



## **Scarisbrick Parish Council**

### **Sickness and Absence Policy**

Date of Policy: December 2024

Review Date: December 2027

This policy applies to employees of the Scarisbrick Parish Council ("the Council") and should be read in conjunction with the Contract of Employment, which shows the terms and conditions of service.

"Sickness" is defined as incapacity to carry out the duties and responsibilities which the employee is contractually obliged to perform because of their own accident or illness.

Requests for leave of absence other than due to sickness will be considered but must be reasonable in the particular circumstances and will not be paid. Requests must be made in writing and will be considered by the Council in the light of the circumstances, legal requirements and operational needs. Such circumstances may include certain prescribed emergencies involving certain dependents, for example if a dependent falls ill or is injured or if care arrangements fall down. A dependent is a child (including an adopted child), spouse, parent, someone who lives in your household, someone who reasonably relies on you (e.g. an elderly relative).

#### **What to do if you are unwell**

The following apply if you are away from work because of sickness.

- You must telephone the Chair or Vice-Chair of the Council on the first day of absence indicating the reason for absence and how long you expect to be off. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the Council is notified. You must then telephone again each day that you are absent unless otherwise agreed.
- In the event that you have suffered an accident at work the Chair or Vice-Chair should be notified as soon as possible so that any necessary follow-up action can be taken.
- If you are away for seven days or less (including weekends and other non-working days), you must complete a self-certification form and provide it to the Council when you are back at work.

- If you are away for more than seven days (including weekends and other non-working days), you must provide a 'fit to work' statement from your doctor (submitted to the Chair) and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives an opportunity for the doctor to provide information about your condition and suggest common ways to help you return to work. If this is possible you will return to work and the situation will be reviewed regularly. If not, you will remain on sick leave.
- All periods of sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

### **Return-to-work meetings**

The Chair of the Council may arrange an informal meeting with you on your first day back at work after a period of sickness absence. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting will take place in a private place, and all discussions will be private and confidential. Notes will be taken, agreed and stored on file. The meeting would normally:

- include a welcome back to work.
- outline the purpose of the return-to-work meeting which is to manage and monitor absence and attendance, to identify any problem areas, and offer support where appropriate.
- include a discussion about the reasons for absence, in a supportive way, and to understand whether the Council can take any steps to help the employee's attendance.
- explain that the absence will be recorded.
- establish if medical advice has been sought (if appropriate).
- ensure the self-certification form has been completed or a fit note from the doctor has been provided.
- include a discussion on absence over the last 52 weeks, the impact on pay, and any next steps.
- arrange a handover of work where appropriate.

### **Medical appointments**

The Council recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the Council. The Council will allow reasonable time off work for such appointments should the necessity arise.

## **Medical advice**

The Council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or medical practitioners include the following:

- to seek a medical report on your illness or injury.
- to establish when you might be able to return to work.
- to understand when you are likely to be fully fit to resume your normal duties.
- to understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties.
- to understand when you are likely to be fit to undertake any alternative duties.
- to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work.
- to understand the likely recurrence of the illness or injury once you have returned to work.
- to discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. The Council will also be provided with a copy of the report and may want to meet you to discuss the findings and consider options available to you. If you choose not to consent to such a referral any decisions in relation to your employment may be made without the benefit of access to medical reports.

## **Persistent short-term absence**

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. We understand most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on your colleagues and councillors.

To ensure fairness and consistency of treatment, the Council has set 'trigger points' to determine the level of absence at which further action may be considered. These 'trigger points' will be:

- 3 occasions of absence in a rolling 6 month period.
- 10 working days or more in a rolling 6 month period.

Therefore, it is essential that frequent absence is dealt with promptly and consistently. In some circumstances the Council may begin a capability or disciplinary procedure as part of the absence management process. If we do so, we will meet with you to set attendance targets. Following a review meeting we may issue a formal warning if those targets are not met. You will be given written notice in advance of any formal meeting and you can be accompanied by

a work colleague or trade union representative. You may appeal against a formal warning. If your absence remains unacceptable after a second formal warning, the Council may bring your employment to an end following consultation with you.

If frequent absence is due to an underlying long-term health condition then we will also request, with consent, a medical report either from an Occupational Health Physician or your GP or consultant to establish further information about your health and how the Council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy related absence. The Council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

The Council will consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

### **Long-term absence**

Long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for the Council to maintain contact with you. In cases where the return date is less certain this will take the form of consultation and will include:

- discussions at the start of the absence and periodically throughout.
- obtaining better information on your health and likely prognosis, ideally through your GP or an Occupational Health Physician.
- where appropriate, alerting you to the fact that your absence is becoming a problem.
- allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion.
- requirement to return Council equipment until well enough to return to work.

Where ill-health means that you are unlikely to return to work for a long period of time, the Council may need to consider bringing your employment to an end. In these circumstances, the Council will:

- review your absence record to assess whether or not it is sufficient to justify dismissal.
- consult with you.
- obtain up-to-date medical advice.
- advise you in writing as soon as it is established that termination of employment has become a possibility.

- meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative.
- allow a right of appeal against any decision to dismiss you on grounds of long-term ill-health.
- following this meeting, inform you of the final decision.

### **Absence as a result of disability**

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010. This will include considering whether any reasonable adjustments can be made.

### **Statutory Sick Pay**

If you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). Payment is in accordance with SSP regulations (including qualifying criteria) published on the government's GOV.UK website.

### **Council (Occupational) Sick Pay**

The scheme is intended to supplement SSP and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit so as to maintain normal pay during defined periods of absence on account of sickness. "Normal pay" includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

Employees are entitled to receive sick pay for the following defined periods:

- During 1<sup>st</sup> year of service: one month's full pay and (after completing four month's service) two month's half pay.
- During 2<sup>nd</sup> year of service: two month's full pay and two month's half pay.
- During 3<sup>rd</sup> year of service: four month's full pay and four month's half pay.
- During 4<sup>th</sup> and 5<sup>th</sup> year of service: five month's full pay and five month's half pay.
- After 5 years' of service: six month's full pay and six month's half pay.

Occupational sick pay includes any entitlement to SSP. In addition, if you receive any other benefits due to illness or injury these will be deducted or reclaimed by the Council. You must notify the Council of these benefits as a failure to disclose these may be considered a disciplinary matter and may result in disciplinary action including dismissal.

The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

Payment is conditional upon the employee complying with the Council's requirements for notification and certification of absence, attending an interview on request to discuss the absence, attending an interview/examination with a nominated doctor at the request of the Council, and completing a self-certification form on return to work or providing a fit-note when requested.

The Council may not pay occupational sick pay where:

- the employee has failed to comply with the Council's sickness absence notification and evidence requirements.
- the employee has unreasonably refused to attend a sickness absence meeting with the Council on request.
- the employee does not follow recommended treatment.
- the employee is unable to work because of an injury sustained in sports or other activities unrelated to work for this Council (including any injury sustained whilst working for another employer).
- the employee has resigned or has disciplinary proceedings pending against them.
- the employee has misled the council about fitness to work or has otherwise abused this policy.

When sick leave coincides with booked annual leave it will normally count as sick leave. Whilst absent due to sickness the employee is not permitted to undertake any paid work for another employer or on a self-employed basis without the written permission of the Council.

## **Data Protection**

The Council will treat personal data collected during the absence management process in accordance with regulations on processing special categories of personal data. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

## **Alterations and amendments to this policy**

The Council reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the Council.