

# **Absence Policy**

**Sickness Absence**

**Sickness Absence Pay**

**Medical / Dental Appointments**

**Infertility Treatment**

**Gender Affirming Treatment**

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## **Introduction**

UECS is committed to the wellbeing of all members of staff. It is recognised that staff absences can occur as a result of ill health, injury, disability, injury or ongoing treatments.

As well as the impact on the absent staff member, absence can have a detrimental impact on the provision of UECS services and place additional burdens on team members.

The aim of this policy is to ensure that absence is managed consistently and fairly, enabling staff to be supported back into work at the earliest opportunity.

The causes of absence are many and varied. Therefore, any support offered or action taken to improve attendance will be through a case management approach based on the staff member's specific circumstances.

Absences during the probationary period will be managed as part of the probationary review process.

All information relating to the reason for a member of staff's absence is sensitive personal information and will not be shared with others beyond those who need to have access to it. This can include the manager, Head of Service, People and Culture, Payroll, and Occupational Health as appropriate.

## Section 1: Sickness Absence

### 1.1 Notification

You are required to telephone your manager if you are unable to attend work due to illness or injury. Notification by text message or e-mail is not usually acceptable.

You should not ask a friend or relative to telephone on your behalf unless you are unable to phone personally. This may be due to reasons of disability, or the type of illness being experienced.

On the first day of absence, you should contact your manager within one hour of the usual start time to advise that you will not be attending work and the reason. You should also let your manager know when you are likely to be able to return to work.

Your manager will record the sickness absence on People Manager. On the day that you return to work, you must record your return date and provide details relating to the period of sickness absence on HR Organiser.

### 1.2 Certification of Sickness Absence

#### **Absences of seven calendar days or less**

If you return to work within seven calendar days, you do not need to provide medical evidence for your illness. You will be able to self-certify your absence using [HR Organiser](#).

#### **Absences of more than seven calendar days**

If you are absent from the workplace through sickness for more than seven calendar days, you will need to get a Statement of Fitness to Work (fit note) from a registered healthcare professional. This can be:

- Your GP or hospital doctor
- A registered nurse
- An occupational therapist
- A pharmacist
- A physiotherapist

You will need a fit note even if you were not supposed to be at work for some of the seven calendar days, for example if you work part time or you were unwell on a non-working day such as a weekend or bank holiday.

You may be given a fit note electronically or a printed copy. You should give the fit note to your manager on the eighth day of your absence or as soon as possible after this (for example, if you post a printed fit note on the eighth day).

In exceptional circumstances, UECS reserves the right to request a fit note from the first day of absence.

If there is a delay in you getting a fit note, you should contact your manager to let them know the reason for the delay and when you will provide one. Your fit note will need to be dated from the eighth calendar day of your absence.

The fit note will confirm that you are either “unfit for work” or “may be fit for work.”

**If your fit note confirms you are unfit for work**

If your fit note confirms you are unfit for work, you should contact your manager prior to the expiry of the fit note to confirm whether you are able to return to work or if you are likely to be signed off for a further period.

For extended periods of absence, fit notes should run concurrently without gaps.

If you want to return to work before your fit note has run out, you should speak to a health care professional to make sure you are well enough and then discuss your return to work with your manager.

Your manager may ask [Occupational Health](#) to contact you before any early return to work can be agreed.

**If your fit note confirms you might be fit for work**

If your fit note confirms you might be fit for work, the healthcare professional will include information about what work they think you are able to do, or if adjustments may need to be made.

Your manager will arrange to meet with you to discuss these recommendations before you return or on your first day back to work. Your manager may discuss any recommended adjustments with [Occupational Health](#) before contacting you.

It may not always be possible to provide the recommended adaptations to your work, due to practical or operational reasons.

### **Absences of more than 4 weeks**

Your manager will refer you to [Occupational Health](#) if you have been away from the workplace for more than four weeks.

If your absence is due to your mental health, a referral may be made after two weeks away from the workplace.

### **1.3 Keeping in touch**

You and your manager should discuss and agree how to stay in touch during your absence, and how often you will contact each other. This is so that your manager can see if you will need any support to return to the workplace and so you can keep your manager informed of your recovery and likely return date.

During your absence, you will also be informed about:

- reorganisations that could affect your job
- redundancies
- new job opportunities (advertised on the University website)

### **1.4 Failure to notify absence and / or keep in touch**

If you do not contact your manager to report your absence on the first day, or do not contact your manager as agreed during your absence from the workplace, your manager will attempt to contact you.

If your manager cannot get hold of you, and/or they have concerns for your wellbeing, they will notify their Head of Service and People and Culture for further advice and support.

Lack of notification or communication could lead to your absence being recorded as unauthorised. Unauthorised absences are unpaid.

If you fail to follow the notification procedure or keep in touch without good reason, this will be considered a disciplinary matter and will be progressed in line with the [UECS Disciplinary Procedure](#).

## Section 2: Sickness Absence Pay

### 2.1 Statutory Sick Pay (SSP)

You will be eligible for SSP if you:

- have been off sick for at least four working days in a row
- meet the minimum earnings threshold, provided on the Direct.Gov website here: [Statutory Sick Pay \(SSP\) : Eligibility - GOV.UK \(www.gov.uk\)](https://www.gov.uk/statutory-sick-pay-eligibility)
- have told UECS that you are sick within the timeframe detailed at 1.1 above

If you are on a fixed term or on demand contract, you are entitled to SSP if you meet the above eligibility criteria.

SSP is payable for up to 28 weeks of sickness in a rolling twelve-month period. You can get SSP from the fourth continuous day you are absent from work through sickness.

You will be paid SSP for the first three working days of sickness if you received SSP within the last eight weeks and that included a three-day waiting period before you were paid SSP.

The current rate for SSP can be accessed on the Direct.Gov website here: [Statutory Sick Pay \(SSP\) : Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/statutory-sick-pay-overview)

If you have regular periods of sickness, they may count as 'linked'. To be linked, the periods must:

- last 4 or more days each
- be 8 weeks or less apart

Where an illness (or a series of linked illnesses within a three-year period) lasts for more than 28 weeks, eligibility for SSP ceases. You may become eligible for benefits payable directly through the Benefits Agency.

#### **What if I do not qualify for SSP or my eligibility ends?**

If you are not eligible for SSP, or your SSP is ending, Payroll will issue you with a form (SSP1).

You may be able to apply for University Credit or Employment and Support Allowance (ESA). You can find out about these benefits on the Direct.Gov



website here:[benefits and financial support if you're temporarily unable to work - GOV.UK \(www.gov.uk\)](#). You can use the SSP1 form to support your application for these benefits.

## **2.2 Occupational Sick Pay (OSP)**

After satisfactory completion of the probationary period, employees on permanent or fixed term contracts who are unable to attend work due to sickness will be entitled to receive payment of OSP as follows:

- Bands A- B will be entitled to payment for up to 10 working days (2 weeks) in a rolling 12-month period
- Bands C-F will be entitled to payment for up to 20 working days (4 weeks) in a rolling 12-month period
- Bands G- K will be entitled to payment for up to 40 working days (8 weeks) in a rolling 12-month period

Employees in bands F-K who joined prior to 1<sup>st</sup> December 2017 have protected entitlements according to the scheme in place at the time.

These entitlements are based on a full time equivalent of 38 hours per week and there will be a pro-rata payment for those who work a differing number of hours per week.

Payment of OSP is dependent on receipt of appropriate certification.

### **How will SAP and OAP be paid to me?**

Your SAP/OAP will be paid into your bank account on the same date that your salary would have been paid, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

## Section 3: Medical / Dental Appointments

### 3.1 Medical / dental appointments

Time off to attend a GP appointment, hospital appointment or dental appointment are recorded separately to sickness absence.

GP, hospital or dental appointments should ideally be made outside of work hours. If this is not possible, they should be made close to the beginning or end of your shift or working day.

You must let your manager know about GP, hospital and dental appointments at the earliest opportunity. If you work shifts, it may be possible for your rota to be amended to enable cover. For hospital appointments, an appointment confirmation letter should be shown to your manager.

Reasonable time off for such appointments will be permitted and will normally be paid. If you have a high number of appointments, you may be asked to make up some of the time, take the time unpaid, pre-book annual leave or have the time classified as sick leave if appropriate.

If your appointments are disability-related, you and your manager should discuss and consider whether reasonable adjustments can be made to facilitate your ability to take time off for such appointments.

## Section 4: Infertility Treatment

### 4.1 Infertility appointments

It is recognised that infertility is a medical condition. If you are undergoing fertility tests, or any form of fertility treatment, it is likely that you will be attending several medical appointments. Although some hospitals/clinics try to arrange appointment times to suit their patients, many others cannot do this.

#### Time off for fertility treatment

The amount of time you are away from work will depend on the nature of the tests and treatments as well as the distance between your appointment and your place of work and the timing of your appointment.

Reasonable unpaid time off for such appointments will be permitted. You should try and arrange medical appointments outside your working hours, however it is recognised that this is not always possible with fertility treatment appointments, so you should give your manager as much notice as possible.

Your manager may ask to see confirmation of the appointment but will be flexible in accommodating the treatments.

If you have a high number of appointments, you may be asked to make up some of the time over an agreed period (usually 3 months), pre-book annual leave or have the time classified as sick leave if appropriate. You may wish to consider [flexible working](#).

If time off is required due to the side effects of treatment, this will be treated as sickness absence and provisions at Section 1 and 2 of this policy will apply.

If you have had fertilised eggs implanted in your womb as part of IVF treatment you will be regarded legally as being pregnant from the date of the implant and should refer to the [UECS Family Leave Policies](#).

A pregnancy test is usually taken 2 weeks after this period. If the pregnancy test is negative, then the protected period for pregnancy ends 2 weeks later.

#### Partners

Should you wish to take time off work to support your partner undergoing fertility treatment this will be accommodated wherever possible using unpaid leave,

annual leave or making up the time over an agreed period (usually 3 months). You may wish to consider [flexible working](#).

When you require a medical appointment as part of the treatment process, this will be treated in the same way as other medical appointments.

Following implantation of the fertilised egg your partner will be regarded as being pregnant, and so any appointments that fall after this time (if the IVF is successful) are covered by the provision of the [UECS Family Leave Policies](#).

### **Support during fertility treatment**

You may need additional support during the process, and reasonable adjustments to your duties and responsibilities. You may wish to contact the [Employee Assistance Programme \(EAP\)](#) for additional support (including counselling).

Your manager will try to accommodate your needs with guidance from [Occupational Health](#), including any requests for [flexible working](#), should you require this. This may include reduced hours or changing work patterns.

Should you require a clean and private place to administer your injections as part of your fertility treatment, you may use a room within [Occupational Health](#) at the Colchester campus. Please contact [Occupational Health](#) to arrange this.

If you require these facilities at the Loughton or Southend campuses you should contact the Student Services Hub in the first instance ([askthehub@essex.ac.uk](mailto:askthehub@essex.ac.uk)) and ask them to find a suitable room for you.

### **Confidentiality**

You have a right to keep your fertility treatment private. If you choose complete confidentiality your wishes will be respected. However, we would encourage you to inform your manager so that they can ensure support is provided.

Should you decide to disclose your situation, your manager will ask you what, if anything, you would like other people at work to know.

## Section 5: Gender Affirming Treatment

### 5.1 Gender affirming appointments

It is recognised that trans staff undergoing any form of treatment are likely to be attending several medical appointments as they progress through their transition. Although some hospitals/clinics try to arrange appointment times to suit their patients, many others cannot do this.

#### **Time off for gender affirming treatment**

The amount of time you are away from work will depend on the nature of the treatment as well as the distance between your appointment and your place of work and the timing of your appointment.

Reasonable unpaid time off for such appointments will be permitted. You should try and arrange medical appointments outside your working hours, however it is recognised that this is not always possible with gender affirming treatment, so you should give your manager as much notice as possible.

Your manager may ask to see confirmation of the appointment but will be flexible in accommodating them.

If you have a high number of appointments, you may be asked to make up some of the time over an agreed period (usually 3 months), pre-book annual leave or have the time classified as sick leave if appropriate. You may wish to consider [flexible working](#).

If you choose to have surgery the time you need to take off work for the surgery itself, and to recover, will be treated as sick leave and will be managed with support from colleagues in People and Culture.

It may also be possible to arrange a phased return to work (if you are deemed fit to do so) which involves working from home or changing duties for a specified period or to take a period of annual leave.

#### **Confidentiality**

You have a right to keep your gender affirming treatment private. If you choose complete confidentiality your wishes will be respected. However, we would encourage you to inform your manager so that they can ensure support is provided.

Should you decide to disclose your situation, your manager will ask you what, if anything, you would like other people at work to know.

## Section 6: Disability Related Absences

### 6.1 Disability related absences

If you have a disability, you might need related time off, for example if you are:

- too ill to work
- going to medical and hospital appointments
- having treatment or therapy
- recovering from treatment

If you have had a number of absences related to your disability, or are likely to, you might need reasonable adjustments.

You should talk to your manager who will consider your specific situation. Your manager may request a referral to [Occupational Health](#), to help decide what adjustments to make.

When making a decision on reasonable adjustments, your manager will take into account:

- the reasons why you need time off and how much time you might need
- the impact on you of not making an adjustment
- the impact on the organisation or team

It may not always be possible to provide reasonable adjustments or adaptations to your work, due to practical or operational reasons, but there may be other ways in which you can be supported.

Further information and guidance about reasonable adjustments can be found here: <https://www.essex.ac.uk/staff/health-and-wellbeing/reasonable-adjustments>

### 6.2 Disabilities that get worse over time

If you have a condition or impairment that get worse over time, or you become unwell and your ill health progresses into a disability, this might mean changes to:

- the support you need
- what you are able to do at work
- whether you want to continue working or change the work that you do

Depending on the disability and how it affects you, this might happen over a short period of time or over many years.

If your condition or impairment changes and it has an impact on your work, you should talk with your manager. Although you do not have to talk to your manager about your disability, it will help to ensure the right support is put into place.

Examples of when you should talk to your manager include:

- you are finding it more difficult to do some or all of your job
- you can no longer use a particular system or tool
- there's an issue with the workplace, for example it's harder for you to get around
- you feel there might be a health and safety risk if you continue doing something

Your manager will listen to what you are telling them and consider your specific situation and your work tasks. Your manager may request a referral to [Occupational Health](#), to help them decide what adjustments to make.

### **Reviewing and changing reasonable adjustments**

As your needs change, your reasonable adjustments may also need to change. Therefore, you and your manager should regularly review your reasonable adjustments and determine if they have helped and if they need to change.

Examples include:

- changing working hours
- changing ways of working, for example working from home
- extra time off for medical appointments or to recover from treatment
- making physical changes to the workplace
- changing software or technology
- distributing work differently within a team

Any changes must still be reasonable. Your manager does not have to make adjustments that are unreasonable, but there may be other ways in which you can be supported.

Further information and guidance about reasonable adjustments can be found here: <https://www.essex.ac.uk/staff/health-and-wellbeing/reasonable-adjustments>



## Section 7: Other Absences

### 7.1 Pregnancy related illness

A pregnancy related illness includes any condition that is related to your pregnancy, and it is recorded separately from other sickness absence.

### 7.2 Annual leave and sickness

If you become ill whilst on annual leave and wish for the period to be recorded as sickness you must notify your manager as soon as you become unwell and provide a fit note.

If both these conditions are met, annual leave will be credited back so that it may be taken at another time within the holiday year.

You will receive SSP or OSP during the period of sickness absence if you are eligible.

#### Taking annual leave whilst off sick

You can use your paid annual leave while off sick if, for example, you:

- are not physically able to work, but are physically able to take a holiday
- have a mental health condition that might be helped by a holiday
- are off sick long term and a holiday might help with your recovery

You must request any period of annual leave in advance. Your manager has discretion whether or not to approve the annual leave and may seek advice from [Occupational Health](#).

If your manager approves your holiday request:

- sick leave can be paused while you take your holiday
- you will be paid your normal salary for the period of your holiday

After you have taken your holiday, sick leave can continue if you are still not well enough to return to work.

#### Accrued annual leave

Annual leave accrues during long term sickness absence. If you have not been able to use your annual leave because you have been on long-term sick leave, you can either;

- take your annual leave if there is enough of the holiday year left to use it and your manager agrees, or
- substitute a period of unpaid sickness absence with a period of paid annual leave

In exceptional circumstances, you can carry over 4 weeks' unused annual leave entitlement with the agreement of the Head of Service and [People & Culture](#). This annual leave must be used within 18 months from the date it's carried over.

### **7.3 Unauthorised absences**

If you are absent from the workplace and have not contacted your manager about your absence, your manager will attempt to contact you.

If your manager cannot get hold of you, and/or they have concerns for your wellbeing, they will notify their Head of Service and People and Culture for further advice and support.

Lack of notification or communication could lead to your absence being recorded as unauthorised. Unauthorised absences are unpaid.

If you have frequent, unexplained or unauthorised absences, this will be considered a disciplinary matter and will be progressed in line with the [UECS Disciplinary Procedure](#).

## Section 8: Returning to Work

### 8.1 Return to work meeting

A return to work meeting will normally be carried out on your first day back to work or as soon as possible after your return, following any absence of one day or more.

The meeting will be private and confidential and could be in person or online.

At the meeting, your manager will confirm with you that you are well enough to return to work and establish the reason for the absence. You will be able to identify or address issues and concerns about your return to work.

If you have a disability, the return to work discussion could include:

- any reasonable adjustment that may need to be made to accommodate a return to work and agreed timelines and review periods if this has not been carried out prior to your return
- whether a risk assessment may be appropriate
- whether there is a need for a referral to [Occupational Health](#) for further advice or guidance to support a return to work

You do not have to talk to your manager about your disability, but it could help to ensure the right support is in place.

If you have been absent for an extended period of time or are absent on a regular basis, a more detailed conversation may be needed.

In these circumstances the discussion could include:

- any recommendations on your fit note from a healthcare professional
- any reasonable adjustments that may need to be made to accommodate a return to work and agreed timelines and review periods if this has not been carried out prior to your return
- whether a risk assessment may be appropriate
- the need to refer to [Occupational Health](#) for further advice or guidance to support a return to work
- the outcome of an [Occupational Health](#) referral where one has already been undertaken
- work-related issues that may have caused or exacerbated the ill health and action to be taken to address them

- a review of the previous 12 months attendance and sickness periods
- an update of any changes in the work area

Your manager should keep a note of any agreed actions and confirm these by e-mail or letter to you.

## Section 9: Managing Absences

### 9.1 Attendance targets

It is your manager's responsibility to review absences on a regular basis in order that problems are identified at an early stage. Excessive absences can have a detrimental impact on colleagues, service levels and continuity.

As a general guideline, if your absence record shows that over the previous 12 months there have been 10 working days or 4 occasions of absence or that there is a pattern of absence, an informal meeting will be arranged with you.

The aim of the informal meeting will be to:

- identify the frequency and reason for your absences and ensure that you are aware your absence record is giving cause for concern
- advise you to seek proper medical attention if you indicate that there is a known underlying medical problem
- discuss a possible referral to [Occupational Health](#) to establish if there is an underlying problem
- inform you that persistent short term absences cannot be sustained
- give consideration to any mitigating reasons that you may have and discuss possible ways to help you resolve them
- agree a reasonable time over which your attendance can be reviewed and set an attendance target if necessary

If some, or all, of your absences are disability related, your manager will consider reasonable adjustments, which could include:

- not counting some or all sickness absence related to your disability towards any trigger points
- increasing the number of absences that will trigger a review

Your manager should keep a note of any agreed actions and confirm these by e-mail or letter to you.

Should there be no demonstrable improvement in your attendance during the review period or if this is not sustained following the review period, your absence will be managed in line with the [UECS Capability Procedure](#).

All sickness absences will be assumed to be genuine unless there is evidence to the contrary. If this is the case, this will be considered a disciplinary matter

and will be progressed in line with the [UECS Disciplinary Procedure](#).

## **9.2 Long term absences**

An absence will be considered long-term if you have been or are likely to be absent from work due to ill-health for a period in excess of four weeks. Long term sickness will be managed through a case management approach depending on the individual circumstances.

Your manager will make a referral to [Occupational Health](#) as soon as it is known that there is a prospect of long-term sickness, to determine whether any additional support can be provided to you and to seek guidance.

If adjustments are recommended, your manager will consider whether the adjustments can be implemented for you in your current role. It may not always be possible to provide the recommended adaptations, due to practical or operational reasons.

After periods of long-term sickness, a rehabilitation programme or phased return to work may be considered to help ease you back to work. This could take the form of reduced hours or workload for an initial period.

Your manager will refer you to [Occupational Health](#) prior to your return to work so that advice and recommendations can be sought. If appropriate, the need for a risk assessment can also be discussed.

Where [Occupational Health](#) have recommended or approved a reduction in hours of work as part of a rehabilitation programme, this would normally be on full pay for a limited period of up to four weeks.

If you do not give permission for reports to be obtained or do not wish to attend an appointment with [Occupational Health](#), decisions will be based on any medical evidence or facts available at that time.

## **9.3 Review meetings**

Following an initial informal meeting, regular, formal meetings will be arranged throughout the period of absence by your manager or Head of Service in consultation with [People & Culture](#) and [Occupational Health](#). You will be entitled to bring a colleague or trade union representative to formal meetings.

The meetings are an opportunity to consider your specific needs and those of the service and will:

- discuss the reason for absence with you, considering any disability you may have, how it affects you, and your opinion on how long you might be unable to work
- review relevant evidence about your capability
- review any reasonable adjustments and if any adjustments already implemented have helped
- review the [occupational health](#) report

If the long term absence continues, a further referral will be made to [Occupational Health](#) to assess your capability and determine whether a return to work is possible. [Occupational Health](#) will request medical reports from your GP and/or consultant as appropriate, with your permission.

If you do not give permission for reports to be obtained or do not wish to attend an appointment with [Occupational Health](#), decisions will be based on any medical evidence or facts available at that time.

If medical advice concludes that it is not possible for you to return to your current role, redeployment can be considered where a suitable opportunity exists at that time or within a given period. Guidance will be sought from [Occupational Health](#) about whether you are fit to undertake an alternative role.

#### **9.4 Where a return to work is not possible**

If the medical advice (from a GP, consultant or [Occupational Health](#)) suggests there is no future prospect of you returning to work or that you will not be able to return to work within a reasonable timescale, then your continued employment may be at risk.

A written case will be submitted to the relevant UECS Director for consideration, with support from the Senior Employee Relations Adviser.

A stage 4 capability hearing will be arranged, as set out in the [UECS Capability Procedure](#). The hearing will consider the medical evidence and you will be invited to present any evidence.

In circumstances where you are too ill to attend a formal meeting, you, the UECS Director and the Senior Employee Relations Adviser will agree the

preferred approach to be taken before any decision is made. For example, a home visit, electronic meeting, telephone discussion or a written statement from you.

If there is a decision to dismiss, [People & Culture](#) will confirm the dismissal to you in writing and send it by recorded delivery. Notice will be given in accordance with the contract and may run concurrently with Occupational Sick Pay (OSP) entitlement; the dismissal notice is not dependent on the exhaustion of OSP.

The decision will be communicated in writing to you within 7 calendar days, giving reasons and the right to appeal. The appeal process will be as set out in section 3 of the [UECS Capability Procedure](#) 'appeals against dismissal'.

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