

**ESSINGTON PARISH COUNCIL
SICKNESS AND ABSENCE POLICY**

1. Policy Statement

Essington Parish Council is committed to promoting the health, safety and wellbeing of its staff by:

- Providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, counselling, occupational health, flexible working and reasonable adjustments.
- Tackling issues which may result in absence due to work related stress or dignity at work issues.
- Encouraging attendance, monitoring absence and the cost of sickness absence.

The Sickness Absence Policy aims to ensure that absence is managed in a consistent, supportive and effective way so that service is maintained.

Disability related sickness absence, and attendance at disability related medical appointments will be recorded but not categorised as sickness absence.

2. Medical Health Advice and Support

Occupational Health

If the Council is concerned about an employee's sickness absence, s/he may be referred to an Occupational Health adviser for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible.

If an employee is asked to attend an appointment with an Occupational Health physician s/he will receive a copy of the medical report and the Council will arrange a follow up meeting to discuss the findings with the employee.

Counselling Service

The Society of Local Council Clerks (SLCC) provides access to a counselling service for clerks. Counselling offers the opportunity to discuss feelings and thoughts on matters of concern with a trained professional. For more information go to the SLCC web site.

3. Sickness Notification and Certification Requirements

If an employee is absent due to sickness on a normal working day, s/he must notify the Chairman, Vice Chairman or a senior Councillor by telephone, text or email as soon as possible stating the reason for absence and the expected duration of the sickness absence where known.

If the Council does not hear from the employee during a normal working week a Councillor will endeavour to contact them at home. If the employee is unable to call him/herself s/he may ask someone to make contact on their behalf.

If the employee is off for more than three consecutive working days, s/he must contact the Chairman, Vice Chairman or a senior Councillor by the fourth day (or next working day).

The employee is responsible for notifying the Council of their sickness absence and providing the appropriate certification statements as required. If the employee does not adhere to these notification and certification requirements, they may not be eligible for sick pay.

The Council acknowledge that there may be exceptional circumstances which prevent the employee from meeting the reporting and certification requirements, for example, in the case of a severe injury / hospitalisation.

4. Certification for Sickness Absence

Days 1 -7 of sickness absence

For the first seven calendar days of continuous sickness absence (i.e. including non-working days), the employee does not need to obtain a note from their GP to cover their absence.

On the employee's first day back at work s/he must notify the Chairman, Vice Chairman or a senior Councillor to confirm the dates of their sickness absence and the reasons for absence.

Where practicable, the employee will receive an email when their absence is logged confirming the period of absence. This process gives the employee the opportunity to check and confirm their absence record and ensure the information held is correct. It is the employee's responsibility to inform the Chairman, Vice Chairman or a senior Councillor if they think that their sickness absence record is incorrect when they return to work.

Sickness absence that exceeds 7 days

For absences that exceed seven continuous calendar days (including non-working days) the employee must provide a Med 3 form which is a 'Statement of fitness for work' (Statement). Known as the 'fit note', this was introduced in 2010. Follow the link to view a sample of the 'Statement of fitness for work' form <http://www.dwp.gov.uk/docs/med3-fitnote-sample.pdf>

The employee is responsible for ensuring that their medical Statements reach the Chairman, Vice Chairman or a senior Councillor promptly. Periods of absence that are not covered by a Statement will not qualify for sick pay. However, each case will be considered on its merits.

If the employee's GP provides advice that they may be fit for work they should notify the Chairman, Vice Chairman or a senior Councillor as soon as practicable.

The employee should send their Statements to the Chairman, Vice Chairman or a senior Councillor who will arrange for this to be logged and processed. If the Statement is not received by the 12th consecutive day of sickness, the employee may not be entitled to occupational sick pay.

5. Statement of Fitness for Work Certificate (Fit Note)

The employee's GP will either give them a Statement confirming that they are unfit for work for a specific period / until a specific date or their GP may advise that they are able to return to work and, in these circumstances, their GP will suggest options that may help them to return to work.

The purpose of the Statement or 'fit note' is to facilitate a return to work and may be more likely to be used in longer term sickness cases or those with an ongoing medical condition. The suggestions the employee's GP may advise include:

- **Amended duties**

This involves changes to their job and duties, if they are unable to complete all your normal duties and these may be amended in discussion with the Chairman.

- **A phased return**

This allows the employee, initially, to work a reduced number of hours upon their return to work and increase the hours they work gradually until they return to their normal hours. This arrangement is normally agreed for a short period, normally of up to four weeks.

- In some cases, the employee's GP may recommend that Occupational Health advice is sought.

6. Returning to work

When completing the Statement of Fitness for Work, the employee's GP will say whether they need to be reassessed before they return to work. If the employee's absence continues, they will need to ensure that all absence is covered by a Statement.

If they do not need a further assessment, their return date will be their next normal working day after the end of the sickness period stated.

7. Sickness during holidays

If the employee is sick during holiday absence, their holiday may be reinstated subject to them providing a Statement from their GP to cover the period of sickness. Retrospectively dated Statements will not be accepted.

8. Managing Absence

In order to manage sickness absence effectively and consistently the Council will seek to support the employee during periods of illness and use the following interventions and procedures to facilitate a return to work, retain the employee in employment and improve attendance:

- Return to work discussions and/or interviews
- Keeping in touch during absence
- Monitoring and recording absence
- Carrying out sickness review meetings
- Providing management support
- Seeking medical reports and Occupational Health advice
- Managing absence through the procedures detailed below or through the disciplinary procedure where appropriate

9. Return to Work Discussions

The employee will have a return to work discussion with the Chairman normally on their first day back at work.

The purpose of a return to work discussion is to ensure that the Council is aware of issues which affect the employee's attendance at work and their state of health so that the appropriate support and action may be taken. For example, the Council should be made aware of whether:

- The employee has an underlying medical condition.
- Any adjustments are needed if they have a disability.

- The employee is suffering from stress which may relate to personal issues or to issues at work.
- The employee would like access to the counselling service; or
- there are personal issues outside work which are affecting their attendance.

Return to work discussions and sickness review meetings may help to improve attendance and resolve absence issues, as health and other associated problems are discussed openly in a supportive way with a view to addressing issues at an early stage.

Absence is monitored over a 12-month rolling period. So current absence will be calculated from the date of review for the previous 12-month period. If a period or pattern of absence continues beyond 12 months, such previous absence may be considered as part of the ongoing absence review.

The content of return to work discussions will vary depending upon the length, type of absence and concerns in relation to the employee's sickness record. It is likely to be a brief conversation about their health and offer of support. However, it may be a more detailed discussion or meeting depending upon the issues.

In the return to work discussion the Chairman will:

- acknowledge and welcome the employee back to work;
- find out the reason and cause of absence if this is not known;
- make sure the employee is well and fully fit to return to work, taking into account any recommendations from their GP where relevant;
- identify whether there is any additional support the Council may provide; and
- bring the employee up to date with any changes or news.

A copy of the notes of the employee's return to work meeting will be given to them.

In some cases, the employee may not feel able to discuss their medical condition with a particular Councillor. In these circumstances, s/he may request to speak to another Councillor about the reasons for absence.

Sickness information will be held confidentially and access restricted to authorised persons within the Council. Under the Data Protection Act, sickness information is considered sensitive data and the Council is committed to ensuring that such data is treated confidentially and not shared more widely than is necessary, in accordance with the Act.

10. Medical Reports

If the Council is concerned about the employee's medical condition or its consequences as related to their employment, they may be asked to attend a medical. Other medical and/or specialist reports may also need to be obtained. The costs of providing these reports will be met by the Council. In some cases, the employee's GP may also recommend that Occupational Health advice is sought.

All absence attributed to stress where occupational stress is a contributing factor will be referred to Occupational Health as a matter of course after five working days continuous sickness absence.

If the employee withholds their consent to the Council seeking a medical report or refuse to attend an appointment with an Occupational Health adviser, the Council will have to make decisions about their absence and their health on the information available to it.

Under the Access to Medical Reports Act the employee has the right to see a medical report provided by their GP or medical consultant before it is sent to the Council. Further medical reports may be sought in relation to long-term sickness or capability issues.

11. Short Term Sickness

If the employee's attendance, due to short term or intermittent absence, becomes a matter of concern, for example, persistent short-term absences or a pattern the Chairman will discuss this with them informally with a view to resolving issues and improving attendance. Poor attendance and reliability issues may have a negative impact upon the effectiveness of the Council.

Short term absence will initially be managed through informal interventions and where attendance does not improve / attendance targets are not met and concerns continue, through a formal process.

If attendance has not improved and there is no underlying medical condition, poor attendance may become a disciplinary matter and, if so, will be dealt with in accordance with the Council's Disciplinary Procedure.

12. Long Term Sickness

Long term sickness absence is defined as four weeks continuous absence. It will be managed with due regard to the Equality Act 2010 and the Code of Practice on Disability in Employment where the reasons for absence are related to an underlying medical condition or disability.

Managing long-term sickness issues involves holding a monthly sickness review meeting with the employee to:

- keep in touch;
- discuss and review the length and reasons for absence;
- establish a return to work date; and
- facilitate a return to work / improve attendance levels

13. Facilitating a Return to Work

In order for the Council to provide staff with appropriate support and facilitate a return to work the Council may need to:

- Seek medical advice through the Council's nominated Occupational Health physician or from the employee's GP or medical consultant about the employee's health to establish when/whether a return to work is likely and how the Council can reasonably help to facilitate this.
- Discuss and make reasonable adjustments if the employee is disabled that may facilitate a return to work or to retain them at work.

- Consider whether a phased return to work is beneficial.
- Discuss early retirement where appropriate, if this option is available to the employee.

14. Keeping in touch

During longer term sickness absence and if the employee's absence is likely to be four weeks or longer, it is important that s/he keep in touch with the Chairman, Vice Chairman or a senior Councillor at agreed regular intervals and let them know of any changes in his/her health or expected date of return.

Monthly review meetings will normally be held with the employee and may be arranged at work, at the employee's home or another agreed location and they have the right to be accompanied to these meetings.

In some cases, where there is a known medical reason for absence and there is a known date of return to work, meetings may be held at longer intervals by agreement, with contact mainly by telephone.

15. Phased returns

If the employee is recovering from illness and it is considered that a phased return to work would be beneficial the Chairman, Vice Chairman or a senior Councillor will discuss this with them. A phased return allows the employee to return to work starting on reduced hours for a short period and building up hours gradually to their normal hours. The employee will receive normal pay during this phased return which would be for up to a maximum of four weeks.

16. Procedure for Managing Long-Term Sickness

During long-term sickness absence, it is important for the Chairman to keep in touch with the employee and provide appropriate support and interventions to facilitate a return to work and retain the employee in employment where this is practicable.

17. Sickness Review Meetings

Long-Term Sickness Review Meeting

After four weeks continuous absence or intermittent absence the Chairman will write to the employee and arrange a sickness review meeting with the Employment Committee.

The purpose of the meeting will be to discuss their sickness absence and identify any support the Council may be able to provide which may facilitate the employee's return to work. This may include seeking medical advice, arranging a phased return, changing working hours or making other reasonable adjustments.

The employee may be asked to attend a meeting with the Council's Occupational Health provider. The employee will be given a copy of any medical reports received and the implications will be discussed with them.

Follow up Sickness Review Meetings (monthly)

After eight weeks continuous absence or intermittent absence the Chairman will write to the employee to give notice to attend a further sickness review meeting with the Employment Committee. The employee may also be asked to attend a meeting with an occupational health adviser if this has not already been arranged.

The purpose of follow up review meetings, which should be held monthly, is to:

- discuss their health;
- consider any medical advice received;
- review any actions which have been discussed
- consider any further support including reasonable adjustments where appropriate that the Council are able to offer to improve attendance or facilitate a return;
- identify a possible return to work date; and
- where appropriate, consider whether employment may be at risk.

However, if the employee is off on long-term sick leave and it becomes evident at any stage that a return to work is unlikely or that the employee will be unable to fulfil their role effectively for health reasons, they may be invited to attend a capability hearing and a potential outcome may be that employment is ended due to reasons of ill health. Before any decision is taken about their employment situation, the Council will seek medical advice and consider other action short of dismissal.

The Chairman will advise the employee if their employment may be at risk and will carry out a capability review before further action is taken.

Notice of Meetings

The employee will be given at least five working days written notice to attend a meeting. They have the right to be accompanied by a trade union representative or a fellow clerk. If their companion is unable to attend the meeting within this timescale a further appointment will be made.

18. Statutory Sick Pay

The employee is entitled to receive statutory sick pay (SSP) provided they meet certain criteria:

- S/he must be too ill to undertake their work on any day for which they claim SSP;
- S/he must be absent from work for at least four consecutive days (including Sundays and Bank Holidays). This period of four consecutive days is known as a period of incapacity for work (PIW).
- S/he must supply evidence of the incapacity.

For the first seven days of absence this can be in the form of a self-certificate. For periods of incapacity of eight days or more, this evidence must be in the form of a GP Fit Note.

If an employee is off for two periods which are separated by eight weeks (56 days) or less, then the employee does not need to be absent for four consecutive days in the second period of absence in order to receive SSP.

The periods for which the employee is entitled to SSP are given in their contract of employment.

Approved: 01 March 2021

Review date: March 2025