



HACKLETON PARISH COUNCIL SICKNESS & ABSENCE POLICY

Hackleton 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, reasonable adjustments and in some cases redeployment;
- 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;
- working with health and safety representatives to identify actions and preventative measures to promote the health, safety and wellbeing of staff.

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that the council can continue to operate effectively. This policy applies to all staff with a contract of employment and is in line with ACAS guidance.

In the application of this policy, the council must refer to relevant codes of practice for example, the Disability Code of Practice and any available guidance on stress related sickness absence. Additionally, the Council should refer to Human Resource professionals for advice and guidance on the complex issues around sickness and disability. Disability related sickness absence, and attendance at disability related medical appointments will be recorded but not categorised as sickness absence. Issues relating to attendance and disability or underlying medical conditions will take into account the Council's commitment to retaining staff through making reasonable adjustments to jobs, equipment and processes, offering flexible working options (if possible but still ensuring statutory functions are retained) and accessing medical advice through occupational health professionals.

Medical Health Advice and Support

Occupational Health

The Council will seek advice from an independent occupational health (OH) provider to support and raise awareness of health issues with staff and support health and wellbeing events and initiatives as required.

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

If you are asked to attend an appointment with an OH physician you will receive a copy of the medical report and we will arrange a follow up meeting to discuss the findings with you.

Notifying the Council / your Manager

If you are absent due to sickness on a normal working day, you must notify the Clerk or Chairman of the Council:

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- by telephone as soon as possible;
- stating the reason for your absence; and
- the expected duration of your sickness absence where known.

If you have a different work pattern from normal office hours (9.00 am – 5.00 p.m. Monday to Friday), for example, if you work in the evenings or work at weekends, you should notify the Clerk /Chairman in good time before your start time where this is possible, so that cover may be arranged.

If you are unable to call yourself you may ask someone to make contact on your behalf. However, you must ensure you speak with the Clerk or Chairman later the same day or as soon as practicable thereafter.

If you are off for more than 3 consecutive working days, you must contact the Clerk or Chairman by the fourth day (or next working day). The Clerk or Chairman may ask that you contact them before this where, for example, cover arrangements may need to be put in place. For longer periods of absence, you should maintain regular contact with your manager, normally weekly (longer by agreement with your manager).

You are responsible for notifying the Council of your sickness absence and providing the appropriate certification statements as required. If you do not adhere to these notification and certification requirements, you may not be eligible for occupational sick pay where it applies to qualifying members of staff. In order to qualify for statutory sick pay, you must meet the statutory conditions. These are detailed on the HMRC website at: www.hmrc.gov.uk/payerti/employee/statutory-pay/ssp-overview.htm

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

Certification for Sickness Absence

Days 1 - 7 of sickness absence

For the first 7 calendar days of continuous sickness absence (i.e. including non-working days), you do not need to obtain a note from your G.P. to cover your absence. When you contact the Clerk or Chairman to inform them about your absence and the reasons for this, your manager or other designated person will record this information. On your first day back at work you must notify the Clerk or Chairman or another designated person to confirm the dates of your sickness absence and the reasons for absence.

If you leave work due to sickness absence before you have completed 2 hours work (pro rata for part time staff), your absence is recorded as a full day's absence.

Sickness absence that exceeds 7 days

For absences that exceed 7 continuous calendar days (including non-working days) you 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>

You are responsible for ensuring your medical Statements reach the Clerk or Chairman promptly. Periods of absence that are not covered by a Statement will not qualify for occupational nor statutory sick pay, however, each case will be considered on its merits before occupational sick pay is withheld.

If your G.P. provides advice that you may be fit for work you should notify the Clerk or Chairman as soon as practicable.

You should send your Statements to you're the Clerk or Chairman who will arrange for this to be logged and passed for processing. If the Statement is not received by the twelfth consecutive day of sickness, you may not be entitled to statutory sick pay.

Statement of Fitness for Work Certificate (Fit Note)

Your G.P. will either give you a Statement confirming that you are unfit for work for a specific period/until a specific date or your G.P. may advise that you are able to return to work and, in these circumstances, your G.P. will suggest options that may help you 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 your G.P. may advise include:

- **Amended duties** – this involves changes to your job and duties, if you are unable to complete all your normal duties, and these may be amended in discussion with your manager.
- **Workplace adaptations** – this involves changes to your work environment that may relate to, for example, use of equipment, accommodating mobility issues or other changes that may facilitate a return to work. A health and safety risk assessment and occupational health advice may be sought depending upon the nature of the changes suggested.
- **A phased return** – this allows you, initially, to work a reduced number of hours upon your return to work and increase the hours you work gradually until you return to your normal full time hours. This arrangement is normally agreed for a short period, normally of up to 4 weeks.
- **Altered hours** – this may be recommending a different work pattern and using forms of flexible working; for example, allowing a later start time or changing work patterns to accommodate treatment sessions.

In some cases your G.P. may recommend that occupational health advice is sought.

Returning to work

When completing the Statement of Fitness for Work, your G.P. will say whether you need to be reassessed before you return to work. If your absence continues you will need to ensure that all absence is covered by a Statement.

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

Sickness during holidays

If you are sick during holiday absence, your holiday may be reinstated subject to you providing a Statement from your G.P. to cover the period of sickness. Retrospectively dated Statements will not be accepted.

Managing Absence

In order to manage sickness absence effectively and consistently the Council will seek to support staff during periods of illness and use the following interventions and procedures to facilitate a return to work, retain staff 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 OH advice
- Managing absence through the procedures detailed below or through the disciplinary procedure where appropriate

Return to Work Discussions

All staff will have a return to work discussion with the Clerk & Chairman or another designated Council Member, normally on their first day back at work. If you work outside normal office hours it may not be practicable to have a face to face conversation, for example, if you work during the evenings or work remotely. In such cases the conversation may be by telephone or email.

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

- you have an underlying medical condition;
- any adjustments are needed if you have a disability;
- you are suffering from stress which may relate to personal issues or to issues at work;
- you would like access to the counselling service; or
- there are personal issues outside work which are affecting your 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 your sickness record. It is likely to be a brief conversation about your health and offer of support, however, it may be a more detailed discussion or meeting depending upon the issues. The Clerk or Chair or designated Council Member should:

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

A copy of the notes of your return to work meeting will be given to you.

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In some cases an employee may not feel able to discuss their medical condition openly. In these circumstances, the employee may request to speak to another Member of the Council about the reasons for their absence.

Sickness information will be held confidentially and access restricted to authorised personnel 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.

Medical Reports

If we are concerned about your medical condition or its consequences as related to your employment, you may be asked to attend a medical by an appointed OH adviser. 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 your G.P. may also recommend that OH advice is sought.

All absence attributed to stress where occupational stress is a contributing factor will be referred to OH as a matter of course after 5 working days continuous sickness absence.

If you withhold your consent to the Council seeking a medical report or refuse to attend an appointment with an independent OH adviser, the Council will have to make decisions about your absence and your health on the information available.

Under the Access to Medical Reports Act you have the right to see a medical report provided by your G.P. 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.

Short Term Sickness

If your attendance, due to short term or intermittent absence, becomes a matter of concern, for example, persistent short-term absences or a pattern such as Monday/Friday absences before/after Bank Holidays, the Clerk & Chairman and designated Council Member will discuss this with you informally with a view to resolving issues and improving attendance. Poor attendance and reliability issues may have a negative impact upon the Council, workloads and services.

The following procedure aims to provide a consistent approach to managing short term absence initially 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.

Ongoing absence issues will be managed through the long term sickness and capability process if it becomes clear that the sickness absence is:

- long term (likely to exceed 20 consecutive working days); and/or
- related to a disability; or
- related to a known underlying medical condition.

Informal Stage (1): Initial sickness review meeting

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You will be required to attend an initial sickness review meeting with the Clerk / Chair and or designated Council Member if you have:

- more than 10 self-certificated working days sickness within a 12 month period (pro rata for part time staff); or
- 4 periods of absence within a 6 month period or;
- a pattern of absence that is of concern (e.g. Mondays / Fridays or absence following bank holidays).

Purpose of meeting

The initial sickness review meeting should aim to:

- identify any contributing issues and how these may be resolved;
- establish whether there is an underlying medical condition or disability (this may involve seeking further medical advice);
- consider what other support may be needed; and
- encourage a member of staff to improve their attendance at work through agreed attendance targets.

Potential outcomes

You may be asked to attend an appointment with an OH physician and the Council will agree attendance improvement targets for a monitoring period of between 1 and 3 months.

Adjustments or other support may be agreed such as changes to working patterns, counselling or additional management support.

The Clerk and / or designated Council Member will take a written note of this meeting and you may be advised that if attendance does not improve, this may become a disciplinary matter. You will be given a copy of this note.

Formal Stage (2): Formal sickness review meeting

A formal review meeting will be held with you if your attendance remains of concern and there is no underlying medical condition.

Reasons for a formal meeting may be that:

- attendance targets have not been met; or
- there has been no sustained improvement; or
- self-certificated sickness absence has reached 20 working days (pro rata for part time staff) within a 12-month period; or
- the pattern of absence is a cause of concern.

You will be given at least 5 working days written notice to attend a meeting under this policy.

Purpose of meeting

At this meeting, the Clerk, Chairman and a designated Council Member will:

- review your attendance;
- discuss how this may be improved;
- review the improvement targets;

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- discuss any management support or other needs.

Potential Outcomes

You may be asked to attend an OH appointment if a referral has not yet been made.

The Council will continue to monitor your attendance and set improvement targets.

If the Council is concerned about your level of attendance you may be advised that your absence will be considered a disciplinary issue and managed under the disciplinary procedure. Your manager will write to you inviting you to attend a disciplinary meeting to consider your attendance and will give you a copy of your attendance record and other relevant supporting documentation.

Long Term Sickness

Long term sickness absence is defined as 4 weeks continuous absence. Intermittent absence that amounts to 20 working days (pro rata for part time staff) will also be managed under the long term sickness and capability process, 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 member of staff 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.

Facilitating a Return to Work

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

- seek medical advice through a nominated OH physician or from your G.P. or medical consultant about your health to establish when / whether a return to work is likely and how we can reasonably help to facilitate this.
- discuss and make reasonable adjustments for disabled staff that may facilitate a return to work or to retain an individual at work.
- consider whether alternative duties / light work or a phased return to work is beneficial.
- consider redeployment as a potential alternative to ending employment where appropriate.
- discuss early retirement where appropriate, if this option is available to you.

Keeping in touch

During longer term sickness absence and if your absence is likely to be 4 weeks or longer, it is important that you keep in touch with the Council at agreed regular intervals and let them know of any changes in your health or expected date of return.

Monthly review meetings will normally be held with you and may be arranged at work, at your home or another agreed location and you 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.

Phased returns

If you are recovering from illness and it is considered that a phased return to work would be beneficial, your manager will discuss this with you. A phased return allows you to return to work starting on reduced hours for a short period and building up hours gradually to your normal full time hours. You will receive normal pay during this phased return which would be for up to a maximum of four weeks.

If you feel you are not able to return to the contracted working hours at the end of this phased return period, flexible working arrangements may be considered upon request. So, for example, if you wanted to reduce your normal working hours either permanently or for a temporary period, you would make an application and, if approved, this request would normally result in a contractual change.

Alternative duties

If you are not considered fit to undertake your normal duties, for example in cases of a broken limb, and you are being paid sick pay, you may be requested to undertake other appropriate work. Such requests will only be made in consultation with independent medical advice and where appropriate following a risk assessment.

Procedure for Managing Long Term Sickness

During long term sickness absence, it is important for the Council to keep in touch with the member of staff and provide appropriate support and interventions to facilitate a return to work and retain them in employment where this is practicable.

Sickness Review Meetings

Long Term Sickness Review Meeting

After four weeks continuous absence or intermittent absence that amounts to 20 working days (pro rata for part time staff) within a rolling 12 month period your manager will write to you and arrange a sickness review meeting.

The purpose of the meeting will be to discuss your sickness absence and identify any support the Council may be able to provide which may facilitate your return to work. This may include seeking medical advice, arranging a phased return, changing your work pattern, hours or making other reasonable adjustments. You may be asked to attend a meeting with an independent OH provider. You will be given a copy of any medical reports received and the implications will be discussed with you.

Follow up Sickness Review Meetings (monthly)

After 8 weeks continuous absence or intermittent absence amounting to 40 working days (pro rata for part time staff), your manager will write to you to give you notice to attend a further sickness review meeting. You may also be asked to attend a meeting with an independent 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 your health;
- consider any medical advice received;
- review any actions which have been discussed;
- consider any further support including reasonable adjustments where appropriate that we 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 you are off on long term sick leave and it becomes evident at any stage that a return to work is unlikely or that you will be unable to fulfil your role effectively for health reasons, you 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 your employment situation, we will seek medical advice and consider other action short of dismissal. The Council will advise you if your employment may be at risk and will carry out a capability review before further action is taken.

Notice of Meetings

You will be given at least 5 working days written notice to attend a meeting and may bring a companion to this meeting. If your companion is unable to attend the meeting within this timescale, you should notify the Council of this and a further appointment will be made within the following 5 working day period.

In exceptional cases the Council may extend these timescales depending upon the individual circumstances of the case.

Health Capability Review

Undertaking a Capability Review

In some cases of long term continuous or intermittent sickness absence, the Council will need to consider your capability / fitness for work where:

- there is no predicted date of return;
- medical evidence indicates that an individual is permanently unfit for work;
- a return to work may be unlikely within a reasonable timescale;
- there is a high level of intermittent absence;
- the member of staff is not able to fulfil their job role effectively (after appropriate interventions to facilitate their return or improve their attendance).

A capability review will consider whether:

- Further investigation is required, for example, if recovery is taking longer than predicted or there has been a recent deterioration in relation to health or a disability. Further medical advice and relevant specialist reports may be requested to ensure any decision takes into account up to date medical information.
- Reasonable adjustments have been made where this is appropriate and whether there are any further reasonable adjustments such as changes to the job role/support.
- A phased return, alternative duties, or flexible working have been discussed and considered where appropriate.
- Redeployment may be appropriate if there are other suitable job opportunities on a permanent or temporary basis that the employee may fulfil.

- Early retirement (where this is cost neutral) or ill health retirement may be an option if the employee is a member of an occupational pension scheme and meets the relevant criteria for retirement under the scheme rules.

The Council will meet with you to discuss and review these options and to listen to your thoughts and feelings about the situation and the options. You have the right to be accompanied to this meeting by a companion.

A possible outcome of this meeting is that you will be invited to a capability hearing which will consider your future employment situation with the Council.

Holding a Capability Hearing

The purpose of the capability hearing is to consider your sickness absence and make a decision about your employment situation. Your manager will prepare an absence report detailing the history, including all relevant documentation and medical advice received.

You will be given 5 working days written notice of the meeting and copies of the information which will be considered at the hearing in making a decision about your continued employment with the Council.

Your level of sickness absence, which may be intermittent absence or a continuous period of long term sickness absence, will be considered; the impact this has had on the service and work colleagues, the support, actions or adjustments which have been taken so far; whether redeployment or early retirement has been discussed where appropriate; and a decision will then be made about your employment situation.

A potential outcome of this meeting is that your employment may be ended with notice.

At the capability hearing you will have the opportunity to state your case and have the right to be accompanied by a companion. Your companion may assist you in stating your case but may not answer on your behalf.

This meeting will be held at a mutually agreed location. It is in your best interests to attend such a meeting, however, you may submit a written representation if you are unable to attend in person. If you do not attend the hearing, your case and any documentation you have submitted may be reviewed and a decision reached in your absence.

You will be notified of the decision as soon as possible and this will be confirmed in writing within 5 working days. If the decision is taken to end your employment, you have a right of appeal.

Right of Appeal

You should write to the Chair of the Council stating the grounds for your appeal within 5 working days of receiving the decision of the capability hearing.

Your appeal will be heard by a minimum of 2 Cllrs who have not been involved in the case management, together with a HR specialist. If you do not wish to attend the appeal, you may submit the grounds for your appeal in writing.

If the person appealing has good reason to believe that there is a conflict of interest, they may make a case to the Chair of the Council who will appoint an alternate elected representative, if deemed appropriate.

The appeal decision is final and you will be notified of this within 5 working days of the meeting.

Statutory Sick Pay

Statutory sick pay is paid in accordance with Statutory Sick Pay (SSP) regulations.

SSP is paid for the first 28 weeks of sickness absence. It is not payable for the first 3 days of absence unless the absence is linked to a previous absence period. A linked period of absence is where any absence occurs within 8 weeks of a previous absence period.

If you do not qualify for occupational sick pay, for example, because you have failed to follow the procedures outlined within this policy, you may still qualify for SSP. The statutory qualifying criteria and further information is held on the following website: **Error! Hyperlink reference not valid.**

Medical and Dental Appointments

Requests for time off to attend such appointments will be dealt with sympathetically, however, it is expected that you attend medical or dental appointments in your own time where possible. Where this is not possible, appointments should be arranged to minimise any absence from work, for example, at the beginning or end of your normal working day. If you are undergoing a period of medical treatment involving regular appointments, reasonable time off will be given.

Medical and dental appointments that take up more than 70% of your normal working day (pro rata for part time staff) will be recorded as sick leave. Medical appointments related to a disability or underlying health condition will not normally be recorded as sick leave.

You may be asked to provide your appointment card or evidence of medical or dental appointments.

Appointments related to pregnancy or maternity are dealt with under the maternity policy and such leave is paid.

Roles and Responsibilities

Employees

As an employee you are responsible for your health and wellbeing and for minimising your absence from work. You are responsible for adhering to the requirements stated within this policy, particularly in terms of sickness notification, providing Statements and keeping in regular contact during longer term absence.

The Council

The Council has a duty of care for the health, safety and welfare of their staff members and should work to support staff with genuine sickness absence.

The Clerk is responsible for managing sickness effectively and ensuring absence is monitored and recorded. The Clerk is responsible for organising return to work discussions and other review meetings, promoting a positive working environment, motivating and managing staff to maximise attendance.

The Council is responsible for ensuring training is available for staff who are managing sickness absence issues. The Council should also ensure that absence issues are treated equitably and consistently within their area of responsibility.