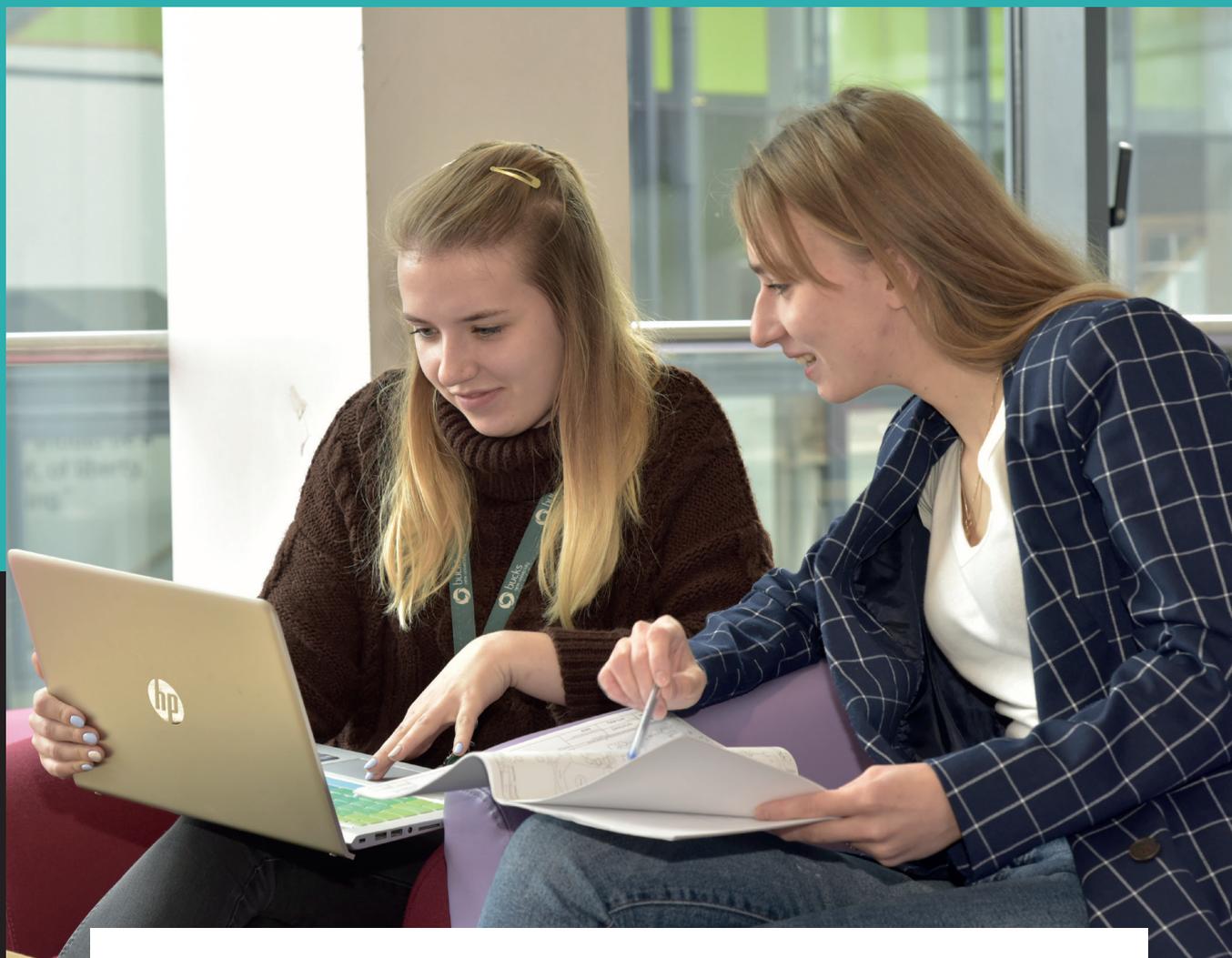




BUCKINGHAMSHIRE  
NEW UNIVERSITY

EST. 1891



# MANAGING SICKNESS ABSENCE POLICY AND PROCEDURE

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Note: Hyperlinks have been provided for ease of reference. For other documents (referred to in italics) please see the Policies page on the main University website (<http://bucks.ac.uk/about-us/governance-and-policies/policies>).

## Background

- 1 The University promotes health at work through supporting preventative health measures, prevention of risk to health caused by work, and by offering support to those who are absent from work for ill health reasons.
- 2 The University is committed to supporting employees who are sick and are unable to attend work. However, high levels of absence can have a detrimental effect on the level and quality of service to our students, colleagues and partners. The University considers the wellbeing of its employees to be of the highest importance and it is in the interests of both employees and the University to prevent sickness absence wherever possible.

## Purpose Statement

- 3 This policy is intended to support the health and wellbeing of our staff and to ensure a robust and consistent approach to managing sickness absence both short and long term.

## Applicability and Scope

- 4 This policy covers all absences related to sickness and applies to all employees of the University, irrespective of their job or level of seniority.
- 5 Where there are issues relating to lateness and/or unauthorised absence which may be interpreted as misconduct, these will be dealt with under the *Employee Disciplinary Procedure and Procedures*.
- 6 If there are issues relating to performance, these should be addressed under the *Employee Capability Policy*.

## Responsibilities

- 7 Employees are required to maintain an acceptable standard of attendance at work and bring any health issues to the attention of the University at the earliest opportunity. Employees should check the local arrangements with their Manager. Employees have a responsibility to be familiar with and follow the policy.
- 8 Managers have an important role in the effective management of sickness and how this impacts on work performance and delivery. Managers are responsible for sickness management in their Schools/Directorates; the welfare of staff; and for continually reviewing the sickness absence levels of their staff and taking appropriate action to avoid or reduce absences. Managers are responsible for logging and recording all absence and to do return to work discussions with their staff. These should be entered on the Business Connect system.

- 9 Where Schools/Directorates have absence administrators they will have the responsibility to log and record all absences on the Business Connect system when a member of staff calls in sick.
- 10 Trades Unions are available to provide advice and support to members of staff on the policy, and can support and accompany an employee through the formal sickness management process.
- 11 Occupational Health provides the University with advice about a member of staff's fitness to work and on health issues within the workplace and make recommendations for retirement due to ill-health where appropriate.
- 12 Human Resources has a responsibility to provide advice on the interpretation and implementation of the policy and good practice. They will monitor and identify trends in sickness absence and liaise with line managers when absence is triggering the policy and undertake management referrals to Occupational Health.

## Definitions

- 13 **Self-certification of sickness absence:** Employees can self-certify their absence for seven days or less.
- 14 **Reasons for Sickness** are recorded to enable accurate reporting and identification of sickness absence trends.
- 15 **Statement of fitness for work (Fit Note):** This is a written note issued by GPs/Consultants either stating that an employee is not fit or maybe fit for work or, advising an employer how they can support the employee in returning to work. A doctor may suggest ways to assist helping a worker back to work by recommending a phased return to work, flexible working, amended duties or workplace adaptations. A Fit Note must be provided for absences over 7 days.
- 16 **Return to work discussions:** These will be completed for each episode of sickness absence (regardless of duration) enabling managers to support an employee back into work.
- 17 **Reasonable adjustments:** These are considered to assist rehabilitation, return to work and in maintaining regular attendance of employees, particularly in cases of long term sickness, and for employees with an underlying health condition and/or disability (recognised under the Equality Act 2010). Please refer to the Reasonable Adjustments policy on Blackboard.
- 18 **Patterns of absence.** Where an employee may be late on a particular day of the week, off sick after a particular event or a pattern forms (for example; frequent absences on Fridays or Mondays, or immediately before or after bank or public holidays, regular or repeated).
- 19 **Self-Limiting.** This applies to reasons for short-term sickness absence from work which, in the majority of cases will resolve after a short period of absence. This list is not exhaustive but would normally include colds, flu, diarrhoea, vomiting, headache and migraine.

- 20 **Existing underlying condition** applies to a current acute, chronic or serious underlying condition which may require further treatment, intervention (medically or surgically) and may affect an employee's ability to continue to attend work on a regular basis.
- 21 **New Underlying Condition** – where a recent diagnosis has been made of an acute, chronic or serious underlying condition during employment within the University which will require ongoing treatment, intervention (medically or surgically) and may affect an employee's ability to continue to attend work on a regular basis.
- 22 **Short-term sickness absence.** This is absence which is normally defined as short term and lasting up to four weeks (e.g. from one day up to 19 calendar days). The causes for short-term sickness are normally self-limiting conditions (e.g. cold, cough, flu, diarrhoea, vomiting) or due to an existing or newly diagnosed underlying health condition.
- 23 **Recurring short term sickness absence:** This is defined as a number of episodes of absence from work, each lasting less than four weeks.
- 24 **Long-term sickness absence:** This applies to episodes of sickness absence lasting more than 20 calendar days or longer. The causes for long term sickness normally result from an accident, existing or newly diagnosed acute/chronic underlying health condition requiring further treatment, medical or surgical intervention and a period of recovery and rehabilitation. This is absence which is normally defined as longer term of more than 20 calendar days (lasting four or more weeks).
- 25 **Trigger points for absence management:** This is when an employee has met or exceeded the trigger points and where the absence management procedure should be actioned.
- 26 **Sickness Absence meetings:** These meetings will take place at either the informal or formal stages of the policy when an employee absence triggers the policy.
- 27 **Formal review period** means a defined period during which an employee is required to show an improvement in their sickness absence level under the Managing Sickness Absence Policy and procedure.
- 28 **Ill Health Capability Hearing/Meeting:** This is where a dismissal on the grounds of long term ill health this is being considered and will be managed using the formal sickness management process. During the Ill Health Capability hearing/meeting a review of all options including rehabilitation, phased return, and redeployment/return to work should be fully considered, discussed and formally recorded with the employee.
- 29 **Statutory Sick Pay** is paid where an employee is absent for four or more consecutive days in a row.
- 30 **Contractual Sick Pay** refers to the payment made by the University to the employee while off sick, in accordance with the employee's relevant Terms and Conditions of employment.
- 31 **Pregnancy related absences:** Where an employee is not well during their pregnancy, normal sickness reporting procedures will apply. Any pregnancy-related sickness must be recorded separately from other sick leave. This should not be included in the informal or formal management of sickness absence.

- 32 **Disability** is defined under the Equality Act 2010, if an employee has a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.
- 33 **Ill Health Retirement** applies when an employee is, on the grounds of ill-health, permanently prevented from carrying out the duties of their employment with the University.
- 34 **Day** means "working days", which for the purposes of these procedures are Monday to Friday other than bank holidays or days when the University is closed to all employees and students. However, when sickness absence is being notified, 'day' also means Saturday and Sunday.
- 35 **Right to be accompanied** means an employee can be accompanied to any formal meeting by a fellow worker or trades union official.

## Principles

- 36 Cases of sickness will be treated with empathy.
- 37 Every effort will be made to ensure that an absent employee's workload is covered during their period of absence and that they are eased back into work following their return to work.
- 38 All cases of short term and long term sickness absence will be dealt with in accordance with this policy and procedure.
- 39 The employee has the right to be accompanied at any meetings under the formal procedure by either their trade union representative or a work colleague.
- 40 At all stages of the procedure, an employee may also be accompanied by an appropriate person to provide support in the case of disability or language issues.
- 41 An employee has the right of appeal against any formal warnings given under these procedures.
- 42 If an employee fails to attend a formal meeting under these procedures without good reason, a decision may be taken in their absence.
- 43 The procedure will operate within the context of the University's Equality, Diversity and Inclusion policies and schemes.
- 44 Information and records relating to sickness absence are sensitive personal data and, under the Data Protection Act 1988 and the General Data Protection Regulations (GDPR), special conditions apply to their processing. All information, records, discussions and correspondence relating to sickness absence must be treated in the strictest confidence and must not be disclosed to unauthorised third parties.

## Notification of absence

- 45 On the first day of absence, employees must report by telephone to their line manager before they are due to start work and, in any event, no later than one hour after they are due to begin their work. They should provide a clear reason (i.e. the nature of the

illness or injury) why they cannot attend work, and estimate how long they think the absence will last. The employee should also be prepared to discuss briefly any consequences of their absence, for example if appointments need to be cancelled or any essential work needs to be covered.

- 46 This notification must be done in the most efficient way by telephone, rather than text message and email. In exceptional circumstances where the employee is unable to telephone (for example, because of hospitalisation), another person such as a friend or relative can contact the University on their behalf. Upon their return to work, an employee will complete a self-certification form on Business Connect.

## **Providing a fit note when absent**

- 47 If an employee is absent due to sickness for seven days or less, on the first day of the employee's return to work, a self-certification form must be completed on the Business Connect system.
- 48 If the period of absence due to sickness lasts longer than seven calendar days (regardless of how many days they work each week) then the employee must provide the University with a fit note. This fit note must be obtained from their GP and a copy sent to the line manager and copied to the HR Advisor. Failure to do so may result in the removal of contractual sickness allowance (See points 59 and 60). Original fit notes should be retained by the employee. In the case, where the employee does not have a scanner and needs to post the original fit note, the HR Advisor will scan the hard copy and return the original fit note to the employee.
- 49 If, on the fit note, the employee's doctor recommends any adjustments to the employee's duties, hours or working conditions to facilitate the employee's return to work/phased return to work, the employee is required to cooperate with the University with regard to the possible implementation of such changes.
- 50 If after the expiry of the fit note the employee is not well enough to return to work they must telephone their line manager on the day they were due to return (or earlier if able). They should inform their line manager that they will be not be returning to the workplace and update them on their ongoing absence, including an expected date of return. Any subsequent fit notes should be sent in as per the process outlined above.
- 51 The line manager or absence administrator (where Schools or Directorates have the latter role) will record all sickness absence on the Business Connect system.

## **Contact during sick leave**

- 52 Managers should remain in regular agreed contact with employees when they are off sick (either short or long term sickness). The purpose of this would be to check on their wellbeing, provide any information relating to pay and to consider any further support that may be needed. The line manager should provide updates on any changes that are taking place and encourage a return to work as early as possible. Line managers should, as far as possible, ensure that absent employees' workloads are covered. Further advice can be sought from the appropriate HR Business Partner.

## Return to work discussions

- 53 After every instance of sickness absence, the line manager should review the employee's absence record and undertake a return to work discussion with their employee. This is generally intended to:
- welcome the employee back to work,
  - check that they are well enough to be at work,
  - discuss the reasons for the absence and see if there are any underlying problems,
  - explore patterns of frequent, regular or repeated absences that may require further intervention and/or support. Update them on anything that has happened at work while they have been absent.
- 54 All return to work discussions should be recorded using the Business Connect system.

## Sickness during the working day

- 55 If an employee comes to work but then leaves during the day because of ill health, they should inform their manager before leaving work. If the manager is unavailable, the employee should inform the next most appropriate person / manager within the School / Directorate.
- 56 Where the sickness absence begins part way through the day, it will count as one full day's sickness absence if the employee leaves before completing 50% of their working day. Where sickness absence begins after the employee has completed 50% of their working day, this should be recorded as half a day's absence.
- 57 For each subsequent sick day after the first day of absence, the employee should telephone their manager as soon as reasonably practicable in the morning. However, managers should use their discretion and can agree different arrangements with the employee, for example if the employee is hospitalised.

## Unauthorised absence

- 58 Where it appears that there is no acceptable reason for an absence, or the employee has not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the University's Employee Disciplinary procedure.

## Sickness Allowance

- 59 The University operates a sick pay provision for when an employee is absent from work owing to illness (including injury or disability). Sick pay is calculated in accordance with the scale outlined in the relevant terms and conditions for Academic and Professional service employees.
- 60 Failure to follow the correct sickness notification procedures as detailed above may result in disciplinary action and / or the removal of contractual sickness allowance.

## Time off for medical appointments

- 61 The University allows reasonable time off to attend doctor, dentist and hospital appointments or for emergency medical or dental treatment and such appointments will not be counted as sickness absence.
- 62 Staff should make every effort to ensure that routine appointments are made either outside working hours or at the beginning or end of the working day unless under exceptional circumstances. The University reserves the right to request to see appointment cards and/or letters prior to agreeing to an employee taking time off for such appointments. Failure to comply with this request may result in disciplinary action or the removal of contractual sickness allowance.
- 63 A pregnant employee has the right to reasonable paid time off work to attend antenatal appointments, while a prospective father, the partner of a pregnant woman, or surrogacy parents can take unpaid time off to attend up to two antenatal appointments. Also refer to our other University policies and procedures relating to maternity, adoption, and paternity, parental and shared parental leave.

## Holiday and sick leave

- 64 Where an employee falls sick or is injured while on holiday then this will be regarded as sick leave and the annual leave credited back, provided employees follow the correct notification procedures. They should inform their line manager or nominee on the first day of illness and it should be fully certificated by a qualified medical practitioner.
- 65 If an employee is ill or is injured before the start of a period of planned holiday, and is consequently unable to take the holiday, the University may agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the University's normal policy on sickness absence. The employee must submit a written request to postpone the planned holiday and this must be accompanied by medical evidence confirming that they are unfit, or likely to be unfit, to take the holiday.
- 66 If an individual asks for annual leave to be credited back on 2 occasions in a 12 month period, the University reserves the right to request a fit note for any further requests. In these cases the fit note would be required for any periods of sickness (even those for less than 7 days).

## Sources of health and wellbeing support

- 67 The University provides health and wellbeing support for its staff including:
- An internal free Counselling Service which is available for all employees. For further information or to book an appointment please contact the Counselling Service on extension 5018.
  - A confidential Employee Assistance Helpline which is available 24/7 can be accessed [here](#). The Helpline is available to both employees and their families.

- Access to Occupational Health through a management referral. For further details contact the HR Directorate.
- Access to the 'Big White Wall' which is a digital mental health online support service offering 24/7 safe support and is completely anonymous <https://www.bigwhitewall.co.uk/>
- Information on workplace risk assessments, eye tests for VDU users, and training to prevent back problems for those who carry out manual handling tasks are available from the Health and Safety Manager on extension 3047.

## Short Term Informal Sickness management procedure

68 If the employee's absence record gives cause for concern or where the level of absence triggers:

- a three episodes of sickness in the last six months or
- b accumulation of sickness not exceeding 19 calendar days

The line manager should discuss this with the member of staff on an informal, one-to-one basis and explore any patterns of absence, for example frequent absences on Fridays or Mondays, or immediately before or after bank and public holidays. The University will take into consideration any declared disability by the individual and deal with the case sensitively and appropriately.

69 There is no right at this stage for the member of staff to be accompanied by a trade union representative or work colleague, and Human Resources will not be present.

70 The member of staff should be made aware that if sufficient improvement is not demonstrated, the matter may be referred for review under the formal process.

71 Any referrals to Occupational Health will be undertaken by the appropriate HR Business Partner.

72 The line manager should consider if the member of staff should be referred to Occupational Health to understand if there is an underlying problem resulting in the sickness absence(s) and consideration should be given to:

- The reasons for the absence: the member of staff should be given an opportunity to explain any circumstances which might be contributing to their level of absence, or any other matter which they feel ought to be taken into account.
- Identifying any appropriate support, including referral to Occupational Health and the University Employee Assistance Helpline, access available [here](#).

## Formal Sickness Management Procedure

### Stage 1 – First Formal meeting

73 A formal sickness absence meeting will be arranged when either a self-limiting and/or underlying condition of sickness absence is having an impact on an employee's ability to fully perform the functions of the post. An HR Business Partner will be present to provide advice and the employee will have a right to representation either with a Trades Union representative or a work colleague.

- 74 At least ten working days' notice of the meeting will be given this will advise that the purpose of the meeting is to review the employee's attendance levels. The letter should warn the employee that a possible outcome of the meeting is that they may be given a formal warning.
- 75 At the meeting the line manager will:
- Explain to the employee that the purpose of the meeting is to discuss the employee's attendance levels.
  - make clear to the employee that the aim of the meeting is to find ways to improve their attendance.
  - allow the employee to share their views.
  - try to establish any underlying reasons for the employee's poor attendance level, for example a health issue or personal problems.
  - gather as much information as possible on any underlying reasons identified, without putting undue pressure on the employee to reveal more information than they want.
  - discuss and agree any steps that can be put in place to help the employee to improve their attendance.
  - remind the employee of the support that is available to the employee, including the occupational health/employee assistance programme.
- 76 After the meeting, the employee will be informed of the outcome in writing within ten working days. An outcome will either decide to take no action or decide that it is appropriate to do so, in which case the line manager will issue the employee with a formal improvement notice.
- 77 The written warning will advise the member of staff about the expected level of attendance, that failure to reach the level expected may result in their dismissal, and about their right of appeal.
- 78 The length of the warning will be for twelve months and they will be advised that there will be a formal review period.
- 79 If there is no significant improvement in attendance then the manager will have the opportunity to escalate to the next stage.

## **Stage 2 – Second Formal meeting**

- 80 If the level of sickness absence continues, the line manager will convene a second formal sickness meeting with the member of staff in order to review the sickness absence. An HR Business Partner will be present to provide advice and the employee will have a right to representation either with a Trades Union representative or a work colleague.
- 81 At the meeting the line manager will:
- Explain to the employee that the purpose of the meeting is to discuss the employee's attendance levels;
  - make clear to the employee that the aim of the meeting is to find ways to improve their attendance;
  - allow the employee to share their views;

- try to establish any underlying reasons for the employee's poor attendance level, for example a health issue or personal problems;
  - gather as much information as possible on any underlying reasons identified, without putting undue pressure on the employee to reveal more information than they want;
  - discuss and agree any steps that can be put in place to help the employee to improve their attendance; and
  - remind the employee of the support that is available to the employee, including the occupational health/employee assistance programme.
- 82 After the meeting, the employee will be informed of the outcome in writing within ten working days. An outcome will either decide to take no action or decide that it is appropriate to do so. The manager will issue the employee with a formal improvement notice.
- 83 The written warning will advise the member of staff about the expected level of attendance; advise that failure to reach level expected may result in their dismissal; and about their right of appeal.
- 84 The length of the warning will be for twelve months and there will be a formal review period.
- 85 If there is no significant improvement in attendance then the manager will have the opportunity to escalate to the next stage.

### **Formal Review meetings**

- 86 The formal review meetings are an opportunity for the stages to be reviewed to ensure satisfactory progress has been made. If the manager feels that progress has been insufficient, they may decide to extend and/or amend the review period to the extent as they consider appropriate. Alternatively, the manager may decide to refer the matter to an ill health capability hearing/meeting under stage 3 of this procedure.

### **Stage 3 – Third Formal Ill Health Capability Meeting**

- 87 If the level of sickness absence continues and there is no significant improvement, the line manager will convene a final ill health capability hearing/meeting with the member of staff in order to review the sickness absence. An HR Business Partner will be present to provide advice and the employee will have a right to representation either with a Trades Union representative or a work colleague.
- 88 During the meeting, the line manager will set out the level of attendance and explain the measures that have been taken to improve the employee's attendance at work. The employee will be given an opportunity to provide any further explanation with the support of their representative.
- 89 After hearing and considering all the evidence presented, the options available to the manager hearing the case are that there is no further action or whether to dismiss the member of staff, with appropriate notice, on the grounds of ill health capability.
- 90 The meeting may be adjourned or after the meeting, the employee will be informed of the outcome in writing within ten working days. The employee will have a right of appeal.

## Appeal procedure

### Appeal against action short of dismissal

- 91 The employee has the right to appeal if they are given a warning in the Short Term Sickness management process, which is short of dismissal. An appeal against action short of dismissal should be made in writing to the HR Director within 10 working days of receipt of the letter conveying the outcome of the meeting and stating clearly the grounds for appeal. The employee must submit appropriate evidence and the names of any witnesses in support of their appeal.
- 92 A panel comprising the Vice-Chancellor or nominee and another member of the University Executive team who has not had any prior involvement in the case will be convened by the HR Director or nominee within 10 working days of receiving the appeal. A note taker will be appointed to support the panel. The employee has the right to appear before the panel in person, accompanied by their representative, to state their case. The decision reached will be final and shall be conveyed in writing to the parties concerned within 10 working days. This must be kept confidential and securely retained in compliance with the General Data Protection Act 1998.

### Appeals against a dismissal

- 93 An employee has the right to appeal against dismissal in the formal procedures - Short term and Long Term sickness management processes to an Employee Appeals Panel which includes members of the University Council. This appeal should be made in writing to the Secretary and Registrar to the Council and should be completed within 10 working days of receipt of the letter conveying the outcome of the hearing/meeting and stating clearly the reasons for the appeal. The process is outlined in Appendix 1 of the policy.

## Long Term Sickness Management Procedure

- 94 A case management approach will be adopted towards an employee on long term sickness absence. This will assist in increasing the chances of people returning to work and remaining in employment.
- 95 Long term sickness absence can be defined either as sickness absence of more than 20 calendar days duration which is usually due to a single health issue or as a combination or series of health issues. The case should be referred to the Human Resources Directorate and an HR Business Partner will be assigned to the case. If further action is thought necessary, the employee will be referred by the HR Business Partner to the University's Occupational Health team, following the procedure outlined, although the timing of any referral will depend on the circumstances of the case.
- 96 An initial review meeting will take place between weeks 6-8 of the long term sickness absence with the line manager and the appropriate HR Business Partner. The purpose of the meeting is to discuss the employee's absence from work; the impact of any treatments/interventions on their condition; and a general update on their recovery and updates on sick pay arrangements. As detailed, the formal absence management

procedure will be followed whereby reoccurring periods of long term absence impact on the employee's ability to undertake their role.

- 97 Where the employee's sickness allowance is about to expire, the HR Director has discretion to extend it but this should be discussed with them.
- 98 A case conference with Occupational Health may be arranged providing an employee with the opportunity to discuss their case with support/advice from the line manager, the occupational health team and Human Resources and agree an action plan.
- 99 Following the referral to Occupational Health, the line manager will arrange a further meeting with the employee as soon as possible to discuss the report and proposed action to be taken as a result. In the case of a possible dismissal, this meeting may be chaired by the line manager and will follow the process outlined in points 87 to 90. The employee will be given at least 10 working days' notice of the meeting and the right to representation. They will have the right of appeal.

## **Returning to work after long term sickness absence**

100 Before returning to work after an episode of long term sickness the following steps should be actioned/considered:

- Occupational health appointment to assess fitness to return to work;
- Any reasonable adjustments if a phased return is considered are time limited interventions. (This may include reallocating certain duties, retraining, redeployment, extra supervision, or provision of special equipment). The University will seek specialist advice as appropriate. Factors such as financial implications, how easy it is to make the change, and available resources will be considered);
- The possibility of reduced working hours/days/start and finish times;
- Modifications to work environment;
- Accrued annual leave.

## **Referral to Occupational Health**

- 101 The University reserves the right to refer employees with a health problem to its Occupational Health Advisor or the employee's GP for further advice and support. This will take into account the requirements of the Access to Medical Reports Act 1988 and the General Data Protection Regulations (GDPR).
- 102 Where there is sickness absence, the HR Business Partner will make a referral for the employee to be assessed by the University's Occupational Health department. In some instances this might involve a report being requested from the employee's GP.
- 103 Following a referral to Occupational Health, an assessment will take place and a confidential report will be sent to the individual and copied to the HR Business Partner. A referral to Occupational Health can be instituted at any time. It is not necessary for the University to wait until the sickness allowance has expired before taking any formal action. Each case will be assessed on its own circumstances in terms of the nature of

the illness, the likelihood of returning to work and the disruption caused to the University's service by the absence.

- 104 On receipt of the Occupational Health report, the line manager and HR will meet with the employee to discuss the report. This meeting would usually take place in the office but could take place in a neutral location to support the employee. The advice received from Occupational Health after the employee has attended will, in most cases, result in one of the following outcomes:
- a **Return to work**
  - b **Phased return / adjustments to duties and / or hours to work**
  - c **Redeployment**
  - d **Retirement on medical grounds** - Where an employee is unfit to return to work for the foreseeable future, further discussion and advice is sought from Occupational Health together with further liaison, discussion and advice with the line manager and the HR Business Partner. Employees should seek advice from their pension provider. (Further details are outlined below).
  - e **Termination of contract**
  - f **Re-referral to Occupational Health** - A re-referral to Occupational Health is advised where the employee is not fit to return to their job, but it is unclear about when or how long a full recovery will take.

### III Health Retirement

- 105 Where, in consultation with the employee, Occupational Health recommends retirement on medical grounds, then different procedures apply for academic and professional service employees according to the regulations of the relevant pension body in force at the time:
- a **Academic Employees** should apply to Teachers Pensions for the award of ill health retirement benefits using the relevant application form which can be downloaded from the website – [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) All appropriate alternatives to assist the member of staff in returning to work should be explored prior to the submission of the application and the member of staff will work with Occupational Health to complete the application. The final decision on ill health retirement rests with Teachers' Pensions.
  - b For **Professional Service Employees**, ill health benefits from the Local Government Pension Scheme require Occupational Health to make an assessment of the employee and complete the relevant form. The Human Resources Directorate will submit the form to the Pensions' Section at Bucks County Council (BCC). Further details are available from the Pensions' Section, BCC or the Human Resources Directorate.
- 106 For **all employees**, once retirement on the grounds of ill health has been approved by the relevant pension body, a final date of employment will be agreed with both the employee and the Human Resources Directorate. The employee will be put under notice as provided by their contract of employment and returned to full pay for the period of notice which can be worked, if deemed appropriate, medically certified or

paid as a lump sum in lieu of notice. If the employee is not fit to work, then sick pay will continue during the notice period.

## **Monitoring**

- 107 The application of the procedures will be monitored regularly by the Human Resources Directorate to ensure consistency of approach and compliance with relevant legislation. All dismissals will be reported to the University Council through its Resources Committee as a reserved item.
- 108 The HR Directorate will provide training to managers and supervisors on managing issues fall within this policy.

## Appendices

### Appendix 1: Employee Based Appeals

#### Constitution of the Employee Appeals Panel

1. An Employee Appeals Panel is made up of two independent or Co-opted Council members, both of whom will have senior management experience and a member of the Senior Management Team of the University who has had no previous involvement in the case.
2. The employee and student Council members may not be members of the panel. The Chair of the Panel is appointed by the Chair of Council or the Deputy Chair. The Secretary to the panel is the University Clerk to the Council. A note taker is appointed by the Clerk to the Council or the HR Directorate.
3. Please refer to the *Council Committees: Constitution & Terms of Reference* regarding the constitution of the Senior Employee Special Committee for the constitution of the panel where the employee at the dismissal is a member of the University Executive Team.

#### Calling a meeting of an Employee Appeals Panel

4. The University Clerk to the Council arranges for the panel to meet as soon as possible, normally within 20 days of receiving the statement of appeal.
5. The University Clerk to the Council invites the Vice-Chancellor to nominate a management representative to represent the University's case for dismissing the employee, who would normally be the Chair of the panel making the decision. The employee's statement of appeal is sent to the management representative.
6. The employee has the right to be accompanied at the meeting by their trade union representative or a work colleague. This cannot be either a member of the legal profession or a family member.
7. At least 10 days before the panel is due to meet, the University Clerk to the Council notifies all parties of the time, date and venue of the appeal hearing. If the employee or their representative cannot attend on that occasion then a further opportunity is provided for the panel meeting. If, without good reason, the employee is unable to attend a second time, the appeal may take place in the absence of the employee.
8. The University Clerk to the Council invites the University management representative to respond in writing to the employee's initial statement of appeal, to collate written evidence and call witnesses to support the case for dismissing the employee.
9. The University Clerk to the Council invites the employee to add to their statement of appeal, to collate written evidence and to call witnesses to support their appeal against dismissal.
10. The University Clerk to the Council sends the statement of appeal and all the information above to the members of the Panel, the employee and the University's representative at least 10 working days before the meeting of the Panel.

### **Proceedings of the Employee Appeals Panel**

11. The proceedings of the panel are not invalidated by the absence of the employee, their representative, the University management representative or any witnesses if they have been given a reasonable opportunity to be present.
12. No other person attends the meeting of the panel than those mentioned above.
13. The Chair of the Panel conducts the proceedings in an efficient way, while safeguarding the fairness of proceedings. Subject to allowing a full airing of views, he or she may guide the participants in minimising repetitious, irrelevant or frivolous evidence.
14. The Chair determines the order of proceedings which will normally be as follows:
  - a) The employee states their case;
  - b) The employee calls witnesses in turn whom any panel member or the University management representative may question;
  - c) The University management representative states the University's case;
  - d) The University management representative calls witnesses in turn whom any panel member or the employee may question;
  - e) The employee, their representative and University management representative ask questions of each other and make responses;
  - f) The University Clerk to the Council asks questions where further clarification is needed;
  - g) The Chair sums up the evidence and asks the parties to make a final statement;
  - h) The University management representative sums up and makes a final statement.