

CALDICOT TOWN COUNCIL

Sickness absence policy and procedure

Policy

The Town Council aims to secure the attendance of all employees throughout the working week. However, it recognises that a certain level of absence may be necessary due to sickness.

It is the Town Council's policy to offer security of employment during such periods, subject to operational requirements and the conditions below.

Procedure

Notification and certification

If the employee is unable to attend, he or she must notify their line manager by 9.00am on the first day of absence, indicating if possible when he or she expects to return to work.

The employee must complete a self-certification form for the first seven calendar days of all sickness absences and give it to their line manager. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must use a copy form and complete and post it to their line manager as soon as possible.

If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to their line manager. Current fit notes must cover subsequent periods of absence. The employee should also keep in touch with their line manager regarding their condition and likely return to work date.

If the employee does not follow this procedure, they may be dealt with under the Town Council's disciplinary procedure. Furthermore, the employee's occupational sick pay and statutory sick pay (SSP) may be withheld.

Private medical certificates

In some circumstances the Town Council may require the employee to provide private fit notes for all absences from work due to sickness, regardless of their duration. The Town Council will reimburse him or her fully for the cost of obtaining these certificates. Examples of such circumstances include:

- a history of exceptional absenteeism
- an appearance or disposition such that management are concerned that the employee may not be receiving adequate medical attention.

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Return to work

Requests for temporary adjustments to the employee's working conditions will be considered by the Town Council and will be accommodated wherever possible and if organisational circumstances permit.

In the case of extended periods of absence, the Town Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Town Council's choice.

Regardless of their length of absence, the employee will be interviewed by their line manager on their return to work in order to:

- check on the employee's fitness to return
- ensure that all the support the employee needs is in place
- bring the employee up to date on any changes.

Fit notes

An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

If a fit note is received the line manager will contact the employee and arrange for a meeting between the employee and the line manager. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work.

If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

Fit for Work Referral

Employees who are absent from work for four weeks or more as a result of sickness may be referred to the Government's Fit for Work Service for an assessment. In order to be eligible, employees must have a reasonable likelihood of making at least a phased return for work. Employees who have previously been referred to the

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service and received a return to work plan within a 12 month period will not be eligible for referral. A referral may be made by the Town Council or by the employee's GP. The employee will be contacted by an occupational health professional (referred to as the Case Manager) to carry out a health assessment and he or she will provide a return to work plan containing advice and recommendations to help the employee return to work more quickly. The plan will be shared with the Town Council, subject to the employee's consent, and it will be accepted as evidence of sickness absence in place of a GP fit note. Employees are encouraged to give consent for the referral to take place and for the return to work plan to be shared with the Town Council in order to facilitate a return to work as soon as possible. The Town Council will seek to act on the recommendations in the return to work plan where appropriate.

Medical examination

The Town Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion. (A refusal to be examined may lead the Town Council to take disciplinary action against the employee, up to and including dismissal.)

Access to medical reports

In order to gain as much information about the employee's medical condition as possible, the Town Council may also request the employee's permission to contact his or her GP and ask for a medical report on the employee's condition. The employee may ask to see this report.

Trigger points for short term or frequent absence

Absence triggers are in place in order to help line managers address an employee's absence appropriately and ensure that absence is managed consistently and fairly within the Town Council. The absence triggers for employees who have completed their probationary period are:

- The fifth occasion of absence in a rolling 12 month period.
- Two or more occasions of absence totalling more than 10 working days in a rolling 12 month period. The 10 working days trigger will be adjusted pro-rata for employees who work fewer than five days per week.
- Over 14 continuous calendar days of absence.

During a probationary period the trigger is the second occasion of absence or more than five working days.

When an absence trigger point is reached the line manager should review the employee's sickness record and arrange to meet with the employee to highlight the fact that a trigger has been reached and to discuss what action is appropriate. This meeting should be informal and the manager should follow up the discussion with a brief email regarding what was discussed.

Examples of actions that should be considered when an employee reaches an absence trigger are:

- Referral to occupational health
- Implementation of reasonable adjustments (see the section on Disability below)
- Formal disciplinary action in accordance with the Town Council's disciplinary procedure.

It may not be appropriate to take disciplinary action if, for example, all of the absences are related to an underlying medical condition. Advice should be sought from an appropriate external advisory body.

Extended absences

The Town Council will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- full consultation with the employee
- medical investigation
- a consideration of alternative employment.

Where a return to work does prove possible, the Town Council may require that the employee's fitness to return is confirmed by a practitioner of the Town Council's choice.

Meetings/home visits

During any absence it is important that the employee keeps in touch so that their line manager is kept informed of the employee's health and likely return-to-work date. The employee will therefore be periodically asked to attend meetings with their line manager on work premises, for the purpose of providing information and facilitating an effective return to work.

If the employee is too unwell or physically unable to attend the office, the Town Council reserves the right to visit him or her at home.

Disability

If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Town Council has a duty to make reasonable adjustments to their job to accommodate their requirements and address any elements of the job which places the employee at substantial disadvantage.

Reasonable adjustments to be considered may include an adjustment to working hours or equipment being adapted as appropriate to assist the employee in continuing in post. Physical adjustments may also be considered such as a ramp being required for entry to the workplace, moving furniture or widening doors.

The employee will be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

Dismissal and the right to appeal

In the event of a dismissal, the reason for the dismissal and the circumstances leading up to that decision will be documented in writing to the employee. The employee may appeal against their dismissal by writing, within five working days of their receipt of the dismissal letter, to the Town Council, stating the grounds on which they wish to appeal.

The appeal will be heard in accordance with the Town Council's disciplinary appeals procedure. This right also applies to 'action short of dismissal' such as alteration of duties.

Payment arrangements and insurance

Statutory sick pay (SSP)

The employee's SSP qualifying days are either Monday to Friday or, in the case of part-time employees, those days that he or she normally works. If the employee is eligible for the payment of SSP, it will be subject to the deduction of tax and National Insurance contributions.

Occupational sick pay

The arrangements for payment of occupational sick pay are documented in the employee's contract of employment.

Unpaid sickness

There are circumstances where the employee's absence due to sickness will be unpaid, e.g. when:

- he or she is ineligible for occupational sick pay
- he or she has exhausted the provisions contained in the scheme

The employee should note that during periods of unpaid sickness he or she will receive neither any basic salary nor variable payments. Further, holidays will only accrue at a rate that is commensurate with his or her statutory entitlement under the Working Time Regulations 1998, i.e. pro rata up to a total of 28 days per annum, including public holidays.

Miscellaneous

Return of the Town Council's equipment

If the employee is off sick for an extended period of time (e.g. one month or more) the Town Council may require them to return equipment or documentation until they are well enough to return to work.

If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding equipment belonging to the Town Council on the date of termination of his or her employment.

Absences for reasons other than sickness

Requests for time off for reasons other than sickness will be considered in accordance with the provisions of the Town Council's special leave policy.

Unauthorised absences will be dealt with in accordance with the disciplinary procedure.