



Sickness Absence and Medical Capability Policy and Procedure

Policy

We understand you may need to be absent from work from time to time due to sickness. This policy covers how we handle time off from work where the reason for absence is sickness. Our aim is to support you in managing health related issues, so an acceptable level of attendance can be achieved, and you receive the support you need and meet organisation requirements. Therefore there is a need for balance between:

- the genuine need for you to take time off work because of ill health; and
- the need to maintain Metaverse VR's (MVR) efficiency and productivity, so additional burden is not placed on your colleagues.

This policy also outlines the process to be followed when you are incapable of carrying out your job role due to a long-term illness or disability, the outcome of which could be a transfer to another position, or in extreme cases a dismissal on the grounds of capability.

Sickness Absence

"Sickness" is defined as an incapacity to carry out the duties and responsibilities you are contractually obliged to do because of your illness or accident.

This policy therefore applies to absence caused by personal illness or accident, not the need to take time off work because of an illness or accident of a child or partner.

Please note: If you fail to comply with the notification or certification procedures outlined within this policy, or abuse our guidelines on sickness absence, you may be investigated and subject to disciplinary proceedings.

Notification Procedure

If you are unable to attend work due to sickness absence, please notify your line manager by 9am on the first day of your absence. Please explain why you are unable to attend and indicate when you think you will be able to return to work.

If your period of sickness absence lasts for longer than 1 day, please contact your line manager on a daily basis.

Certification

Absences of 7 calendar days or less can be self-certified. Upon your return to work, please complete a self-certification form (available on our Sharepoint under "Forms") and email this to your line manager.

Any absence longer than 7 calendar days needs to be certified via a "fit note" from a GP or other relevant clinician, such as a Nurse, Occupational Therapist, Pharmacist, or Physiotherapist working in a general practice or hospital setting.

If you have been issued a fit note signing you off work by your GP or other relevant clinician, you must not engage in any work-related activities during the specified period. Doing so could mean you are not insured, and MVR could be liable for any incidents or accidents that may occur. This policy safeguards MVR from undue risk.

Upon your return to work, please speak to your line manager and then email or give them a copy of your “fit note”. During the period of your absence, please provide a copy of your “fit note” to your line manager via email or post. The “fit note” should cover each day of absence and, if multiple fit notes are issued, these should be provided to your line manager

together with a brief explanation of the reason for your absence, and if known, your expected return to work date or next medical appointment.

Please note: No matter how short your period of absence is it must be covered by a self-certificate and/or “fit note” certificate.

Failure to follow the certification process outlined above may be considered misconduct and dealt with under the “Disciplinary Policy and Procedure”. Occupational Sick Pay and SSP (Statutory Sick Pay) may be withheld during this time.

Private Medical Certificates

A private “fit note” may be considered necessary if there is a history of unusual absences or if your line manager believes you may benefit from an intervention by a medical practitioner. The cost of obtaining a private “fit note” will be reimbursed by MVR. In the event that a private “fit note is requested”, we will use our preferred provider “Aviva”.

Return to work

Upon your return to work, please report to your line manager before you begin work. During your return to work interview, your line manager will review your fitness to return to work, update you on any changes that may have taken place in the workplace during your absence, and confirm whether any support

is required, making arrangements for this as appropriate. In certain circumstances you may be asked to complete a form declaring your fitness to work, depending on the circumstances of your absence and return.

Your sickness absence will be recorded in your employee file on BrightHR.

Fit Notes

If your GP provides a certificate stating you “may be fit for work” you should inform your Line manager immediately who will discuss with you whether there are any additional measures that may be needed to facilitate your return to work, taking into account your GP’s advice.

Where a fit note is marked as “may be fit for work”, the note usually sets out the possible adjustments to your working arrangements to facilitate your return to work. Examples of the options available are:

- phased return to work
- amended duties
- altered hours
- workplace adaptations.

If appropriate measures cannot be taken, you will remain on sick leave and your line manager will set a date to review your situation.

Adjustments to Your Role

Your line manager will confirm the key points of your discussion in writing and outline any agreed adjustments that will be put in place, how long they are expected to last for, and a review date. Any changes are temporary and should not be considered permanent changes to your terms and conditions of employment, unless agreed otherwise.

Your line manager will arrange a review before the end of the adjustment period to assess suitability against your medical needs, balanced against the needs of the organisation. Adjustments may be continued, amended, or stopped. The outcome of your discussion will be to confirm what has been agreed.

Phased Return

Should a phased return be recommended by a medical professional, or if your line manager deems it to be appropriate to help you settle back into work, this will be discussed with you.

A plan will be put in place as to how your return will be managed, and review dates will be set with a view to supporting you back to your full duties and hours.

Your line manager will confirm your return to work plan in writing. This should not be seen as a change to your terms and conditions, and it may be subject to change depending on your medical needs or the needs of the organisation.

Medical Examination

Occupational Health (OH)

If your line manager has cause to be concerned about your health, e.g, you have had a number of periods of sickness absence for the same reason in a relatively short period of time, or your absence has become long term (defined as an absence lasting for 2 weeks or more) then they may suggest you undertake an assessment with MVR's preferred OH provider, Aviva.

In certain circumstances, especially if your sickness absence may impact on your long-term employment, then we may ask you to consult a medical practitioner of our choosing, to have your fitness to work arrangements assessed and confirmed. Should we seek further medical information, you will be provided with information relating to the report, and you will be asked to provide written consent.

Access to Medical Reports

Sometimes we may need to request a copy of your medical report or medical record to assist in the assessment of your medical condition. Your consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to us making contact with

your GP and you are entitled to see a copy of the documentation provided. In line with data protection legislation, you will also be given details of the reason for the examination, what we intend to do with the data obtained and the how we will treat / process the data.

If we obtain medical information, we will meet with you to discuss it. There may be changes required to your work or our processes, in which case this will be discussed and agreed with you where organisation requirements allow. Any outcome will be confirmed to you in writing.

Frequent and Short-term Absences

Trigger Points

Absence triggers enable your line manager to address your absence in a timely manner while ensuring all absences are managed fairly and consistently.

Our aim is to apply these on a consistent basis but we recognise there may be times when trigger points may need to be adapted to accommodate certain long term or temporary medical conditions.

Our absence triggers are as follows:

Criteria	Trigger (within probationary period)
Number of absence events	2
Continuous calendar days of absence	3 or more days

Criteria	Trigger (outside probationary period)
Number of absence events	3 occasions in a rolling 12 month period
Absence events totalling more than 10 working days (pro-rated)	1 occasion in a rolling 12 month period
Continuous calendar days of absence	14

Only 1 of the triggers needs to be reached for your line manager to review your sickness record.

Informal Meeting

Your line manager will meet with you informally if an absence trigger has been reached and discuss the reasons and potential actions, such as considering a referral to Occupational Health; implementing reasonable adjustments necessary in relation to disability or other medical condition; or, any possible formal disciplinary action. Your line manager may establish there is an underlying medical condition, and it may be advice is required from our OH Provider or HR as to the best course of action. Should this step be required, a further meeting will be held with you to discuss the outcome. Disciplinary procedures may not be necessary or appropriate in such circumstances.

A summary of the meeting will be kept in your employee file on BrightHR

Escalation to Formal Proceedings

Following an informal meeting, should no improvement be seen in your sickness absence and/or a further trigger point is reached, an investigation into the absence will take place with you. A meeting will be arranged by your line manager to discuss your absences, and seek to establish whether there is an underlying cause that needs to be accommodated and/or investigated further. Your line manager may proceed to formal disciplinary action for high absence levels if there is no underlying cause.

Following your first warning under the disciplinary procedure, should further triggers be hit, and your absence levels continue to be a concern, your line manager may investigate further. If your line manager's findings are your absence levels remain unacceptable, then further disciplinary proceedings may take place. If your previous warning is not spent, you may receive a higher disciplinary sanction.

Dismissal

Following a final written warning, should further triggers be hit, and your absence continues to be a concern to your line manager, further investigations will take place. If your Line manager's findings are your absence levels remain unacceptable (following a full examination of the facts and where no reasonable adjustments are appropriate), and your previous warning is still active, you may be subject to dismissal.

Long-Term Sickness

If you are absent (or expected to be absent) for 4 weeks or more, your line manager may liaise with you to return some or all of your equipment so it can be redeployed to your colleagues. Equipment will be returned to you immediately upon your return to work.

While MVR is dedicated to supporting and assisting you when you are absent, we cannot offer indefinite support. So either in advance of, or once you have exhausted the 28-week entitlement to statutory sick pay, your line manager, in conjunction with OH or HR, will discuss your likely return to work date and what work duties you may be able to fulfil. If necessary, we will ask for your permission to approach your GP or ask you to consult with a medical practitioner of our choosing, to help determine the likely length of your absence and identify any reasonable adjustments. If it appears a return to work in the near future is not reasonably practicable, we will discuss the situation with you and it is possible that your employment may be terminated on medical grounds.

Should your employment be terminated on medical grounds, you will receive pay in lieu of your contractual or statutory notice period, whichever is longer, and you will be paid any accrued and outstanding holiday pay. You may appeal against the decision to dismiss. Any appeal should be made in writing to your line manager within 5 working days of receiving the termination letter. You have the right to be accompanied to the appeal hearing.

Updates during Sickness Absence

You are expected to keep your line manager updated with details of your health and expected date of return. Your line manager will arrange regular check-ins with you to discuss your ongoing absence, so that you can each be kept up to date with developments.

The location of these meetings will usually be at your usual place of work but, if a virtual meeting, coffee shop or home visit is more appropriate due to the nature of your absence, this can be accommodated.

Disability

MVR has a duty to make reasonable adjustments if you have a disability covered by the Equality Act 2010.

If your absence is because of a disability or your illness means your mental or physical condition falls within the definition of a disability, we will do whatever we can to make reasonable adjustments* to your job to enable you to carry on working. If effective adjustments cannot be made or are not reasonably practical, we will discuss the situation with you. If there are no alternative roles or employment available, and if there is no prospect of you being able to return to work in the near future, your employment may be terminated on medical grounds.

*The duty to make reasonable adjustments covers many options, such as making changes and adjustments to working hours, adjusting existing equipment, provision of different equipment and amending workplace practices. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture etc. particularly if

these adjustments are to protect your health and safety. You will be fully consulted on these options.

Alternative Employment

If you are unable to continue in your current role due to ill health or disability, and no reasonable adjustments can be made, then we will make efforts to find suitable alternative employment for you.

The following process will be followed prior to considering dismissal:

- discuss the process with you
- obtain the necessary medical opinion / findings to support any decision
- consider any adaptations to your current role in line with the requirement to make reasonable adjustments under the Equality Act
- consider any other suitable roles

Should a suitable alternative role be identified, your terms and conditions may need be adjusted and training will be provided.

Health Insurance Scheme

You may qualify for support through Aviva, our Private Health Insurance provider, so this will be taken into consideration when considering support and making decisions under this policy. Your line manager will seek guidance from the COO or HR to discuss this if applicable.

III-Health Dismissal

You will be invited to attend a dismissal meeting and be advised a possible outcome of the meeting is your dismissal based on capability. You have the right to be accompanied to this meeting by a colleague.

At the meeting, your line manager will:

- discuss the reasons for your absence
- review the process so far in terms of support offered to allow you to continue in role
- offer you the opportunity to raise any concerns with the process, provide evidence or make representations

- discuss exploration of alternative roles
- ensure detailed notes are taken in the meeting (HR may be attend in support).

If any new information comes to light in this meeting, the meeting will be adjourned to allow full consideration of this information. The meeting will then be reconvened to inform you of the decision.

Where a decision to dismiss is reached, this will also be confirmed to you in writing. You have the right to appeal against any dismissal decision. Please see the “Disciplinary Policy and Procedure” on our Sharepoint for more detail on how to appeal.

In certain cases it may be beneficial for you to take ill-health retirement. Your line manager will support you and seek guidance from the COO or HR to discuss this if applicable.

Payment Arrangements and Insurance

Statutory Sick Pay (SSP)

You have a right to statutory sick pay (SSP) as long as you earn more than the lower earnings level (£123 per week at time of writing). SSP is payable from the first qualifying day of absence (a qualifying day is a day on which you are normally expected to be work in line with your contract of employment).

There is a limit of 28 weeks SSP in any one period of sickness or linked periods (periods of sickness are deemed to be linked if the second period starts within 8 weeks of the end of the first period.) SSP payments are made subject to tax and national insurance deductions.

If you exhaust your SSP entitlement, any on-going sickness absence will be unpaid.

Occupational Sick Pay

Any Occupational Sick Pay (i.e. sick pay over and above the SSP amount) paid by MVR is entirely discretionary but will not be unreasonably withheld as long as you meet the notification requirements and are able to produce any necessary medical certificates, including self-certificates.

The amount of Occupational Sick Pay you may receive will depend on your length of service, as follows:

- In your first 12 months of employment you will only be eligible for SSP
- From 12 months to 2 years’ service, you may receive 4 weeks full pay in any rolling 12 month period.
- From 2 to 5 years’ service, you may receive 6 weeks full pay in any rolling 12 month period.
- With more than 5 years’ service, you may receive 8 weeks full pay in any rolling 12 month period.

Occupational Sick Pay includes any entitlement you may have to SSP. Once any enhanced sickness payment ceases, you will still be entitled to SSP (for up to 28 weeks sickness absence in total).

We reserve the right to refuse to pay sick pay (including SSP) if we have reasonable cause to think you are not genuinely sick, or if we believe you are abusing the sick pay scheme.

Pre-booked Annual Leave and Sickness

If you fall sick during a pre-booked period of annual leave, you may ask for your annual leave period to be re-arranged. In this instance, it is likely you will need to provide some form of medical proof of your sickness, such as a “fit note”. Where it is agreed your annual leave can be re-arranged, the period of absence will be treated as sick leave and paid in accordance with the SSP or Occupational Sick Pay guidelines.

Private Healthcare Scheme – Aviva

Once you successfully complete your probationary period you are eligible to enrol in our private healthcare scheme with Aviva.

You have the option of extending the scheme to cover your partner and/or children. The cost of this will be at your expense and is a taxable benefit.

The scheme may be varied or withdrawn by MVR, for which a minimum of 30 days notice will be given.

Protecting your Data

All personal data obtained during sickness absence monitoring and management will be handled with the utmost integrity and confidentiality and in line with our “Data Protection & Access to Information Policy”, see our Sharepoint for more details.