

Lockerley Parish Council Sickness Absence Policy

What to do if you are unwell

If you away from work because of sickness you must:

- Contact the Chair or Vice-Chair before your contractual (or normal start time) on the first day of absence. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the Council is notified. You must then contact the Chair or Vice-Chair, every subsequent day unless otherwise agreed.
- If you are away for seven days or less (including weekends and other non-working days) you must complete a self-certification form and provide it to the Chair or Vice-Chair when you are back at work.
- If you away for more than seven days (including weekends and other non-working days) you must send in a 'fit to work' statement from your doctor and continue to do so as each new certificate is issued to you.

This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements, which will support your return to work.

- All sickness or injury absence will be entered on your employment record and will be monitored from time to time.

Return to work meetings

On the first day back to work after a period of sickness absence, the Chair and/or the Vice-Chair may want to meet you informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place and all discussions should be private and confidential. The meeting would normally include:

- A welcome back to work
- Outline the purpose of the return-to-work meeting, which is to support and monitor absence and attendance and to identify any problem areas and offer support where appropriate;
- A discussion about the reason for absence, in a supportive way and to understand whether the council can take any steps to help the employee's attendance;
- Explain the absence will be recorded;
- Establish if medical advice was sought (if appropriate);
- Ensure a 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, the impact on pay and any next steps; and
- A handover of work where appropriate.

Medical Appointments

The Council recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible at times that will cause minimum amount of absence from work or inconvenience to the Council. The council will allow reasonable time off work with pay for such appointments.

Statutory Sick Pay

If you are ill and unable to work, you may be entitled to Statutory Sick Pay (SSP). You will be paid SSP for all the days you are off sick that you would normally have worked, except the first three (3). Tax and NI will be deducted from SSP and if you earn below the lower earning limit, you will not qualify for SSP. Council's Sick Pay

It is the Council's policy to pay your normal basic rate of pay exclusive of overtime/allowances during periods of sickness, the amount of sick pay you are entitled to depends on the length of time you have worked for the Council. Please see Appendix 1 for more details. This occupational sick pay will be for absences due to sickness calculated over 52 weeks.

Payment is, however, conditional upon you complying with the council's procedure for notifying your manager of the absence, attending an interview with your manager on request to discuss the absence and completing a self-certification form on return to work or providing a fit note when requested.

The Council may not pay you occupational sick pay where:

- You have failed to comply with the Council's sickness absence notification and evidence requirements;
- You unreasonably refuse to attend a sickness absence meeting with the Staffing Committee on request;
- You have misled the council about your fitness to work;
- You have resigned;

or

- Where disciplinary proceedings are pending against you.

Medical Advice

The Council may want to obtain advice on your fitness to work from occupational health advisors or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- To seek a medical report on your illness or injury;
- To establish when you might be able to return to work;
- To understand when you are likely to be fully fit to resume your normal duties;
- To understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties;

- To understand when you are likely to be fit to undertake alternative duties;
- To ask for guidance on your condition, e.g., if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition;
- To ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work;
- To understand the likely recurrence of the illness or injury once you have returned to work; and
- To discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. The Council will also be provided with a copy of the report and once they have seen it, they will arrange to meet you to discuss the findings and consider the options available to you.

If you chose not to consent to an Occupational Health referral, any decisions in relation to your employments may be made without the benefit of access to medical reports.

Persistent short-term absence

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. The Council understand most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work in your colleagues and councillors.

To ensure fairness and consistency of treatment the Council has set 'trigger points' to determine the level of absence at which further action may be considered. These trigger points will be

- 4 occasions of absence in a rolling 6 month period
- 12 working days or more in a rolling 6 month period

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process. If the Council do so, they will meet with you to set attendance targets. Following a review meeting they may issue a formal warning if those targets are not met. You will be given written notice in advance of any formal meeting and can be accompanied by a work colleague or trade union representative. You may appeal against a formal warning, if your absence remains unacceptable after a second formal warning, the council may bring your employment to end following consultation with you.

If frequent absence is due to an underlying long term health condition then the Council will also request, with your consent, a medical report from either an Occupational Health Physician or your GP or Consultant to establish further information about your health and how the Council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy related absence. The Council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

Where it appears that there is no acceptable reason for absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

Long term absence

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long term absence it is essential for the Council to maintain contact with the employee. In cases where the return date is less certain this will take the form of consultation and will include:

- Discussions at the start of the absence and periodically throughout
- Obtaining better information on your health and likely prognosis, ideally through an Occupational Health physician
- Where appropriate alerting you to the fact that your absence is becoming a problem, and
- Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion

Where ill health means that you are unlikely to return to work for a long period of time, the council may need to consider bringing your employment to an end. In these circumstances, the council will:

- Review your absence records to assess whether or not it is sufficient to justify dismissal
- Consult with you
- Obtain up to date medical advice
- Advise you in writing as soon as it is established that termination of employment has become a possibility
- Discuss whether you may be able to access benefits from the Local Government Pension Scheme (where appropriate).
- Meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative
- Review if there are any alternative jobs that you could do prior to taking any decision on whether to dismiss or not
- Allow a right of appeal against any decision to dismiss you on grounds of long term ill health
- Following this meeting, inform you of the final decision

Absence as a result of disability

Where you experience sickness absence as a result of a disability it will be treated in line with the provision contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

Data Protection - GDPR

The Council will treat personal data collected during the absence management process in accordance with its data protection policy and GDPR legislation on processing special categories of personal data.

Notes

1. Councils Sick Pay

The legal requirement is to pay Statutory Sick Pay (subject to eligibility) and anything additional is for the council to decide. Any additional sick pay is known as 'Occupational Sick Pay). The council will need to commit to paying any OSP it decides to offer and take into account the cost of National Insurance and the cost of temporary staff required to cover the absence.

It would be unusual to bring an employment contract to an end before the occupational sick pay expires.

If a member of staff has a paid sick leave entitlement, you cannot unilaterally change their entitlement. Councils can change the policy for all new staff joining after a defined date provided this is consistently applied.

2. Return to work meetings

Return to work meetings should ideally take place following every absence, with notes taken, agreed and stored on file. They are especially important if the absence has been caused by, or related to incidents at work. Having a written record of a return work meeting may help the council defend later claims or allegations.

Sometimes it is not practicable to have return to work interviews after every absence so councils may decide to do so only after 2 absences in a 2 month period, or where the absence is work related

3. Medical Appointments

There is no legal requirements to pay time off for medical appointments, except antenatal appointments. The Council may decide that staff should make up time (if possible) or take time off without pay. If the Council decided to offer payment for medical appointments, it is sensible to put some limit on this.

4. Medical Advice

Health information is considered personal sensitive information under Data Protection legislation and GDPR and particular care must be taken when processing medical information. website (www.ico.org.uk) contain guidance.

An Occupational Health report can comment on individual's health in relation to the employee's role. It will be important to provide the OH physician or nurse a referral form with all details of the employee's job, the concerns about their health in relation to their work and to be specific about questions that need answering. Any report should then be discussed with the employee before council decides on any follow up actions. IF the report makes recommendations, these must be carefully considered and discussed with the employee.

Appendix 1

Employees are entitled to receive sick pay for the following periods:

During 1st year of service

1 months full pay and (after completing 4 months service)

2 months half pay

During 2nd year of service

2 months full pay and

2 months half pay

During 3rd year of service

4 months full pay and

4 months half pay

During 4th and 5th year of service

5 months full pay and

5 months half pay

After 5 years of service

6 months full pay and

6 months half pay

The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

If the employee abuses the sickness scheme or is absent on account of sickness due to or attributable to deliberate conduct prejudicial to recovery or the employees own misconduct or neglect or active participation in professional sport or injury while working in the employees own time on their own account for private gain or for another employer sick pay may be suspended.

This Policy was formally adopted at the Parish Council meeting held on 11 March 2024 and will be reviewed: March 2025.