

# HUMAN RESOURCES

## Sickness Absence Management Policy and Procedure



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### Equality and Diversity

This Policy will be applied in a non-discriminatory way, in line with the London School of Hygiene and Tropical Medicine's Equality, Diversity and Inclusion policies.

### Policy Statement

1. The London School of Hygiene and Tropical Medicine (LSHTM) ("the School") is committed to promoting the health, safety and wellbeing of all staff. This policy is designed to promote good practice in the effective management of sickness absence when it occurs and the rehabilitation of staff where reasonable, including taking all reasonable measures to support and retain those with a disability.
2. LSHTM will adopt a case-by-case approach when working with employees who are absent from work due to ill-health, and where advised, modify the approach to the specific health circumstances of each individual.

### Purpose

3. LSHTM aims to secure the regular attendance at work of employees in order to meet contractual obligations. It does however recognise that a level of absence may be necessary on medical grounds. It is LSHTM's policy to offer security of employment during such periods, bearing in mind its obligations under the Equality Act 2010 and the need to ensure the efficient and effective operation of all parts of the School.

4. This policy is not contractual and may be amended through the normal School procedures. The policy is not intended to remove any existing protections or entitlements to employees under their contract of employment, or collective agreements between LSHTM and the recognised trade unions.
5. In managing sickness absence, the emphasis must be on providing a supportive framework for employees experiencing illness, taking into account the advice of the Occupational Health (OH) service and any other relevant specialist reports.
6. High attendance rates are essential for the delivery of the work of the LSHTM. The management of absence is considered an integral part of achieving this. A positive approach to the management of absence is required in order to optimise attendance rates and enable the School to achieve its goals.

### **Scope and Access**

7. This policy applies to all School employees employed under a contract of employment.
8. New employees will be made aware of the Sickness Absence Management Policy and Procedure on their induction, and line managers will also reinforce this awareness in more detail, during the local induction, particularly in respect to local arrangements. Employees are expected to familiarise themselves with the policy which is available on the School's HR Intranet pages.

### **Key Principles**

9. To provide support and advice to those employees with long-term health problems in respect of the ongoing management of their individual circumstances.
10. To encourage all employees to maximise their attendance at work, giving them the opportunity to improve their attendance and provide guidance and assistance in accessing appropriate support.
11. To improve employee welfare and morale, particularly for those who have ongoing health problems.
12. To ensure a consistent approach and support for employees who, due to ill-health and / or injury, fail to meet reasonable required standards of attendance in their job.
13. To provide a means by which employees may have informal and formal discussions around their attendance levels and the potential consequences for their employment should their level or pattern of absence not improve.

14. To set out the responsibilities of managers, employees and Occupational Health (OH) in relation to sickness absence.
15. All employees have a responsibility to attend work and fulfil their contract of employment on a regular basis, and this policy aims to facilitate achievement of this.
16. Whilst it is recognised that employees may be unable to attend work from time to time because of illness, it is also in the interests of both employees and the LSHTM that sickness absence is managed and minimised.
17. Employees are advised that unacceptable levels of sickness absence could result in formal action being taken which could result in dismissal.
18. Any employee who fails to follow the sickness absence procedures set out in this document in reporting and certifying sickness absence may be considered to have taken unauthorised absence and therefore may be subject to action under the LSHTM Disciplinary Policy and Procedure.
19. LSHTM does not expect employees who are absent from work to engage in any activity, including second employment, which is inconsistent with clinical advice on their condition or which might delay recovery. Where there is evidence of this, or any other deliberate abuse or manipulation of the sickness absence policy or sickness pay entitlements, the matter will be dealt with through the LSHTM's Disciplinary Policy and Procedure.
20. LSHTM reserves the right to refer employees to an OH assessment for medical advice which they are required to attend, even if the GP has determined they are fit to return to work. The independent OH advice will be relied on for specific guidance of an employee's fitness for work considering their work environment, job description and work-related issues, and their advice may supersede that of the GP's.
21. If an employee does not agree to attend OH, LSHTM will make a decision based on the information available.
22. Guidance and advice should be sought from Human Resources for any specific concerns or queries regarding the application of this policy. Further advice on managing sickness absence is provided in the Sickness Absence Guidance document.

## **Roles and Responsibilities**

23. There are a number of stakeholders involved in attendance management e.g., employees, line managers and Human Resources (HR). The key responsibilities of each are summarised below.

24. Employees have a responsibility to:
- Maintain regular attendance at work.
  - Be aware of, and understand, this policy.
  - Follow the absence reporting procedures.
  - Maintain regular contact with their line manager throughout any absence and to keep them up to date with progress (See section 8 for contact during sickness absence).
  - Submit appropriate medical certificates in a timely manner.
  - Participate in return-to-work interviews after episodes of absence.
  - Co-operate with requests to attend OH referrals.
  - Attend all sickness absence meetings.
25. Managers have a responsibility to:
- Manage attendance within their area of responsibility, reviewing sickness absence levels on a regular basis and addressing any areas of concern.
  - Ensure that all employees, including new members of the team / faculty / department are aware of, and understand, the School's sickness absence policy.
  - Ensure that absence procedures are followed.
  - Maintain regular and reasonable contact with employees during periods of absence, ensuring that they are aware of the individual's progress and likely duration of absence.
  - Maintain an atmosphere of trust and confidentiality.
  - Support employees to facilitate and enable a return to work.
  - Conduct return to work interviews with all employees following any period of absence.
  - Record accurate absence information in MyView self-service.
  - Initiate appropriate and timely referrals to OH via HR.
  - Arrange all sickness absence meetings in a timely manner and lead such meetings.
26. HR are responsible for:
- Providing assistance, support and advice to managers and employees in the attendance management process.
  - Collating, reviewing and analysing faculty, departmental and organisational statistics.
  - Promoting the consistent application of this policy and procedures.
  - Highlighting areas of concern and coaching managers to help them to manage any relevant issues within their department.
  - Identifying training needs and training for managers to help them to manage their attendance appropriately and effectively.

## **Confidentiality**

27. Records of action taken under the Sickness Absence Policy and Procedure will be kept confidential and retained in accordance with the Data Protection Act (1998). When discussing issues relating to ill-health and sickness absence with an

employee, the employee should be advised that the conversation will remain confidential, but that it may be necessary to disclose certain details to relevant parties to ensure all relevant support is considered, the procedure can be implemented, and the School's duty of care is met.

## **Equality Act**

28. LSHTM is committed to adhering to its responsibilities under the Equality Act 2010. More advice on the Equality Act and disability-related sickness is in the Sickness Absence Guidance document.

## **Sickness Absence Procedure**

### **Procedure for reporting, recording and monitoring sickness absence**

29. The reporting, recording and monitoring of sickness absence is usually led by the line manager. If a line manager is unavailable, in agreement with HR, their absence should be led by their line manager's manager.

### **Reporting and Notification Process**

30. An employee who is unwell and unable to attend work should contact their line manager, Head of Department, or another designated person in authority by telephone notifying them as early as possible, and no later than the normal start time or in line with local arrangements, to inform them that they will be unable to attend work. The line manager will confirm with the employee who to contact, especially where alternative local arrangements apply.
31. The employee should contact the School by telephone unless the severity of their illness prevents this, in which case, they must ask someone else to do so on their behalf. In exceptional circumstances such as in the case of employee based overseas, an e-mail sent by the employee to the manager will suffice. The e-mail should include the additional information as outlined below in paragraph 33.
32. It is acknowledged that there may be local arrangements in place within departments and faculties for the reporting of sickness absence. Where this is the case, these should be followed. If an employee is unclear of what is required, they should seek clarification from their line manager.
33. Employees who report their absence may be required to confirm:
  - The date they became sick / incapable of working.
  - The reason for their absence, e.g., back pain, flu symptoms etc. "Sick" or "unwell" are not sufficient explanations for absence from work.
  - Whether the absence is due to an accident or injury at work or work-related illness.
  - Whether or not they intend to visit a doctor.

- An expected date of return, or information on when they will be able to call again with further information.
  - Whether any work issues need to be addressed in their absence.
  - It is assumed that staff will be in touch with their line manager on a daily basis throughout their period of absence unless other arrangements are agreed by your line manager. In any event staff are also required to notify their manager of their actual return to work as soon as is reasonably practicable.
  - It is acknowledged that there may be exceptional circumstances which prevent an employee from meeting the reporting and the submission of medical / fit note requirements, for example, in the case of severe injury / hospitalisation.
34. If an employee leaves work due to sickness absence before their lunch period (pro-rata for part time staff), their absence is recorded as a full day's absence. If an employee leaves work during the lunch period due to sickness, their absence will be recorded as a half-day absence.
  35. For Statutory Sick Pay (SSP) purposes, every day of absence from the 8th day must be covered by a Statement of Fitness for Work (known as a "Fit Note") including weekends, bank holidays and School closure days. Employees should provide original (and not copy documents) of Fit Notes promptly (normally no later than a week after the 8th day) and at regular intervals thereafter to their line manager.
  36. Late submissions of Medical / Fit Notes may result in pay being stopped. Sick pay will not be backdated due to late receipt of Fit Notes, without a reason acceptable to LSHTM.
  37. Employees who are temporarily abroad and become unwell must follow the same process of reporting and notification and submit equivalent medical certification. Timing of reporting, notification and submission of medical certificate may vary.

### **Submission of Statement of Fitness for Work**

38. If the duration of sickness absence lasts 8 calendar days or more, a 'Statement of Fitness for Work' (or 'Fit Note') must be obtained from a doctor.
39. Employees who receive a fit note stating that they "may be fit for work" should inform their manager as soon as possible. When presented with a fit note that contains specific medical advice or recommendations, the manager should discuss this with the employee and seek advice from OH if necessary. This may take place at a return-to-work discussion, Absence Review Meeting, or other meeting as appropriate.
40. Where there is concern about the reason for, or frequency of the sickness absence, employees may be required to provide a fit note for each absence

regardless of duration. In such circumstances, the School will cover any costs incurred in obtaining fit notes for absences of a week or less, on production of a doctor's invoice.

41. Further advice on fit notes and reasonable adjustments is provided in the Sickness Absence Guidance document.

## **Recording and Monitoring**

42. All occurrences of sickness absence should be recorded using MyView self-service at the earliest opportunity. The employee can record the period of sickness absence on MyView and the line manager can also record it on behalf of their direct reports. Responsibility for ensuring that the sickness absence is recorded on MyView self-service lies with the line manager.
43. In exceptional circumstances where this is not possible, line managers should seek support from the HR Partner team.
44. Details of each period of sickness absence should be fully completed on MyView self-service, and should include:
  - The start date of the sickness absence.
  - The end date of the sickness absence (if known at that time).
  - The specific reason for the absence (i.e., the type of sickness).
  - Whether the absence is self-certified or whether a medical / fit note has been provided.
  - The end date of the medical / fit note, where relevant.
45. LSHTM must maintain accurate records of all sickness absence taken by employees and report this as a requirement under HM Revenue and Customs (HMRC) rules. All information is held and processed in accordance with the School's Policy on Personal Information and the Data Protection Act 1998, and in line with the Access to Medical Reports Act 1988.
46. Weekends, public holidays and closure days are included in a continuous period of sickness absence.
47. If an employee is only eligible for Statutory Sick Pay (SSP) and is returning to work on a phased return or part-time basis, the manager should contact HR to discuss any pay implications. Payroll will be able to confirm if an employee is only eligible for SSP.

## **Occupational Sick Pay**

48. Statutory Sick Pay (SSP) is a statutory weekly amount of sick pay, determined by the Government, which becomes payable for absences of at least 4 calendar days in a row, for those who meet the minimum earnings requirement.

49. Occupational Sick Pay (OSP) is an enhanced amount of sick pay, decided by the School, which is paid from the first day of an absence, provided notification and medical / fit note requirements are met and that the maximum amount payable has not been exceeded. It will be calculated based on the employee's length of service on the first day of any occasion of sickness absence.
50. Employees must fulfil their responsibilities including sickness notification, maintaining contact as well as attending any sickness meetings and OH appointments. The School reserves the right to withhold OSP if an individual does not co-operate with reasonable requests from management, does not comply with advice from OH, or does not comply with the requirement of this policy.
51. Neither SSP nor OSP will be backdated where medical certificates are provided late without a reason which is acceptable to the School.

## **Sickness Payment**

52. These arrangements are intended to supplement Statutory Sick Pay (SSP) to provide additional payment during absence due to illness, injury, or other disability. The School will pay SSP to eligible employees who comply with the relevant statutory rules relating to sickness absence.
53. Employees absent from work due to illness will be entitled to sick pay as set out below:
  - During the first 3 years of service -13 weeks full pay and 13 weeks half pay
  - After 3 years of service - 26 weeks full pay and 26 weeks half pay
54. An employee's previous service with any other organisation does not count towards the years of service for the purposes of sick pay. Sick pay is calculated on the basis of what the individual would have received had they been at work. Full pay will be inclusive of any SSP (so as not to make sick pay greater than normal working pay). The combined addition of SSP to half pay must not exceed the full pay.
55. Employees will not be entitled to an additional day off if sick on a statutory holiday or closure days.
56. The period during which sick pay should be paid and the rate of sick pay for any period of absence is calculated by deducting from the employee's entitlement on the first day of sickness the aggregate periods of paid sickness absence during the 12 months immediately preceding that day.
57. In the event of employment coming to an end, entitlement to sick pay ceases from the last day of employment.
58. LSHTM has the discretion to reinstate on full or half pay beyond the scale set out above. This will be on the authorisation of the Chief Operating Officer and the Director of Human Resources and in consultation with the Dean of Faculty or



Head of Department. If the employee is a member of the School's Executive Team, the discretion to reinstate beyond the scale set out above rests with LSHTM's Council.

59. Employees whose salary is reduced as a result of sickness absence should contact the Payroll Office for information, as a reduction in salary may affect pension contributions.
60. LSHTM recognises that annual leave is accrued during long term absence, and will look favourably on employees who wish to use this leave during sickness absence to offset a period of half pay.
61. In cases where sickness absence is due to third-party, e.g., a road traffic accident, and the employee is claiming compensation, OSP should be included as part of the claim and any subsequent reimbursement of sick pay will be payable to LSHTM.

### **Sickness / Annual leave entitlement**

62. Where prevented from taking the minimum statutory annual leave entitlement due to sickness absence in any leave year, an employee will be able to request to carry over any unused entitlement. Such a request should be made prior to the end of the leave year in which it was accrued and is limited to the minimum statutory carry over provisions defined by the Working Time Regulations 1998, as amended.
63. Employees should put such requests to their line manager who should inform HR and Payroll of any agreed annual leave.
64. Such annual leave will not impact on the calculation of any existing 12 month rolling period used to calculate sick pay entitlement. Any annual leave carried over must be taken by the end of the new leave year or it will be deemed lost.
65. In cases where staff become ill or injured just prior to or whilst on a period of annual leave and seek to reclaim all or any part of their annual leave, employees must report their absence due to sickness in the normal way and will be required to provide satisfactory medical evidence from a recognised medical practitioner showing that the individual was unable to work due to illness or injury at the time of the annual leave. Such medical evidence should cover the duration of the illness or injury whilst on leave.
66. This period of absence will then be recorded as sickness absence. An employee would also be required to follow the notification requirements (see section 8.3 above) to report the sickness at the time it occurs.
67. Employees who are ill during public holidays, bank holidays, closure days or during any other times that the School is closed, cannot re-claim these days.

## **Abuse of Sick Pay**

68. The School does not expect employees who are absent from work to engage in any activity, including second employment, which is inconsistent with clinical advice on their condition or which might delay recovery. Where there is evidence of this, or any deliberate abuse or manipulation of the Sickness Absence Management Policy or sickness pay entitlements, the matter will be dealt with through the School's Disciplinary Policy and Procedure.

## **Return to Work Discussions**

69. Where an employee has been absent from work due to ill health, the manager is encouraged to hold a return-to-work discussion in line with their duty of care towards the employee. This is particularly important where an employee has been off sick for a number of days consecutively or the cumulative amount of absence is considered to be having an impact on the work area and service provision.
70. A return-to-work discussion gives the opportunity to:
- Welcome the employee back from sickness absence.
  - Confirm the details of the absence and to ensure that the sickness absence is fully recorded on MyView self-service.
  - Identify any support that is required to ensure the employee's successful return to work, including discussing any measures that may have been recommended in a medical / fit note.
  - Update the employee on work progress and events that took place during the period of their absence.
  - Allow the employee to raise any concerns or questions and bring any relevant matters to the School's attention.
  - Identify any underlying causes of the sickness absence and discuss an OH referral if necessary.
71. During the return-to-work discussion, issues may be identified (such as those of a newly acquired disability, health condition or changed personal circumstances) that require action on the part of the School and / or the employee. If assistance is required in managing these issues, please contact the HR where appropriate.
72. If the frequency, pattern or level of sickness absence is of concern, a separate absence meeting should be scheduled.
73. Further advice on conducting a return-to-work discussion is provided in the Sickness Absence Guidance document.

## Managing Persistent Short-Term Sickness Absence

74. Persistent or frequent short-term sickness absence refers to when an employee is frequently absent from work for short periods of time due to ill-health. This type of absence can be particularly difficult for departments / teams and their employees as they are usually without notice and it is difficult to plan for their impact. Whilst the School understands that employees may have some short-term sickness absence, it is essential that frequent short-term absence is dealt with promptly and consistently with appropriate support, to ensure the smooth running of LSHTM.
75. Understanding the reasons for frequent short-term absence helps identify a resolution. Referral to OH may assist with this. The cause must be correctly identified in order to put in place an appropriate course of action to remedy it. Managers should also be aware that frequent short-term absence might be caused or exacerbated by factors in the workplace. If a workplace issue is identified, appropriate steps should be taken to address the factor that is contributing to the problem wherever possible. HR can provide advice where required.
76. Sickness absence is monitored over a period of 12 rolling months. Managers should carry out a short-term absence meeting if the manager has reasonable concerns about an employee's sickness absence or level of attendance, and referral to OH must be made where appropriate.
77. The following 'trigger points' highlight when it may be appropriate for a manager to meet with an employee:
  - Any pattern or any other reason for absence e.g., repeated absence on a particular day of the week; reasons which creates a cause of concern for the welfare of the employee.
  - Absence totalling more than 6 working days in a rolling period of twelve months.
  - Any absence citing 'stress'.
  - Any concern about health and welfare, work or pattern of behaviour.
78. Managers are advised to take positive steps to monitor and manage frequent short-term absences. If an employee frequently has short-term absences, it may be appropriate to hold a formal Absence Review Meeting. Further advice on managing persistent short-term absence is provided in the Sickness Absence Guidance document.

### Informal Stage: Short-Term Absence Meeting

79. During periods of sickness absence, staff should ensure that they keep in regular contact with their manager.

80. Periods of sickness absence should be discussed with the employee, by the manager, upon their return to work (RTW) via a RTW discussion.
81. In circumstances where absences reach or exceed the trigger points, line managers should convene a meeting.
82. The purpose of the meeting is to:
  - Review and discuss each episode of sickness absence and the reasons, confirming accuracy of information held.
  - Remind the employee about the LSHTM's expectations in regards to levels of attendance.
  - Provide the employee an opportunity to discuss any concerns or issues.
  - Consider whether there is an underlying condition or disability and any possible support / measures to support the employee and if possible, and to mitigate future episodes of absence.
  - Consider if any reasonable adjustments may be required.
  - Consider if further action is required such as referral to OH.
  - Consider the effect of absences on the service and colleagues.
  - Set targets for improving attendance.
  - Set a date for the review which would normally be within a maximum period of three months.
83. The line manager should make the following information available to the employee:
  - A copy of the employee's absence record.
  - Records of relevant meetings or any other relevant documentation such as RTW records.
84. Concluding the meeting, the line manager should inform the employee:
  - Of the improvement in attendance levels required and the review period.
  - That any improvement should be sustained during the review period and sustained over the next 12 months.
  - If appropriate with immediate effect, that if their attendance at work does not improve in the review period or is not sustained in the future, this may result in the matter being progressed to formal absence meetings which could be arranged before the end of the review period.

### **Stage One: Formal Absence Meeting**

85. If there has been insufficient sustained improvement in attendance levels within the specified monitoring period, the manager should decide, in discussion with HR, together with any medical advice, whether the failure to attend work regularly justifies further action. Formal proceedings should not begin until the manager has established the facts.

86. Where formal action has been decided, employees will be required to attend a Stage One meeting and will normally be given a minimum of five working days' notice of the meeting.
87. A member of the HR team will usually attend the absence meeting and the employee has the right to be accompanied by a trade union representative or work colleague if they wish.
88. Before the meeting, the line manager should make a copy of the employee's sickness absence record available to the employee.
89. The purpose of the meeting is to:
  - Discuss and inform staff as indicated above at the informal stage.
  - Discuss the option of an OH referral and / or discuss a recent OH report.
  - Review the steps which have already been taken to support the employee in achieving the required level of attendance and agree set targets of levels of attendance required.
  - Discuss any reasonable adjustments as appropriate.
  - Set a review period which would normally be within a maximum period of three months.
90. Potential formal options for the manager to consider include:
  - Further review periods and / or reasonable adjustments.
  - Inform staff as indicated above at Stage One.
  - Inform the employee that unless there is a sustained improvement in attendance, a Stage Two meeting will be convened and their continued employment may be at risk.
  - To escalate to the next stage of the procedure, and issue an improvement notice if necessary.
91. The outcome of the meeting should be confirmed in writing to the employee within 7 working days of the meeting.
92. If a review period is set at this meeting, a follow-up Stage One review meeting will be arranged at the end of the review period.

## **Stage Two: Formal Absence Meeting**

93. Employees will be required to attend a Stage Two meeting in cases where following a review period in Stage One, targets for improvement have not been met, attendance remains a concern, or there has been no sustained improvement.
94. The line manager should make the same information available to the employee as in Stage One and the purpose of the meeting remains the same as Stage One.

95. In addition to potential formal options in Stage One, the manager will also consider:
- Further review periods and / or reasonable adjustments.
  - Inform staff as indicated above at Stage One.
  - Inform the employee that unless there is a sustained improvement in attendance, a Stage Three meeting will be convened.
  - Discuss any reasonable adjustments as appropriate.
  - To escalate to the next stage of the procedure, and issue an improvement notice if necessary.

### **Stage Three: Final Absence Meeting**

96. Employees will be required to attend a Stage Three absence review meeting having previously attended a Stage One and a Stage Two meeting and in cases where:
- Absence levels does not show significant improvement over the specified monitoring period or improvement has not been sustained.
  - The level of sickness absence continues to impact on service and is no longer sustainable.
  - An employee is unable to fulfil contractual requirements due to persistent sickness absence.
97. Prior to arranging a Stage Three Final Absence meeting, the line manager should refer the employee to OH for up-to-date advice.
98. The line manager will prepare and submit a management report to their own line manager, or another manager of appropriate seniority, who will be the Chair of the meeting. The report will outline the outcomes of the review periods to date, including an assessment of whether the employee can reach the required satisfactory attendance record. Where necessary any further OH report(s) and other medical advice will be included with the report.
99. The letter from the Chair convening the meeting to invite the employee will give a minimum of 5 working days' written notice of the meeting and should make clear that one of the possible outcomes of the meeting could include dismissal with notice. The employee should be provided with a copy of the management report and advised of their right to representation.
100. The purpose of the meeting is for the Chair to hear all facts presented by the line manager and the employee, including any mitigation. This may include (but is not limited to):
- Reviewing the employee's attendance record during the relevant period.
  - Reviewing the steps already taken to support the employee in achieving the required level of attendance.
  - Deciding whether any new information requires further OH referral.

101. Further advice on how to conduct this meeting is detailed in the Sickness Absence Guidance document.

## **Long-Term Sickness Absence**

102. Long term sickness absence is defined as any continuous period of absence of 28 calendar days or more.

103. The primary aim in dealing with cases of long-term absence should be to facilitate the individual's return to work at the earliest reasonable point. It is recognised, however, that there may be cases where an employee may be unable to return.

104. Each employee's case should be reviewed as their circumstances progress with the approach taken being determined by the employee's particular circumstances.

105. A key part of the process in managing an employee on long-term absence is to ensure that regular contact with the employee is maintained.

106. All cases of long-term sickness absence should be referred to OH as soon as is practicable, and managers will seek to meet with the employee to discuss the recommendations and advice received from OH. If it is expected that an employee's sickness absence will become long term prior to 28 days absence, an OH referral should be made before the long-term trigger is reached. This will ensure the earliest possible appointment has been made after 28 day point has been reached.

107. As soon as a manager is aware that an employee will be absent for a minimum of 28 days then they should hold the first meeting on or around 28 days absence except in exceptional circumstances such as on-going hospitalisation. This meeting will be scheduled to be held on the 28th day of absence or as near to this date as reasonably practicable. The requirement for this meeting should be identified at the point where a Medical / Fit Note (or further Medical / Fit Note) has been submitted by an employee who has been absent for 14 or 21 days, thus with the potential to take the absence up to or beyond 28 days. If the employee returns to work on the 28th day then this meeting will be a return to work review. If the employee is not fit to return to work, then the scheduled meeting will be either a formal or informal meeting as referred to below.

108. Further advice on managing for long-term sickness absence is provided in the Sickness Absence Guidance document.

## **Long-Term: Informal Meeting**

109. An informal review meeting will be triggered in cases where an employee is deemed to have entered a period of long-term sickness absence i.e., an absence that exceeds 28 calendar days.
110. The purpose of this informal meeting is to discuss with the employee:
- Their sickness absence and state of health.
  - Clarify the nature of the illness, prognosis and progress.
  - Discuss what support or assistance can be offered to help the employee return to work.
  - Any perceived (or actual) barriers to returning to work (including the need for workplace adjustments).
  - An OH referral or, as appropriate, discuss outcome of recent OH referral and implications for return or / and further referral.
  - How likely it is that they will return to work.
  - Consider any problems the employee might have which may be preventing a return to work and explore how they can be supported in resolving them.
  - Any concerns and answer any questions the employee may have about their on-going absence.
111. The line manager, in discussion with the employee, will decide on the options for returning to work and jointly agree what action, if any, is required to prepare for this. Should action be required, the line manager will consider what interventions / services are required and will develop a return-to-work plan.

## **Long-Term: Review Meetings**

112. After an initial informal meeting has taken place and the employee has not returned to work, further meetings in respect to an employee's period of long-term sickness absence would normally take place on a monthly basis. The purpose of such meetings is to discuss and revisit the issues as in the initial informal meeting, and any subsequent health matters that may have arisen since the initial meeting.
113. There is no definitive length of time that a member of staff may be absent due to sickness before the School takes a decision to invoke a formal hearing resulting in dismissal due to ill health (in cases where other options referred to below are not possible). The duration will be dependent on the individual's circumstances such as the nature of the ill health and the employment position. Sickness payment is not a factor in the decision.
114. The employee will be invited to a review meeting in writing. The employee will be given 5 working days' notice of this meeting which enables them to arrange a colleague or trade union representative to accompany them if they wish. If the employee is unable to attend the date given, they should provide a subsequent



date with their line manager within 5 working days of the original date. At all review meetings, the employee will be entitled to be accompanied by a work colleague or trade union representative. A member of HR will also be present.

115. During review meetings, the line manager will discuss the employee's absence with appropriate reference to the information provided by the OH report, where available.
116. The potential outcomes for the manager to consider in respect to managing ongoing long-term sickness absence can include:
  - A return-to-work plan.
  - A phased return.
  - Reasonable adjustments.
  - Alternative duties.
  - Redeployment.
  - A further referral to OH for a follow-up appointment.
  - Continue to monitor and defer any decision until the next monthly review meeting.
117. Where the medical opinion of OH suggests that a return to the staff member's existing role within a reasonable timeframe is not deemed possible due to the nature of the individual's condition / circumstances (resulting in an actual or anticipated prolonged or indefinite absence), it may be necessary for the manager to discuss / consider other potential formal options, including:
  - Redeployment (for further advice refer to the Sickness Absence Guidance document).
  - Ill-health retirement.
  - A formal hearing.

## **Return to Work Plan**

118. A return-to-work plan should be considered after an employee has been continuously absent for at least 28 calendar days. The planning and facilitation of an employee's return to work will usually take place once they have been signed as 'fit for work' or as 'possibly fit for work' taking account of the following advice on the 'fit note' by their General Practitioner or based on the guidance provided by the Occupational Health Service. LSHTM reserves the right to take the advice of the OH over that of a General Practitioner in planning an individual's return to work.
119. If an employee is considered by OH to be fit for work, and the employee does not return to work on the date advised, entitlement to Occupational Sick Pay may be withdrawn and disciplinary action may be taken. Entitlement to Statutory Sick Pay will not be affected if the continued absence is covered by a fit note.
120. When reviewing the employee's return to work, various options may exist, the appropriateness of which would be discussed with the employee in conjunction

with the line manager and OH. Each option will be assessed for possible risks to both the employee and School during these discussions and through appropriate processes; for example, use of LSHTM's Stress Management Policy which may result in a stress risk assessment being carried out.

121. A return-to-work plan will identify the type and level of intervention and services needed and how frequently they should be offered. It may include rehabilitation, a phased return to work, or alternative duties. Further advice on return-to-work plan is provided in the Sickness Absence Guidance document.

### **Phased Return to Work**

122. OH may recommend a phased return to work which enables employees to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period, through interim flexible working arrangements whilst receiving their normal pay.
123. This defined time period will not normally exceed 4 weeks and will be made following prior agreement with their line manager giving due consideration to Health and Safety requirements. The advice given to managers should be based on defined outcomes, whilst still recognising the need for confidentiality. Further advice on phased returns is provided in the Sickness Absence Guidance document.

### **Ill-Health Retirement**

124. In the case of serious illness, which in the opinion of OH makes continued working impossible due to permanent incapacity, the employee can apply for early retirement on the grounds of ill-health if they are a member of the pension scheme. Any decisions regarding ill-health retirement are made by the pension provider.

### **Formal Sickness Hearing**

125. During the process of managing long-term absence, it may become necessary to consider escalating to the formal hearing stage. This may be necessary following OH and / or medical advice that an employee is unlikely to return to their substantive role, or is substantially or permanently unfit to perform their duties or be able to achieve an acceptable attendance record. This will need to be considered where adjustments, redeployment and ill-health retirement are deemed to be unreasonable, unavailable, ineffective or inappropriate.
126. A formal sickness hearing may be invoked after the facts have been established, including a management referral to OH if not already done so, or where up to date information is required. In cases where an employee chooses to withhold

consent to disclose reports to OH or chooses not to attend OH, decisions regarding further employment shall be made on the basis of the information available.

127. Further advice on conducting a Formal Sickness Hearing is provided in the Sickness Absence Guidance.

### **Notification of a Formal Sickness Hearing**

128. Management is required to provide the employee with a written statement of its case at least 10 working days prior to the hearing including any relevant documentation upon which management intends to rely. They will also be advised of their right to be represented by a trade union representative or colleague. The employee, should they wish to present a written statement of their case or any supporting medical documentation, must submit such documentation at least 7 calendar days prior to the hearing.
129. Employees, and their companions, should co-operate fully with the operation of this policy including making every effort to attend meetings and do so without causing unreasonable or unnecessary delay.

### **Hearing Format**

130. Where a case progresses to a formal hearing (including the appeal hearing), the hearing chair for an academic colleague will normally be a member of academic staff. Similarly, the hearing chair for a Professional Services colleague will normally be a member of Professional Services staff. Hearing chairs will be of suitable seniority for the individual who is subject to the hearing.
131. For hearings that could result in dismissal, the panel will consist of a Chair assigned by the Director of HR and another manager of appropriate seniority. An HR representative will be present at the hearing to advised on matters of policy and procedure.
132. For hearings with potential outcomes less than dismissal, the hearing will consist of a Chair assigned by the Director of HR. In both cases the Chair will be the ultimate decision maker.
133. In considering dismissal, the panel should seek to explore with the employee the reasons for the absence(s) and any potential reasonable interventions or support which may be needed to remedy the situation. If not explored previously and appropriate, the panel may also consider redeployment into a suitable alternative role in the School.

134. If the eventual decision is to dismiss, the Chair should satisfy themselves that the School has acted reasonably and that the employee has been given sufficient opportunity and support to return to work.
135. All remaining options will be considered as part of a final formal meeting. These may include:
- Decision deferred pending further medical information.
  - Further consideration in relation to reasonable adjustments, supported by further monitoring / monthly reviews.
  - Further consideration in relation to redeployment or retirement options.
  - Dismissal relating to ill-health of the employee.
  - A phased return with or without the need for adjustments.
  - Any other reasonable options agreed by both the School and the employee.
136. The outcome of the final review meeting will be confirmed in writing to the employee within 7 working days of the hearing.

## **Dismissal**

137. If a decision is made to dismiss the employee, they will be provided in writing with reasons for dismissal, the date on which their contract will terminate, and the right of appeal and arrangements.

## **Appeals**

138. An employee has a right of appeal against any formal warnings or dismissal as set out below. The employee's written outcome letter will include details of arrangements to follow should they decide to appeal against dismissal.
139. Sanctions, including dismissal or warnings issued as a result of procedures will remain in place pending the outcome of any appeal.
140. The employee must send their written notice of appeal to the Director of HR or their nominated designate, within 5 working days from the date of receipt of the written warning letter, clearly stating the grounds for the appeal which are limited to:
- i. New evidence which was not available at the first hearing. This requires an explanation as to why this evidence was not presented at the formal hearing.
  - ii. The issues had been misunderstood resulting in a perverse outcome.
  - iii. The disproportionate nature of the warning and reason why.
  - iv. Procedural failure or irregularities.
141. A decision to dismiss will be implemented immediately. In the event that an appeal is successful, the employee will be reinstated and given full continuous service.

142. Every effort will be made to hear the appeal as soon as reasonably possible. The employee will be given the right to be accompanied at the appeal hearing and an HR representative will be present. The appeal will be heard by another manager(s) (nominated by HR) not involved in the original capability hearing, of equal or higher seniority.
143. The Appeal Chair will set the date for the appeal hearing, and will expect the employee to make all reasonable efforts to attend at the date stipulated.
144. The appeal will ordinarily be conducted by way of a review of the decision to issue a sanction, as opposed to a rehearing. That is, the appeal will involve a determination as to whether the decision was one which a reasonable person could have made, on the basis of the evidence and arguments which were presented to that decision maker, taking into account the employee's reason for appeal (within the appeal criteria above).
145. In exceptional circumstances the Appeal Chair will determine that the appeal will be conducted as a rehearing. Such a decision will be entirely at the discretion of the Appeal Chair.
146. The Appeal Chair will make their decision as soon as reasonably practicable after the appeal hearing, and will communicate that decision in writing to the employee ideally within 10 working days.
147. The Appeal Chair has the right to uphold or overturn the original sanction either in part or in full, and to apply lesser or greater sanctions if deemed appropriate. The written decision of the Appeal Chair will be final, and will conclude this procedure.

## **Advice and Support**

148. The HR Partner Team is available to advise staff and managers in the application of this policy at any stage.
149. Occupational Health services are available to support employees and managers by providing professional advice on fitness to work and adjustments to work tasks and / or the work environment.
150. Counselling for staff can be accessed via the School's Employee Assistance Programme: – Health Assured.
151. Representatives from LSHTM's recognised trade unions can also provide support to employees.

## **Related Documents and Forms**

Stress at Work Policy

Flexible Working Arrangements Policy and Procedure  
Equality & Diversity Strategy  
Supporting Disabled Staff at Work Policy & Reasonable Adjustment Form  
Code on Dignity at Work & Study

## **Accessibility**

If you require any document in an alternative format, for example, in larger print, please contact Human Resources.