

<u>Policy Title</u>	<b>NCG Sickness Absence Policy</b>
<u>Policy Category</u>	Compliant
<u>Owner</u>	Director of People and Development
<u>Group Executive Lead</u>	Chief Executive Officer
<u>Date Written</u>	April 2021
<u>Considered By</u>	N/A
<u>Approved By</u>	Executive Board
<u>Date Approved</u>	May 2021
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics and an assessment was carried out on 26 April 2019. This policy is available in alternative formats, if required.
<u>Freedom of Information</u>	This document will be publically available through the Groups Publication Scheme.
<u>Review Date</u>	April 2023
<u>Policy Summary</u>	The purpose of this policy is to provide a framework within which sickness absence managed fairly, consistently and promptly.

<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Carlisle College	Yes	Yes
Group Services	Yes	Yes
Kidderminster College	Yes	Yes
Lewisham College	Yes	Yes
Newcastle College	Yes	Yes
Newcastle Sixth Form College	Yes	Yes
Southwark College	Yes	Yes
West Lancashire College	Yes	Yes

<u>Changes to Earlier Versions</u>	
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>
24 <sup>th</sup> June 2019	Invite to formal meeting (18) includes reference to meetings being held virtually
	Right of appeal (23) detail included re the purpose of the appeal

<u>Linked Documents</u>	
<u>Document Title</u>	<u>Relevance</u>
NCG Code of Conduct	Linked Policy
NCG Disciplinary Policy	Linked Policy
NCG Performance Management Policy	Linked Policy
NCG Probation Policy	Linked Policy
NCG Non Sickness Absence Policy	Linked Policy

## **1. Scope and Purpose of Policy**

This policy does not form part of colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues who are employed either on a permanent or temporary basis.

## **2. Introduction**

The purpose of this policy is to manage sickness absence fairly, consistently and promptly. Any issues regarding a colleague's attendance would normally be dealt with informally in the first instance. Good practice management of attendance requires colleagues to work with their manager for support and guidance.

## **3. Referral to an alternative policy / procedure**

Where a colleague is failing to attend work regularly as a result of carelessness, negligence or misconduct or where absence entitlements (sickness and non-sickness) are misused then the matter will be managed in line with the NCG Disciplinary Policy.

Where absence is due to non-sickness absence, then the matter will be managed in line with the NCG Non Sickness Absence Policy.

Where absence is due to leave including maternity, paternity, adoption, shared parental and parental leave the matter will be managed in line with the relevant NCG policy.

## **4. What is sickness absence?**

Sickness absence is when a colleague or their GP consider them to be unfit to attend work. This could be due to; minor ailments, major illness of sudden onset or ongoing chronic conditions, disease or accident. Sickness absence can also be planned in cases where a colleague requires surgery or a medical procedure.

If a colleague is absent from work to receive surgical treatment of a cosmetic nature and the treatment to be carried out is for health reasons, as prescribed by a medical practitioner, the colleague must provide evidence of the medical reason from their appropriate medical professional. If the treatment to be carried out is for cosmetic surgery of a personal choice, the colleague will need to arrange annual or unpaid leave. For any subsequent recuperating sickness absence as a result their decision to undertake such treatment, they will only receive statutory sick pay.

## **5. Sickness Absence Notification**

If a colleague is unable to attend work, they need to contact their manager on the first day of absence, no later than an hour before their normal work start time. Text messages, e-mails, voice mails and forms of social media are not an acceptable means of notification. However, local agreements with a manager may be made due to the nature of colleague's role.

A colleague should ring in person to inform their manager of the reason for their absence, if they have sought medical advice and their likely return to work date. Only in exceptional circumstances can someone else call on their behalf (e.g. if they have been unexpectedly taken into hospital).

Throughout their absence, the colleague will need to keep their manager informed on a daily basis. If their absence is covered by a fit note from a GP, they should provide an update on a weekly basis or by agreement with their manager. If they do not contact their manager, the manager will contact the colleague in order to obtain an update and to remind them of their reporting obligations. Therefore, it is important that colleagues keep their personal contact details up to date in iTrent self-service. Where the sickness absence ends and the colleague is not due to return to work, for example, due to a college closure period or planned annual leave, the colleague should notify their manager so they can update their absence record.

## **6. Sickness Absence certification**

For sickness absences of 7 calendar days or less, a sickness absence form should be completed on a colleagues return to work with their manager. For sickness absence of 8 calendar days or more, the absence will need to be covered by a fit note from the colleagues GP. They will need to submit their fit note to their manager as soon as practically possible.

If a colleague does not follow the notification or certification requirements, occupational sick pay (OSP) may be withheld and disciplinary action may be taken. Failure to notify and provide the relevant certification documents will be treated as unauthorised absence.

## **7. Sickness absence pay**

Statutory sick pay will be paid in line with current legislative requirements.

All colleagues are eligible to receive occupational sick pay (OSP), as detailed in their terms and conditions of employment (appendix A). OSP is pro rata for part time colleagues and is calculated based on a 12 month rolling calendar period. Where absence spans across the anniversary of employment the entitlement to OSP is determined by the first date of absence not the length of service.

To receive OSP colleagues have to be compliant with NCG policy, including engaging in any support offered by NCG, attendance at occupational health appointments and attendance at review meetings. However, in all circumstances, payment of the OSP benefit remains at the manager's discretion. NCG reserves the right to stop the payment of OSP if, in its opinion, the absence relates to, follows on from or is an attempt to delay or impede an NCG process or procedure. Should this occur colleagues have the right to appeal this decision.

## **8. Engaging in activities whilst on sickness absence**

Colleagues should not engage in activities that are inconsistent with the reason for the absence and / or that are likely to be detrimental to an early return to work or

where activities are likely to result in further periods of absence. NCG reserves the right to determine what it considers to be inconsistent or detrimental activities and may stop occupational sick pay or take disciplinary action in such circumstances.

## **9. Annual leave and sickness**

If a colleague is sick during a period of annual leave, this will be classed as annual leave unless they have complied with the normal sickness absence notification requirements. They will also need to submit a fit note from their GP, regardless of the length of the sickness absence and they are responsible for any cost in obtaining a GP's fit note. There will be no annual leave given where a colleague falls ill on a statutory public holiday.

If a colleague is on long-term sickness absence and are not likely to return to work before the end of the current holiday year, any annual leave accrued but not taken will be carried over, up to the statutory minimum. If they have exhausted their OSP, they may be able to request to be paid for any accrued annual leave, up to the statutory minimum. This annual leave will have to be taken at the end of the period of sickness absence. For such a request to be considered, it should be received by their manager before the end of the holiday year.

There will be no annual leave given where a colleague falls ill on an efficiency day / fixed shutdown period.

## **10. Sickness absence due to actions of a third party**

If a colleague is absent from work as a result of an accident for which damages may be awarded from a third party, they are required to advise their manager at the earliest possible date. In this event, any occupational sick pay which is paid to them in connection with their absence, will be treated as an interest-free loan repayable on demand. In such circumstances NCG will advance an allowance, not exceeding that which would be provided as occupational sick pay. The colleague should repay the amount advanced from any damages awarded.

## **11. Sickness absence during a notice period**

If a colleague is absent from work during their notice period, they will need to follow the notification process as detailed above. Their OSP may be reviewed and NCG reserve the right to stop OSP, where it deems that their absence has occurred to prevent them from working their notice period.

## **12. Return to Work**

Prior to a colleagues return to work, their manager may look at support such as phased return to work, an occupational health referral and reasonable adjustments. Where a phased return to work is agreed, this maybe up to 4 weeks and any hours not worked will be deducted from their OSP entitlement. Where OSP has been exhausted, a colleague may use annual leave or unpaid leave.

When a colleague returns to work following any period of sickness absence, their manager will carry out a return to work meeting, irrespective of the length of the absence. The meeting will usually take place on their first day back at work. A colleague may choose to return to work prior to the date on their fit note. Whilst we strongly recommend that a colleague listens to the advice of their GP, if they choose to return to work early, steps will be taken to ensure their health, safety and welfare at work is not compromised.

### **13. Sickness Absence Triggers**

NCG has set triggers to identify high levels of sickness absence and reserve the right to amend these triggers following consultation. Managers will monitor sickness absence levels.

### **14. Informal short-term sickness absence triggers**

Where a manager identifies that a colleague has hit a short-term informal sickness absence trigger, they will normally discuss this with them as part of their return to work meeting. If an underlying health condition is identified, which may contribute to further absences, their manager will discuss this with them to determine whether any reasonable adjustments can be made and if a referral to Occupational Health is required. Where no probable long term, underlying or on-going health problem is identified as the cause of absence, the manager will remind the colleague of the formal sickness absence trigger and the next steps in the process, should they have further sickness absence. The informal absence triggers are:

- 3 occasions of sickness absence in a rolling twelve-month period, or
- 10 working days in a rolling twelve-month period, or
- Any pattern of sickness absence that gives rise to concern.

### **15. Formal short-term sickness absence triggers**

If a colleague has further sickness absences within the next 12 months, following hitting the informal triggers, their manager will invite them to a formal meeting to review their absence. The formal sickness absence triggers are:

- 1 or more occasions of sickness absence in a rolling twelve-month period or for the duration of any written warning.
- Any pattern of sickness absence that gives cause for concern.

If after a written warning, there are further period of sickness absence, the triggers above will be re-visited and further formal meetings held.

### **16. Informal long-term sickness absence triggers**

Where a manager identifies that a colleague has hit the long term informal sickness absence trigger, which is an absence of 4 calendar weeks or more; the colleague

will be invited to an attendance review meeting to discuss their absence in more detail and see if there are any reasonable adjustments can be made to facilitate a return to work.

Please note that the manager reserves the right to invite the colleague to attend an attendance review meeting before they have reached the long-term trigger, should this be deemed appropriate.

### **17. Formal long-term sickness/long term ill health management**

If a colleague has an underlying or on-going medical condition that is preventing them from carrying out their normal duties, causing them to have frequent absences or a period of lengthy absence, their manager will aim to assist them with reasonable adjustments. The following actions will apply / be considered:

- The colleague's attendance at regular attendance review meetings with their manager to inform them of their progress.
- Their attendance at occupational health/other relevant appointments.
- Obtaining a colleagues consent for further medical information to be obtained from their GP or other relevant health professional.
- The manager considering reasonable adjustments that could facilitate their return to work or improve their attendance at work.
- An ongoing evaluation of supportive measures to review their effectiveness.
- Reviewing the possibility of ill health retirement.

If there is no foreseeable return to work and/or a colleagues current health continues to prevent them from attending work regularly, their manager will use the medical information available to them to determine whether their employment will be terminated.

### **18. Invite to a formal attendance review meeting**

Reasonable notice of a formal attendance review meeting will be given in order to prepare. Normally this will be 7 calendar days, unless otherwise agreed.

Timeframes may be adjusted at the discretion of the manager to allow sufficient time for the provision of alternative formats of documents to be made available.

The invite to the meeting will confirm that the formal procedure is being implemented, the date, time and venue of the meeting and confirm any entitlements (i.e. the right to be accompanied) and the possible outcome as a result of this procedure. Meetings may be held face to face or virtually through relevant business software, such as, Microsoft Teams. Colleagues will be given notice of how the meeting will be conducted. If the meeting is to be held virtually, the importance of privacy will be stated and confirmed before the meeting commences.

## **19. Right to be accompanied**

At formal meetings, colleagues have the right to be accompanied by a trade union representative or an NCG colleague.

The chosen companion will be allowed to address the meeting, respond on the colleagues behalf to any view expressed and sum up the case on their behalf. However, the meeting is essentially between the colleague and the manager, and is the colleague's opportunity to provide further details, so any questions put directly to the colleague should be responded to by them and not their companion.

Colleagues should make every effort to attend. If the colleague or their companion cannot attend a meeting at the date or time arranged, they should let the manager know as soon as possible and within reason agree an alternative date and time. If a colleague fails to attend without explanation, or fails to attend a rescheduled meeting, the meeting may take place in their absence.

If a colleague has disclosed an underlying health condition, suffer from a chronic illness or disability, the manager will consider requests for a non-participating health care provider to be present during formal meetings.

## **20. Note taking & recording**

Other colleagues attending the meeting will include a note taker and may involve a member of the HR team.

Recording equipment cannot be used at any time during meetings. Non-verbatim notes will be taken during the meeting and colleagues will be provided with a copy of the notes from their meeting. The colleague or their representative are welcome to take their own notes.

## **21. During the formal meeting**

At the meeting the manager will outline the concerns, give the colleague the opportunity to respond and to provide any background information or mitigation they would like taken into consideration. The manager will summarise what has been discussed and adjourn the meeting before making a decision regarding the outcome.

## **22. Outcomes following a formal attendance review meeting**

The manager will take due consideration of occupational health advice before determining any outcome. Therefore, it is imperative that colleagues disclose any underlying health conditions, chronic illnesses or disabilities early on in any process.

Following the formal attendance review meeting the outcome may be:

- No formal action is taken, reasonable adjustments and support are be considered.
- A formal sanction is issued which may include:

- A written warning to be kept on file for 12 months (**short term sickness only**)
- A final written warning to be kept on file for 12 months (**short term sickness only**)
- An alternative outcome short of dismissal (i.e. redeployment) or,
- Dismissal with notice.

For the above outcomes, additional support may also be applicable, i.e. reasonable adjustments or permanent adjustment to duties and / or working hours.

Please note; it is normal when managing short-term sickness absence that if absence does not improve and the required attendance at work sustained, warnings may escalate from a first written warning, to final written warning prior to considering dismissal.

The outcome will be confirmed in writing outlining any next steps, where appropriate. Where a formal sanction has been issued or the outcome is dismissal, the colleague will be notified of their legal right to appeal.

### 23. Right of Appeal

Colleagues have the right to appeal against the outcome of a formal sanction. They should appeal in writing to the person identified in the outcome letter, stating the full grounds of their appeal within one calendar week of receipt of the outcome letter. If an appeal is not made within 7 calendar days, it will be assumed that the colleague accepts the decision.

Any appeal should be exercised under the relevant policy rather than raising a grievance under the NCG Grievance Policy.

The purpose of the appeal is to consider any of the following raised by the colleague:

- Any new evidence provided.
- Specific appeal reasons.
- Procedural matters.
- Whether the sanction issued was appropriate.

A manager will be appointed and a further meeting will be held to discuss the appeal. The colleague will have the right to bring a companion in line with other formal meetings. As the appeal meeting is formal, the same principles will apply to that of other formal meetings with regards to the meeting invitation, rights, attendees, responsibilities and expectations.

Following the appeal meeting, the outcome may be:

- The original decision is upheld.
- The original decision is overturned.
- The colleagues position is reinstated where redeployment or dismissal was deemed too severe.





The outcome will be confirmed in writing outlining any next steps, where appropriate. The appeal manager's decision is final and there is no further right of appeal.

#### **24. Variations to this policy / procedure**

This procedure is intended as an overview of how sickness absence is managed, however, it may need to be adapted to suit the needs of each situation. On occasions, it may not be appropriate to follow each of the stages in turn or in the timescales suggested. Regardless of the stage at which this procedure is started, support will be offered and implemented to assist colleagues throughout the process.

**Appendix A - Occupational sick pay entitlement per contract of employment**

Carlisle College OSP Management/Academic/HP Academic Contract Terms and Conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
During 1 <sup>st</sup> year of service, after 4 months service	35 days full 70 days half pay
During 2 <sup>nd</sup> year of service	70 days full pay 70 days half pay
During 3 <sup>rd</sup> year of service	95 days full pay 95 days half pay
During the 4 <sup>th</sup> year of service and after	120 days full pay 120 days half pay

Note: for the purposes of the above terms, a working day is defined as any day which is not a Saturday or Sunday. Carlisle College Corporation has the discretion to extend a colleague's entitlement in exceptional circumstances. In exercising this discretion, the Corporation will take into account the seriousness of the case and the likely beneficial effect of such action.

Carlisle College OSP Support Contract Terms and Conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
During 1 <sup>st</sup> year of service, after 4 months service	1 months full pay and 2 months half pay
During 2 <sup>nd</sup> year of service	2 months full pay 2 months half pay
During 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During the 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

Note: for the purposes of the above terms 'one month' is equivalent to 26 working days pro rata, Saturday being regarded as a working day.

Carlisle College Hourly Paid Support Contract Terms and Conditions: Statutory sick pay.

Group Services, Newcastle College, NSFC, & West Lancashire College OSP terms and conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
Less than 6 months or within probationary period.	No entitlement
1 <sup>st</sup> year of service (after qualifying period of 26 weeks or later if the probationary period has been extended).	1 month's full pay 2 months' half pay
2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay
3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay
4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months full pay and 5 months' half pay.
After 5 years' service	6 months' full pay and 6 months' half pay

## Kidderminster College OSP Terms and Conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
During first 4 months of service	5 weeks full pay
During first year of service	5 weeks full pay 9 weeks half pay
During second year of service	10 weeks full pay 9 weeks half pay
During third year of service	16 weeks full pay 16 weeks half pay
During fourth year of service	21 weeks full pay 21 weeks half pay
After four years' service	26 weeks full pay 26 weeks half pay

## Kidderminster College OSP Hourly Paid Terms and Conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
During first 4 months of Service	3 weeks full pay
During first Year of Service	3 weeks full pay 6 weeks half pay
During second Year of Service	6 weeks full pay 6 weeks half pay
During Third Year of Service	10 weeks full pay 10 weeks half pay
During Fourth Year of Service	13 weeks full pay 13 weeks half pay
After Four Years' Service	17 weeks full pay 16 weeks half pay

## Lewisham College OSP Business Support Terms and Conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
During 1 <sup>st</sup> year of service	1 months full pay and after 4 months service 2 months half pay
During 2 <sup>nd</sup> year of Service	2 months full pay and 2 months half pay
During 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> year of Service	5 months full pay and 5 months full pay
After 5 <sup>th</sup> year of service	6 months full pay and 6 months half pay

## Lewisham College OSP Academic Contract Terms and Conditions:

<b>Length of Service</b>	<b>Occupational Sick Pay *</b>
During 1 <sup>st</sup> year of service	Full pay for 28 working days and after completing 4 calendar months, half pay for 56 working days
During 2 <sup>nd</sup> year of Service	Full pay for 56 working days and half pay for 56 working days
During 3 <sup>rd</sup> year of service	Full pay for 84 working days and half pay for 84 working days
During 4 <sup>th</sup> and successive years	Full pay for 112 working days and half pay for 112 working days

\* In all cases, occupational sick pay incorporates any SSP payments due and is not in addition. OSP is pro-rated for part time colleagues.