



**Greenhead College  
Corporation**

**Absence Policy**

*Updated December 2023*

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## **1. Aim**

1.1. Greenhead College has a commitment to supporting the development of a healthy workforce and will work to ensure that factors relating to the workplace and work process itself do not have an impact on sickness levels.

1.2. The procedure seeks to enable managers to monitor and reduce sickness absence effectively, fairly and in a sensitive manner with due regard to absences that may relate to impairments as defined under the Equality Act 2010.

1.3. This procedure seeks to:

- Maintain accurate records for staff
- Ensure individual records are reviewed
- Objectively assess absence and decide on appropriate action, if necessary
- Explore the reasons for sickness absence in order to seek to prevent the absence recurring, address any welfare problems and ensure appropriate medical or other assistance is provided
- Identify any work related causes of absence and take action to address such issues

1.4. Statistics will be maintained on absence levels to identify any trends and any actions that need to be taken to address the welfare, health and safety of staff.

## **2. Scope**

2.1. This procedure applies to all Greenhead College employees.

## **3. The Role of Occupational Health**

3.1. Occupational Health is concerned with the prevention of ill health in employees. It is about managing the effect of the work environment on health and the effect of health on work and, where appropriate, for advising on reasonable adjustments and adaptations to be considered. It encompasses the following:

- The effect of health on work, thus addressing the fitness of the task for the worker and not the fitness of the worker for the task alone
- Rehabilitation and recovery programmes
- The effect of work on health
- Helping those with disabilities to secure and retain work
- Managing work related aspects of illness with potentially multifactorial causes (e.g. musculo-skeletal disorders, coronary heart disease) and helping workers to make informed choices regarding lifestyle issues

Above all, Occupational Health's main aim is to prevent, rather than cure, ill health from whenever it arises in the workplace.

3.2. The College will instruct the services of a suitably qualified external Occupational Health team who will be able to provide opinions in relation to an employee's ability to carry out their duties as detailed in their job description.

3.3. Occupational health is fundamentally different from GP type services. It is a specialist field where the primary role is the prevention of ill health in the workplace.

#### **4. Disability**

4.1. The College recognises that disability can be the cause or a contributing factor to absence and performance issues. As a matter of good employment practice, the College is committed to making every effort when employees become disabled, or where a disability changes, to help employees stay in employment.

4.2. A disability may affect an individual's ability to carry out certain tasks or require a change to hours of work, the workplace itself or the way certain duties are carried out.

4.3. When considering absence or performance issues where disability may be a factor, Human Resources should be consulted who may seek specialist advice. Practical advice on how adjustments may be made and available equipment can be provided by Occupational Health and/or the Disability Employment Advisor through the Job Centre Plus. A record of suggested adjustments and action taken should be maintained.

4.4. Consideration must always be given to whether adjustments to the workplace might reasonably be made and so facilitate a return to work from long-term sickness absence, address short term absence issues and/or performance/capability issues.

4.5. Examples of adjustments that could be considered are as follows:

- Adjustment to premises – structural or physical.
- Allocating duties to another person – minor duties could be allocated to another person.
- Transferring a person to fill an existing vacancy – if an employee becomes disabled, or has a disability which worsens and cannot work in the same place or under the same arrangements, then the person should be considered for any suitable alternative posts that are available.
- Altering working hours – this could include flexible hours to enable additional breaks or changing hours to fit treatment and care programmes.
- Changing the workplace – when buildings or part of a building become inaccessible the employer should always consider transferring the person and their work station to a place with access.
- Paid and/or unpaid absence for rehabilitation, assessment or treatment – time off during work may be needed for treatment.
- Using flexible working processes and home working to support rehabilitation
- Training – this could be training in the use of a piece of equipment unique to the disabled person or general training that needs to be adapted.

- Application of the Flexible Working Procedure to accommodate time off for appointments such as medical reviews and counselling or physiotherapy sessions.
- Acquiring or modifying equipment – this involves providing specialist equipment needed to do the job.
- Modifying instructions and manuals – the format of instructions and manuals may need to be modified.
- Providing supervision – where someone’s disability leads to uncertainty or a lack of confidence.

4.6. Most adjustments require little change to the workplace and are easy to arrange, in consultation with the individual. Support is available through Occupational Health and/or the Disability Employment Advisor and in particular Access to Work. Access to Work provides practical help for disabled people and assistance is tailored to the needs of a particular job. Assistance can apply to any job, permanent or temporary, full-time or part-time.

## **5. Access to Medical Reports**

5.1. The Access to Medical Reports Act 1988 gives an individual the right to have access to any report which is to be, or has been, supplied by a medical practitioner for employment purposes. Consent will need to be obtained by the Occupational Health provider before they request a report from an employee’s GP, hospital doctor/consultant or other medical specialist. The individual may:

- Inspect or be supplied with a copy of the doctor’s report before it is sent to Occupational Health if this has been indicated on the consent form or if the individual notifies the report supplier direct before the report has been sent
- When it has been indicated that the individual wishes to see the report, they must make arrangements with the doctor within 21 days of the date on the consent form. If arrangements are not made within that time, the doctor may send the report regardless
- Having been given access to the report, it cannot be sent to Occupational Health without the employee’s consent. Before giving consent, the employee has the right to request the doctor to amend or delete any part of the report deemed inaccurate or misleading. If the doctor declines, the employee may require the inclusion of a statement of their views with the report
- The doctor has the right to deny access to the report or part of it if, in the opinion of the doctor, it may cause serious physical or mental harm or would cause problems for a third party who has not consented. The report may still not be forwarded without the individual’s consent
- The individual will continue to have the right to apply for access to the report for six months after it has been prepared

5.2. Under the Access to Medical Reports Act 1988, a medical practitioner is defined as any person registered under the Medical Act 1983, who has been responsible for their clinical care. For the purposes of the Management of Sickness Absence procedures this would not include Occupational Health.

5.3. Each employee has access to information held about them by Occupational Health/Human Resources. Employees are required to set up an appointment with Human Resources to view their personal file. Copies can be provided upon written request and will be provided under the College's data protection procedures and in accordance with the Access to Health Records Act 1990.

## **6. Referrals to Occupational Health**

6.1. A referral to Occupational Health for medical examination or assessment may be made by Human Resources. The referral may include details of:

- The length of absence
- The reason(s) for absence
- Any factors (work related or otherwise) that cause or aggravate the absence(s)
- Any previous absence(s)
- Any action taken by the College to assist the employee
- Details of the job, workplace and tasks undertaken
- Details of any work related or other difficulties
- Whether any adjustments to the workplace, duties or hours may assist the employee and facilitate a return to work and/or reduce absences and/or assist performance

6.2. Human Resources will notify the employee of an intention to refer the employee and the reasons for this. A copy of the referral will be provided to the employee. The process may include seeing the employee, obtaining (with the employee's consent) medical details or other related details and/or conducting workplace assessments for individuals.

6.3. A copy of the Occupational Health report will be provided to the employee and Human Resources to be used as the basis for further discussion with the employee.

## **7. Medical Suspension**

7.1. In rare cases, it may be necessary to suspend an individual employee on medical grounds in order to ensure that the individual does not stay at work or resume their duties if the Principal and/or Human Resources perceives that there is a risk to themselves or others, or where a statutory duty applies. Such suspension should only be used where the employee is unable or unwilling to immediately see their own GP and must automatically be followed by an Occupational Health referral.

7.2. Medical suspension is on full pay. Medical suspension does not count against an individual's entitlement to occupational sick pay.

## **8. Statement of Fitness for Work**

8.1. When employees are absent consecutively for more than 7 calendar days they must produce a medical certificate from the 8th calendar day of absence. This form, called a Statement of Fitness to Work" (sometimes referred to as a "fit note") must be secured from

the individual's GP. An unreasonable failure to submit appropriate certification may result in the individual losing their entitlement to sick pay.

8.2. The medical certificate will state that either the employee is "not fit to work" or "may be fit for work". If they are "not fit" they should not undertake any work until either they return to work to their normal duties or to temporary adjustments or further advice is received from the GP. Staff are not required to be declared fit by their GP before they return to work. Sometimes an employee will be able to return to work before the end of a Statement period where a doctor has advised that they are not fit to work. This may occur because the employee has recovered faster than expected by the doctor or the doctor did not recognise ways the individual's return could be supported. If Human Resources agree with the employee that it is appropriate to return to work they may do so. There is no need to wait until the end of the Statement period.

8.3. The Statement may also suggest that the employee "may be fit for work" taking account of advice on adaptations and adjustments, including a phased return, amended duties, altered hours or workplace adaptations. If the Statement indicates that the employee "may be fit" Human Resources should contact the employee to discuss the temporary adaptations and adjustments required. On the statement a doctor will state the period of time their advice is for. When agreeing a return plan Human Resources should be clear on the length of time any amended duties, amended hours or additional support is provided for. Return to Work Plans would not normally be expected to last more than 4-6 weeks. Permanent changes in duties, hours, etc. would require a contractual change and fall outside the scope of sickness absence and sickness pay procedures. Such adaptations should be made, as applicable, under the Equality Act 2010.

8.4. Where this is relatively straightforward and easy to agree Human Resources and employee may discuss via telephone and agree a return date. Human Resources should confirm the "Return to Work Plan" in writing to the employee before they return.

8.5. Where the changes suggested are more complex or substantial, Human Resources should contact the employee and arrange a meeting as soon as practicable. The employee and Human Resources should seek to reach an agreement on the return date and any adaptations that are required. Human Resources should confirm the "Return to Work Plan" in writing to the employee before they return.

8.6. When considering the GP's advice and following discussion with the employee, it may not always be possible to implement the suggested changes. In such cases Human Resources should explain their reasons in writing. The employee will then be classed as "not fit to work"; they do not need a new Statement to confirm this. If an employee is dissatisfied with this decision they should address this through the College's Grievance Procedure.

8.7. On occasion the employee may not agree with the GP's assessment that they "may be fit". In such circumstances Human Resources should arrange to meet with the employee to find out why they believe they cannot return to work, with support. If no agreement is reached on the employee's fitness for work and Human Resources believe that appropriate support, as advised by the GP, can be provided, the issue should be referred to Occupational Health for further assessment and advice. In such circumstances an unreasonable failure on the

part of the employee to co-operate with further investigations, for example, failure to attend appointments etc. may result in the individual losing their entitlement to sick pay.

## **9. Planned Sickness Absence**

9.1. In many cases a long term absence may be planned to accommodate a hospital admission, operation and recovery time. In such cases the employee should discuss the absence with their Line Manager and Human Resources.

9.2. As far as is possible the Line Manager, Human Resources and employee should plan for the absence by:

- Considering what work requires cover and the best way of managing this
- Discussing how contact will be maintained through the period of absence
- Making initial plans for the return to work
- Agreeing the appropriate time to discuss detailed plans to support the return

9.3. At the agreed time the Line Manager, Human Resources and employee should meet to discuss any temporary or permanent adjustments required to support the employee's return to work.

9.4. Where a return date is uncertain or where significant adaptations are required an Occupational Health assessment should be requested. This is to ensure appropriate health and safety provisions are maintained and explore how adaptations and adjustments support and sustain the return to work.

9.5. If following the Occupational Health referral there is still no definite return to work date established within the immediate future, the long term absence procedures should be followed at the second formal meeting stage (section 16.14).

## **10. Absence Reporting Procedure**

10.1. The following absence reporting procedure applies to all staff. Failure to follow the reporting procedures may result in a loss of pay and/or disciplinary action. On Day One:

- The employee must notify Reception and their Line Manager that they are unable to attend work before they are due to start work that day
- Wherever possible employees should telephone personally and if possible, provide an estimate of their expected length of absence
- If possible employees should notify of any important work e.g. classes, tutorials or meetings that need to be rearranged during the length of absence

On or by Day Four:

- Employees should contact Reception and their Line Manager to inform them of their continued absence and wherever possible estimate their expected length of absence



and again where possible notify of any important work e.g. classes, tutorials, meetings that need to be rearranged during the length of absence

- If the reason for absence is due to a work related injury or work related ill health effect and the individual has been off for more than three days (do not count date of accident but every subsequent day thereafter – including weekends whether required to work or not), then the Line Manager must notify the Director of Human Resources immediately to ensure conformance with requirements of RIDDOR 1995

On or after Day Eight:

- Employees must obtain a Statement of Fitness for Work from their GP and submit this to Human Resources either in person or by first class post
- Employees should contact Reception and their Line Manager, to inform them of their continued absence and if possible estimate their expected length of absence
- Employees must submit future 'Statements of Fitness to Work' either in person or by first class post immediately upon expiry of the current 'Statement of Fitness for Work'

## **11. Communication with the Employee whilst Absent from Work**

11.1. In cases of short term absence contact will be maintained when the employee reports their absence under the Absence Reporting Procedure.

11.2. Where the Line Manager has not talked to the employee when the employee reports their absence the Line Manager should contact them directly on day one or day two of absence. The purpose of this contact is to check on their health and assess, where possible, changes to work routines that need to be made to cover the absence. If direct contact doesn't take place on day four when the employee reports their continued absence the Line Manager should again make contact. Contact should be maintained throughout the absence period to assess the likely return day and any assistance the employee may require.

11.3. In cases of long term absence the Line Manager should maintain contact with the employee at regular intervals. The Line Manager should make a written note of what contact has taken place and when.

11.4. When telephone contact has not been possible the Human Resources must seek to establish contact through written correspondence to the employee's home address.

## **12. Return to work**

12.1. All employees must notify Reception immediately on their return to work.

12.2. Some elements of sick pay will still apply during agreed "Return to Work Plans". Payment of sick pay in combination with normal pay will be used so that the employee does not suffer any financial detriment over this temporary period of a supported early return. This period is limited to a maximum of 6 week's duration (recognised as the standard recommended maximum period for return to work plans). In exceptional cases, this time limit may be extended on the advice of occupational health.

### 13. Return to Work Forms and Procedures

13.1. A self certification form must be completed by an employee on their return to work and given to Human Resources.

13.2. Staff are asked to give details of their illness, if known, or symptoms. All information provided on the self certification form is treated as confidential and kept in the employee's personal record held in Human Resources.

13.3. The self certification form allows Human Resources to monitor absence by providing information they need in order to:

- Ensure good practice in managing sickness absence, which will increase attendance levels
- Aid the early detection of problems (medical, welfare and work related) that can lead to speedier responses
- Review of sickness levels and reasons for absence across a department to identify potential health and safety, workload or morale problems

13.4. The completion of a self certification form does not replace the good practice of seeing employees, if required, when they return to work. Human Resources may wish to see any employee who has been off for any length of time to complete a return to work interview. This allows Human Resources to:

- Welcome back the employee
- Show concern for the employee's health, check that they have fully recovered from their illness and offer support, as required
- Update the employee of what has occurred in their absence
- Provide an opportunity for the employee to discuss any problems they are experiencing which may have affected their health, e.g. problems at work or home

### 14. Attendance Review Meetings

14.1. In cases of frequent and persistent short term absence the Line Manager should arrange a discussion regarding the reasons for absence with the employee concerned. This Attendance Review Meeting must be held when **6 working days absence accrue in a rolling 6 month period over three or more episodes of absence** or if the Line Manager has reason to be concerned about an employee's attendance record, e.g. if a pattern appears to be emerging.

14.2. The Attendance Review Meeting is an informal meeting between the Line Manager and the employee which should be held as soon as possible after their return to work. The employee should be given reasonable notice of this meeting. The discussion should be handled sensitively. It should be carried out at an appropriate time and should sensitively explore the reasons for the levels of sickness absence.

14.3. The purpose of the meeting is to:

- Show concern for the employee's health, check that they have fully recovered from their illness and offer support, as required
- Update the employee of what has occurred in their absence
- Provide an opportunity for the employee to discuss any problems they are experiencing which may have affected their health, e.g. problems at work or home
- Identify the likelihood of further absence
- Explore whether the employee should be referred to Occupational Health for an opinion on their continued fitness for work or to ascertain whether there is an underlying medical problem before further action is taken. If an Occupational Health assessment is required, the line manager should contact Human Resources for this to be arranged
- Consider whether adjustments to workplace or duties need to be made

14.4. Where no medical condition is disclosed, or where there has been a referral which has revealed no apparent medical condition, or any problems have been discussed but the Line Manager remains concerned about the employee's level of attendance then, as part of the review the manager must:

- Make clear their concerns about the attendance record
- Ask the employee to improve it
- Indicate that absences will continue to be monitored and if there is no substantial improvement formal action will be taken

14.5. If at any time a referral to Occupational Health reveals or the employee discloses, an underlying medical condition and it is likely to be on-going the Long Term Sickness Absence Procedures should be followed.

14.6. As a general rule formal action should be taken if the situation has not improved sufficiently within three months of the Attendance Review Meeting. However if there is sufficient cause for concern about absence levels shortly after that time formal action may be initiated.

## **15. Short-term Sickness Absence – Formal Action**

### **15.1. First Formal Meeting**

15.1.1. If the individual's attendance does not improve following the Attendance Review Meeting the Line Manager and Human Resources will call the employee to a formal meeting to discuss the levels of absence.

15.1.2. The employee should be given at least five working days notice of the meeting and advised of their entitlement to be accompanied by a trade union representative or work colleague.

15.1.3. At the meeting the reasons for the absence should be explored together with any action it may be possible for the Line Manager to implement, including adaptations and adjustment to support the individual at work.

15.1.4. It may also be appropriate at this stage to refer the employee to Occupational Health, or make a further referral if clarity is required.

15.1.5. If having listened to any explanations and taken any agreed action the Line Manager still remains concerned about the attendance record then the employee must be told that absences will continue to be monitored and if there is no substantial improvement further formal action will be taken which could ultimately lead to dismissal.

15.1.6. The outcomes of the meeting should be recorded and a copy sent to all parties so that the employee is aware of the potential consequences of further absence.

15.1.7. A second formal meeting should take place if the situation has not improved sufficiently within three months of this meeting.

## 15.2. Second Formal Meeting

15.2.1. If absence rates remain a problem then the employee will be called to a second formal meeting with the Line Manager and Human Resources.

15.2.2. The employee should be given at least five working days notice of the meeting and advised of their entitlement to be accompanied by a trade union representative or work colleague.

15.2.3. If after discussion concern still remains regarding the level of absence then the employee will be notified that, if there is no substantial improvement after a further period of monitoring, the case will be referred to a panel who will consider all relevant evidence and may decide on a further period of review or to dismiss the employee.

15.2.4. The outcomes of the meeting should be recorded and a copy sent to all parties so that the employee is aware of the potential consequences of further absence.

15.2.5. If the situation has clearly not improved after the second meeting Human Resources should seek an Occupational Health review if this has not previously been done before referring the matter to the Panel.

## 15.3. Panel Review

15.3.1. If the situation has not improved the matter will be referred to a Panel of two members of the College Leadership Team and a Governor who have had no prior involvement in the case. The employee should be given 10 working days' notice of the meeting and informed of their entitlement to be accompanied by a trade union representative or work colleague.

15.3.2. The Manager originally dealing with the case should prepare a report which details the absence record, describes the action taken to date and provides any medical evidence/opinion. The report should be provided to the employee 10 working days before the meeting and the employee must be given the opportunity to submit a written response.

15.3.3. All relevant documents, including the employees' written response, should be made available to the Panel three days before the meeting.

15.3.4. Human Resources will also be present to advise on procedural issues.

15.3.5. In exceptional circumstances extensions to these deadlines should be made. Where relevant medical evidence is not available in the timescale the meeting will be deferred until such reasonable time as it is available.

15.3.6. The Manager originally dealing with the case should explain to the meeting all action that has been taken in accordance with the procedure.

15.3.7. The employee and/or their representative should be given the opportunity to make representations.

15.3.8. The Panel may question all parties.

15.3.9. Before reaching a decision the Panel should consider:

- The nature of the absences
- The need to have the work done
- Whether the absence is work related
- The consequences of the absence on the quality of the service and the effect on staff and students
- Action taken to date by the Line Manager
- Further action that might be taken to resolve problems
- Whether the sickness management procedures have been followed
- The extent to which the employee has been cautioned regarding the consequences of continuing absence
- Any medical evidence
- The employee's work record
- Representations made by the employee and their representative
- Evidence of any medical witnesses called
- Any reasonable adaptations and adjustments that can be made to support the individual's attendance at work

15.3.10. The Panel may decide to:

- Agree that no further action is necessary
- Set a further review date where absence is monitored and warn the employee that dismissal will be considered if absence persists
- Implement adjustments to workplace or duties

- Dismiss on grounds of capability owing to absence

15.3.11. Where the Panel recommends a further review period the procedures in section 15.2 should be followed.

15.3.12. Where the Panel dismisses the employee this will be with contractual notice or with pay in-lieu of notice. The employee has a right of appeal against this decision to a further panel of two members of the College Leadership Team (which must include the Principal) and a Governor. The employee's notice of appeal must be in writing to Human Resources within 10 days of receiving written confirmation of the Panel's decision.

15.3.13. The employee's notice of appeal must set out the grounds of the appeal.

15.3.14. Where an appeal against dismissal is successful the notice will be immediately withdrawn or where PILON has operated the employee will be immediately re-instated and adjustments to salary made to reclaim any PILON payments already made.

## **16. Long term Sickness Absence – Formal Action**

16.1. The Long Term Sickness Absence Procedure applies to both employees who are absent for one continuous period of 28 calendar days or more and to those with a long term health condition which requires frequent periods of absence.

16.2. The approach should always be based on sympathy and understanding, in full consultation with the employee always taking account of available medical advice.

16.3. Line Managers and Human Resources will maintain general contact with employees on long-term sick absence but will formally review the situation from time to time in accordance with this procedure. The purpose of the review is to consider whether there is an imminent return to work, whether adaptations and adjustments could be implemented to facilitate a return or whether any work related factors could be quickly resolved and facilitate a return.

16.4. Where there is no clear outcome from the review the Line Manager and Human Resources should call the employee to a meeting to discuss their absence. The employee should be given at least five working days notice of the meeting and advised of their entitlement to be accompanied by a trade union representative or work colleague. The purpose of the meeting is to discuss whether there is an imminent return to work, whether adaptations and adjustments could be implemented to facilitate a return or whether any work related factors could be quickly resolved and facilitate a return. Where the employee is too ill to attend a meeting the review should take place through the employee's trade union or through correspondence.

16.5. If a return to work date is not known, a referral to Occupational Health must be made.

16.6. Occupational Health may seek information and reports from the employee's GP and/or consultants and specialists.

16.7. A copy of Occupational Health's report shall be sent to the employee as well as Human Resources.

16.8. If the Occupational Health report states, or Human Resources have clear information that the employee will be fit to return to work by a set date in the reasonably near future and that they are likely to be able to carry out the full range of their usual duties then no further action is needed under these procedures.

16.9. If the employee is permanently unfit to resume or maintain normal duties ill health retirement or ill health dismissal may be initiated. Redeployment to other duties should also be considered.

16.10. In cases of terminally ill employees there is a need to deal with such employees and their friends and family in a particularly sensitive way. Consultation is vital so Human Resources can assess the needs and wishes of the employee and the employee can explore the financial options of their pension and salary arrangements. Specific pension information, including estimates of ill health benefits, dependants' pensions and death in service grants will be facilitated by Human Resources.

16.11. Information regarding the schemes may be requested by the employee Human Resources but details of actual benefits will only be released to the employee or a person nominated by the employee to receive such information.

16.12. Human Resources will arrange a formal meeting with the employee in cases where the Occupational Health report indicates a situation is uncertain, and/or there is a possibility that adjustments to the workplace, duties or hours may reasonably be made and so facilitate the employee's return to work.

#### 16.13. First Formal Meeting

16.13.1. The employee will be invited to a meeting with their Line Manager and Human Resources. The employee should be given at least five working days notice of the meeting and be advised of their entitlement to be accompanied by their trade union representative or work colleague.

16.13.2. At the meeting the following should be discussed:

- Any advice from Occupational Health
- The length of absence
- The reason(s) for absence
- Any treatment the employee is receiving
- Any factors (work related or otherwise) that cause or aggravate the absence(s)
- Any previous absences
- Any action taken by the Line Manager to assist employees
- Whether there are any adjustments to workplace, duties or hours which may facilitate the employee's return to work and/or reduce absences

16.13.3. Where the employee is unable to attend the workplace for this meeting then the appropriateness of a home or hospital visit should be explored with the employee and their representative.

16.13.4. If this is not possible Human Resources should write to the employee covering the areas which would have been covered in the meeting and giving the employee the opportunity to respond and consult with their trade union.

16.13.5. Alternatively, discussions may be held with a trade union representative, or other person formally nominated by the employee. A note of these discussions and any agreed actions must be sent to the employee.

16.13.6. The Line Manager should set a date for the Second Formal Meeting.

16.13.7. The employee should be advised that their employment may be at risk if the absence continues. Whilst absence is not a disciplinary issue ultimately it may result in dismissal.

16.13.8. Where a meeting has taken place the points for action should be confirmed in writing.

#### 16.14. Second Formal Meeting

16.14.1. The purpose of the Second Formal Meeting is to review the continuing absence and consider future options taking account of advice from Occupational Health and the particular circumstances of the case.

16.14.2. An updated Occupational Health report should be submitted prior to the meeting. The referral should seek to discover:

- What is the employee's expected date of return?
- Will the employee be able to return to their normal duties?
- Will any changes to the workplace facilitate the employee's return?
- Will any changes to the duties undertaken or working hours facilitate the employee's return?
- A copy of this report will be sent to the employee

16.14.3. The employee should be given five working days notice of the meeting and be advised of their entitlement to be accompanied by a trade union representative or work colleague.

16.14.4. The advice received from Occupational Health will be discussed with the employee. Whilst considering changes to working patterns, the employee will be informed that continued absence puts their continued employment at risk and that if absence continues without a clear indication of a successful return to work within a reasonable time frame, the case will be referred to a panel who may consider dismissal.



16.14.5. A review date will be set and the main points of the meeting will be confirmed in writing.

16.14.6. Where the employee is unable to attend the workplace for this meeting then the appropriateness of a home or hospital visit should be explored with the employee and their representative.

16.14.7. If this is not possible Human Resources should write to the employee covering the areas which would have been covered in the meeting and giving the employee the opportunity to respond and consult with their trade union.

16.14.8. Alternatively, discussions may be held with a trade union representative, or other person nominated by the employee. A note of these discussions and any agreed actions must be sent to the employee.

#### 16.15. Third Formal Meeting

16.15.1. At the third formal meeting the procedure at the second formal meeting will be adopted. The absence and possible return to work should again be discussed with the employee, including the consideration of retirement or ill health dismissal.

16.15.2. If there is no solution the Line Manager should refer the matter to the Panel who will consider dismissal.

#### 16.16. Panel Review

16.16.1. The Panel will comprise two members of the College Leadership Team and a Governor that have had no prior involvement in the case. The employee will be given 10 working days' notice of the meeting and be entitled to be accompanied by a trade union representative or work colleague.

16.16.2. The Line Manager will prepare a report detailing the absence record, describing the action taken to date and providing any medical evidence/opinion. The Line Manager may seek an updated medical opinion from Occupational Health.

16.16.3. The report will be provided to the employee 10 working days before the meeting.

16.16.4. The employee will be invited to submit a written response which must be submitted to the Panel. All relevant documents, including the employee's written response, should be made available to the Panel three working days before the meeting. Human Resources will also be present to advise on procedural issues.

16.16.5. Both the employee and the College may call medical witnesses.

16.16.6. The College and employee shall notify the other if any medical witnesses are to be called and such notice shall be given at least five working days before the meeting.

16.16.7. In exceptional circumstances extensions to these deadlines should be made. Where relevant medical evidence is not available in the timescale the meeting will be deferred until such reasonable time as it is available.

16.16.8. The Line Manager should explain to the meeting all action that has been taken in accordance with the procedure.

16.16.9. The employee and/or their representative should be given the opportunity to make representations.

16.16.10. The Panel may question all parties.

16.16.11. Before reaching a decision the Panel will consider:

- The nature of the absences
- The need to have the work done or the reasonableness of and impact of temporary cover arrangements
- Whether the absence is work related
- The consequences of the absence on the quality of the service and the effect on staff and students
- Action taken to date by the Line Manager
- Further action that might be taken to resolve or alleviate problems including adjustments to the workplace/hours/duties
- Whether the sickness management procedures have been followed
- The extent to which the employee has been cautioned regarding the consequences of continuing absence
- The medical evidence
- The employee's work record
- Representations made by the employee and their representative
- Evidence of any medical witnesses called

16.16.12. The Panel may decide to:

- Agree that no further action is necessary
- Set a further review date where absence is monitored
- Implement adjustments to workplace, duties or hours
- Recommend dismissal on grounds of capability owing to absence

16.16.13. Where the Panel dismisses the employee this will be with contractual notice or with pay in-lieu of notice (PILON). The employee has a right of appeal against this decision to a panel of two members of the College Leadership Team (which must include the Principal) and a Governor. The employee's notice of appeal must be in writing to Human Resources within 10 days of receiving written confirmation of the Panel's decision. The employee's notice of appeal must set out the grounds of the appeal. Where an appeal against dismissal is successful the notice will be immediately withdrawn or where PILON has operated the employee will be immediately re-instated and adjustments to salary made to reclaim any PILON payments already made.

## **17. Appeal against Dismissal**

17.1. The employee must be given at least 10 working days notice of the appeal hearing and advised of the entitlement to be accompanied by a trade union representative or work colleague.

17.2. The letter giving such notice should state the date, time and place of the appeal hearing, attach all relevant documentation, give the names of those hearing the appeal and any witnesses to be called in person.

17.3. If the employee wishes to call any other witnesses or include any other documentation then they must inform Human Resources and send any information at least five working days before the hearing. Responsibility for notifying employee witnesses and arranging their attendance rests with the employee. A copy of the employee's witness list and documentation will be sent to the Panel.

17.4. All relevant documents, including the grounds of appeal, will be made available to the Appeal Panel in sufficient time to enable the Panel to read the evidence on both sides and prepare questions.

17.5. Human Resources will be present to advise the Panel on proceedings.

17.6. The Line Manager should explain to the hearing all action that has been taken in accordance with this procedure. The employee and/or their representative must be given the opportunity to make representations.

17.7. Once all the evidence has been presented and all questions asked, the appeal hearing will be concluded, all parties except the Panel and any advisors will leave the room. The Appeal Panel must consider all the evidence presented to them and decide whether to confirm, modify or overturn the Panel's decision.

17.8. The outcome of the hearing must be confirmed in writing to the employee within five working days.

17.9. The Appeal Panel's decision is final. There is no further right of appeal.

## **18. Procedures at Appeal**

18.1. The Appeal Panel, employee and their representative, and any advisers to the Appeal Panel will be present at the start of the hearing. None of the members of the Appeal Panel should have had any previous involvement in the case.

18.2. The Chair of the Appeal Panel (usually the Principal) will introduce those present explaining roles (whether decision-making or advisory).

18.3. The Chair will explain the purpose of the hearing and the procedures which will be followed.

18.4. A Senior Manager who was a decision maker in the original Panel will present the case and introduce other documentary or witness evidence presented to the Appeal Panel.

18.5. The Appeal Panel will have the opportunity to ask questions or clarify any issues raised during the presentation and following witness evidence.

18.6. The employee and/or representative will be invited to ask questions on the case presented and following witness evidence.

18.7. The employee and/or representative will present evidence, including presenting documentary or witness evidence.

18.8. The Appeal Panel will have the opportunity to ask questions or clarify any issues raised during the presentation and following witness evidence.

18.9. All parties will be asked to provide closing statements.

18.10. All parties will withdraw excepting the Appeal Panel and any advisers.

18.11. All parties may be recalled to clarify points of uncertainty on evidence already given. If recall is necessary all parties will return irrespective of the point of clarification sought.

18.12. The Appeal Panel will consider the case and decision of the Panel. The panel will determine whether:

- To uphold the appeal and confirm that attendance is satisfactory; or
- To set a further review period where absence is monitored and/or adaptations are implemented, or
- To dismiss the appeal and confirm the Panel's decision to dismiss on grounds of capability due to absence.

18.13. The Appeal Panel's decision will be confirmed in writing to the employee within five working days.

18.14. The Appeal Panel's decision is final. There is no further right of appeal.

## **19. Absences from College other than Sickness**

19.1 Compassionate – an employee is allowed to have up to six days paid compassionate leave (pro-rata for part-time employees). The rate of allowance and the period for which it shall be paid in respect of any absence due to compassionate leave shall be ascertained by deducting from the period of benefit appropriate to his/her service on the first day of his/her absence the aggregate of the periods of absence due to compassionate leave during the twelve months immediately preceding the first day of absence. Reasons for compassionate leave are:

- Bereavement of a close relative or friend
- Bereavement of a beloved family pet (maximum one day)
- Accompanying a close relative or friend to a hospital appointment
- Attending the funeral of a close relative or friend
- Attending own wedding or that of a close relative or friend
- Looking after a sick relative/child until other arrangements can be made

Requests for compassionate leave should be made to the relevant line manager and Reception informed. Where the request is for more than one working day, it should be directed to the Principal and will be considered by CLT.

## 19.2 Unpaid Carer's Leave

In addition to compassionate leave, employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as [defined in the Equality Act 2010](#))
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on them for care.

Employees are entitled to carer's leave from their first day of work for the College.

Employees can take up to one week of leave every 12 months. A 'week' means the length of time an employee usually works over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

An employee can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

Employees need to give the College notice before they want their leave to start by contacting their line manager and Human Resources. Once the leave has been agreed, the employee should notify Reception.

If the request is for half a day or a day, the notice period must be at least three days.

If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for two days, the notice period must be at least four days.

The notice period needs to be in full days, even if the request includes half day amounts.

Employees do not need to give evidence of their dependant's care needs.

If an employee need to [look after someone in an emergency](#), they can take time off for this without giving a notice period.

The College cannot refuse a carer's leave request but can ask the employee to take it at a different time. The College will only do this if the employee's absence would cause serious disruption.

If the College delay it, they will:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within seven days of the original request, and before the requested start date of the leave

19.3 Maternity, Paternity and Adoption – Please see the maternity, paternity and adoption leave policy for details

19.4 Shared Parental Leave – Please see the shared parental leave policy for details

19.5 Parental Bereavement Leave – An employee is entitled to two weeks paid leave following the death of a child aged under 18, or a stillborn baby. If an employee is taking another type of leave (e.g. maternity leave), the Parental Bereavement Leave must start after the other leave has ended but does not have to be taken immediately after. The Parental Bereavement Leave must be taken within 56 weeks of the date of death or stillbirth.

19.6 Jury Service – Employees who receive a summons to serve on a jury must inform their Line Manager and Human Resources at the earliest opportunity. Employees are expected to make the maximum claim for compensation for loss of earnings payable by the Court. The claim should be submitted to the Clerk of the Court. All compensation received should be passed to Payroll. Full salary will be paid during jury service. The same rules should apply where an employee is summonsed to appear as a witness in Court.

19.7 Other reasons – There are a variety of reasons why staff cannot get into work other than those listed above, for example, domestic emergencies, car trouble and childcare problems. These should be reported to Reception and the Line Manager in the same way that sickness absence is recorded. Paid leave (one day) is also given for house moving and graduation ceremonies. Where there is some distance to travel, this leave can be increased to two paid days.

This policy and procedure should be read in conjunction with the following:

- [Flexible Working Policy](#)
- [Maternity and Adoption Leave Policy](#)
- [Shared Parental Leave Policy](#)
- [Disciplinary Policy and Procedure for Staff](#)

- [Grievance Policy](#)
- [Capability Policy](#)

Author:	Jessica Norcliffe
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*“This policy has been impact assessed to ensure it complies with all aspects of Equality and Diversity. Members are reassured that this policy is compliant with current equality legislation”. [Absence - Impact assessment.docx](#)*