 Where the employee fails to attend a formal meeting without adequate explanation, it may be decided to continue with the meeting in the employee’s absence. Where an employee is persistently unable or unwilling to attend a meeting without good cause the employer should make a decision on the evidence available.

5.3 Where an employee cannot attend a meeting, they will be given the opportunity to submit written evidence and or to nominate their representative to speak on their behalf.

6. Special Circumstances

6.1  Some employees have long or short term conditions which reasonably necessitate a more flexible approach to the management of attendance. This includes absence related to disability, pregnancy, gender reassignment or terminal illness. In these instances, advice should be sought from HR, who can advise in line with the Equality Act 2010 and in conjunction with OHS advice on any reasonable adjustments and/or the best way of managing a situation.

6.2 Employees may also be allowed a companion to attend informal attendance-related meetings if the circumstances warrant this.

7. Return to work discussion

7.1 After any instance of sickness, the line manager should enquire after the employee’s health, checking whether they are fit to return to work. If the period of absence has been brief, i.e. for less than a week- this will probably be sufficient, but for periods of one week or more, or where absence has been frequent an informal return to work discussion would be appropriate. The aim of the return to work discussion is to:

* Welcome the individual back and confirm that they are fit for work
* Establish whether there are any underlying causes for the absence
* Show empathy, understanding and flexibility in relation to sensitive medical issues and any meeting arrangements
* Discuss any temporary changes or reasonable adjustments (in cases of disability) that can be made to facilitate the return to work.
* Comply with health and safety risk assessment requirements and complete action plans where necessary to prevent a recurrence of the condition, Where an employee has reported any work-related conditions, including stress, the manager will have consulted HR and (normally) taken medical advice from OHS. These assessments and plans must be discussed with the employee
* Update the individual on any work-related developments and ensure they have the information to enable a full return to their role.

7.2 If for operational reasons the line manager is not available or it is more suitable to discuss the matter with someone else the return to work discussion may be undertaken by another manager.

7.3 A note of the discussion will be agreed with the employee and retained by the line manager. If there is any reason to believe that formal action is required under other procedures, for example there is a conduct or professional capability issue, the manager may wish to consult HR before taking further action.

8. Indicators for Informal Action

8.1 Even when there appears to be no discernible cause or end to frequent short- term sickness, it is important for the line manager to exercise discretion. For example, there may be medical conditions that will manifest themselves arbitrarily in the early stages and due consideration will need to be given to this. Managers are encouraged to engage with employees who have been absent due to sickness at the earliest opportunity to discuss how the employee can be supported at work.

8.2 Absence due to disability, pregnancy or where the presence of the employee would endanger the health or safety of other staff or students will be recorded separately and will not count towards the indicators outlined below (see 8.5).

8.3 “Indicators” are only indicative levels of absence that may initiate analysis of sickness absence. This is not automatic; each case should be considered on its own merits and the relevant circumstances taken into account. Indicators do not necessarily mean that any action needs to be taken, merely that a manager should consider the issue. Thus, managers should use their own discretion when considering and deciding whether informal action is required. It may be helpful to refer an employee to OHS at this stage. In particular, managers should take into account whether the post held is physically strenuous or labour intensive, and/or opens the employee up to risks of musculo-skeletal disorder, workplace injury or workplace stress.

8.4 The use of managerial discretion should also apply at formal meetings when using these indicators in considering whether an employee’s attendance during the relevant monitoring period has improved sufficiently and thus whether further formal action is required.  In all cases, any specific medical issues an employee may have (and not simply whether they have met the indicator again) must inform how the informal and formal processes are applied, and whether or not continued formal monitoring is always the most appropriate solution.

8.5 The indicators are:

* Three separate occasions, irrespective of length, during any four month period
* A total of 15 working days’ absence over any 12-month period.
* A pattern or trend of absence
* A period of continuous absence amounting to 20 working days or more

9. Informal action

9.1 Frequent short-term absence is usually defined as sporadic in nature, attributable to minor ailments, which are often unrelated, typically of between one and five days’ duration. The indicators for frequent short-term absence are as above (paragraph 8.5).

9.2 The line manager will set out with the employee the attendance level expected and discuss with them how best to improve their future attendance. The employee may wish to explain any underlying reasons for absence or current circumstances that impinge on their health. The line manager should listen sympathetically and take the employee’s points into consideration. They will agree a further period of monitoring. The discussion should be confirmed in writing but will not be placed on the employee’s file. Any such record should first be agreed with the employee. If the informal action does not result in an improvement and attendance continues at the same level, the manager may decide to refer the employee to the formal process.

9.3 The informal sickness discussion should be held with the employee either when an indicator has been reached or where there is a cause for concern about the employee’s health, as demonstrated by the employee’s attendance record (including dates and reasons for absence). The line manager should share the sickness record with the employee in advance of the meeting. The key aspect of the informal discussion is that a dialogue should take place.

9.4 This is an informal stage of the procedure therefore there is no right to representation at the meeting and HR will not be present (but see 6.2). This meeting will take place between the line manager and the employee.

9.5 The purpose of the informal sickness meeting is to:

* identify problems affecting the individual’s health and performance and where possible resolve them (only if the employee is happy to discuss their health)
* identify the likelihood of further absence
* assess the need for a referral to the OHS
* assess the effects of the absence on the service
* ensure the employee understands the Attendance Policy and Procedure
* decide what additional steps are necessary
* produce a ‘Support Plan’, agreed by both the line manager and the employee, to help the employee improve their attendance levels. Referrals to the OHS will normally come under this Support Plan (see Appendix 2)
* inform the employee that his/her sickness absence will continue to be monitored and if there is no substantial improvement, formal action may be initiated.

The manager should:

* confirm the notes and outcome of the meeting with the employee in writing. These notes should be checked with the employee for accuracy
* conduct stress or other risk assessments where appropriate and produce a Support Plan where appropriate.

9.6 Attendance will be monitored for a **12 week period**. If the employee’s attendance level is no longer a cause for concern and no indicators have been reached again no further action will be taken. If the employee’s sickness levels rise to the levels laid out in 8.4 again, the line manager should review the sickness absence record and decide whether to arrange a stage 1 formal sickness meeting.

10. Stage 1 - Formal Action

10.1 No formal action will be taken unless informal action has been exhausted.

10.2 In anticipation of the Stage 1 formal meeting the manager will consider the case and draw up a report detailing:

* how many days of sickness absence the employee has taken in the last twelve months
* how many periods of sickness there have been
* whether sickness is acute, chronic or different ailments
* whether the reporting/certification procedures have been followed
* whether the periods of absence follow an identifiable pattern such as a correlation with particular work patterns e.g. after periods of high workload or adjoining weekends or holidays
* what aspects of the ‘Support Plan’ agreed at the informal stage have been carried out (including whether OHS advice has been sought and what reasonable workplace adjustments have been implemented)
* what absence monitoring discussions have taken place.

10.2 The Stage 1 formal meeting will be chaired by an independent manager who will review the information and evidence provided, make the decision on whether further action is required, and assist the line manager and employee to draw up an agreed Support Plan.

10.3 The employee will be given at least **10 working days’** notice of any formal meeting. Notification will be given in writing and will include:

* The date and time of the meeting
* The reasons for concern
* The employee’s sickness record with dates and reasons for absence
* Actions taken, including return to work meetings, referrals and any support offered as part of the previously agreed Support Plan
* A statement that the employee may be accompanied to the meeting by a Trade Union representative or work colleague and that reasonable adjustments will be made to enable the employee and / or their representative to attend.

10.4 The aim of the meeting is to be supportive and the objective is to agree a plan for improvement.

* The manager will explain their understanding of the absence record
* The employee will be invited to explain his/her level of attendance, clarify the facts and comment on them, including any personal or work circumstances that are affecting the level of attendance.

10.5 Any of the following may be appropriate discussion points during the meeting:

* Referral to OHS
* The implications and effects of the absence on organisational performance and any effects on colleagues
* Agreeing clear and reasonable standards of attendance, as part of a formal improvement plan which also includes details of monitoring periods
* Assessment of the help provided to the employee in the previous Support Plan agreed at the informal stage, and whether any changes are required
* Setting objectives related to improving attendance and agreeing an appropriate monitoring period **(not more than 12 weeks)**
* Noting that further action may follow if the necessary improvements are not achieved
* Confirming the date of the next review meeting.

11. Outcomes Following the Stage 1 Formal Meeting

11.1 After the meeting notification should be sent to the employee usually within **5 working days** confirming the decision of the Chair which may include:

* Confirmation that the employee’s attendance has improved sufficiently and no further monitoring, or action, under this formal process will be required
* Confirmation there has been some progress in achieving the objectives and there is information to suggest that with more time it would be achieved. The review period will therefore be extended
* Confirmation that further monitoring of attendance is required as there hasn’t been sufficient improvement in attendance, and that if the level of absence has not improved satisfactorily (to the levels outlined in point 8.4), further objectives will be set and another formal hearing will be convened after a suitable monitoring period
* Setting a review period. This will be no more than **12 weeks** from the date of the improvement plan or the length specified in that plan if less than **12 weeks**
* Confirmation of any changes or updates made and agreed at the meeting to the employee’s Support Plan
* The right to appeal. An appeal must be lodged within **10 working days** of receipt of the letter. Grounds of appeal are detailed in section 16.1 of this document.

11.2 A confidential, written summary of the meeting should be given to the employee for agreement and a copy will be retained on file.

11.3 If the employee’s attendance has met the objectives set in the stage 1 meeting, no further action will be taken under the formal process. The manager will confirm this with the employee in writing at the end of the review period without the need for a formal meeting.

11.4 Otherwise, a formal meeting will be convened to discuss the outcome. The employee may be accompanied by a TU representative or a workplace colleague. Both the line-manager and the employee will be invited to explain their views of the monitoring period. If there has been some progress in achieving the objectives and there is information to suggest that with more time they would be achieved, the review period may be extended. If the objectives have not been met and an extension of the review period appears unlikely to be successful, the line manager will arrange a Stage 2 formal meeting with the employee to be chaired by an independent manager more senior than those previously involved. The employee will be notified in writing of the outcome within **5 working days**.

12. Stage 2 – Formal Meeting

12.1 A Stage 2 formal meeting will replicate stage 1 (see 10.1 – 11.2 above) with a new manager, independent of the people and issues concerned and senior to those previously involved. At the Stage 2 formal meeting the employee will have the opportunity to comment on the review period and the Support Plan provided.

12.2 The manager chairing the meeting may:

* Confirm there has been progress in achieving the objectives and the employee’s attendance has improved sufficiently so that no further monitoring, or action, under this formal process is required
* Extend the review period
* Consider medical redeployment in agreement with the employee
* Agree an updated Support Plan with the employee if extending the period of review is unlikely to solve the problem, It is likely that at this point additional measures may be necessary in order to support the employee, including further referrals to OHS as appropriate, temporary changes to workplace or duties, appropriate redeployment if mutually agreed. A monitoring period will be agreed.

12.3 The outcome will be notified in writing, normally within **5 working days** of the meeting. The letter will detail the support plan and objectives agreed and may include, where appropriate, a warning that continued absence during the new monitoring period at the levels outlined in 8.5 may be referred to a stage three formal hearing where a potential outcome could be contractual changes or dismissal.

12.4 The review period will replicate that of stage 1 formal meeting (see 11.1 – 11.4). At the end of stage 2 there will be a formal meeting to consider progress made during the monitoring period. Outcomes could include:

* Objectives have been met. No further action will be taken under the formal process.
* There has been some progress in achieving the objectives and there is information to suggest that with more time it would be achieved. The review period will be extended.
* Where the objectives have not been met and an extension of time is unlikely to prove successful, the employee may be referred to Stage 3.

The employee will normally be informed of the outcome of the meeting in writing within **5 working days** of the meeting.

12.5 The employee will normally be informed of the outcome of the meeting in writing usually within **5 working days** of the meeting and their right to appeal against the 12 month written warning which must be lodged within **10 working days** from the date of the letter. Grounds of appeal are detailed under section 16.1 of this document.

12.6 Decisions to proceed to a Stage 3 Formal Hearing will be determined in accordance with paragraph 13.1 below.

13. Stage 3 Formal Hearing

13.1 The decision to proceed to stage 3 formal hearing may be made only for the following reasons:

* earlier stages of the policy have been exhausted and the stage 2 manager’s view is that the employee is not capable of carrying out the requirements of the post based on their sickness record.
* the employee is unable to return to work or carry out the duties of the post adequately.

13.2 In advance of the meeting, the manager must prepare a report which includes:

* The level and effect of the sickness absence(s) including the employee’s sickness record.
* Action taken via the ‘Support Plan’ provided to the employee including dates, referrals, any alterations to working conditions etc.
* Relevant medical information, and up to date OHS advice.
* Any possible alternatives to dismissal (where appropriate) such as reasonable adjustments; reduced hours; medical redeployment; ill-health retirement.
* Consideration must be given to a re-referral to OHS before a Stage 3 formal hearing.

13.3 The employee will normally be provided with **10 working days’** notice of the hearing in writing and will be provided with a copy of the report and any other evidence. In addition, they will be informed that the outcome of the hearing may result in:

* Another ‘Support Plan’ or extension of an existing one (which will include considering adapting work, work place or working arrangements, including hours of work)
* a further stage 3 formal hearing at the end of the review period where the panel will reconvene to review progress and/or decide the outcome
* A change in role not involving a reduction in grade and/or pay
* A change in role involving a reduction in grade and/or pay
* A decision to dismiss

13.4 The notification will include the date and time of the hearing, the names of those who will be present and a statement that the employee has the right to be accompanied by a workplace colleague or a Trade Union Representative.

13.5 The panel must consist of three managers who are independent of the people and issues concerned. The Chair of the Panel should be senior to those previously involved. Where practicable all panel members should be senior to those previously involved. At least one should come from the same Faculty/Directorate as the employee.

13.6 In considering the outcome, the panel will take the following factors into consideration:

* the nature of any illness and medical opinions received
* the length and frequency of absences and periods of attendance between them
* the support offered to the employee
* the likelihood of continued or further periods of absence
* the impact on service delivery and resources of the department
* the extent to which managers have informed the employee that their level of absence will put their continued employment with QMUL at risk
* any possible alternatives to dismissal such as adjustments, reduced hours (or different hours), medical redeployment or reduction of responsibilities.
* special considerations raised by the employee to support their case.
* appropriateness of the consideration given by managers to the options as an alternative to dismissal e.g. reasonable adjustments, reduced hours, redeployment and ill-health retirement.

13.7 The panel will usually decide on one of the following options as an outcome to the meeting:

* That objectives have been met. No further action is required
* That, in the judgment of the Panel (even where the triggers outlined in 8.3 have been reached in the monitoring period), there has been progress in achieving the attendance objectives and the employee’s health and attendance have improved sufficiently that no further monitoring, or action, is required
* Set a further review period or extension to an existing one. At the end of any extended review period the Stage 3 panel will reconvene to review progress and/or decide the outcome which could still result in contractual changes or dismissal
* As part of a revised ‘Support Plan’, the adapting of work, workplace or working arrangements, with or without changes to the employee’s contract, is recommended
* That the employee is incapable of doing their job due to ill health and so to dismiss the employee with notice. The notice payable is at full rate, regardless of whether the employee has exhausted sick pay entitlements.

13.8 The decision of the panel will be confirmed in writing normally no later than **5 working days** after the hearing and will specify the outcome as above and the employee’s right to appeal.

13.9 Until the outcome of any appeal has been decided the Stage 3 panel decisions (including dismissal) will remain in force. Where an appeal is against a decision to dismiss, the period of notice will have begun at the date of the hearing when the employee was dismissed. Any appeal will normally be held prior to the expiry of the notice period.

13.10 If the appeal is successful the contract of employment will be re-instated and pay and all benefits will be backdated to the date of the dismissal. The employee will be informed of the outcome in writing usually within **10 working days.**

14. Managing Long-term Sickness Absence

14.1 Long–term sickness absence is when an employee has been continuously absent for a period of 4 weeks (i.e. 20 working days) or more, or where it is known that he/she is likely to be absent for such a period or longer.

14.2 When an employee is fit to return to work, the line manager should arrange a return to work meeting (see section 7). The line manager may find it helpful to arrange a further OHS assessment if there has been a long gap since any previous appointment.

14.3 A return to work meeting in cases of long-term absence may additionally wish to discuss:

* a phased return to work
* temporary arrangements to facilitate the return
* arrangements for dealing with any backlogs of work and / or a handover from anyone temporarily undertaking duties associated with the employee’s post.

14.4 If a phased return to work is agreed and the employee has exhausted sick pay, with the consent of the employee, annual leave may be used to facilitate a phased return to work to cover any unpaid time off.

14.5 During periods of sickness, annual leave continues to accrue at the contractual entitlement rate. Where an employee has been unable to take annual leave due to sickness in one leave year, they will be able to carry it over into the next leave year, based on a maximum of 20 days over 18 months.

14.6 There should be regular contact between the employee and their line manager (or nominee).

14.7 The particular circumstances of each case will inform the way it is best dealt with but, in general, referrals to OHS will be considered 4 to 6 weeks from the beginning of the absence or where it is clear the absence will continue for at least 4 to 6 weeks. The line manager may find it helpful to arrange further OHS assessment if there has been a long gap since any previous appointment.

14.8 There are a number of possible outcomes resulting from a referral to OHS. The OHS report may express an opinion that:

* The employee’s state of health is improving and the manager should review the case in a specified number of weeks
* The employee has recovered or is likely to recover in a specified short time
* The employee is likely to recover (in whole or in part) but QMUL along with the employee should review the employee’s workload, job content and/or working arrangements either permanently or temporarily
* QMUL should consider a reasonable adjustment to the working environment to facilitate a return to work
* the employee is not medically fit to return to work
* The employee is permanently unfit to carry out the duties of their present post

14.9 When an employee is fit to return to work, the line manager should arrange a return to work meeting (see section 7).

14.10 When the OHS report indicates that an employee is not medically fit to return to work, the employee will remain on sick leave. If the employee is still unable to return to work, the line manager may refer them periodically to the OHS for reassessment.

14.11 If the follow-up OHS report states that the employee:

* is still medically unfit to return to work and is unlikely to be able to return in the foreseeable future
* that there is a need to instigate a process that may change the employee’s workload, job content or working arrangements
* or the employee is unfit to carry out the requirements of their post

the employee may be referred to Stage 1 formal meeting (See section 10). Managers should be sensitive in arranging meetings for employees still unable to return to work, making adjustments where these would be helpful. Advice may be sought from OH and HR.

14.12 During this period, the employee may request to explore ways of terminating their employment at QMUL. Any settlement will include a payment for notice (at full pay) and for any remaining sick leave entitlement (which is subject to tax deductions).

15. Terminal Illness

15.1The case of the terminally ill employee obviously needs compassionate and sensitive consideration and the wishes of the employee should always be acknowledged. The employee and their relatives should be given the name of a responsible person within QMUL as a contact point who will ensure that they are responded to promptly and efficiently. HR should be kept informed and are available for advice on pension entitlement, death in service and other benefits for partners and dependants.

15.2 Where appropriate consideration may be given to:

* planning the remainder of their working life
* providing independent financial advice
* extending periods of sick pay, and/or reinstating full pay
* referrals to OHS and EAP

16. Appeals (excluding dismissals)

16.1 An employee may appeal against any formal sanction on one or more of the following grounds:

* The procedure was applied incorrectly
* The findings of the hearing were unfair
* New evidence has come to light that was not previously available
* The outcome was too severe.

16.2 An appeal must be submitted in writing by the employee to HR without unreasonable delay and normally within **10 working days** of the receipt of the outcome letter. The grounds for appeal must be clearly stated.

16.3 An appeal panel will consist of a senior manager of the Faculty or School/Institute/Department or their nominee plus two other senior managers, independent of the people and issues concerned. A hearing will be convened without unreasonable delay and normally within **20 working days** of receipt of the written appeal. The conduct of the appeal hearing will be in accordance with Appendix 1.

16.4 An appeal panel against dismissal for Academics and Professional Staff grade 8 will consist of a senior manager of the Faculty or School/Institute/Department or their nominee plus two other managers, one of whom should be from a different Faculty/Department. At least one panel member should be from the same occupational group (e.g. academic or professional) as the employee. Panel members should be independent of the people and issues concerned. The Chair should be senior to those previously involved. Where practicable and without causing significant delay, all panel members should be senior to the line manager. The meeting will be convened without unreasonable delay and normally within **20 working days** of receipt of the written appeal.

16.5 An appeal hearing will be conducted in the same way as a hearing except that the presentation of cases will be made in reverse order with the employee presenting their case first, followed by the management representative, but limited to one or more of the reasons outlined in 16.1 above. Documentation sent out will also follow that for earlier meetings.

16.6 The employee may be accompanied at the hearing by a Trade Union Representative or work colleague

16.7 The employee will have the opportunity to state the grounds for their appeal and to question any evidence presented during the appeal.

16.8 Legal representatives are not permitted unless specifically authorised by the HR Director or their nominee.

16.9 The panel may decide to uphold or reject the appeal and will notify the employee in writing of their decision without unreasonable delay and normally within **5 working days** of the hearing. If the appeal is upheld, an alternative decision than awarded at the Stage 3 hearing may be imposed, but the severity of the original decision cannot be increased.

17. Appeals (against dismissal)

17.1 The same process will be followed for appeals against dismissal as detailed in section 16.

17.2 Appeals against dismissal for Academics, and Senior Management (at grade 8), will be heard by a panel comprising three members. One of whom shall be an external member of Council appointed by the Chairman of Council and an Academic Head of School/Institute Director and one other member of Senior Management as nominated by the Principal or Director of HR or their nominee and supported by a representative from HR.

17.3 An appeal against dismissal for all other employees (Grades 1-7) will be heard by a panel comprising of three trained members nominated by the Director of HR (or nominee) from a list approved by QMSE, supported by a representative from HR.

17.4 The chair of the previous panel and the employee will be invited to make written submissions to arrive in HR no later than **3 working days** prior to the hearing. These will then be circulated to all parties prior to the hearing.

18. Non Attendance at Meetings

18.1 The employee (and their representative) should make every effort to attend formal meetings and/or hearings. Employees have the right to be represented at all formal stages of the procedure whether investigations, formal meetings or formal hearings. The right of the employee to be accompanied is balanced by the responsibility they have for securing any such representative. If the employee’s representative cannot reasonably attend on a proposed date, they may suggest another date as long as it is reasonable and is not more than five working days after the date originally proposed. This five-day limit may be extended by mutual agreement.

18.2 Where the employee fails to attend a meeting or hearing without adequate explanation, the panel or hearing manager may decide to continue with the meeting or hearing in the employee’s absence.

18.3 Where an employee is persistently unable or unwilling to attend a meeting or hearing without good cause a decision will be made to proceed to a hearing based on the evidence available. The employee will be informed that written submissions may be used in lieu of attending a hearing or a representative may be nominated to speak on their behalf.

19. Equality & Diversity

19.1 Managers and employees have a responsibility to promote QMUL’s Equality and Diversity policies and standards of conduct by treating others with respect, valuing diversity and maintaining and preserving dignity at work. Managers are required to recognise and consider any relevant issues whilst operating the attendance process and during the course of day-to-day interactions with colleagues.

19.2 Wherever possible panel members and hearing managers should be chosen to represent the diversity of employees at QMUL.

19.3 In particular, reasonable adjustments must be made where an employee has, or develops, a disability, which affects their attendance levels and therefore their ability to perform their job. A referral to Occupational Health Service may be appropriate to establish whether any measures, support or adjustments are required to meet the needs of disabled employees at work.

20. Equality Impact Assessment

20.1 Statistics will be compiled and monitored on numbers of cases by type and at an organisational level and by Faculty/Schools/Institutes/Departments covering all grade groups and subdivided by equality monitoring categories as determined by the Equality and Diversity Steering Group (EDSG). These will be reported to EDSG, QMSE and the recognised trades unions as appropriate.

21. Revision or termination of this policy and procedure

21.1 This operation of this policy and procedure will be periodically reviewed with recognised trades unions.

**Conduct of Stage 3 Hearing**

Legal representation may be permitted in exceptional circumstances, but only on the authority of the HR Director or nominee.

**Manager’s Report**

Normally a formal report will be provided to the panel, to include:

* Employee’s sickness record, meeting notes, discussions taken place to date
* OHS report if available
* Likelihood of a return, resumption, or continuance of normal duties
* Consideration of alternative employment, either temporarily or on a permanent basis
* Any work adjustments considered
* Effect absence has on service delivery
* Any previous decisions, formal or informal support or work place adjustments or other remedies considered such as medical redeployment, retraining, reduction in workload or hours
* Possible alternatives to dismissal including redeployment, reduction in grade or hours.

**Conduct of Hearing**

The Chair will ensure that everyone is aware of the purpose of the meeting.

The Chair will ensure that all documents relevant to the hearing have been received and that each party has a set of them plus copies of the relevant policy and procedure.

In the event that a new document and/or evidence has been tabled during the hearing, agreement will be sought that it is acceptable.

The Chair and panel will keep an open mind and listen carefully to all that is said.

**Procedure**

The manager will put forward the case in the presence of the employee and his/her companion.

The employee (or his/her representative) will have the opportunity to ask questions of the manager.

The panel conducting the hearing shall have the opportunity to ask questions of the manager.

The employee (or his/her representative) will make a response in the presence of the manager.

The manager will have the opportunity to ask questions of the employee.

The panel conducting the hearing will have the opportunity to ask questions of the employee.

The manager, followed by the employee (or his/her representative) will have the opportunity to sum up their cases if they wish, including information by way of mitigation in order to inform the discussion about appropriate outcomes if relevant.

**Adjournments**

Requests for adjournment should be addressed to the Chair. The Chair may adjourn the proceedings at any stage if this appears necessary or desirable.

**The Decision**

The panel conducting the hearing will deliberate in private only calling the manager and the employee (or his/her representative) to clear points of uncertainty on evidence already given.

After the panel has reached a decision and before any sanction is decided, the HR representative may provide information regarding any appropriate sanctions. The panel will also be asked to consider any mitigation which has been presented by the employee.

All parties will be informed of the decision, reasons for that decision and the action to be taken in writing, **normally within 5 working days**. The employee will also be informed in writing of the right of appeal.

**Conduct of an Appeal Hearing**

An appeal hearing will be conducted in the same way as a hearing except that the presentation of cases will be made in reverse order with the employee presenting their case first, followed by the manager. Appeal hearings will not be a rehearing of the case and will therefore be confined to the grounds of appeal.

**Support Plan**

It is in the QMUL’s interests as well as those of employees that QMUL supports those who are off sick, and to helps them to return to work.

In conjunction with the return to work meetings (see section 6), line managers should therefore take reasonable steps to work with the employee in tackling health, work or welfare problems and explore any option with the employee which may permit them to improve attendance. The actions proposed by the line manager, and agreed with the employee, during the informal and formal stages of this policy, must be recorded in writing in a ‘Support Plan’ which must be made available to the employee. This Support Plan should therefore provide a record of:

* Whether the employee has been referred to the Occupational Health Service or, if not, where the line manager has considered this and decided not to make the referral.
* Where there has been a referral to the OHS, whether the information and advice provided has been discussed with the employee, and whether options which may permit the employee to return to work or improve attendance have been discussed and considered. These options may include
* reasonable temporary changes to the work, work place or working arrangements of the employee. This could include exploring opportunities for flexible working using the policy on ‘Requests for Flexible Working’ if this is mutually agreeable
* where appropriate, making arrangements for a phased return to work

**Referrals to Occupational Health Service**

The following criteria will be used to inform the decision whether to refer an individual to OHS:

* Where the employee has broken the indicative triggers points laid out in point 8 – often a referral to the OHS will form part of any Support Plan agreed with the employee
* Where the illness follows an accident that has either caused or is likely to cause a significant absence from work, and where the matter has been discussed with the employee at the relevant ‘Return to Work’ meeting
* Where an employee has been off work for a considerable period
* Where the line manager needs or is considering advice on workplace adjustments or other remedies to assist a return to work
* Where there is an indication that the individual may be suffering from a work related/ industrial or occupational disease/condition
* Where it is suspected that the employee has an infectious or contagious disease (OHS should be contacted immediately on 020 7882 8700).

All medical records or records that include medical data should be stored securely and written

permission from the employee must be obtained before they are shared.

**Medical Confidentiality:**

The employee being referred to OH is entitled to:

1. Be told if they are being referred to the OH service, and to be shown the referral form / letter. It is good practice to allow the employee to make alterations or suggestions about the wording
2. Refuse or consent to a medical report from their own GP/specialist. In such circumstances, the OHS and QMUL are entitled to act on the basis of the information that is available to them.
3. Request access to any report on them prepared by the QMUL’s OHS (subject to conditions set out in the Access to Health Records Act 1990).
4. Medical confidentiality: a report from OHS will focus on whether there is an underlying medical condition and its effects on the employee’s work and working life. It is not usually appropriate for the report to reveal explicit information about the employee’s health. QMUL is entitled to know how any medical condition is likely to affect the employee’s work. Knowing about a condition can help ensure effective support of employees.
5. The opportunity to see, veto or comment upon such a report before it is submitted to the QMUL (subject to conditions set out in the Access to Medical Reports Act 1988). If the report is not sent, QMUL is entitled to act on the basis of the information that is available to them.