



# SOMPTING PARISH COUNCIL

## POLICY ON: Sickness Absence

### Introduction

The Parish Council is aiming to provide a fair and consistent framework for dealing with matters relating to sickness. It is recognised that staff sickness is a complex matter with a variety of factors, including organisational workplace and non workplace issues, contributing to sickness absence. This policy will apply to all Parish Council employees.

### Roles and Responsibilities:

#### The Parish Clerk will:

- ❑ Provide a strategic framework for sickness management across the Parish Council.
- ❑ Monitor sickness records across the Parish Council (in conjunction with payroll) and keep the relevant managers and Members informed of the results.
- ❑ Provide help and support to managers at all stages.

#### Managers will:

- ❑ Play a key role in influencing employee behaviour and managing performance. It is anticipated that appropriate early intervention by managers will prevent many long term issues developing.
- ❑ Ensure that all staff are aware of the Parish Council's sickness policy and related procedures e.g. the sickness absence notification procedure.
- ❑ Take particular care when handling disability or maternity related absence and ensure that they seek advice if either of these two issues may be involved in the sickness absence.
- ❑ Contact the employee if the employee fails to contact their line manager on their first day of absence. Throughout periods of sickness there is an expectation that managers will maintain an appropriate level of contact with their staff. Managers should agree with the employee how often they will be in touch and what form the contact will take, using discretion and sensitivity.

- ❑ Support staff that are sick and provide a safe working environment.
- ❑ Assess the impact of sickness absence of other members of staff and taking timely action to alleviate work pressure.
- ❑ Ensure the current Health and Safety procedures are followed.
- ❑ Report and record all sickness absence and review sickness absence on a regular basis, ensuring concerns are raised with staff as soon as they become apparent.

**Employees will:**

- ❑ Comply and cooperate with the sickness policy and procedure.
- ❑ Cooperate fully with their managers to ensure accurate records are kept in respect of sickness absence. Communicate with the line manager and the Parish Clerk if appropriate during periods of sickness absence.

The Parish Council reserves the right to request employees to attend an examination by the Parish Council's appointed medical adviser. The Parish Council also reserves the right to request a report from the employee's doctor. The employee has a right to refuse to provide written confirmation that such advice be sought.

Failure to comply with reasonable requests in respect of sickness absence may result in disciplinary proceedings and may affect pay. Inventing, protracting or exaggerating a medical condition in order to be absent from work may be considered fraudulent and will be handled through the disciplinary process.

All proceedings and records will be kept confidential. All documents will be held in accordance with the current Data Protection Act.

It is the duty of all employees who have an accident whilst at work to ensure that full details are reported to their manager immediately.

**Accident reporting**

It is a requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) that the enforcing authority, in our case the Health and Safety Executive (HSE) is informed of the following:

a) Fatal Accidents

b) Major Injury Accidents

A major injury accident is;

- 1) fracture of the skull, spine or pelvis
  - 2) fracture of any bone in the arm, wrist, leg or ankle (excluding bones in the hand or foot)
  - 3) amputation of limbs
  - 4) loss of sight, a penetrating injury to the eye, chemical or hot metal burn
  - 5) loss of consciousness resulting from a blow to the head
  - 6) acute illness requiring immediate medical attention other than First Aid
  - 7) any other injury which results in a person being admitted immediately to hospital and detained for more than 24 hours
- c) Dangerous Occurrences - Potentially dangerous events such as explosions and building collapse

**Accidents causing more than three consecutive day's incapacity from work**

When counting the three days, the day of the accident is not included. However, non workdays such as Sundays are included. 'Incapacity for work' does not mean actual absence from work, if a person is incapable of doing the work that they might reasonably be able to do, that is incapacity from work.

**Reporting of accidents and dangerous occurrences**

These must be reported by the Parish Clerk (normally by telephone) to the Incident Contact Centre on 0845 3009923.

The Health and Safety Executive for this area is located at:  
3, East Grinstead House  
London Road, East Grinstead. RH191RR 01342 334200

Following initial notification, a written report using RIDDOR forms must be sent to the Enforcing Authority within 7 days of the incident. This report submitted by the Parish Clerk is also sent to other parties e.g. an insurance company, and a copy retained on accident file and on the employee personal file.

Records must be kept of the accident details or dangerous occurrences for at least three years and in the case of special risks (asbestos etc) up to 40 years. The record must show the date and time, name, and address, occupation, and a description of the circumstances surrounding the incident. **These are the statutory requirements necessary in the above eventualities.**

However, it is incumbent upon all employees that they ensure that a record is made of any accident they may have at work, regardless of how minor this may be. All accidents must be recorded on an accident form and signed by a

manager. Managers have a responsibility towards staff to ensure that the employee has recorded the accident and that the welfare of the employee is attended to.

In addition, the manager is required to undertake an investigation into the cause of the accident and to implement measures to avoid a repeat of the accident.

The maintenance of all sickness and accident recording is an administrative function which is the responsibility of the Parish Clerk.

### **Pre - Employment health screening**

A factor in sickness absence prevention is to recruit employees who are capable of meeting the requirements of the job. Pre-employment screening also provides a baseline for monitoring future health. Successful applicants are required to complete a pre-employment medical questionnaire and referees are also asked to provide details of an applicant's absence for the past two years. In addition, all employees required to use Display Screen Equipment as part of their work are required to produce a certificate of eye sight examination before commencing employment with the Parish Council. Where the questionnaire gives rise to concern the Parish Council's appointed medical adviser will advise the Parish Clerk as to the individuals suitability for employment (with or without modification or restriction) for the post. Offers of employment and agreement on start dates can only be made upon satisfactory completion of the pre-employment health screening process.

### **Sickness absence notification**

All sickness absence must be covered by either a Parish Council self certification form or a medical certificate issued by a GP or other recognised medical practitioner. For absences up to seven days a self certification form is required only. For absences covered by a medical certificate, a self certification form will also be required to be completed on the return to work.

Notification will be as follows:

#### **First day**

If you are absent owing to illness or injury you must notify your line manager not later than 10.00a.m. on the first day. If your line manager is unavailable then you should contact another appropriate person. Employees on fixed hours must inform their manager no later than one hour from your start time e.g. if your normal start time is 8.00a.m. you must contact your manager not later than 9.00a.m. You must state the

reason for your absence and the possible duration of your absence. A telephone call from a friend or relative will suffice.

#### **Fourth day**

If you are still unable to return to work you must notify your line manager of your continuing sickness and of your possible date for returning to work (if known).

#### **Eighth day**

If your absence continues beyond seven days including Saturday and Sunday you must visit your doctor immediately and obtain a medical certificate which should be sent to your line manager.

When you are fit to return to work and have been absent for more than two weeks you must obtain a final certificate from your doctor certifying your fitness to resume your duties.

Failure to report absence in the correct way or unreasonably refusing to explain an action may affect an employee's pay and can lead to disciplinary action.

#### **Time off for medical appointments**

In relation to dentist/doctor/opticians appointment where normal appointments are made for routine check ups etc, these should be made wherever possible outside of the core hours or during the permitted lunch interval. Employees with fixed times of work should make appointments wherever possible outside your normal working hours.

Where you have to attend for a routine appointment which can only be made during core hours or on an emergency basis these should be booked as sick leave on the time record sheet and included in hours worked for the day. Hospital appointments should be treated in the same way.

#### **Sickness during annual leave**

If an employee falls sick during the period of his/her annual leave they should be regarded as being on sick leave from the date of the medical certificate and further annual leave will be suspended from that date. If an employee is off sick, covered by a medical certificate, for a period that includes a bank holiday they can reclaim that bank holiday as long as it is within the same annual leave year. If an employee is off sick for the day of the bank holiday they must have a medical certificate to cover that bank holiday.

## **Pay and sickness absence**

If an employee is absent from work because of sickness, supported by a medical certificate they will be entitled to receive an allowance in line with the following scale:

During first 4 months of service:	One month's full pay.
From fifth month until end of first year:	One month's full pay and two months half pay
During second year of service:	Two month's full pay and two months half pay.
During third year of service:	Four month's full pay and four months half pay.
During fourth and fifth year of service:	Five month's full pay and five months half pay.
After five years service.	Six months full pay and six months half pay.

Sick pay will be paid after deductions of benefits received or receivable.

## **Return to work meeting**

It is essential that this takes place promptly when an employee returns to work following sickness absence. Line managers should carry out a return to work interview for every return from sickness absence irrespective of length. The manager and employee must complete the Employee Self Certification and Return to Work form. In many cases a brief courteous enquiry about the person's fitness etc will suffice however, for longer absences a fuller discussion may be necessary. The Return to Work meeting is part of the basic managerial relationship and as such there is no entitlement for an employee to be accompanied.

## **Trigger points**

In balancing care for the individual employee, service delivery and consideration for colleagues, trigger points will be used to assist the process of addressing any concerns and facilitating the employees return to work. By establishing trigger points, the Parish Council does not infer that there is an acceptable level of absence nor does the fact that a trigger point has been reached indicate that an employee's attendance is unacceptable. The trigger points act as a prompt to review sickness absence on a regular and consistent basis and is essentially an early warning mechanism.

The trigger is reached when an employee has accumulated over a rolling 12 month period sickness absence of 10 days/shifts (this will be pro-rated for part time staff) or has four separate periods of absence over a rolling six months.

A sickness review meeting can also be called if a particular pattern of absence is identified or when an individual's health appears to be a concern although none of the trigger points have been reached or when the employee has been on sick leave continuously for four weeks or more and the expected date of return to work is uncertain.

There may be occasions of serious ill health when there is no need to go through the formalities of the procedure outlined below, other than an agreement with the employee on the route to be taken. For example, it may only be reasonable to proceed straight to an Occupational Health certification and submission for ill health retirement.

### **Sickness review meetings - Stage One**

When the trigger point is reached a sickness review meeting (distinct from a Return to Work meeting) will be held with the line manager.

Normally the sickness review meeting will be arranged after a return to work interview has taken place. However there will be occasions such as long term sickness when it is appropriate to hold such a meeting whilst the employee is absent on sick leave.

The manager will ensure that there is at least seven working days notice given for the review meeting and that the arrangements are confirmed in writing. Where an employee's absence is long term the meeting will take place at a mutually agreeable venue.

Employees who are unable to attend the meeting may arrange for a companion (work colleague or trade union representative) to attend on their behalf or submit written representations in advance.

Employees are encouraged to be accompanied at the sickness review meeting by a companion.

The purpose of the sickness review meeting is to explore the employee's sickness absence record or health concerns with a view to improving the attendance or assisting in a return to work. Additionally the meeting should be used to help establish whether there are any factors within the workplace that are contributing to the employee's absence or ill health and what measures may be appropriate to improve the situation. Employees will be given the opportunity to explain reasons for absence.

The issues that managers may need to consider include the prognosis and realistic timescale for improvements. The likelihood of future reoccurrences, and whether the employee can be considered for

temporary or permanent redeployment. Whether the employee is disabled as defined by the Disability Discrimination Act 1995 and whether any reasonable adjustments may be necessary.

An action plan should be developed which may include future monitoring meetings, reiterating the standards expected by the Parish Council (essentially the trigger points), implementation of adjustments, a phased return to work, a referral to Occupational Health. Or a request to provide doctors certificates from the first day of absence with the Parish Council reimbursing any cost of the certificates.

Failure to reach the standard of improvement expected will be made clear to the employee.

## **Stage Two**

If the employee's attendance has not satisfactory improved where that could reasonably be expected, then a formal meeting with the Parish Council will take place. Employees will be given at least seven working days notice of this meeting. In some instances this meeting may proceed in the absence of the employee. An employee who is unable to attend may arrange for a companion to attend on their behalf, or submit written representations in advance.

Present at Stage Two meetings will be the Parish Clerk, the line manager and Chairman of Finance and General Purposes Committee. Decisions are the responsibility of the Parish Clerk and are not panel decisions. Any decisions are management decisions and not medical decisions, even if they involve medical advice.

Employees will be given the opportunity to explain the reasons for their absence, respond to information presented at the meeting and submit relevant documentation.

The issues the Parish Clerk may consider include:

- ❑ The sickness record including frequency and duration of absence
- ❑ Total amount of sickness and reasons given
- ❑ Advice obtained from the Occupational Health providers
- ❑ Nature of the post
- ❑ Impact of the sickness absence on work performance, service delivery and other colleagues
- ❑ Extent to which job adjustments have been considered and applied
- ❑ Outcome of previous relevant meetings.
- ❑ Whether the employee may be fit to undertake duties at some date in the future
- ❑ The prognosis and timescales for improvement
- ❑ The likelihood of future recurrences affecting the employee's fitness for work.
- ❑ Whether redeployment, temporary or permanent is a possibility
- ❑ Whether the employee is disabled as defined by the Disability

## Discrimination Acts.

The second stage meeting can be adjourned to allow further management investigation of facts and the collation of additional information.

It is the responsibility of the Parish Clerk to determine if the sickness absence is attributable to any underlying medical cause, with the evidence presented to him/her.

### **If no underlying medical cause**

If the absence is regarded as acceptable the Parish Clerk will advise the employee that no further action is appropriate and sickness will be reviewed and monitored as normal.

If the absence is unacceptable the Parish Clerk will set up a further review period for no more than three months. The Parish Clerk will advise the employee of the specific improvements that are required within the review period to reach the standard expected from the employee and caution the employee that unless there is satisfactory improvement the case will be reviewed and this could lead to their employment being terminated. These matters will be confirmed in writing within five working days of the decision.

Disciplinary action may be instigated where it would appear that the absence does not relate to genuine sickness matters.

At the end of the review period the Parish Clerk will consider if there has been satisfactory improvements.

Where there has been satisfactory improvement the employee will be advised accordingly.

Where there has not been satisfactory improvement then the outcome from this meeting may include dismissal with notice.

### **If there is an underlying medical cause**

The Parish Clerk will set a review period of no more than three months during which the relevant issues can be explored. Relevant issues may include job redesign, reasonable adjustments and examination of redeployment opportunities.

At the end of the review period the Parish Clerk will consider if there has been satisfactory improvement. The Parish Clerk will need to balance the needs of the Parish Council with its desire to act as a reasonable employer.

A possible outcome from this meeting may be a recommendation for ill health retirement where the employee is medically unfit, certified as

permanently incapable of performing those duties and redeployment/job design is not an option. However ill health retirement can take place at any point during the

sickness absence procedure, as soon as it is clear that no redeployment or job redesign is reasonable.

A full record of the issues discussed will be retained on the employee's personal file. The Parish Clerk will arrange for all reference to the sickness absence procedure e.g. notes of meetings etc to be removed from the employee's file six months from the end of the action plan timescale.

### **Stage Three**

If after the second stage meeting an employee is dismissed then employees have a right of appeal to the Appeals Panel via the Chairman of the Council. The appeal must set out the grounds on which it is made and must be in writing. It must be sent to the Chairman within ten working days of receipt of the dismissal decision.

The Chairman will convene the Appeals Panel. The employee should include all papers they wish to rely on and details of any witnesses they wish to call.

Within 14 working days of receipt of an appeal, an appeal hearing will be held with the employee and his/her companion.

The appeal will be a re-hearing of the dismissal. The responsible Parish Clerk will present the case. Therefore the Appeals Panel will consider all evidence available at the dismissal hearing. The Appeals panel will also consider any evidence (either in support of or against the decision to dismiss) that has come to light after the dismissal.

The Appeals Panel will give their decision to the employee as soon as possible; such decisions will be confirmed in writing by full Council within five working days.

If the appeal is allowed the employee will be reinstated subject to such reasonable conditions as the Appeals Panel consider appropriate. The decision of the Appeals Panel is final. The Panel hearing the appeal must not have been involved in the decision or any discussions which led to the dismissal.

A full record of the issues discussed will be retained on the employee's personal file. The Parish Clerk will arrange for all reference to the sickness absence procedure e.g. notes of meetings etc to be removed from the employee's file twelve months from the date of the Appeal Panel hearing.

## **Notes**

### **Employees in their probationary period**

For employees in their probationary period, the sickness absence procedure will be, that if the line manager has concerns about the sickness record of the employee they will, at the 12 week review produce with the employee an action plan (effectively Stage 1). If an employee's sickness record is unsatisfactory by the 20 week review then the 20 week review should be conducted by the Parish Clerk (effectively Stage 2).

A full record of the issues discussed will be retained on the employee's personal file. The Parish Clerk will arrange for all reference to the sickness absence procedure e.g. notes of meetings etc to be removed from the employees file six months from the end of the action plan timescale.

### **Sickness absence and pregnancy**

The Parish Council will record pregnancy related sickness absence separately from other sickness absences. This is so that should the Parish Council be asked to give a reference for the employee only the sickness unrelated to the pregnancy would be revealed. An employee who is absent due to a pregnancy related illness during the four weeks prior to her due date can be required to start her maternity leave early and will be entitled to maternity pay and not sick pay.

### **Sickness absence and disability**

The Council will record disability related sickness absence separately from other sickness absences. This is so that should the Council be asked to give a reference only the sickness unrelated to the disability would be revealed.

The procedure will be followed unless the violent, abusive or otherwise unacceptable behaviour of one party makes it unreasonable to follow (stress and anxiety about the process is not sufficient).

### **Monitoring and review**

The policy will be monitored and reviewed on a regular basis by the Parish Clerk.