

05 - Rothley Parish Council Sickness Absence Policy

Approved at a meeting of Rothley Parish Council on 19th September 2016

This was reviewed at the Full Council Meeting on 17/05/2021 minute ref: 21/355 no amendments made

1 Introduction

1.1 Rothley Parish Council values the contribution of its staff in the delivery and maintenance of quality services to the community. Whilst recognising that employees may be prevented from attending work through ill health, the Council has a duty to maintain service delivery and minimise disruption. The Council is therefore committed to managing attendance and sickness absence. It is the responsibility of the Clerk and employees to work together to promote a positive work environment with effective procedures for handling sickness absence and ill health.

1.2 The Council will achieve this through:

- Promoting the health, safety and well-being of all employees, including use of risk assessments to identify and manage hazards impacting on health in the workplace
- Monitoring levels of sickness absence for employees
- Implementing procedures to support and manage staff absences, whilst dealing with unjustified and/or high levels of sickness absence

2 General Principles

2.1 The following principles apply to the Council's procedures for dealing with sickness absence:

- Good attendance is valued and all opportunities should be taken to acknowledge and recognise such attendance
- Matters raised relating to an employee's attendance do not automatically imply any distrust of staff or concerns regarding their conduct
- Sickness absence will be dealt with in a way that is non-discriminatory and in accordance with the Council's Equal Opportunities Policy
- Employees will be dealt with consistently and the sickness absence procedures will be fairly applied to all employees

- The Council will aim to promote a positive and preventative rather than a punitive approach
- The Council will be sensitive and supportive to those suffering the effects of genuine ill health
- Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection and Access to Medical Reports Acts
- Open communication between the Clerk and employees will be encouraged and promoted
- The Council will aim to distinguish between absence due to genuine sickness and the abuse of the sickness absence system
- The sickness absence policy and procedure will be monitored and reviewed to ensure that it continues to meet the Council's aims and complies with these principles

3 Roles & Responsibilities

3.1 The Clerk – Induction of New Employees

3.1.1 The Clerk should ensure that all employees are familiar with the absence reporting procedure and policy rules. The Clerk provides a copy of this information to all new staff as part of their induction. New employees also need to be made aware that attendance levels are reviewed as part of the probationary assessment.

3.1.2 In addition, the Clerk also has broader responsibilities for encouraging good attendance by ensuring that:

- adequate physical working conditions are provided
- health and safety standards are maintained (appropriate risk assessments are undertaken).
- job design, training and development are given adequate consideration
- any colleagues in line management/supervisory positions take an active interest in the health and welfare of their employees.
- the absence management policy and procedures are communicated to all staff so that employees are clear about the correct steps to take when ill and about any follow-up action when they return to work.

3.1.3 In terms of managing sickness absence, the role and responsibilities the Clerk include:

- being the first point of contact when employees phone in sick or are seeking leave of absence for other reasons (e.g. domestic or personal reasons)
- maintaining contact with employees who are sick (particularly those on long-term sick leave)
- ensuring that work is appropriately covered during the employee's absence
- recording details about each period of absence and, when due to sickness, recording the nature of the illness and dates of absence for inclusion in periodic reports to the Staffing Committee
- identifying patterns of absence, which cause concern, and taking appropriate action
- holding return-to-work discussions/review meetings to ensure that employees have relevant support

3.1.4 It must be recognised that frequent or long-term absences of a member of staff can impact adversely on other staff and on the overall work of the team, particularly as a result of the need to cover the work. In circumstances such as these, the Clerk may need to discuss the issue with a member of the Staffing Committee.

3.2 Keeping in touch with an absent employee

3.2.1 It is important that the Clerk keeps in touch with the employee during his/her absence, particularly if she/he is absent on long-term sickness (i.e. 15 days or more). Each situation will need to be considered sensitively in the light of its special circumstances but home visits may be helpful.

3.2.2 In cases of long-term absence it may be appropriate to agree the method and frequency of contact between employee and the Clerk. Such contacts should be arranged at an early stage and will:

- Provide support for the employee by making them feel valued
- Enable the Clerk to keep the employee informed of what action is being taken in relation to their absence or to assist their return to work
- Allow for the possibility of alternatives to be explored by both sides at an early stage

3.2.3 Personal visits are unlikely to be appropriate in the case of a short-term absence, but telephone contact may be appropriate in certain cases (for example if an urgent work-related issue arises and it is necessary to establish action already taken).

3.2.4 The Clerk should also be sensitive to the fact that some employees may not welcome a visit, in which instance a member of the Staffing Committee should be contacted for advice.

3.2.5 When making contact with a member of staff, the Clerk has a right to know the broad reason for their absence and the likely duration of the absence. It is also reasonable to discuss with the employee any outstanding work issues that need to be picked up. Should, however, it become difficult for the employee to discuss the reasons for their absence, it may be appropriate for a member of the Staffing Committee to talk with the employee.

3.2.6 Finally, it is the responsibility of the Clerk to ensure that self- certification statements and medical certificates are submitted covering appropriate periods of absence. If the employee does not provide these, it is the responsibility of the Clerk to remind the employee of their obligations in this regard. In appropriate cases sick pay will be terminated or suspended where certification requirements are not met.

3.3 Employees

3.3.1 Employees are expected to:

- attend work unless unfit to do so
- understand the rules and procedures as outlined in this guide and in their conditions of service
- raise concerns with the Clerk, or a member of the Staffing Committee, if they believe that their job is making them ill or contributing to illness
- report sickness absences promptly in accordance with the sickness absence procedure
- ensure that appropriate certifications are completed and provided in accordance with the procedure
- attend return to work discussions and absence review meetings as necessary
- maintain contact with the Clerk at regular intervals in order to update on progress and changes in prognosis

- ensure that medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work
- not engage in any activity which may delay recovery
- submit to an examination by a medical practitioner nominated by the Council if asked to do so
- not abuse the sickness absence procedures or sick pay scheme

(NB. Under the Access to Medical Reports Act 1988, an employee has the right not to consent to medical information being obtained from his/her GP. However, she/he should be aware that not granting consent may delay and detract from a well-informed decision being reached. It may still be necessary for a decision to be taken based on available information.)

3.4 Staffing Committee

3.4.1 The Staffing Committee is responsible for developing the absence policy and procedures and ensuring that the Clerk is confident to meet the requirements of the policy in a consistent manner. The Staffing Committee will also advise on the use of associated policies, for example, the distinction between issues of absence and of conduct and or capability.

3.5 Monitoring sickness absence

3.5.1 The Staffing Committee will monitor sickness absence records. This will allow for identification of cases, which require further action (beyond the first stage return to work meeting). However, the prime responsibility for managing absence remains with the Clerk.

4 Procedure

The following procedure applies to all employees of Rothley Parish Council.

4.1 Notifying absence

4.1.1 In order for service delivery to be maintained, it is essential for the Clerk to know when a member of staff is unable to attend work due to illness. Failure to inform the Clerk of absence without good reason may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

4.1.2 The employee **MUST** telephone the Clerk on the first day off, before 10.00am, (or within ½ hour of their scheduled contracted start time).

4.1.3 The employee must provide the Clerk with details of their illness or injury, their anticipated length of absence and any work commitments that may need rearranging.

4.1.4 If the employee believes that their absence may have been caused by something that happened at work they should inform the Clerk of this and arrange for an Accident Report Form to be completed

4.1.5 Exceptionally, if the employee is unable to telephone in person, they must arrange for someone else to telephone on their behalf, in accordance with 4.1.1. and 4.1.2 above. The employee must make direct contact with the Clerk as soon as possible thereafter.

4.2 Certification

4.2.1 Every absence has to be certified to ensure prompt and correct payment of contractual and statutory sick pay and to ensure that accurate records are maintained. Failure to comply with the certification procedures may result in loss of sick pay. Misleading or false statements may be dealt with under the Council's disciplinary procedure.

4.2.2 If a period of absence includes a Friday, then if an employee is also sick on the Saturday and Sunday, these days will count for Statutory Sick Pay (SSP) purposes e.g., if the first day of sickness is Thursday and the return to work is the following Monday, then this will be counted as 4 days in relation to SSP.

4.2.3 If the employee continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a medical certificate which must be forwarded immediately to the Clerk. Any delay in receiving the medical certificate will require an explanation and may lead to the withholding of sick pay.

4.2.4 Where there is continuing sickness absence the employee must submit to the Clerk concurrent medical certificates to cover the whole period of absence

4.2.5 Where the period of absence exceeds 14 days the employee must submit to the Clerk upon their return to work a medical certificate confirming an acceptable return to work date, or statement of fitness to resume work from their doctor.

4.2.6 The Clerk must ensure that appropriate and timely certificates are received from the employee.

4.2.7 If an employee is sick during periods of annual leave, this leave will be reinstated if a medical certificate signed by a GP is provided.

4.2.8 Exceptionally, if the Clerk is concerned at the frequency of an employee's absence, or their account of their reasons for absence, the employee may be required to submit doctor's medical certificates, rather than self-certificates, from their first day of absence. In such cases the Council will meet the cost of any fee charged.

4.3 Hospitalisation

4.3.1 In the event of hospitalisation, the same notification procedure should be followed unless the sickness/hospitalisation prevents this. The Clerk should be notified of the hospitalisation either by the employee or by a person acting on their behalf.

4.3.2 The employee should notify the Clerk as soon as it is possible to do so. Hospital admittance and discharge certificates should also be forwarded to the Clerk as soon as possible. It is not expected that employees should send further medical certificates during a stay in hospital providing admittance certificates have been forwarded.

4.3.3 Following the period of hospitalisation, any additional sickness absence should follow the procedure outlined in Section 4.2 above.

4.4 Maintaining Contact

4.4.1 Where an employee is absent from work due to sickness it is important that contact is maintained between the Clerk and employee. The Clerk needs to ensure that work is reallocated and service delivery is maintained. The employee needs to ensure that they do not feel isolated, vulnerable or out of touch. The timing of this contact must obviously be judged with sensitivity and it is important that it is not viewed as harassment from the Council. Instead, a sympathetic approach will be taken and a genuine interest shown in the employee's state of health. However, the Clerk should liaise with a member of the Staffing Committee prior to undertaking a home visit and ensure when appropriate that they do not go unaccompanied.

4.4.2 The employee and the Clerk should maintain regular telephone contact during the early stages of sickness absence

4.4.3 If an employee is absent from work for more than three weeks, the Clerk should arrange with the employee to visit them at home

4.4.4 If absences become long-term, regular contact must always be maintained.

4.5 Monitoring sickness absence levels

4.5.1 The Clerk will provide sickness absence statistics to the Staffing Committee at each of its meetings.

4.5.2 The Clerk is required to monitor sickness absence levels within the team, and, in liaison with the Staffing Committee, take further action as necessary when trigger points are reached and/or where there are concerns about an employee's absence levels.

4.6 Return to work

4.6.1 Upon return to work following sickness absence, and regardless of the period of absence, the Clerk should arrange to meet with the employee, usually during the first day back or at least within three days of the return to work.

4.6.2 The purpose of the meeting will be to welcome the employee back to work, ensure that there is an accurate record of the absence and appropriate certification and update the employee on work issues. The Clerk should give assurances of their concern for the employee's welfare, balanced with the Clerk's concerns about service delivery and the impact on other team members.

5 Dealing with frequent short-term absence

5.1 Where an individual's absence level meets one of the following trigger points, the Clerk will review the absence levels with the employee:

- Three or more instances of sickness absence in any 3 month period
- Ten or more days sickness absence within any 3 month period
- Any other recurring recognisable patterns which give rise to concern, such as frequent absenteeism on a Friday or Monday, absenteeism during school holidays, or absenteeism coinciding with deadline dates or peaks in workloads.

5.2 A review meeting will be held with the employee to discuss:

- their absence record
- explore the reasons for absence
- identify areas for support
- review/update the risk assessment
- set targets for improvement
- clarify what further action may be taken if improvement targets are not met.

A trade union or other representative may accompany the employee.

5.3 The following outcomes may be agreed:

- The employee may be required to submit a medical certificate from their doctor for every instance of absence (see section 4.2.9 above)
- Other support mechanisms may be identified and implemented
- Reasonable adjustments such as changes to the workload, work practices or work pattern.
- A further meeting may be arranged to review progress

5.4 The Clerk will write to the employee within 5 working days of the meeting, confirming the details of the absence review meeting, the points discussed and actions agreed. A copy of this letter should be placed on the employee's file.

5.5 If there is insufficient improvement in the employee's sickness absence record, a final review meeting will be held by the Chair of the Staffing Committee. This review meeting will reaffirm the issues discussed at previous reviews, identify support provided to the employee and what further support may be appropriate, set revised targets for improvement and warn of the consequences of no improvement including the potential of dismissal. Again, a trade union representative may accompany the employee

5.6 Arrangements can be made at any time for an independent medical report to be to establish whether or not there is an underlying health problem and whether the employee's absences are likely to remain at the same level. The employee's consent will be obtained prior to referral. The medical report will seek to establish only the medical facts.

5.7 The Chair of the Staffing Committee will write to the employee within 5 working days of the final review meeting confirming the points discussed and actions agreed. A copy of this letter should be placed on the employees file.

5.8 If there is insufficient improvement within 3 months following the final review meeting, the matter will be referred back to the Chair of the Staffing Committee who will determine whether to hold a Case Review Meeting (see 7 below).

6 Dealing with long term absence

6.1 Absences over 15 working days' duration are considered long term

6.2 The Clerk should arrange where possible to meet with the employee on a regular basis, usually at their home in order to keep up to date with progress, identify areas for support and determine whether any other actions should be taken. A trade union representative may accompany the employee.

6.3 Where it is evident that an absence is to continue for more than 15 working days, advice should be sought from the Staffing Committee.

6.4 Depending upon the advice received from the Staffing Committee, one or more of the following actions may be taken:

- Review periods may be set, with further advice obtained from the Staffing Committee
- Reasonable adjustments such as changes to the workload, work practices or work pattern may be identified and implemented, either as part of phasing the employee back to work or on a more permanent basis
- Referral to counselling services either in-house or external
- Other support mechanisms may be identified and implemented
- Investigations may take place into whether the employee may be eligible for ill health retirement.
- Ultimately, decisions may be made about the employee's continuing employment, leading to the decision to dismiss the employee due to their incapability to undertake their job due to ill health

6.5 Any actions being contemplated will be discussed with the Staffing Committee prior to meeting with the employee and their representative, and if applicable, before any final decisions are made.

7 Case Review Hearing

7.1 Where there are continuing concerns regarding short-term absences and previous warnings have been given, or where a long-term period of absence is continuing and options to enable the employee to remain in employment have been unsuccessful, the employee may be asked by letter to attend a Case Review Hearing. This letter will provide detail of the reason for the meeting as well as detail of the time and venue. Ultimately, the Council does not have to retain the services of any employee who cannot for whatever reason attend work on a regular basis and by definition fulfil their contractual obligations to their employer. Each case will need to be dealt with on its individual merits and particular circumstances.

7.2 The purpose of the meeting will be to consider any medical evidence available, what the employee has to say and to examine whether there are any further actions that the Council can take to assist the employee in continuing their employment or whether employment should be terminated due to the employee's incapability to undertake their duties effectively because of ill health.

7.3 The Chair of the Staffing Committee, who will be accompanied by two other members of the Staffing Committee, will hear the Case Review.

7.4 A trade union representative or work colleague may accompany the employee.

7.5 The employee will be given at least 10 working days written notice of the intention to hold a case review meeting

7.6 The employee and/or their representative will be given the opportunity to state their case

7.7 Others involved in the employee's case such as the Clerk will also be asked to provide information on what actions have been taken.

7.8 When reaching a decision about whether or not to terminate employment, the Chair of the Staffing Committee will consider issues such as:

- the need for the work to be undertaken
- the impact of the employee's absence and ill health on other employees and service delivery
- the employee's absence record
- financial and cost implications
- representations made by the employee and/or their representative
- what actions have been taken to attempt to enable the employee to continue in employment
- medical advice received

[This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the employee and of the Council.]

7.9 The employee will be informed of the decision where appropriate following the meeting, or in writing afterwards. In any event confirmation of the outcome of the meeting will be provided to the employee in writing within 5 working days. In addition, where a decision to dismiss has been made, the letter will also inform the employee of notice of termination of employment.

7.10 Where decisions are made regarding termination of employment, the employee will have the right of appeal against the decision (see section 8 below)

8 Rights of Appeal

8.1 Where a decision is made to dismiss the employee on the grounds of incapability due to ill health, the employee will have a right of appeal.

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Reviewed at the Full Council Meeting 17/05/2021 minute ref: 21/355 – no amendments

8.2 In order to exercise this right, the employee must write to the Chair of the Staffing Committee within 5 working days of receipt of the letter giving formal notice of termination of employment. In their letter the employee must state their grounds of appeal.

8.3 The Chair of the Staffing Committee will arrange for the appeal to be heard as soon as it is possible after receipt of the employee's letter of appeal.

8.4 The appeal will be heard by a panel of three members of the Staffing Committee or other Councillors who were not involved in the original decision to dismiss.

8.5 The decision of the appeal panel is final within the Council's internal procedures.

9 Work related ill health or injury

9.1 If an employee or the Clerk believes that ill health or injury has been caused at work, the employee should complete the Council's Accident Report Form as soon as possible

9.2 If an employee has not completed an Accident Report Form and subsequently believes that their ill health or injury is caused by work, they should report this in writing to the Clerk or to the Chair of the Staffing Committee, setting out the reasons why they believe that work has contributed or caused their ill health or injury

9.3 Where an Accident Report Form has been completed, or where an employee subsequently claims that their ill health or injury is caused by work, the situation should be thoroughly investigated. The Clerk should inform the Chair of the Staffing Committee in order to determine who should undertake the investigation.

9.4 The investigation should be undertaken by two people and should be completed as quickly as possible

9.5 The investigation should consider all relevant background information such as:

- the job description
- the previous sickness record
- details that have emerged in return to work interviews following previous absences or during the normal management process
- consequent management actions and any adjustments made as a result
- time sheets, work logs, rotas, annual leave and flexi time records
- training and development records
- appropriate witness statements

- external factors (for example, if an employee who is alleging they are suffering from Repetitive Strain Injury is also a self-employed typist)
- any other information pertinent to the situation

9.6 Advice should also be sought from the Staffing Committee which may also suggest that specialist advice may be helpful. In such cases the Council will pay any resultant fees.

9.7 Upon completion of the investigation a report should be sent to the Chair of the Staffing Committee, with a copy to the employee

9.8 The Chair of the Staffing Committee will determine, based on the facts available whether or not the employee has sustained an injury or illness as a result of what they were required to do at work, or the treatment they received at work.

9.9 Written confirmation of the decision will be sent to the employee within 5 working days of the decision. In the event of a decision that ill health or injury is attributed to work, Rothley Parish Council as an employer does not accept liability.

9.10 The Chair of the Staffing Committee must ensure that Clerk is informed of the decision where it will affect the payment of sick pay or industrial injury payment

9.11 The employee will have the right to seek a review of the decision through the Council's Grievance Procedure

9.12 Any personal injury claims received for damages against the Council should be forwarded directly to the Clerk.

9.13 Any person who meets the conditions for an injury allowance under the Local Government (Discretionary Payments) Regulations 1996 (SI1996/1680) or for a payment under the assault provisions of the National Conditions of Service should be issued with a claim form.

10 Ill health which does not lead to absence from work

10.1 There may be occasions where an employee is suffering from ill health but this does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job they should raise this with the Clerk. The Clerk should discuss the matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice from the Staffing Committee.

11 Failure to follow the Council's procedure

Reviewed at the Annual Parish Meeting on 20th May 2019, no amendments made minute ref: 19/22
 Reviewed at the Full Council Meeting 17/05/2021 minute ref: 21/355 – no amendments

11.1 If an employee has failed to follow the procedure for sickness notification and certification, it will be considered that they are absent without permission and as such pay will be withheld and disciplinary action may be taken in accordance with the Council's Disciplinary Procedures. If, however, the Chair of the Staffing Committee considers that there is a good cause for late notification or certification, employees will be granted sickness leave or appropriate leave retrospectively, although the Council would regard this as an exception.

12 Recruitment of new employees

12.1 The Clerk should ensure that references for prospective employees are checked for information about previous attendance levels before confirming an offer of employment

12.2 New offers of appointment may be subject to the satisfactory completion of a medical questionnaire and will require two references (one from a former employer). Careful use must be made of all reference/medical information provided to ensure that no discrimination takes place.

13 Review

13.1 Rothley Parish Council reserves the right to periodically review this policy