

*Approved by Trustee Board: July 2021*

*Review Period: 3 Years*

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*Heriot-Watt Student Union*

***ABSENCE MANAGEMENT POLICY***

### 1. Overview

1.1 We know that sometimes it isn’t possible to attend work. This Heriot-Watt University Student Union (HWUnion) policy covers the procedure for reporting and managing absences from work, other than due to annual holiday entitlement (see HWUnion Holiday Policy). It covers absence due to sickness and injury, and arrangements for sick pay, as well as other reasons for absence, and applies to all employees (including FTOs). It does not apply to self-employed contractors.

1.2 With the exception of the sick pay entitlement, this policy does not form part of your employment contract, and we may update it at any time.

### 2. If you know in advance you will need to be absent

2.1 You should tell your line manager as soon as possible if you know you need time off work — for example, for a medical appointment — and get their permission. We will not normally pay you, but we are very happy for you to work back the time if agreed by your line manager. However, you do have the right to ask us to treat this type of time off as paid holiday, and in such circumstances you should proceed in accordance with the HWUnion Holiday Policy.

2.2 If you are arranging a medical appointment, please do your best to arrange it outside working hours. If it is likely to involve taking most of the day off, please try to use a day’s holiday (in accordance with the HWUnion Holiday Policy).

2.3 You should let your line manager know in advance either face-to-face or by telephone. Unless there is a good reason, text, social media, or email notifications are not acceptable.

### 3. If you become sick or are injured

3.1 If you become sick or suffer an injury and are unable to work, you should let your line manager know as soon as possible that you will be absent, and no later than 10am on the first day of absence or not less than 2 hours before your shift is due to start if you work on a rota basis.

3.2 You must speak to your line manager yourself unless you are medically unfit to do so, in which case you can ask somebody else to make contact on your behalf.

3.3 Always contact your line manager by telephone, not (for example) by email, social media or text in case your line manager needs to ask you questions, for example, about your absence, your workload, or whether you have an idea of how long you might need to be absent.

3.4 You should contact your line manager on each subsequent day you are absent from work, unless you have a doctor’s certificate, or you have agreed a different process with your line manager.

3.5 While you are absent from work due to sickness or injury, your line manager may contact you to ask for updates, or to ask work questions where the information is vital and cannot be obtained through other routes.

### 4. Evidence of sickness or injury

4.1 If you are absent from work due to sickness or injury for less than eight calendar days, you must complete a sickness absence self-certification form when you return to work.

4.2 If you are absent from work for more than seven calendar days, you must provide a self-certification form for the first seven calendar days. For any period beyond the first seven calendar days, you must provide a Statement of Fitness to Work from a medical doctor stating that you are unfit for work and the reason. We will need further certificates if you continue to be absent after the first and any subsequent certificates have expired.

### 5. Payment for sickness or injury

5.1 HWUnion will provide sick pay in accordance with Appendix 1.

5.2 If you do not provide HWUnion with Self-Certification for the first seven calendar days of sickness absence followed by a doctor's Statement covering any continuing period of sickness absence beyond that, you may lose your right to sick pay.

5.3 HWUnion will not normally pay you sick pay, other than SSP (if you are eligible for this), in circumstances where:

* you are suffering from self-inflicted injury or illness, such as from substance misuse;
* the absence results from hazardous activities, such as extreme sports;
* we have evidence or good reason to believe your absence is not genuine, or your symptoms are exaggerated. If it later becomes evident that the approach taken by HWUnion was unreasonable, we will provide sick pay retrospectively;
* the correct notification and reporting procedures have not been followed;
* you fail to attend any medical appointment we have asked you to attend, or you do not cooperate with any medical practitioner, or you withhold consent for any medical report to be sent to us;
* your injury is caused by other paid work unconnected with HWUnion;
* the absence is as a result of non-essential surgery or medical treatment which you have elected to have, unless undertaken upon the advice of a registered medical practitioner and confirmed as necessary by any doctor appointed by HWUnion.

5.4 Subject to pension scheme rules, pension contributions normally made by you and by HWUnion will continue while you are receiving sick pay.

### 6. Returning to work after sickness or injury

6.1 If you receive a doctor’s certificate saying you are fit to return to work you must tell your line manager immediately and provide HWUnion with a copy.

6.2 We will ask you to attend a return-to-work interview after you have been off work due to sickness or injury. At the interview, we will discuss the circumstances causing your absence, check you are fit to return, and consider any advice from your doctor that may make it easier for you to return.

6.3 Occasionally members of staff may say they are fit to return to work without a supporting statement from a doctor and where there is a reason for HWUnion to be concerned about the individual returning due to ongoing health issues. If we do not think you are fit to return to work, even when you tell us you are, we might decide it is in your best interests and those of the Union to obtain our own medical evidence and guidance before proceeding.

### 7. If you are absent long-term, or are repeatedly absent

7.1 We may have to take formal steps if you are off work sick long-term, or we are concerned about the number of days you take off for sickness or injury. We recognise that long-term, fluctuating health conditions can cause intermittent absence and we will always take account of your situation and support you as much as we can.

7.2 How we respond to absence depends on why you are off work and the pattern of your absences. We may want to talk informally with you, and we may get medical evidence so that we can better understand your situation. We may request formal meetings to review your absence in more detail and to explore whether we need to make reasonable adjustments to help you return to work.

7.3 If we require medical evidence, we will usually ask you to be examined by an occupational health expert, or another specialist of our choice. We will cover any associated costs for this and all reports will be retained confidentially on your HWUnion file. We will ask for your consent for us to have full access to your medical reports and to discuss the contents with the relevant medical practitioner. You do not have to consent, but if we do not have this access, we will have to make decisions based on medical and other information we do have. We will make reasonable adjustments to your role and/or workspace where possible, if you have a disability or there is a clear medical need for this, with supporting evidence. We will respect your medical confidentiality with regards to all information received.

7.4 We understand that this process may be difficult and upsetting if you suffer from a serious health condition, and you might feel as though you are being pressured into returning to work before you are ready. We do not want to make you feel this way; we want to ensure that you are treated fairly and in accordance with our values. However, no organisation can continue employing people indefinitely if they are not able to work. In such circumstances, we will try to keep you fully informed of our consideration of your case and potential consequences of continued absence. Unfortunately, one consequence might have to result in dismissal.

### 8. Procedures if you are absent long-term or repeatedly absent due to sickness or injury

8.1 We will write to you before we hold a formal meeting and explain when, where, and why it is taking place. You must let us know as soon as possible if you cannot attend at the appointed time and we will try to find an acceptable alternative date. If it helps you to attend the meeting, we will consider using a venue closer to your home or conducting the meeting through some other means.

8.2 At the first meeting, we will want to discuss why you are off work, how long you think you might need to remain off work, and whether you are likely to be off work for the same reason again in the near future. We may need to get medical evidence, review existing reports, and explore whether there is anything HWUnion can do to help improve your situation and/or make it easier for you to return to work. If you have been off work long-term, it may be appropriate to suggest you take part in a return-to-work programme. If you are repeatedly absent, we may set you targets to help improve your attendance within a defined period.

8.3 We may ask you to attend a further follow-up meeting if, for example, you have not been able to return to work or have not met the attendance targets set at the previous meeting. We will want to talk with you about the likelihood of improving attendance. It will be important for us to try to understand how long your absence or pattern of absences is likely to continue, and whether there is anything else we might be able to do to help. As part of this, we may need to review the medical evidence, commission new medical evidence, and seek specific advice from an occupational health specialist and/or other medical professional. We will set a timescale for re-assessing your situation and may decide to schedule additional meetings. It may be necessary for us to indicate at this stage that your employment could be terminated if your attendance does not improve.

8.4 If you continue to be unable to return to work, or you fail to meet targets set for improved attendance, we will ask you to attend a further meeting. If it seems to us that you are either unlikely to be able to return to work, or your attendance will not improve in the short term, we may decide that there is no alternative but to issue you with formal notice of dismissal. Before doing so, we will explore the possibility of redeploying you elsewhere within HWUnion (if there are any suitable roles available) and we will consider any other issues you want to discuss.

8.5 You may face action under the HWUnion Disciplinary Policy if we conclude that your absence from work on grounds of sickness or injury is not due to such a medical condition and you are unable to offer any other satisfactory explanation and/or are found to have falsely claimed sick pay. This may lead to your dismissal for misconduct or gross misconduct in accordance with the HWUnion Disciplinary Policy.

*Your right to appeal against a decision to dismiss you due to long-term or repeated absence relating to sickness or injury*

8.6 You have the right to appeal against a decision to dismiss you or issue you with a warning because of your absence due to sickness or injury. To do this, you need to respond within a week of receiving the formal notice of dismissal by writing to the HWUnion Chief Executive Officer and explaining clearly why you feel you have a good case for appeal.

8.7 An appeal hearing will be held. This will not be led by the manager who took the decision that you should be dismissed and will be an independent review of all aspects of the case. A member of the HWUnion Trustee Board will participate in this stage and a report on the outcome will be provided to the Trustee Board. The final decision will be sent to you in writing, where possible, within two weeks of the appeal hearing. You do not have any further right of appeal to HWUnion.

*Your right to be accompanied to any formal meeting/hearing due to long-term or repeated absence related to sickness or injury*

8.8 You are entitled to be accompanied by a colleague or a trade union representative, not a solicitor or lawyer, to any formal meeting called under these procedures, including the appeal hearing. You should tell us as soon as possible who you wish to attend with you. It is your responsibility to arrange with them to attend. If you choose a work colleague, we will not prevent them from attending, but we may have to rearrange the meeting if their absence from work could cause operational difficulties.

8.9 Your colleague or union representative can, if you prefer, explain the key points of your case at the meeting and can respond on your behalf. You can also confer with them during the meetings. However, they must not answer questions put directly to you or try to prevent us asking questions or outlining our arguments.

*Recording meetings*

8.10 We may record meetings, but we will not do so without telling you. You may also record meetings if you wish, but please tell us in advance if you would like to do this; you will also get a better-quality recording if you do it openly rather than covertly.

### 9. Other types of absence from work

#### Jury service

9.1 If you are called for jury service, you must tell your line manager as soon as possible. Whilst you are on jury service, we will ensure you receive the equivalent to full pay after reclaiming expenses from the Court.

#### Other public service roles

9.2 HWUnion will try to facilitate absence from work to carry out some public service roles, for example, acting as magistrate. Such activities and each absence must be considered and approved by your line manager before any commitment is made by you. Once approval has been given, and dates of future public service commitments are known, you should let your line manager know as soon as possible so that we can plan for your absence from work. It will not be acceptable to take on last minute public service activities that have an adverse impact on your work for HWUnion unless alternative arrangements for cover have been put in place. While you are carrying out such public service activities, you will not be paid by HWUnion unless you are using your annual holiday entitlement (see HWUnion Holiday Policy)**.**

#### Emergency time off to look after dependents

9.3 You may take reasonable time off work to deal with emergencies involving your dependents. This does not cover general home issues, such as dealing with boiler problems. HWUnion defines a dependent as spouse, civil partner, child (including adopted children), or parent. Also included are others who live in your household or anyone else who relies on you — for example, an elderly family member. You must follow the same procedures as for sickness absence and contact your line manager as soon as you know you will need to be absent to deal with an emergency situation.

9.4 The circumstances of each case will be carefully considered to allow for some flexibility. However, the time you are absent from work must be both reasonable and necessary for you to deal with something immediately and/or respond to an emergency. Normally this will involve hours of absence, or a maximum of one or two days; this type of absence is not designed to provide care over the longer term.

9.5 HWUnion will not normally pay you when you need to be absent for reasons related to dependents. Consideration will be given to work time back if agreed with your line manager.

#### Other family-related absences

9.6 All other types of absence required for family-related matters — including maternity, paternity, shared parental, parental and adoption leave — are covered in HWUnion’s separate Maternity and Family Friendly Policy.

#### Carrying out trade union duties

9.7 If you are elected as a trade union official, you are legally entitled to reasonable time off to fulfil your obligations and you will be paid at your full basic rate for all related absences during working hours. We will not pay you for duties conducted outside working hours.

# APPENDIX 1

### SICK PAY ENTITLEMENT

Subject to HWUnion’s procedures being followed, a member of staff absent on account of sickness or injury is entitled to the following sick pay entitlement :

**Grades 6-10 Full Pay Half Pay**

No qualifying period 6 months 6 months

**Grades 4-5 Full Pay Half Pay**

First three months 2 weeks 2 weeks

Three months to one year 2 months 2 months

Second and third year of service 3 months 3 months

Fourth and fifth year of service 5 months 5 months

After fifth year of service 6 months 6 months

**Grades 1-3 Full Pay Half Pay**

During the first 6 months of service SSP where the employee qualifies

6 months to one year 2 months 2 months

Second and third year 3 months 3 months

Fourth and fifth year 5 months 5 months

After fifth year of service 6 months 6 months

The normal weekly earnings for the purposes of sick pay are the normal weekly salary plus any enhanced payment arrangements for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages. Where earnings for a normal working week vary from week to week or from one part of the year to another, the calculation is based on average earnings over whatever period is relevant to the period of absence.

#### Notes applicable to all staff

The full sickness pay allowance will include any entitlement to Statutory Sick Pay (SSP) or other state sickness benefits. No deductions are taken from the half pay allowance, except where the allowance plus SSP or other state sickness benefits exceeds the full normal weekly earnings.

The rate of sick pay (whether full, half or nil pay) for any sickness absence is calculated by adding together the total amount of absence taken during the previous twelve months and calculating the remaining sick pay entitlement (whether full, half or nil, in line with the entitlement for the grade) payable for the current period of absence. Any unpaid absence on sick leave does not count towards the rolling 12-month period for calculating entitlement to sick pay.

The salary is subject to deduction of the relevant National Insurance benefit.