

# Sickness Absence Management

## Policy and Procedure

King's is committed to promoting the health, safety and welfare of its employees by providing time and support for those facing health issues.

All employees are responsible for managing their health and the Sickness Absence Management Policy provides a framework to manage occasions where ill-health impacts attendance at work.

King's recognises that there are many different causes of absence from work and this policy aims to provide a supportive structure to enable attendance. Sickness absence will be managed with dignity and respect and employees will be given appropriate support and achievable attendance expectations.

Whilst action taken in line with this procedure is primarily taken to facilitate attendance at work, action including and up to dismissal may be an outcome.

## Application

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The Sickness Absence Management Policy applies to all employees.

The University [Probation Process](#) applies to employees who have not yet completed their probationary period.

All absences from work due to ill-health must be reported and recorded appropriately. If an employee does not report their absence this may result in action under the [Disciplinary Policy and Procedure for Research, Teaching-only and Professional Services Staff](#) or [Academic Staff Disciplinary Regulation](#), as applicable.

The University reserves the right to withhold Occupational Sick Pay for absences which are unreported, or not covered by a Fit Note.

The University aims to treat sickness absence sensitively and with respect for the privacy of those concerned. Unless there is cause to believe that an employee is a risk to themselves or others, all information communicated in connection with a matter of sickness absence must be treated as confidential.

This policy does not form part of employees' contract of employment and the University has reserved the right to amend the terms of this policy, should the need arise, without further reference to employees.

Any questions regarding this policy should be sent to [hr@kcl.ac.uk](mailto:hr@kcl.ac.uk).

## Reporting an Absence

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Employees should not work if they are unwell and should take the necessary time to recover. If unable to attend work, employees are required to report the sickness absence to their manager or designated point of contact as soon as possible, and before they are due to start work.

When reporting an absence employees should explain the reason for the absence, estimated duration and agree a time to be back in contact either to confirm the return to work or if the absence is due to continue.

The line manager, or employee where appropriate, must record the duration and reason for the absence following their local absence reporting procedure.

Employees who hold NHS Honorary Contracts should also ensure they have informed their appropriate NHS contact.

### Maintaining Contact

During a period of sickness absence employees and managers should agree a time frame for regular communication. The frequency and method of contact (phone call, text, email, or other) should be jointly agreed during the early stages of absence and reviewed as appropriate.

In exceptional cases, an employee may ask to have another person be the point of contact during an absence, however, this will need to be mutually agreed with the line manager.

If an employee does not make or maintain contact during a period of absence the University reserves the right to withhold Occupational Sick Pay and treat the absence as unauthorised under the [Disciplinary Policy and Procedure for Research, Teaching-only and Professional Services Staff](#) or [Academic Staff Disciplinary Regulation](#), as applicable.

Managers who require advice, should contact their [HR Business Partnering Team](#) in the first instance.

### Fit Note Certification

For absences of 8 calendar days or more, a medical certificate, typically a Fit Note, must be provided by the employee. If the absence continues, further Fit Notes must be provided for the whole period of absence. A Fit Note is issued by a medical professional and will provide general information on the employees' health and when they may be fit to return to work. A Fit Note is usually issued by a GP however they can also be issued by nurses, occupational therapists, pharmacists and physiotherapists.

If an employee's absence is not covered by a Fit Note the absence may be treated as unauthorised and may be managed in accordance with the [Disciplinary Policy and Procedure for Research, Teaching-only and Professional Services Staff](#) or [Academic Staff Disciplinary Regulation](#), as applicable.

### Return-to-Work Meetings

Following an absence from work, the line manager should meet with the employee to discuss their health and return to duties.

The purpose of the meeting is to ensure that the absence is recorded correctly and that the employee is fit to return and has an opportunity to raise any issues that may be affecting their health. This meeting should take place on the first day an employee returns to work, or as soon as reasonably practicable. In general, the following should be discussed,

- length and reason for absence,
- fitness to return to work, and
- any additional support that can be offered.

Return-to-work meetings should take place regardless of the length of absence, although the duration and level of detail of the meeting may vary depending on circumstances.

## **Medical Appointments**

There are occasions where employees may need to attend a medical or dental appointment. Where possible these should be arranged to minimise disruption and time away from work, the employee should also give as much notice as possible of the appointment.

Managers are encouraged to agree a reasonable amount of paid time off to attend medical appointments, recognising that some medical appointments cannot be arranged around working hours. This will be considered on a case-by-case basis and if the time off cannot be facilitated as paid leave the employee may be asked to make up the hours at another time or take this as annual leave. If the employee has exhausted their annual leave allowance this may be allocated as unpaid leave.

Evidence for the appointment may be requested.

There are specific arrangements in place for appointments for [fertility treatment](#), appointments if you are a [carer](#) and [pregnancy](#) related appointments.

## **Sickness Absence and Annual Leave**

If an employee falls ill whilst on annual leave, this can be treated as sickness absence. The employee must notify their line manager or designated point of contact, at the point of sickness. The employee should also attend a return-to-work meeting, to discuss the absence.

If an employee is overseas when they fall ill, they must provide a medical certificate or equivalent documentation from a healthcare professional to cover the period of ill-health. The medical certificate, or equivalent, should include details of the illness, cover the whole period of sickness and be provided in English. If an employee remains abroad whilst unwell, evidence of their intended return to work, may be requested.

Provided that the reporting procedures are followed, employees may reclaim the annual leave and take this at a later date, in agreement with their line manager.

An employee may use their annual leave whilst they are on sickness absence and this should be booked and approved in the usual way. The annual leave is not considered a return to work for the purposes of sickness absence management.

Employees who are unable to take annual leave due to sickness absence can carry over a maximum of 28 days' pro-rata of their remaining unused leave. Bank holiday and concessionary days are not included and cannot be carried over into the following annual leave year.

Any annual leave carried over under this procedure must be taken within 18 months from the date it is carried over.

Unless bank holiday or concessionary days, are included in an employee's annual leave allowance, if an employee is unwell on these days, they are not entitled to take this at another point.

Managers should discuss using annual leave with the employee and facilitate taking the leave within the leave year, where appropriate.

## Returning to Work

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### Phased Return

In some cases, an employee may be issued with a Fit Note advising that they 'might be fit for work'. This is usually the case when the issuer believes that the employee is able to work with suitable adjustments to their duties on a temporary basis. This is typically known as a phased return and the Fit Note should indicate an applicable adjustment, such as

- a phased return to work,
- altered hours,
- reasonable adjustments such as amended duties, or workplace adaptations.

The Fit Note should also include the estimated duration of the changes to facilitate a full return to work. This is usually a period of four to six weeks, although timeframes vary. During this period the employee will receive payment at their usual rate, where a phased return is extended, payment will be agreed individually, and the employee may be asked to use annual leave to accommodate the variation in hours or duties.

Where a Fit Note advises adjusted duties, the manager and employee should meet to discuss the suggestions. A referral to Occupational Health is usually also advised, however this does not have to occur in all instances.

If the line manager cannot facilitate the suggestions for workplace adjustments, alternative options will be offered. If these are unsuitable the status of the Fit Note defaults to 'not fit for work' and the employee will remain absent. In these circumstances, employees are not required to obtain an additional Fit Note.

Where necessary permanent changes to an employees' hours or duties should be confirmed under the [Flexible Working Policy](#).

### Occupational Health

The university's [Occupational Health](#) service provides advice and support on preventing and managing ill-health in relation to the workplace. Whilst the Occupational Health service can provide additional advice, it cannot provide a diagnosis or treatment for an employee's medical condition.

A referral to occupational health can be considered if an employee,

- is absent for a prolonged period,
- has a regularly recurring absence,
- has a Fit Note recommending adjusted duties,
- has a health condition or disability that is affecting their work, or
- has disclosed a health condition or disability and would like additional advice.

Referral to Occupational Health will be made with the consent of the employee and any information provided to Occupational Health will only be released with employee consent. If an employee does not give consent, or fails to attend an appointment, they should be aware that sickness absence management will continue, though this will be without any additional information on how their health may impact their work.

The University will aim to accommodate advice from Occupational Health, this will be considered on an individual basis taking into account the specific recommendation, circumstances and organisation requirements.

Please contact the relevant [HR Business Partnering Team](#) for more information.

## **Disability and Reasonable Adjustments**

Under the Equality Act 2010, the university has a legal responsibility to consider reasonable adjustments to ensure that employees with disabilities or specific needs can do their job as well as possible.

A reasonable adjustment is a change to the working environment or working arrangements to remove or reduce a disadvantage related to an individual's disability.

A reasonable adjustment must be considered as part of day to day working or if an employee has had a number of absences related to their disability.

Reasonable adjustments are specific to an individual person and their work environment, they may also change over time.

What is reasonable depends on each situation and should take into account the:

- removal or reduction of a disadvantage,
- practicality,
- affordability, and
- health and safety of others.

Reasonable adjustments should be agreed between the employee and their manager to facilitate healthy working. Additional information about disability at work can be found on the [disability](#) webpages.

The University's [Occupational Health](#) service can also provide additional tailored advice.

# Sickness Absence Management Procedure

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## Absence Level and Informal Discussions

Regular feedback should be provided to an employee by their manager through regular one-to-ones. Where a manager has concerns regarding an employee's absence level, and the employee is close to triggering the formal procedure, the manager should meet with the employee to let them know.

The manager should explore the reasons for the absences and keep a record of the discussion.

The formal Sickness Absence Management Procedure will be initiated if an employee,

- has been absent on 3 occasions or a total of 8 days in any 4-month period, or
- has been absent on 6 occasions or a total of 12 days in any 12-month period, or
- has a pattern of absence, such as Mondays and Fridays, or
- has a continuous absence of 4 weeks or more.

Sickness absence is monitored over a 12-month rolling period, for the purpose of sickness absence management the 12-month period is calculated using the first day of the most recent absence, minus 365 days.

Managers should take advice from the relevant [HR Business Partnering Team](#) before initiating the formal procedure.

## Right to a Companion

All employees will be advised of their right to a companion (either a trade union representative, official or another King's employee) at any formal sickness absence meeting, sickness absence hearing or appeal hearing.

In some circumstances employees may request a family member to accompany them at meetings, this will be considered on a case-by-case basis. If permitted the family member will be in attendance for support and will not be able to contribute to the discussion or be used to translate.

If the employee wishes to be accompanied, they will need to notify the manager and [HR Business Partnering Team](#) of the name of their companion and if relevant the Trade Union they are from. The employee will be responsible for providing details of the scheduled sickness absence meeting, sickness absence hearing or appeal hearing and any related documentation to their companion.

If an employee's chosen companion will be unable to participate in the procedure within a reasonable timeframe the employee may be asked to find another suitable companion.

If the companion is unavailable at the time scheduled for a sickness absence meeting, sickness absence hearing or appeal hearing, the employee should propose an alternative time. This should be within 5 working days after the day originally scheduled and should be chosen so that it is mutually convenient to those involved.

At a formal sickness absence meeting, sickness absence hearing or appeal hearing the companion will be able to,

- address the line manager or panel to put and sum up the employee's case,
- respond on behalf of the employee to any views expressed at the meeting/hearing, and
- confer with the employee during the meeting /hearing,

either orally or in writing as may be applicable.

The companion will not be able to:

- answer questions on the employee's behalf,
- address the meeting / hearing if the employee indicates that they do not wish their companion to do so, or
- use their position, in a way that prevents the University from explaining its case, or any other person making their contribution.

The employee will not have the right to be accompanied or represented by a barrister or solicitor acting in a professional legal capacity at any stage of the sickness absence management procedure.

## **Formal Sickness Absence Meetings**

If an employee meets or goes over the absence 'trigger level', the employee will be invited to participate in the Formal Sickness Absence Management Procedure. Each stage of the formal procedure involves inviting the employee concerned to a meeting to discuss attendance and determine an appropriate course of action.

Formal sickness absence meetings are separate to return-to-work meetings which should take place after each absence.

The employee will be given at least 5 working days' written notice of a meeting, including details of the absence record. During the meeting the employee will be given an opportunity to discuss their absence and ask questions.

Employees are encouraged to attend sickness absence meetings or hearings whenever possible. If attendance is not feasible due to ill health, the meeting or hearing can be rescheduled. It is crucial to respond to correspondence and attend scheduled meetings, as failing to do so without a valid reason may result in the meeting proceeding in the employee's absence.

The employee will be informed of the right to be accompanied and will be asked to notify the [HR Business Partnering Team](#) or the meeting chair no later than 3 working days ahead of the scheduled meeting if they intend to be accompanied, the name of the companion and if relevant the trade union they are from.

Formal sickness absence meetings will normally be held with the manager and employee. The manager will provide an outcome of the meeting and a summary of the points discussed.

## **Long Term Absence**

In cases of long-term absence, generally 4 weeks or more or with no immediate expectation of a return to work, the series of meetings may be adapted accordingly.

Usually this will mean starting the process from Stage Two and seeking additional advice from Occupational Health.

If the absence continues with no expectation of a return to work, the employee should be informed that they will proceed to a Stage Three meeting where dismissal may be considered.

### **Formal Attendance Review Periods**

Where an employee has been set an attendance target there will be a review period which allows the employee sufficient opportunity and time to meet the attendance objective. During the review period attendance will be monitored and any support identified will also be provided during this time.

At the end of a review period, the manager should confirm the outcome in writing, which could be that:

- The attendance level has been met and there is no longer cause for concern, subject to ongoing review, or
- The attendance level has not been met and the relevant sickness absence review meeting will be arranged.

### **Sickness Absence Meeting – Stage One**

The purpose of the stage one meeting is to discuss, with the line manager,

- the current level of sickness absence, reasons, and any long-term effects,
- any reasonable adjustments or support provided,
- a reasonable improvement in attendance, and
- if further support or advice from Occupational Health is necessary, at this stage.

The outcome of the stage one meeting may be:

- To end the process, subject to ongoing review,
- To initiate a formal attendance review period, or
- To initiate a formal attendance review period and issue a First Attendance Notice.

A First Attendance Notice will remain active for 6 months from the date of issue.

The outcome will be confirmed in writing to the employee, usually within 5 working days of the meeting. The outcome letter will detail the expected improvement in the employee's attendance level and the timeframe to achieve this.

### **Sickness Absence Meeting – Stage Two**

If, following a stage one meeting, the required improvement in attendance has not been achieved, the line manager should consider holding a formal Stage Two Review meeting.

The purpose of the stage two meeting is to discuss:

- the details of the absence record,
- any reasonable adjustments or support provided,
- a reasonable improvement in attendance,
- referral to or advice from Occupational Health.

The manager will consider the information presented and will decide if action is necessary.

The outcome of the stage two may be:

- To end the process, subject to ongoing review, as objectives have been met and there is no longer cause for concern, or
- To extend the formal review period and issue a First or Final Attendance Notice, as appropriate, as the required attendance level has not been met.

A Final Attendance Notice will remain active for 6 months, from the date of issue.

The outcome will be confirmed in writing to the employee, usually within 5 working days of the meeting.

### **Sickness Absence Hearing – Stage Three**

Following an extended formal review period, if there are still concerns, the employee will be invited to participate in a stage three hearing at which point dismissal may be considered. Advice from Occupational Health should normally be considered before a stage three hearing.

Sickness Absence Hearing Panels will normally comprise of at least two people, a Chair, usually the appropriate Head of Department/Division/School and another senior employee who will not have had any direct involvement in the matter.

A member of the [HR Business Partnering Team](#) will be present in sickness absence hearings in addition to an assigned note taker.

The purpose of the stage three hearing is to discuss,

- the continued level of absence,
- any reasonable adjustments or support provided,
- advice from Occupational Health, and
- if a sustained level of attendance or return to work will be possible.

The Panel will consider the information presented to the hearing and will decide if action is necessary.

The outcome will be confirmed in writing to the employee, usually within 5 working days of the hearing.

### **Stage Three Outcomes**

The outcome of the stage three sickness absence hearing may be:

- To end the process, subject to ongoing review, as the attendance level has been met and there is no longer cause for concern,
- To extend the formal review period and issue a Final Attendance Notice, as appropriate, as the required attendance level has not been met, or
- To dismiss the employee, as a First or Final Attendance Notice has already been issued and the required attendance has not been met.

## Right to Appeal

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An employee who has been issued a First Attendance Notice, Final Attendance Notice, or a dismissal will have the right of appeal.

An employee who wishes to appeal against any attendance action including dismissal must submit notice of the appeal in writing, including the grounds for the appeal and any supporting documentation, to the relevant [Director of People](#) within 10 working days of receipt of the written notice of the attendance action.

### Grounds for Appeal

The employee should clearly state the grounds for appeal, which may include:

- That the findings of the hearing are unreasonable
- That the sanction applied is too severe
- That there is new evidence that was not previously available
- That the Sickness Absence Management procedure has not been applied correctly

### Appeal Procedure

The appeal will be heard by a Panel appointed by the relevant [Director of People](#) or their designate.

The appeal Panel will usually comprise of at least two members who have not been previously involved in the particular case.

A member of the [HR Business Partnering Team](#) will normally be present, in addition to an assigned note taker.

The individual will be given at least 10 working days' written notice of the appeal hearing together with copies of relevant documents and reports presented at the Stage Three Sickness Absence hearing.

The individual can provide any new information concerning the grounds of the appeal that they wish the Panel to consider. This is to be presented to the Panel no later than 3 working days before the scheduled date of the appeal hearing.

The individual will be informed of the right to be accompanied. They will be asked to notify the [HR Business Partnering Team](#) no later than 3 working days ahead of the scheduled appeal hearing if they intend to be accompanied, and to provide the name of the companion and if relevant, the trade union they are from.

### Appeal Hearing

The appeal Panel will review the information presented in relation to the grounds for appeal. This information will comprise:

- That which was previously submitted to the sickness absence hearing,
- The notes and decision letter from the sickness absence hearing,
- Any new information arising pertaining to the grounds of the appeal.

The appeal Panel may make any additional inquiries or request additional information about the case under consideration as they see fit.

The Panel Chair will determine the procedure for the appeal which should:

- adhere to the Sickness Absence Management Policy and Procedure,
- ensure that all submissions made to the Panel (including written submissions made in accordance with the stipulated timeframes) are considered, and
- ensure that a decision is reached without undue delay.

## **Appeal Outcomes**

The outcome will be confirmed by the Panel Chair in writing to the individual, usually within 10 working days of the appeal hearing.

For an appeal against action short of dismissal, this may be to

- Support the appeal and remove or modify the attendance notice, if appropriate,
- Reject the appeal and confirm the original action taken.

For an appeal against dismissal, this may be to:

- Support the appeal and reduce the dismissal to a lesser action, or
- Reject the appeal and confirm the decision to dismiss.

An appeal will never result in any increase in the original action.

Should an appeal against dismissal be supported, the employee will receive salary payment at the appropriate rate as if they had not been dismissed and there will be no break in their continuity of employment.

The decision of the appeal Panel will be final and there will be no further avenue for appeal within the University.

## **Sickness Absence and Other Formal Procedures**

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Should an employee become ill whilst undergoing a formal University procedure, such as Disciplinary Policy and Procedure or Capability Policy and Procedure, reasonable steps will be taken to accommodate and support the employee.

An absence from work will not prevent a formal process, such as an investigation, from continuing, and aspects of the process that can be completed in the employee's absence will go ahead.

Sickness absence will be managed in line with this Sickness Absence Policy and Procedure.

## **Meetings**

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Meetings will be conducted in-person or by using the appropriate technology such as Microsoft Teams.

The recording of meetings held in relation to this policy will not normally be permitted. Any deliberate recording of meetings, obtained without the express agreement from all participants before the commencement of the meeting, may result in disciplinary action.

## Adjustments to Proceedings

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Under the Equality Act 2010, the university has a legal responsibility to consider reasonable adjustments in the application of this policy, to ensure that employees with disabilities or underlying health condition can fully participate and understand the process.

Reasonable adjustments will be considered on an individual basis, taking into account the specific needs and circumstances of an employee, this could include adjustment to the 'trigger level' of Sickness Absence Management, the location and timing of meetings, providing information in a specific format, and accepting written submission of statements.

Employees facing difficulty at any stage of the procedure due to a disability should contact the [HR Business Partnering Team](#).

### Version Control

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# APPENDIX A: Sickness Absence Management Process Flowchart

