

HARTLEBURY PARISH COUNCIL

SICKNESS ABSENCE POLICY

1. ABOUT THIS POLICY ~ PURPOSE AND SCOPE

Hartlebury Parish Council, as a responsible employer, is committed to maintaining the health and well-being of all its employees whilst at work. The Parish Council values the contribution its staff makes to the operational efficiency of the Parish.

The purpose of this policy is to ensure that the operational efficiency of Hartlebury Parish Council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security and support to employees during periods of ill-health.

This policy is to be issued for all employees.

1.1 This policy sets out :

- What employees can expect from the Parish Council in an effort to support employees during periods of sickness and absence
- What responsibilities employees have in relation to their attendance at work

1.2 Abuse of sickness absence, including failing to report absence or falsely claiming sick pay will be treated as misconduct under our Disciplinary Procedure.

1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. PROCEDURE

Should an employee be unwell and unable to come to work, they must comply with the following:-

2.1 If unable to attend work through sickness, accident or personal circumstances the employee must inform the Clerk or Chair/Vice Chair of the reason for absence by no later than 10am on the first morning of absence. If the Clerk is informed, they will then inform the Chair/Vice Chair. The contacted person will seek to maintain contact once a week throughout the employee's absence.

2.2 Consideration must be given to the employee's current workload, and urgent tasks or correspondence must be discussed with the Chair/Vice Chair as soon as possible. If possible, an indication of the length of the employees expected absence should be given in order that arrangements can be made for cover if required.

2.3 If the absence is for a period of 7 calendar days or less, a self-certification form should be completed on the employees return to work. For expected absences of more than 7 calendar days, a medical certificate is required from their GP or consultant in addition to the self-certification form for the first 7 calendar days.

2.4 Absence due to sickness or injury should be mitigated by the employee avoiding activities or events that are likely to hinder a return to work.

2.5 It is the responsibility of each employee to keep the Clerk/Chair/Vice Chair advised of the circumstances that are preventing them from attending work, of their likely return date, and contact details in case of work-related queries. The Parish Council reserves the right to make welfare visits to the home of employees whilst they are on sick leave, at a mutually convenient day and time.

2.6 If the period of sickness is for an extended period of time (e.g. one month or more) the Council may require the return of Council equipment until the employee is well enough to return to work.

2.7 Employees who are absent from work due to reasons other than sickness/accident are required, wherever possible, to obtain prior permission from the Clerk/Chair/Vice Chair. The Parish Council will consider each case of absenteeism on its merits and written evidence may be required.

2.8 Where the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery or organ donation, then sickness absence leave and pay will be entirely at the Parish Council's discretion.

2.9 Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct.

3. PAY DURING A SICKNESS ABSENCE

3.1 Employees may be entitled to Statutory Sick Pay (SSP) if the relevant statutory requirements are met. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. The rate of SSP is set by the government in April each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks.

3.2 Whilst on sickness absence employees are not expected to undertake any paid work for another employer or for any business established by them without permission from the Parish Council.

4. LONG TERM OR FREQUENT SHORT-TERM ABSENCE PROCEDURE

This is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. The discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all.

4.1 Principles

- a) Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Parish Council and the impact of the absence on others.
- b) The Chair/Vice Chair will maintain periodic contact during the period of sickness absence.
- c) A full review, normally including medical reports, will be undertaken in each case.
- d) The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.
- e) The employee will be advised if their employment may be at risk.
- f) Where possible, appropriate assistance will be provided to help the employee to return to work.
- g) In cases of long-term ill health, the Parish Council will, where possible, hold employment open for up to one year.
- h) In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the Council will take into account:
 - any representations from employees, including additional medical information
 - the employee's length of service
 - the employee's most recent health situation and the likelihood of an improvement in attendance
 - whether it is possible to hold the job open for longer and the effect of past and future absences on the Parish Council
 - the availability of suitable alternative work or working hours
 - any other reasonable adjustments which could be reasonably expected to facilitate the return
 - the impact of the Disability Discrimination Act 1995 on the particular case, and whether this may have a bearing on the actions to be taken.
 - should an employee be disabled reasonable adjustments will be made or an alternative role may be offered (Equality Act 2010)
- i) The employee will be informed of the right of appeal against any decision taken to terminate their contract of employment.
- j) At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.
- k) Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated, but not before the employee's sick pay has expired.

4.2 Informal Meeting

Absence levels will generally start to be of concern to the Council at the following trigger points:

- 3 absences in a 12 week period
- 10 days intermittent absence over the past 12 months

Where this is the case, the Council will normally discuss absence levels with the employee. The aim will be to encourage the employee to understand the concerns and to agree ways, if possible, of improving the situation. If the employee has been off sick continuously, or if there appears to be an underlying health problem, the Parish Council will arrange for a GP's report (or a report from other medical specialist as appropriate). The employee's written permission must be given before the medical practitioner is approached. The Council will follow the ACAS Performance Management procedure.

4.3 The Procedure

4.3.1 Stage one – first formal meeting

After the informal meeting has taken place, the Council will decide if a first formal meeting is required.

A first formal meeting will be arranged where:

- In the case of long term sickness absence, there is no clear date of return.
- In the case of frequent short term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting.

The Clerk/Chair/Vice Chair will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. They will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state their point of view.

Medical reports may normally be reviewed to assess whether there is any underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting.

There will be a discussion on ways to assist the employee to return to work, where appropriate.

Unless there is a clear date for return (e.g. in the case of a broken limb), the manager should advise the employee that employment cannot be held open indefinitely. They should state that there will normally be two further meetings, after which the employee's contract may need to be terminated on grounds of capability.

The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

4.3.2 Stage two – second formal meeting

The employee will be informed in advance of the meeting in writing and advised that they may be accompanied by a colleague or trade union representative. At the meeting the employee's absence will be reviewed. Medical reports will be reviewed again where appropriate. An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting.

If at the second formal meeting, the employee's absence is still a cause for concern, the Clerk/Chair/Vice Chair should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of capability.

The issues discussed at the meeting will be recorded and a date set for a third formal meeting.

4.3.3 Stage three – third formal meeting

The employee will be informed of the meeting in writing and advised of their right to be accompanied by a colleague or trade union representative. The meeting will be held by the Chair of the Parish Council. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state their point of view, which will be fully considered.

Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for their views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought.

If absence levels have not reduced at this stage and if the hearing believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds of capability. Before taking this step, the Clerk/Chair/Vice Chair must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work.

If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of their contract, the date on which the contract will terminate, and details of the right of appeal.

4.3.4 Appeal

If the employee wishes to appeal against the decision to terminate employment, they should write to the Parish Clerk, giving reasons for the appeal.

If the appeal is from the Clerk, they should write to the Chair/Vice Chair of the Council.

This appeal must be made within ten working days of the date of the letter confirming termination of employment. The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay. The employee will be given the opportunity to state their point of view at the meeting. The Parish Council's decision will be final. The termination date of employment will not delay in order for the appeal hearing to take place.

5. FAILURE TO COMPLY WITH THE PROCEDURE/PERSISTENT ABSENCE

Failure to comply with the Procedure could result in the absence being regarded as unauthorised. Persistent absence from work may render an employee unsuitable for their position and may result in dismissal. In either case the matter will be dealt with under the Parish Council's Disciplinary Procedure

6. RETURN TO WORK

A medical certificate may be issued which states that the employee 'may be fit for work' which could identify potential amendments that should be made eg: phased return to work, amended duties, altered hours or workplace adaptations.

6.1 If a medical certificate suggesting amendments for a return to work is received, the Chair should be immediately contacted and a meeting arranged with the employee. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work. If suggested amendments are not possible the employee will remain on sick leave.

6.2 If the suggested amendments are possible, the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate.

6.3 It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

6.4 Employees should expect a 'return to work' meeting with the Clerk/Chair/Vice Chair on their first day back after any period of absence of more than three days, to ensure that the employee is fit for work and for the employee to be updated on any developments and workload.

7. TIME OFF FOR APPOINTMENTS

Reasonable time-off will be allowed for attendance at appointments providing the matter has been discussed with the Clerk or Chair/Vice Chair prior to the absence.

Related policies and procedures

This policy is to be read in conjunction with the Council's Health & Safety, Discipline and Grievance policies.