

SICKNESS ABSENCE POLICY

1.0 Purpose

1.1 This policy lays out both employer and employee responsibilities in respect of absence from work due to sickness

1.2 This policy and procedure does not form part of employee's contractual rights. The Council reserves the right to revise the contents of this policy from time to time or withdraw it at its absolute discretion, in accordance with the needs of the Council

1.3 All pregnancy related absences are excluded from this policy.

2.0 Notification and certification

2.1 If an employee is unable to attend work due to sickness, they (or a person acting for them) must notify the Clerk on the first day of absence, other than where an emergency dictates otherwise. The reason for absence should be given and, if possible, when a return to work is expected.

2.2 The employee must complete a self-certification form for the first seven calendar days of all sickness absences, which shall be placed in the employee's personnel file. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must request a copy to complete and send it to the Clerk as soon as possible.

2.3 If the employee is absent by the eighth calendar day, they must send a fit note, issued by their GP, to the Clerk for it to be placed in the employee's personnel file. If the period of sickness absence continues beyond the period specified on the first fit note issued by their GP, further fit notes must be issued to cover subsequent periods of absence.

2.4 If the employee does not follow this procedure, the Council may invoke the Council's Disciplinary Policy. Furthermore, the employee's contractual sick pay may be withheld.

2.5 The employee's GP may suggest that a partial return to work, on limited duties, would assist the employee's recovery. The Clerk will liaise with the employee to discuss whether suitable arrangements are possible. If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

2.6 The employee and the Clerk will agree keeping in touch (KIT) arrangements regarding the sickness absence and likely return to work date. The KIT arrangement will include agreed:

- days and times for contact
- methods of contact
- arrangements for when circumstances change

2.7 In some circumstances the Council may require the employee to provide medical certificates for all absences from work due to sickness, regardless of their duration. The Council will reimburse the employee fully for the cost of obtaining these certificates. Examples of such circumstances include:

- a history of absenteeism
- concern that the employee may not be receiving adequate medical attention.

3.0 Equipment

3.1 The Council may require an employee who is absent from work on sickness absence to return some, or all, of their Council equipment. This may be requested so that the equipment can be redeployed to other employees or where a locum Clerk has been engaged.

4.0 Short term sickness absences

4.1 Short term sickness absence is defined by the Council as any sickness absence less than 4 weeks.

4.2 Where an employee is repeatedly absent from work due to sickness, the Clerk will first meet the employee to discuss the absences.

4.3 Where repeated absence is due to an underlying long-term health condition then the Council may request an Occupational Health report from the Council's appointed medical advisor to determine how the Council can support the employee's improved attendance at work.

4.4 The employee's consent, in line with requirements under the Access to Medical Reports Act 1988, must first be obtained prior to the Council's appointed medical advisor being able to contact the employee's GP. The employee is entitled to, in line with data protection legislation, details for the reason for the access to the employee's medical records, what the Council intends to do with the data obtained and the lawful basis for processing the data.

4.5 The Council will make reasonable adjustments where absences are related to a disability by allowing a higher level of absence before considering whether action is appropriate.

4.6 The Council must consider alternative employment options before making any decision about ending employment.

4.7 The monitoring of sickness absences operates on a rolling 52-week period.

4.8 Where it becomes clear that there is no acceptable reason for an absence, or if an employee has not followed the correct absence notification procedure, the matter will be treated as a conduct issue and will be dealt with under the Council's Disciplinary Procedure.

5.0 Long term sickness absences

5.1 Long term sickness absence is defined by the Council as any sickness absence longer than 4 weeks.

5.2 In all cases of long term sickness absence, KIT arrangements will be agreed.

5.3 The Council may require that the employee's fitness to return is medically certified.

5.4 The employee's consent, in line with requirements under the Access to Medical Reports Act 1988, must first be obtained prior to the Council's appointed medical advisor being able to contact the employee's GP. The employee is entitled to, in line with data protection legislation, details for the reason for the access to the employee's medical records, what the Council intends to do with the data obtained and the lawful basis for processing the data.

5.5 Where an employee does not consent to the Council's appointed medical advisor having access to their medical records, or to being examined by an independent medical examiner, any decisions in relation to their employment may have to be made without the benefit of access to medical reports.

5.6 The Council is sympathetic towards genuine illnesses and eager to help employees on long-term sickness absence back into the workplace as appropriately and effectively as possible. Where this cannot be achieved there will be full consultation with the employee, together with a medical investigation and consideration of redeployment or alternative employment.

6.0 Return to work

6.1 Regardless of the length of sickness absence, the employee and the Clerk will conduct a Return to Work (RtW) meeting, to cover:

- a welcome back to work
- outline the purpose of the return-to-work meeting, which is to manage and monitor absence and attendance to identify any problem areas and offer support where appropriate
- a supportive discussion about the reasons for absence and to understand whether the council can take any steps to help the employee's attendance
- explain that the absence will be recorded in the employee's personnel file
- establish if medical advice has been sought (if appropriate)
- ensure the self-certification form has been completed or a fit note from the doctor has been provided
- a discussion on absence over the last 52 weeks, any impact on salary and any next steps
- a handover of work where appropriate.

7.0 Medical appointments

7.1 The Council recognises that employees will, from time to time, need to attend medical appointments. Where agreed in advance with the Clerk, the Council will allow reasonable time off with pay for medical appointments.

8.0 Disability

8.1 If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments, in consultation with the employee, to their job to accommodate their requirements.

8.2 An employee's disability does not exclude them from any aspects of this policy.

9.0 Payment arrangements

9.1 The Council operates a council sick pay scheme. Information relating the scale of payments is in the employee's contract of employment.

9.2 Sick pay is conditional upon the employee complying with the notification criteria specified in this policy:

- completion of a self-certification form on return to work
- providing fit notes to cover periods of absence exceeding the self-certification period.

Occupational sick pay may therefore not be paid where an employee:

- has failed to comply with the Council's sickness absence notification and evidence requirements
- has unreasonably refused to attend a sickness absence meeting with the Council
- is unable to work because of absence arising from other employment
- has misled the council about their fitness to work
- has resigned
- where the employee has been suspended without pay.

9.3 There may be circumstances where the employee's absence due to sickness will be unpaid, e.g. (but not exclusively) when:

- they are ineligible for council sick pay
- they have exhausted this scheme and a decision is awaited regarding their future employment.

9.4 The employee should note that during periods of unpaid sickness they will receive neither any basic salary nor variable payments. Leave entitlement will accrue at the rate specified in the contract of employment

10.0 Sickness absence while on leave

10.1 Leave will be suspended from the date of the employee's certificate and can be re-applied for when the employee returns from sickness absence.

11.0 Data Protection

11.1 The Council will treat personal data collected as a result of the implementation of this policy in accordance with the Council's Data Protection of Staff Records Policy.