

University of London
Attendance Management Procedure
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1. Introduction and purpose

- 1.1. This procedure is designed to foster good levels of employee attendance by ensuring that issues to do with employee health and wellbeing are addressed in an appropriate and timely manner. It outlines the processes the University will follow in cases where an employee's attendance is a cause for concern.
- 1.2. The procedure forms part of the University's overarching commitment to employee wellbeing and is one of the mechanisms through which the University will seek to help employees maintain health and wellbeing in the workplace.
- 1.3. By implementing this procedure, the University aims to strike a reasonable balance between the pursuit of its operational needs and the genuine need of employees to take time off work because of ill health.
- 1.4. This procedure is not contractual and may be subject to change.

2. Scope

- 2.1 The procedure is underpinned by the following guiding principles:
 - Good attendance is valued and the University will put appropriate mechanisms in place to support employee attendance.
 - All sickness absence is presumed to be genuine and matters raised relating to an employee's attendance do not imply any distrust of staff or concerns regarding their conduct.
 - Employee absence will be dealt with in a way that is non-discriminatory and in accordance with the University's commitment to equality.
A degree of employee absence is inevitable but there may be occasions where an employee's overall attendance levels, patterns or frequency are a cause of concern.
- 2.2 This procedure applies to all employees of the University, including CoSector Limited, Senate House Worldwide Limited and University staff deployed to Health Education England only and does not apply to contractors, consultants, agency workers or any self-employed individuals.

3. Relevant policies and procedures

- 3.1 This procedure should be read in conjunction with:
 - Reporting Absence and Sick Pay Entitlements Guidelines
 - Return-to-Work Discussion Guidelines
 - Attendance Management Meetings Guidelines
- 3.2 The University has a suite of supportive policies in place to manage time off work for [Emergency or Urgent Domestic Leave](#) and [Compassionate Leave](#).

- 3.3 Please refer to the HR page on the intranet to see the full suite of policies in relation to time off work.

4. Responsibilities

Guidelines for line managers

4.1 Line managers should:

- take responsibility for managing and controlling their employee's attendance and absence;
- maintain a record of each employee's sickness absences by ensuring absence is accurately entered onto Business World by the employee and is verified;
- require the employee to complete a self-certification form for sickness of seven calendar days or less and to provide medical evidence for sickness of more than seven calendar days;
- use judgement to determine whether a return-to-work discussion is required following a period of sickness absence;
- be supportive towards the employee and, where appropriate, seek to identify ways in which to assist the employee to improve their attendance in the future;
- try to establish any underlying reasons for frequent absences and, where the underlying cause is identified, take steps to help the employee to manage the cause including any agreed reasonable adjustments of a permanent or temporary nature;
- encourage the seeking of medical advice, if appropriate, to determine whether or not there is any underlying medical cause for the employee's frequent absences;
- obtain the employee's express consent before seeking a medical report, for example from the employee's doctor or from Occupational Health through the HR department;
- maintain confidential records of all absences in accordance with data protection legislation, including discussions and medical certificates, and make sure that the records clearly identify the reasons for the employee's various absences and they are stored in the appropriate place either on HR systems or in the HR department;
- be aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to pregnancy or disability;
- keep in mind the University's duty to make reasonable adjustments in accordance with the Equality Act 2010; and
- consult with the HR department if unsure about anything or special circumstances arise, for example if it appears that the employee may have a disability or if they have declared work related stress.

Guidelines for employees

4.2 Employees should:

- if they are unable to attend work because of ill health, notify their manager if possible by telephone as soon as reasonably practicable, preferably before

they are due to start work and in any event no later than one hour after they are due to begin work;

- continue to notify and keep in touch with their manager while unable to attend work;
- confidentially disclose to their manager 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;
- complete a self-certification form on Business World for sickness of seven calendar days or less and provide medical evidence for sickness of more than seven calendar days;
- employees should note that when declaring work related stress, HR will receive notification and may arrange a meeting with you and/or your manager as appropriate to ensure the correct support is in place for you;
- attend a return-to-work discussion with their manager each time the employee returns from a period of sickness absence;
- discuss with their manager any extenuating circumstances;
- bear in mind that the University may ask for express consent to seek a medical report, for example from the employee's doctor or Occupational Health; and
- cooperate with the University with regard to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a medical professional.

5. Reporting absence and sick pay entitlements

- 5.1 The University's processes (as amended from time to time) for notifying, recording, monitoring and reporting on employee absence must be consistently followed. Please refer to the University's Reporting Absence and Sick Pay Entitlement Guidelines on the intranet.

6. Return-to-work discussion

- 6.1 This section should be read in conjunction with the Return-To-Work Discussion Guidelines on the intranet.
- 6.2 Where an employee returns to work following a period of absence their immediate manager will have an informal discussion with them where reasonably expected.
- 6.3 A return-to-work discussion will normally take place as soon as possible following an employee's return to work. Normally, there is no right to be accompanied by a trade union representative or a work colleague at this meeting. In certain circumstances the right to be accompanied may be appropriate, however anyone in attendance would be there in an informal capacity only at this stage and this should always be discussed with HR prior to the employee's return to work.

7. Phased return to work

- 7.1 Where an employee has been on long-term sickness absence, a phased return will often be the most successful way of returning to work. A phased return to work allows an employee to transition from ill-health absence back to full (or sometimes permanently amended) work duties. A phased return to work could involve a gradual increase in hours and/or an initial period during which the employee works from home on certain days.
- 7.2 The phased return to work will usually arise following medical advice, which could be:
- a doctor's letter or medical report recommending a phased return;
 - one of the options on a fit note; or
 - a recommendation in a return-to-work plan provided by Occupational Health or the Fit for Work service.
- 7.3 When considering whether or not a phased return to work is appropriate, line managers should bear in mind that a phased return to work may be required as a reasonable adjustment if the employee has a disability. A phased return to work will not be suitable where the employee remains unfit for any work.
- 7.4 Once the possibility of a phased return to work has been raised, the employee's line manager should invite the employee to a meeting to discuss the medical advice and the possibility of a phased return to work. A member of the HR department may also be present. The line manager's invitation, which should be in writing, should inform the employee in advance of the arrangements for the meeting, including who is to attend on behalf of the University.
- 7.5 While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable with coming to work. The line manager and HR representative should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

The meeting should cover whether or not a phased return to work is possible, and, if it is:

- when it could start, and with what work and hours;
- whether or not there will need to be any changes to the employee's work environment or workplace during the phased return to work and/or once the phased return to work is completed;
- when and how the employee's work and hours will develop during any phased return to work;
- what arrangements will be put in place to monitor the employee's progress during any phased return to work;
- the employee's pay during any phased return to work; and
- to whom the employee should report if there are any difficulties with their return to work.

- how long the phased return period should last; this will vary depending on individual circumstances, but would normally last between 6 – 12 weeks.
- notes should be taken as to what has been discussed and agreed at the meeting and what follow-up has been agreed. The follow-up will often require a further meeting, and the date and arrangements for the next meeting should be agreed at the end of the first meeting.

8. Temporary reassignment

- 8.1 Where an employee has been on long-term sickness absence, but is unfit to return immediately to their substantive role, even on a phased basis, their line manager should consider temporarily reassigning the employee to another role.
- 8.2 The possibility of a temporary role will depend on the availability of work elsewhere and the employee's agreement to undertake the role. The employee's line manager should initially consider whether or not a different role is available within their department and, if it is not, widen the search to include other departments. The line manager should discuss this with a HR Partner.
- 8.3 The employee's existing rate of pay will be protected during the temporary reassignment and their salary will be paid by the department in which the employee normally works. Temporary placements to help an employee on long-term sickness absence will normally last no longer than six months.

9. Permanent redeployment

- 9.1 The University will consider redeployment where it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to their existing role.
- 9.2 Any offer to redeploy the employee will be entirely at the University's discretion. Such an offer will be made only where the University is confident that the employee is no longer able to continue to work in their current role and will be able to perform well in the redeployed role. Redeployment may be subject to a review period to ensure suitability for the role.
- 9.3 While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal. If the University believes that there is no alternative role available and suitable for the employee, the University may be left with no option but to dismiss on the grounds of capability.
- 9.4 Should the employee choose to accept permanent redeployment, they will be asked to agree to a variation of contract.
- 9.5 Before an employee is dismissed because there is no suitable role available or because they unreasonably refuse an offer of redeployment, a "stage 3" Attendance Management Meeting should be held (see Attendance Management

Procedure). If the employee is dismissed following the stage 3 meeting, they should be given the opportunity to appeal against the dismissal.

9.6 Any dismissal will be with full notice or payment in lieu of notice.

10. Occupational Health

10.1 The University works with an independent occupational health (OH) provider to support employees. OH provide professional advice on health issues at work and provide health assessments to:

- advise on fitness for work with a view to supporting staff to continue at work;
- advise on reasonable adjustments;
- facilitate rehabilitation for staff returning to work following a period of ill health; and
- advise on capability issues.

10.2 The employee may be referred to an OH adviser for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible. Some example questions posed to the OH adviser may include: *What is the likely date of return to work? Is the ill health work related? Do any temporary/permanent restrictions apply?*

10.3 If an employee is asked to attend an appointment with an OH physician they will receive a copy of the medical report and their manager will arrange a follow up meeting to discuss the findings.

11. Trigger Points for action

11.1 The trigger points should be used as a guide to decide when action needs to be taken to review an employee's sickness absence record are set out below. When applying these trigger points, specific rules apply to part-time working, pregnancy (e.g. pregnancy related illness will not be considered when reviewing trigger points) and disability (managers should refer to HR should they need clarification on a disability related condition) and must always be considered.

- ten working days' sickness absence in the previous 12 months (pro-rata for part-time employees);
- six instances of sickness absence in the previous 12 months; or
- for long term sickness absence, twenty-eight calendar days' sickness absence in one period.

11.2 The trigger of ten days' absence or six instances of absence in a rolling 12-month period that applies for full-time employees under the short-term sickness absence management procedure will be adjusted for part-time workers to:

- two days for employees who work one day per week;
- four days for employees who work two days per week;
- six days for employees who work three days per week; and

- eight days for employees who work four days per week.

12. Attendance management meetings

- 12.1 This section should be read in conjunction with the Attendance Management Meetings Guidelines on the intranet.
- 12.2 An employee will be required to attend a meeting when the frequency and/or duration of their absences have reached a trigger point.
- 12.3 The meeting will usually take place within two weeks of the employee's return to work.
- 12.4 The employee will be given reasonable notice of a meeting and they have the right to be accompanied by a work colleague or a trade union representative if they wish.
- 12.5 The meeting will consider the employee's attendance record and all relevant factors and will determine what action, if any, is required. Appropriate action can include no warning being issued, the issuing of an informal or formal warning alongside any other appropriate action to help the employee improve their attendance. If any adjustments have been agreed, these should be actioned and, where necessary, HR be informed.
- 12.6 The outcome of the meeting, including any agreed actions, will be confirmed to the employee in writing, normally within 10 working days.

13. Potential outcomes of unsatisfactory attendance

- 13.1 A warning will normally be issued unless there is a compelling reason why this would be inappropriate. Further advice and guidance should be sought from the relevant HR Partner.
- 13.2 The purpose of the warning is to notify the employee that their absence is a cause for concern and that a failure to improve their attendance may lead to a further warning or it may lead to dismissal in cases where an employee triggers the procedure while a stage 3 final written warning is live.
- 13.3 If the employee's absence is because of a disability or long term or ongoing medical condition, the manager must discuss what reasonable adjustments have been considered and the circumstances with HR before any decision on whether to issue a warning is taken.
- 13.4 If the employee's absence is related to other circumstances, such as menopause or miscarriage, the manager must discuss the circumstances with HR before any decision on whether further action will be taken.
- 13.5 A warning will not be issued if the employee's absence is pregnancy-related.

13.6 The levels of warning that can be issued under this procedure are as follows:

- **Stage 1 – informal warning**

13.7 A stage 1 warning will normally remain live for six months from the date of the meeting. If further absence occurs and the employee's absence remains at or above the trigger point while a stage 1 warning is live, the employee will be required to attend a further meeting, which may lead to a formal stage 2 warning.

13.8 **Stage 2 – formal written warning** A stage 2 formal warning will normally remain live for 12 months from the date of the meeting. If further absence occurs and the employee's absence remains at or above the trigger point while a stage 2 warning is live, the employee will be required to attend a further meeting, which may lead to a formal stage 3 warning.

- **Stage 3 – final written warning or dismissal on the grounds of capability**

13.9 A stage 3 formal warning will normally remain live for 18 months from the date of the meeting. If the employee's attendance continues to be a cause for concern following the issue of a stage 3 formal warning i.e. the employee triggers the procedure while a stage 3 formal warning is live, the manager may consider moving to a dismissal stage following consultation with HR.

13.10 The University reserves the right to take account of any live warnings on the employee record made under that or any other procedure where appropriate to do so. All warnings issued under this procedure will be recorded on the employee's personnel file.

14. Appeal

14.1 An employee who is given a warning or is dismissed under this procedure has the right of appeal. The appeal should be sent in writing to the Director of HR Services and set out the grounds on which the employee believes that the decision was flawed due to procedural errors or new information that has come to light that may change the decision.

14.2 The employee should submit their appeal in writing within ten days of receiving written confirmation of the sanction imposed on them by the University.

14.3 An appeal hearing will be convened in at least 10 days, and within a reasonable period, after the appeal is submitted. The appeal hearing will be chaired by a senior manager who will be accompanied by a senior member of the HR

department. Another member of the HR department should be present to take a note of the meeting.

- 14.4 The employee will be entitled to be accompanied by a fellow employee or a trade union official.
- 14.5 At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.
- 14.6 The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

15. Disciplinary Procedure

- 15.1 This procedure is formulated on the assumption that, if the University suspects there to be misconduct, the separate Disciplinary Procedure will apply. For example, disciplinary action may be taken if there is evidence that:
 - absence is not genuine or not for the reason provided;
 - the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation; or
 - the correct sickness absence notification and evidence procedure has not been followed; or
 - unauthorised absence.

Human Resources

May 2019

This procedure was subject to an Equality Impact Assessment and the identified actions completed. This has ensured that this procedure complies with the terms of the Equality Act (2010) and reflects our commitment to equality, diversity and inclusion.

HR will review this procedure within its first year of operation, and periodically thereafter.