

LEDBURY TOWN COUNCIL

SICKNESS ABSENCE POLICY

Ledbury Town Council recognises that its employees form a vital part in ensuring its commitment to the people of Ledbury is met. To this end it will encourage and develop initiatives to promote the health and wellbeing of all employees.

The aim of this policy is to minimise absence levels across the organisation, whilst providing support to those absence, with the primary aim of assisting a return to work at the earliest opportunity.

The policy will inform Ledbury Town Council employees of their own responsibilities in relation to sickness absence, and the relevant reporting mechanisms.

The Council will seek to ensure that the reasons for sickness absence are understood in each case and investigated where necessary.

Whilst there is a collective responsibility to minimise sickness absence all such absence will be monitored and dealt with fairly and effectively in accordance with the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

Date Adopted: 1 October 2020
Review Date: 30 September 2022

SICKNESS ABSENCE PROCEDURES

Reporting Sickness Absence

If you are away from work because of illness you MUST telephone your line manager within 30 minutes of your usual start time. If your line manager is not available, you must speak to their line manager. If you are unable to make the call, in exceptional circumstances, you may ask someone to make it on your behalf. You must however make direct contact with your line manager as soon as possible thereafter. You can expect your line manager to make enquiries with you about work matters during the telephone call. Text messages, emails or indirect methods of communication are not acceptable.

The call should include:

- Name
- Nature of illness
- Likely duration of absence
- Work commitments that need to be covered during absence

If you are employed to work outside of normal office hours and you need to contact your line manager out of hours you will have been provided with a telephone number to call. However, if you are aware that you will not be well enough to attend work prior to that date you should make every effort to contact your line manager during working hours the previous day.

This process must be repeated on the 3rd day of absence unless you have provided an “fit note”.

Certification and Medical Certificates

You must complete a sickness self-certification form for every period of sickness absence unless covered by a “fit note”. Self-certification can only be made for periods of absence covering up to 7-calendar days.

A doctor’s or hospital fit note is required if the absence is more than 7-calendar days. The certificate should be forwarded immediately after your 7th day of absence and will be required chronologically for all subsequent absences. Where there is a continuing sickness absence you must, therefore, submit consecutive fit notes to cover the whole period of absence and these must be sent to your line manager within 2-days of the previous note expiring.

Failure to notify sickness absence or provide self-certificates or fit notes may lead to the absence from work being considered as unauthorised, resulting in the loss of occupational sick pay and possible disciplinary investigation.

Hospitalisation

Employees who become hospitalised will need a fit note to cover their absence in hospital if exceeding 7 days. This can be provided by the hospital.

Accidents and Injuries

An employee who has an accident, incident or near miss (that could have resulted in injury or ill health) that occurs whilst they are at work must report it to their line manager at the earliest convenience. The incident can then be investigated to identify any action needed to prevent further injuries and ill health and to ensure that the incident is recorded in the accident book and reported as necessary.

Work Related Ill Health or Injury

If the employee or line manager believes that ill-health or injury has been caused by work the manager must complete the Council's accident report form as above.

If the reason for absence is work related stress the line manager should complete a Stress Risk Assessment with the employee to endeavour to establish the root causes of the pressure. They must then refer the individual to Occupational Health sending the risk assessment in order to seek advice on how to support the employee and facilitate a return to work as soon as possible.

Contact with Infectious Diseases

Employees prevented from attending work due to contact with a reportable infectious disease should notify the Clerk immediately.

Monitoring Sickness Levels

All sickness absences must be recorded on the Council's monitoring system.

The information recorded will be used to produce sickness absence level statistics on a quarterly basis to monitor the success of the Sickness Absence Policy and identify any causes for concern. This information will be presented to the Council's Resources Committee on a quarterly basis.

Line managers will use this information to identify employees with frequent short-term absence which may require further investigation as set out within the sickness absence policy and procedures.

Return to Work

On the first day of your return to work, or at least within three days of your return, you will have a “return to work” interview with your line manager. This must be completed for any period of sickness absence, including short term sickness of one day only. The purpose of the interview is to assure both you and your manager that you are fit to return to work and to identify any concerns around your health that need to be addressed. All information will be recorded on the form and signed to show that you and your line manager agree. Any recommendations will be clearly stated.

If your absence was for less than 7 days you will be asked to complete a self-certification form.

If your absence was medically certified your GP will provide you with a Statement of Fitness for Work, commonly known as a “fit note”. In this your doctor may suggest ways of helping you return to work e.g.

- A phased return to work
- Altering hours
- Amended duties
- Workplace adaptations

There may also be recommendations following a referral to Occupational Health.

Where recommendations have been made by a doctor or Occupational Health Specialist, these are dependent on whether or not they are available and must have the Clerk’s agreement. The Council will try to accommodate recommendations and support needed to facilitate a return to work.

Phased returns to work will normally be for a 4-week period and will be paid at normal salary regardless of days or hours worked in this period. Options during this time include reduced hours, different working days or adjusted worktimes and will be agreed between you and your line manager. Generally, the return to your normal pattern of work and contracted hours over a 4-week period.

If a phased return to work is recommended over a period more than 4-weeks, then salary will be based on the hours and days worked and not the normal salary. Arrangements can be considered to use annual leave, or any TOIL owed as part of this phased return which will need to be considered and agreed by the line manager and Clerk.

If the Council is unable to support the change(s) recommended by the doctor, the fit note will be interpreted as you not being fit for work. A further sicknote is not required but you will not be allowed to return to work until we have an occupational health opinion that you are fit for work, and you will continue to be classed as on sick absence.

Frequent and/or Persistent Short-term Sickness Absence

The Council may on reviewing your sickness record, take action if:

- There are three instances or 10 self-certified days of absence within 12 months;
- There emerges a regular pattern of recurring absences of if the reason given for absence gives rise for concern.

First Stage Informal Interview

This will be an informal review meeting with your line manager who will advise you of their concerns. This meeting will be in addition to the Return-to-Work Interview.

The line manager will send a letter to the employee inviting them to the Review Meeting providing at least three clear days' notice. Representation is not required at this meeting. The line manager, HR Manager and the employee will discuss:

- The reasons for the repeat absences.
- The likelihood of further absences.
- Whether medical advice is required – Occupational Health, GP and whether there is any underlying condition.
- If any measures might improve the employee's health and/or attendance.
- A way forward, including the immediate improvement expected and a review date set.
- If a further sickness absence is recorded the disciplinary procedure may be followed.

The line manager may at any meeting escalate to the Formal Action stage if it appears the employee's attendance has not improved, without the need for a further meeting under the informal review stage.

Formal Action

If the informal review meeting has not led to any improvement in the sickness absence, the Council will make the matter a formal issue and follow the process outlined below.

Formal Sickness Review Stages

If there is insufficient improvement within the monitoring period in the employee's sickness absence record, a formal review will be held with the line manager where reasons for the continued absence levels will be explored.

Four or more occurrences will automatically trigger a Formal Review to discuss the sickness absence record.

In terms of the Formal Sickness Review Stages, the following will apply:

Stage 1 – Formal Action

The employee will be given a minimum of 7-days' notice inviting them to a meeting and advising the employee of the reason for the Formal Review, the date and time, their right to be accompanied by a trade union representative or work colleague. The purpose of the formal review is:

- To highlight the unacceptable level of attendance
- Explain the impact of the levels of absence on service delivery.
- Explain future attendance will be monitored and reviewed.
- Advise the employee of the future consequences if the employee continues with this level of attendance.

At the end of the meeting, the line manager will consider all aspects of the case and may decide to take no action if further information is required, i.e., G.P., Occupational Health assessment etc.

The line manager may issue a formal First Written Warning where, despite previous discussions, the employee has failed to improve their sickness absence level and their attendance is unsatisfactory.

The line manager will write to the employee within 7 calendar days of the Formal Review meeting confirming:

- The points discussed.
- The unsatisfactory sickness absence record
- Actions agreed.
- The first written warning (if issued) will be valid for six months.
- That a sustained improvement is expected within timeframes
- The employee's right to appeal.
- That failure to improve will normally lead to a final written warning for unsatisfactory attendance and performance to undertake their duties.
- If attendance improves, the process will end at Stage 1 Formal Action.

If required improvements are not demonstrated, then Stage 2 Formal Action will be followed.

Stage 2 Formal Action

The employee will be given a minimum of seven days' notice inviting them to a second meeting and advising the employee of the reason for the second Formal review, the date and time, their right to be accompanied by a trade union representative or work colleague. The purpose of the Formal Review is to discuss:

- Why attendance levels continue to be unacceptable.

- What progress has been made towards improving attendance and what further improvement is required to meet the standard of attendance required?
- Assess whether an improvement is likely.
- Obtain views from the employee in relation to any circumstances or reasons that may be affecting attendance.

At the end of the meeting, the line manager will consider all aspects of the case and may decide to:

- take no further action if appropriate.
- to extend the monitoring period
- to obtain further medical information from a G.P., Occupational Health assessment etc. (if appropriate)
- that the employee needs further advice and / or support
- to issue a First or Final Written Warning which will be valid for twelve months.

The line manager will write to the employee within 7 calendar days of the Formal Review meeting confirming the outcome.

If the line manager issues a formal First or Final Written Warning, the required improvements and monitoring procedures will be agreed and the employee will be given an opportunity to reach the required standard. The Final Written Warning will be held on file for 12 months.

Stage 3 Case Review Hearing

Where the required attendance is still not being met and the employee has had a final warning issued at Stage 2 Formal Action, then Stage 3 will be invoked which is a Case Review Hearing.

The purpose of the Case Review Hearing will be to consider 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.

The line manager, Clerk and a member of the Council's Personnel Committee will hear the final review hearing.

The employee will be given a minimum of seven days' notice of the meeting and advising the employee of the reason for the Case Review Hearing, the date and time, their right to be accompanied by a trade union representative or work colleague and that their employment may be terminated and the right of appeal.

Copies of the report and the case to be presented will be sent to the employee and attendees at least seven days before the Case Review Hearing.

The decision will be communicated at the meeting with the employee and their colleague / trade union representative whenever practical. In all instances, employees will be treated in a fair and reasonable manner appropriate to their particular case. The decision will be confirmed in writing within 7 days of the meeting.

Where, as a result of a Case Review Hearing, the decision has been taken to terminate employment, the employee will be notified of the reasons for this decision and their right of appeal. In order to exercise this right, the employee must write to the Clerk within 14 days of receipt of the letter confirming dismissal. The employee must state their grounds for their appeal.

Pregnancy

Pregnancy related sickness will be recorded separately from other sickness absence details (inclusive of attendance at antenatal appointments) and will not be included in terms of Ledbury Town Council's trigger system. The line manager will ensure a Health and Safety risk assessment is completed with the pregnant employee upon notification of pregnancy, at the four months and seven months stages.

Disability

Disability related sickness records will be recorded separately from other sickness absence details and will not be included in terms of Barry Town Council's trigger system. However, review meetings will be held with the employee and the line manager to discuss the level of absence and impact on productivity. Barry Town Council will assist, where possible, in making reasonable employee adjustments to support an employee with a disability to continue working, i.e. Access to Work Claim.

Access to work

Access to Work is a government scheme that helps cover the financial cost of providing disability solutions that would otherwise not be considered a "reasonable adjustment" under the Equality Act 2010. (www.gov.uk/access-to-work.)

The line manager will discuss eligibility with the employee. The employee would then need to make an application to Access to Work. If successful, Access to Work will liaise with the line manager and/or Clerk to visit the employee's workplace.

Long term sickness absence

Sickness absence lasting over four weeks is considered Long Term.

The wellbeing of all employees is of prime concern to the Council and any individual who is unfortunate enough to be away from work because of long term sickness will be contacted regularly by their line manager or a senior manager who will discuss: -

- The length of expected absence
- Developments at work
- The requirements of the Council for further medical examinations

This will only be done with the express consent of the employee and conducted in a very sensitive way to avoid any stress.

The line manager will seek to make telephone contact with the employee after two weeks to keep in touch and to conduct a home visit at four weeks. Progress will then be reviewed formally on a monthly basis.

Fit for Work Assessment

“Fit for Work” assessment is a free referral for an occupational health assessment for employees who have reached, or whose GP expects them to reach, four weeks of sickness absence. The service is aimed at helping employees return to work sooner. Employees may be referred by their GP or employer.

To enable an employer to make the referral for a Fit for Work Assessment the following consent is required at all stages: -

- Before referral to Fit for Work by employees GP or Employer

Sickness immediately prior to or during annual leave

If an employee is ill during a period of pre-arranged annual leave it is permissible to treat the days of incapacity as sickness absence instead of annual leave, subject to the provision of a medical certificate which covers the full period of sickness. Please note this will not be the case for non-certificated absence. This will enable the Council to arrange alternative leave dates, subject to the demands of the business.

If an employee falls ill whilst on annual leave travelling abroad, they must produce acceptable documentation signed by an accredited medical practitioner, together with the employee’s name and contact details. This should also state whether the employee is fit to travel. If declared unfit to travel, the certificate must give an indication of the date the employee is likely to travel, if this is after the last authorised day of leave. When employees return to the UK, they are required to submit a Fit Note by their UK Doctor in order to return to work.

Employees will continue to accrue annual leave (excluding bank holidays) at their normal rate whilst on sick leave in accordance with legislation.

Where, as a direct result of long-term sickness absence, employees have been prevented from taking their holiday entitlement, it may be possible for an employee to carry forward/be paid (dependent on the amount of annual leave) the statutory element

of their remaining annual leave entitlement into the next annual leave year; management reserves the right to specify when that leave must be taken.

Sick pay entitlement

During first year of service (After completing 4 months service)	1 month full pay 2 months half pay
During second year of service	2 months full pay 2 months half pay
During third year of service	4 months full pay 4 months half pay
During fourth and fifth year of service	5 months full pay 5 months half pay
After five years' service	6 months full pay 6 months half pay

The Council have the discretion to extend the period of sick pay in exceptional circumstances.

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.

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