



## **WEST DEREHAM PARISH COUNCIL**

### **SICKNESS ABSENCE POLICY**

## CONTENTS

---

### CLAUSE

1.	About this policy .....	1
2.	Personnel responsible for this policy .....	1
3.	Disabilities .....	1
4.	Sickness absence reporting procedure .....	2
5.	Evidence of incapacity .....	2
6.	Unauthorised absence .....	3
7.	Sick pay .....	3
8.	Sick leave and holidays.....	4
9.	Keeping in contact during sickness absence .....	5
10.	Fit for Work service (FFW) .....	5
11.	Medical examinations.....	5
12.	Return-to-work interviews .....	6
13.	Returning to work from long-term sickness absence .....	6
14.	Sickness absence meetings procedure.....	6
15.	Right to be accompanied at meetings .....	7
16.	Stage 1: first sickness absence meeting .....	8
17.	Stage 2: further sickness absence meeting(s) .....	8
18.	Stage 3: final sickness absence meeting .....	9
19.	Appeals .....	10

## **1. ABOUT THIS POLICY**

- 1.1 This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. PERSONNEL RESPONSIBLE FOR THIS POLICY**

- 2.1 The Parish Councillors have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
- 2.2 All councillors share responsibility for operating the policy and ensuring its maintenance and review.

## **3. DISABILITIES**

- 3.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 14 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

- 3.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform the Chairman.

#### **4. SICKNESS ABSENCE REPORTING PROCEDURE**

- 4.1 You should refer to your contract (15.1) for details of our sickness absence reporting procedure. It would be helpful to give details of any outstanding or urgent work that requires attention.
- 4.2 Councillors should ensure that:
- (a) Any sickness absence that is notified to them is recorded.
  - (b) Arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).
- 4.3 You should expect to be contacted during your absence by a delegated Councillor who will want to enquire after your health and be advised, if possible, as to your expected return date.

#### **5. EVIDENCE OF INCAPACITY**

- 5.1 For expected sickness absence of less than 7 days you must complete a self-certification form. (Employee statement of sickness (SC2) available online to fill in and download.)
- 5.2 For absence of over 7 days you must obtain a one of the following signed forms: Statement of Fitness for Work /Med 10/Occupational Health stating that you are not fit for work and the reason(s) why. This should be forwarded to the Chairman as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 5.3 If your doctor provides a certificate stating that you "may be fit for work" you should inform the Chairman immediately. He/she will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work interview (see paragraph 12). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

- 5.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

## 6. UNAUTHORISED ABSENCE

- 6.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 6.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 6.3 If you are not available for work and have not telephoned any parish councillor to explain the reason for your absence, the Chairman will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

## 7. SICK PAY

- 7.1 You will be entitled to receive occupational sick pay provided you have completed your probationary period and have complied with this policy in all respects. Occupational sick pay is inclusive of any SSP that may be due for the same period, and is paid on the following basis:

N.B. For the purposes of calculating 'half' pay, the rate of pay for the agreed salary month will be used.

<b>During 1<sup>st</sup> year of service:</b>	One month full pay and (after completing 4 months service 2 months half pay)
<b>During 2<sup>nd</sup> year of service:</b>	2 months full pay and 2 months half pay
<b>During 3<sup>rd</sup> year of service:</b>	4 months full pay and 4 months half pay
<b>During 4<sup>th</sup> &amp; 5<sup>th</sup> year of service:</b>	5 months full pay and 5 months half pay
<b>After 5 years' service:</b>	6 months full pay and 6 months half pay

- 7.2 Eligibility for occupational sick pay also depends on the amount of sickness absence taken in the 12 months prior to the current period of

sickness absence. Any absence at full or half pay during these 12 months will be deducted from the total.

- 7.3 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The Parish Council shall advise the employee of the grounds for suspension and the employee shall have the right of appeal to the Parish Council. If the Parish Council decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.
- 7.4. Any employer and employee pension contributions will continue subject to the relevant scheme rules during any period of company sick pay or SSP.

## **8. SICK LEAVE AND HOLIDAYS**

- 8.1 If you become sick or injured while on annual leave such that you would be unfit for work you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.
- 8.2 To be able to claim occupational sick pay you must notify the Chairman of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.
- 8.3 If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify the Chairman as soon as possible that you wish to do this.
- 8.4 If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year [to be used within three months of your return to work]. There may be difficulty in accommodating all of the 'carry over' of annual leave in

one annual leave year in which case the Parish Council will discuss this with the employee to agree how this will be managed. Any annual leave not taken within 18 months of the end of the holiday year in which it accrues (whether or not you have returned to work) will be lost.]

## **9. KEEPING IN CONTACT DURING SICKNESS ABSENCE**

- 9.1 If you are absent on sick leave you should expect to be contacted from time to time by a delegated Councillor in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 9.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact the Chairman at any time.

## **10. FIT FOR WORK SERVICE (FFW)**

- 10.1 FFW offers free occupational health assessments. The service is intended to assist employees return to work, using a return-to-work plan where appropriate.
- 10.2 Once you have been absent for four weeks or more, either we or your doctor may suggest referring you to FFW. Your doctor may do this before you have been absent for four weeks if they think it would be beneficial for you.
- 10.3 If your doctor refers you to FFW please let the Chairman know, unless you would prefer not to tell us. If your case manager at FFW wishes to speak to us, please ask them to contact the Chairman.

## **11. MEDICAL EXAMINATIONS**

- 11.1 We may, at any time in operating this policy, require you to consent to a medical examination by a doctor nominated by us (at our expense).
- 11.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with [our advisers and] the relevant doctor.

## **12. RETURN-TO-WORK INTERVIEWS**

- 12.1 If you have been absent on sick leave for more than 5 days we will arrange for you to have a return-to-work interview with the Chairman.
- 12.2 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 12.3 Where your doctor has provided a certificate stating that you "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

## **13. RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE**

- 13.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see paragraph 14), we will, where appropriate and possible, support returns to work by:
  - (a) Obtaining medical advice;
  - (b) Making reasonable adjustments to the workplace, working practices and working hours;
- 13.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.

## **14. SICKNESS ABSENCE MEETINGS PROCEDURE**

- 14.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:
  - (a) Have been absent due to illness on a number of occasions;
  - (b) Have discussed matters at a return-to-work interview that require investigation; and/or
  - (c)
    - (i) 3 or more instances of sickness absence in any 6 month period
    - (ii) 7 or more days sickness absence in any 12 month period

- (iii) Any other recurring patterns e.g. frequent absence on Mondays or Fridays, or avoiding particular work tasks.
  - 14.2 Unless it is impractical to do so, we will give you 5 days' written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
  - 14.3 The meeting will be conducted by the Chairman and at least one other Parish Councillor. You may bring a companion with you to the meeting (see paragraph 15).
  - 14.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform the Chairman who will seek to agree an alternative time.
  - 14.5 A meeting may be adjourned if the Parish Council is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
  - 14.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 3 days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
  - 14.7 If, at any time, the Parish Council considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.
- 15. RIGHT TO BE ACCOMPANIED AT MEETINGS**
- 15.1 You may bring a companion to any meeting or appeal meeting under this procedure.

- 15.2 We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.
- 15.3 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

## **16. STAGE 1: FIRST SICKNESS ABSENCE MEETING**

- 16.1 This will follow the procedure set out in paragraph 15 on the arrangements for and right to be accompanied at sickness absence meetings.
- 16.2 The purposes of a first sickness absence meeting may include:
- (a) Discussing the reasons for absence.
  - (b) Where you are on long-term sickness absence, determining how long the absence is likely to last.
  - (c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
  - (d) Considering whether medical advice is required.
  - (e) Considering what, if any, measures might improve your health and/or attendance.
  - (f) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.

## **17. STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S)**

- 17.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in paragraph 15 on the arrangements for and right to be accompanied at sickness absence meetings.
- 17.2 The purposes of further meeting(s) may include:

- (a) Discussing the reasons for and impact of your ongoing absence(s).
- (b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- (c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- (e) Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- (f) Where you are able to return from long-term sick leave, to your job, agreeing a return-to-work programme.
- (g) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- (h) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

## **18. STAGE 3: FINAL SICKNESS ABSENCE MEETING**

- 18.1 Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraph 15 on the arrangements for and right to be accompanied at sickness absence meetings.
- 18.2 The purposes of the meeting will be:
  - (a) To review the meetings that have taken place and matters discussed with you.
  - (b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.

- (c) To consider any further matters that you wish to raise.
  - (d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
  - (e) To consider the possible termination of your employment.
- 18.3 Termination will normally be with full notice or payment in lieu of notice.

## **19. APPEALS**

- 19.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see paragraph 15).
- 19.2 An appeal should be made in writing, stating the full grounds of appeal, to the Chairman within 3 days of the date on which the decision was sent to you.
- 19.3 Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 19.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 19.5 Where practicable, an appeal meeting will be conducted by a Borough Councillor.
- 19.6 Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 19.7 The final decision will be confirmed in writing, if possible within one week of the appeal meeting. There will be no further right of appeal.

- 19.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.