

**EARLEY TOWN COUNCIL****SICKNESS ABSENCE POLICY****Introduction**

Earley Town Council is committed to the health, safety and wellbeing of all staff. The council aims to encourage all its employees to maximise their attendance at work whilst recognising that, from time to time, employees may be unable to come to work due to ill health.

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that operational and service levels are maintained. This policy applies to all staff with a contract of employment and is in line with ACAS guidance.

The Sickness Absence Reporting Procedure outlined in this policy provides information for all employees on how to report their sickness absence to their line managers and failure to follow the sickness absence reporting procedure may lead to disciplinary action.

Definitions

"Management Team" – for the purpose of this policy, the "Management Team" includes the Town Clerk, Deputy Town Clerk or Facilities Manager.

"Line Manager" – for the purpose of this policy, the "line manager" includes the Town Clerk, Deputy Town Clerk or Facilities Manager. It may also include other staff in a supervisory role if the duty is delegated by a member of the Management Team.

Sickness Absence Reporting Procedure

Where a member of staff is unable to attend work due to unforeseen circumstances, the member of staff is required to contact Earley Town Council on the first day of absence. This contact should be made as close to their start time as possible and no later than one hour after their normal commencement time. Where possible, the member of staff should speak directly to the Management Team. In the event of their unavailability, the staff member should either speak to a member of the administrative team or leave a message on the answer machine.

During the call the member of staff should explain:

- Why they are unable to come to work;
- How long they think the sickness absence might last;
- What action they are taking to mitigate the effects of the illness, e.g. visiting the doctor;
- Where they can be contacted during the day should their line manager need to get in touch with them;
- Any outstanding or urgent work that needs to be dealt with.

It is not acceptable to leave messages reporting absence with colleagues who are not responsible for absence reporting. Only in exceptional circumstances should a relative or friend telephone if the member of staff is not able to do so themselves.

The Management Team (or member of staff taking a message) will complete a First Call Reporting Form on day one of a member of staff informing them of their absence. This information will be passed to the Senior Operations Support Officer (SOSO) for recording on the absence monitoring system, and the form will be stored on the individual's personnel record.

If a member of staff falls ill during a working day and needs to leave work, the staff member should inform the Management Team and seek permission to leave work. A First Call Reporting Form will be completed and the absence recorded as detailed above.

All injuries, accidents, illnesses or diseases arising from work activity must be reported to the Management Team as soon as possible after the incident regardless of their severity. The employee or manager should ensure that the details of the incident including the remedial actions taken are completed on either an Incident Form or in the Accident Book depending on the severity.

Contact during Sickness Absence

All members of staff are expected to maintain contact with their line manager during their sickness absence to update them on the expected return to work date.

Where the absence is not covered by a fit note, the member of staff would be expected to contact their line manager on a daily basis, unless otherwise agreed by the line manager.

Where the sickness absence is likely to be long-term, the line manager must ensure that they maintain contact with the member of staff during the period of sickness absence. This frequency of contact will be agreed between the line manager and staff member.

Days 1 – 7 of Sickness Absence (includes any non-working days)

If an absence lasts for seven calendar days or less, on the first day back at work, employees will be required to complete a Sickness Self-Certification Form giving the reasons for absence. The Certificate will be countersigned by the line manager and kept in the individual's personnel file.

Sickness Absence that Exceeds 7 Days (includes any non-working day)

For absences that exceed 7 continuous calendar days, staff members are required to submit a fit note, usually provided by their GP, to the Management Team. From this point onwards medical certificates must be submitted in a timely manner to cover any further periods of absence. Sick pay may be withheld in the event of non-receipt of medical certificates.

Post-dated certificates, covering a period prior to the doctor's appointment will only be accepted in exceptional circumstances.

Non-Working Day

In reporting sickness absence it is important to understand the relevance of the "non-working" day, particularly for those who do not work the standard week (i.e. Monday to Friday). For example, for a part time member of staff who normally works Monday to Wednesday each week, and who rings in sick on the Monday, Tuesday and Wednesday, the 8th day of absence will be the following Monday, i.e. the eighth calendar day, when a fit note will be required. If the employee returns to work on the 8th day and it is her/his first day of fitness, only the normal working days (in this case Monday, Tuesday and Wednesday) would be recorded as absences against the sickness record.

Unauthorised Absence

Unauthorised absence is when an employee is absent from work without permission. Unless the absence is an emergency, unauthorised absence is a breach of contract. Absence that has not been notified in accordance with this policy will be treated as unauthorised absence, unless a reason is subsequently given which the line manager considers acceptable.

If a member of staff does not report for work and has not reported their absence following the above procedure, their line manager should make all reasonable efforts to contact them e.g. by telephone or in writing and should record any action taken.

Failure to report sickness absence in accordance with this procedure may result in the loss of sick pay and may invoke the disciplinary process.

Persistent Short-Term Absences

Where there appears to be a problem of persistent short absences, either due to a variety of reasons or a persistent medical condition, the line manager should explore with the member of staff whether there are any underlying problems that are causing the absence and would normally request a referral to Occupational Health unless a reason exists for not doing so.

As a guideline the following will normally be regarded as persistent short term absences and will trigger this procedure:

- Three periods of sickness absence in a 6 month period
- 12 days within a 12 month period
- Regular absence on certain days
- An employee may also be considered to have an unacceptable level of persistent short term absence where a combination of odd days, longer periods and patterns of absence cause the line manager concern.

Pregnancy Related Sickness

Pregnancy-related sickness absence should be recorded separately and should not be taken into account when looking at targets for absence levels.

An employee who is absent due to a pregnancy-related illness during the four week period prior to their due date will be required to start their maternity leave on the date that they go off sick, and will be entitled to maternity pay and not sick pay. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to defer the start of their maternity leave period, and a risk assessment does not indicate that carrying out work will endanger their pregnancy.

Disability Related Sickness

Staff who are absent due to an underlying health condition which is covered under the Equality Act 2010 may be managed in line with the principles of this policy. However, the Council recognises the need for the policy to be applied flexibly in those circumstances in order for staff to be effectively supported.

Return to Work – Return to Work Interview

On returning to work, employees may be required to attend a return to work interview with their line manager to discuss their absence. A return to work interview should take place for all periods of absence of 4 days or more. Where the employee is returning from long-term sickness absence, a discussion regarding their return to work plan should have already taken place, however, it is still recommended that the line manager meet with the returning employee. These interviews should ideally be done on the employee's first day back at work. Return to Work forms will be kept in the individual's personnel file.

Where the line manager is unavailable another member of the Management Team should undertake the interview but the employee's views should be taken into account if they only wish to speak to their line manager.

In the interview the line manager will ask the member of staff about their illness and how well they have recovered. The purpose of the return to work interview is:

- To establish the reasons for the absence and complete the necessary sickness certification form
- To give the manager the opportunity to check that the employee is fit enough to return to work
- To give the member of staff an opportunity to discuss any concerns they may have
- To signpost the member of staff to any relevant advice or support services available

- To raise the option of the member of staff seeing Occupational Health via a management referral if appropriate
- To make the employee aware of any changes that may have occurred during his/her absence
- To discuss any return to work programme or action plan, as appropriate

Employees are expected to return to work as soon as they are fit to do so.

If the employee has been absent for 1 month or more, or they have mentioned they have a medical condition or their absence was a result of an accident at work then the employee may be referred to Occupational Health before their return to work.

Formal Sickness Absence Review Meeting

At any point where an employee's sickness absence record becomes a cause for concern, a formal sickness absence review meeting will be arranged with the line manager and employee concerned.

The employee should be given at least 5 working days' notice of the meeting in writing (unless the employee agrees to less). He or she may choose to be accompanied at the meeting by a trade union representative or work colleague.

The objectives of the sickness absence review meeting are:

- To give the employee and their manager the opportunity to review the attendance record of the employee
- To ensure that the information on the sickness absence record is up-to-date and accurate and that the employee agrees with the facts, i.e. the nature and duration of the illness in each case, the likelihood of the illness returning or some other illness occurring.
- To give the employee the opportunity to discuss the reasons for their periods of absence and review any previous efforts to assist the employee and to discuss any further assistance that may be possible to help reduce the level of absence.
- To explain to the employee the difficulties in providing services to residents and the demotivating effects experienced by colleagues which arise from the employee's absence.

After taking the above information into consideration the line manager should:

- Inform the employee that a clear improvement in attendance is required over a specific period (no longer than three months).
- Establish with the employee a programme to reduce the level of absence. Progress should be monitored at regular intervals.
- Consider referring the employee to Earley Town Council's Occupational Health provider to obtain a medical opinion on the person's fitness. This should particularly be considered where the employee suggests that an underlying medical problem is, or may be, a contributory factor.
- In cases of suspected abuse of the sickness absence procedure or where there is a concern about the level or type of absence a member of staff may be required to provide a fit note for each absence regardless of duration. Earley Town Council would in these circumstances cover the costs incurred by the individual in gaining such medical fit notes, for absences of less than 7 days.

Review Process

During the review period the employee's attendance should be closely monitored and the line manager should discuss all sickness absences with the employee in line with absence policy.

At the end of the specified review period the line manager should decide whether or not there has been a clear improvement in the employee's attendance.

Where there has been a clear improvement the employee should be advised of this in writing and informed that no further formal review will take place as long as the improvement is maintained.

Where there has not been a clear improvement in the review period, i.e. the pattern of sickness continues or the required levels of attendance are not met, the Disciplinary/Capability Procedure may be invoked.

Sickness during a Period of Paid Holiday or Unpaid Leave

Occasionally, a member of staff may become ill whilst they are taking a period of paid holiday or unpaid leave, and wish to have this absence classed as sick leave. This is possible as long as the member of staff can provide a "fit note" from their GP, confirming that they would not have been fit enough to carry out their usual duties at that time. Staff who provide a "fit note" can claim back annual leave, but not Christmas closure days, which fall during the absence period.

Long-Term Absence

For the purposes of this procedure, long-term sickness absence is defined as being continuous absence of a month or more or cumulative absence which aggregates to a month or more within a 'rolling' period of 12 months in respect of a particular medical condition(s).

In these circumstances it is likely that a management referral to Occupational Health will be recommended which will provide advice on the impact of the illness, a likely date of return and any rehabilitation advice.

Referral to Occupational Health is likely to entail contact with the employee's GP or consultant, which will require consent under the Access to Medical Reports Act 1988. Where this is necessary the employee will have the procedure explained to them by Occupational Health and will be asked to complete the appropriate consent form.

It should be noted that in circumstances where an individual refuses to give their consent to the referral to Occupational Health, a decision may have to be made about their future employment without the help of a medical opinion, which may be to their disadvantage.

The line manager should maintain regular contact with the employee by the most appropriate means e.g. letter, telephone, email or home visits. A record must be kept of all contact made and this should be placed on the employee's personal file.

It is important to point out that a home visit can only take place by prior agreement with the employee and there is no obligation on the employee to agree to a home visit. If a home visit is unwelcome, the line manager should suggest an alternative location. The line manager may be accompanied at a home visit by another member of staff.

Still Unfit to Return to Work

Where the advice from Occupational Health confirms that the employee is still unfit to return to work, no immediate action is necessary other than to continue to monitor the situation. This approach will be appropriate where a full recovery is likely within a timescale that will not cause unacceptable operational difficulties.

If the employee has been off work for 3 months or more, the line manager should arrange to meet the employee to discuss how their recovery is progressing, to discuss any concerns that he or she may have about their absence from work and to review the support that can be provided.

Return to Work Plan/Rehabilitation

If the medical advice is that the employee would be able to return to work on a limited basis or if appropriate adjustments were made to the place of work and/or to the way in which the work is carried out, full consideration will be given to whether this can be reasonably accommodated.

The employee will then be invited to a meeting with their line manager to discuss the return to work plan. The employee may choose to be accompanied at the meeting by a work colleague or trade union representative if they so wish.

Redeployment

If the advice from Occupational Health is that the employee will no longer be able to undertake the role for which they were appointed, consideration will be given as to whether there is any alternative post to which the person may be transferred.

Careful assessment of redeployment opportunities within Earley Town Council will be undertaken. There can be no guarantee of identifying an alternative post into which an employee can be suitably redeployed. If in the event no suitable redeployment is found, payment of salary will be made in accordance with the employee's notice entitlement.

Where possible, consideration will be given to providing any training which the employee may require in order to meet a person specification.

Suspension on Medical Grounds

There may be occasions where it is necessary to suspend an employee from work on full pay on medical grounds where there are concerns about their health and safety at work or the safety of others.

Where it is the nature of the work that gives rise to the concerns over safety, consideration will be given to the possibility of any other work that the individual could carry out on a temporary basis. Where it is not possible to find alternative employment for the member of staff on a temporary basis, they should be informed of the decision to suspend them on medical grounds on full pay. This decision must be confirmed in writing.

Permanent Ill-Health/Early Retirement

Any application for early retirement on the grounds of ill-health is determined under the rules of the relevant pension scheme.

Where a member of staff is considered by Occupational Health to be permanently unfit to return to their current post, and redeployment is not a feasible option, the possibility of an early retirement on the grounds of ill-health will be discussed with the member of staff. Further details are available in the Earley Town Council Pensions Policy.

Dismissal On The Grounds Of Medical Incapacity

If the medical evidence confirms that the employee will be unable to return to work in the foreseeable future, or within an acceptable timescale, consideration will be given to the termination of their employment.

In these circumstances, the management team will arrange a meeting with the employee. The employee will be given the opportunity to be accompanied at the meeting by a trade union representative or work colleague.

If no new information is forthcoming to challenge this conclusion the employee will be given written notification that if they are not able to return to work by a given date then they will be served with

notice of the termination of their appointment. The termination date will normally be after entitlement to sick pay has expired, though may be earlier where appropriate.

If at the end of the stated period the employee has not returned to work there will be a further meeting with the employee. If there have been any significant developments it may be necessary to obtain further medical reports before any final action is taken. Where a return to work in the foreseeable future still appears unlikely the appropriate notice would be given to end the employee's employment.

The employee would also be notified of their right to appeal.

Where an employee wishes to exercise the right of appeal he/she should write to the Town Clerk setting out the grounds of the appeal. This should be done within 10 working days of receipt of the written notification of the outcome of the meeting.

Where the appointment is terminated, Earley Town Council would be willing to consider a future job application from the member of staff if his/her health has improved sufficiently. Before any offer of employment is made, Earley Town Council would seek the medical opinion of Occupation Health specialist who will consult with the individual's GP/consultant, as appropriate, to determine the individual's 'fitness' for the post.

Appeals

In the case of dismissal on the grounds of medical incapacity the employee has the right to appeal. Appeals will normally be limited to a review on the following grounds:

- That there is new relevant medical evidence available
- That there was a material procedural mistake or omission at any stage of the formal procedure
- That there has been unreasonableness and unfairness in the investigation or capability process including the conclusions of the Chair

Any appeal under this procedure must be made in writing within 5 working days of the date of the written notification to the employee of the decision. The appeal should state the grounds upon which it is made and shall be made to the Town Clerk.

The appeal meeting will be held as soon as practicable. Notice shall include who will hear the appeal and time, date and location of the appeal meeting. Any documents which need to be exchanged must be provided at least 5 days prior to the meeting.

The employee shall have the right to be accompanied by a work colleague or trade union representative. The role of the companion is to accompany the employee, and the companion may put forward and sum up their case if required by the employee. The employee must inform the Appeal Chair of the identity of the companion in advance of the appeal meeting. If the companion is unable to attend the date and time arranged, the meeting may be postponed by up to 5 working days.

The relevant documentation to be presented at the appeal, copies of all paperwork or original proceedings, will be circulated in advance to both parties. Any new evidence upon which the employee wishes to reply must be provided to the Appeal Chair 5 days prior to the appeal.

The outcome of the appeal shall be notified in writing to the employee by the Appeal Chair as soon as possible following completion of the appeal. A written record will be made of the appeal and will be available to the employee.

Pay Whilst Off Sick

Sick pay entitlement is detailed within an employee's contract of employment and awarded in accordance with the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service as set out in the Green Book.

The Council may, at its discretion, extend the period of allowance in an individual case if the circumstances so justify.

Medical and Dental Appointments

Requests for time off to attend such appointments will be dealt with sympathetically, however, it is expected that you attend medical or dental appointments in your own time where possible. Where this is not possible, appointments should be arranged to minimise any absence from work, for example, at the beginning or end of your normal working day. You may be asked to provide your appointment card or evidence of medical or dental appointments.

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