

# Magor with Undy Town Council

## Sickness Absence - Policy and Procedure

### **Policy**

The Town Council understands that employees may need to be absent from work from time to time due to sickness. This policy covers employees and their line managers in handling time off from work where the reason for absence is sickness. The Town Council aims to have as many employees as possible in attendance at all times during the working week and sickness absence needs to be managed so that an acceptable level of absence can be permitted and any problems resolved.

### **Procedure**

#### **Notification**

If employees are unable to attend work due to sickness absence, they must notify their line manager by 10:00 on the morning of the absence. They will need to explain why they are unable to attend and indicate when they intend to return to work.

#### **Certification**

Absences should be certified by a fit note from a GP, however if the employee is absent for seven calendar days or less in each instance, the employee may instead self-certify their absence.

For absences of seven consecutive calendar days or less, upon their return to work, a self-certification form should be completed and passed to the employee's line manager.

For absences of eight days or more, a fit note is required. Fit notes are issued by the employee's GP and should be passed to their line manager upon their return to work. The fit note should cover each day of absence and, if multiple fit notes are issued, they should be posted to the employee's line manager with a brief explanation of their absence, the condition and if known their expected return to work date or next GP appointment.

Failure to follow the certification process outlined above may be considered misconduct and may be dealt with under the Town Council's disciplinary process. Sick pay and SSP (statutory sick pay) may be withheld during this time.

#### **Private medical certificates**

A private fit note may be considered necessary by the Town Council if there is a history of unusual absences or if the line manager believes the employee may benefit from an intervention by a medical practitioner. The cost of obtaining a private fit note will be reimbursed by the Town Council. A private fit note may be requested by the Town Council regardless of the duration of the actual period of sickness absence.

## **Return to work**

A fit note may make a recommendation for temporary changes to be made to an employee's working environment or conditions to facilitate a return to work. The Town Council may require the employee to meet with a medical practitioner, of the Town Council's choosing, to have the fitness to work arrangements of the employee assessed and confirmed.

Where the fit note contains recommendations for changes to be made to working conditions or practices, the Town Council will consider those recommendations and try as far as possible to accommodate those changes, where permissible in accordance with the needs of the business.

For extended periods of absence, the Town Council may require the employee to meet with a medical practitioner, of the Town Council's choosing, to have the fitness to work arrangements of the employee assessed and confirmed.

In all circumstances, a return to work interview will be arranged by the line manager/ for the employee.

The return to work interview will confirm the employee's fitness to return to work, update the employee on any changes that may have taken place in the workplace whilst absent and confirm that if any necessary support is required, and make arrangement for this as appropriate.

## **Fit notes**

Where a fit note is marked as "may be fit for work" by the employee's General Practitioner, the GP usually sets out the possible alternations or amendments that could be made to the employee's working practices to facilitate their fitness for work. Examples of the options available are:

- ☐ phased return to work
- ☐ amended duties
- ☐ altered hours
- ☐ workplace adaptations.

A meeting will be arranged by their line manager to discuss the arrangements recommended in their fit note and how best the Town Council can facilitate a return to work.

In the event that adjustments and amendments cannot be made, the employee will not be able to return to work and will need to remain on sickness absence. However, where adjustments and amendments can be facilitated, regular reviews will be undertaken with the employee to confirm that the changes made continue to be adequate. The changes should be temporary and should not be considered permanent changes to the terms and conditions.

## **Medical examination**

If the Town Council believes that a medical opinion is necessary, the Town Council reserves the right to require an employee to be referred to a medical practitioner for an assessment to be undertaken.

## Access to medical reports

The Town Council may need to request a copy of an employee's medical reports or medical records to assist in the assessment of the employee's medical condition. The employee's consent will be obtained prior to the Town Council making contact with their GP and the employee is entitled to see a copy of the documentation provided.

## Frequent and short-term absences

### Trigger points

Absence triggers enable the Town Council and line managers to address all absences and ensure absences are managed fairly and consistently.

The absence triggers are as follows:

### Triggers for employees within their probationary period. Trigger Criteria

Number of absence events	2
Continuous calendar days of absence	5 days

### Triggers for employees who have completed their probationary period. Criteria

### Trigger

Number of absence events	5 in a rolling 12 month period
Absence events totalling more than 10 working days (pro-rated)	2 in a rolling 12 month period
Continuous calendar days of absence	14 days

Only one of the triggers needs to be reached for the line manager to be required to review the employee's sickness records.

The line manager should meet informally with the employee to discuss the fact that an absence trigger has been reached and to discuss necessary actions, such as considering a referral to Occupational Health, implementing any possible reasonable adjustments that may be necessary in relation to disability, or any possible formal disciplinary action. The line manager may establish that there is an underlying medical condition and it may be that external advice is required as to the best course of action to take. Disciplinary procedures may not be necessary or appropriate in those circumstances.

A summary of the meeting should be kept for the employee's personnel file and a copy given to the employee.

## Long term sickness

Employees should be aware that although the Community Council is sympathetic towards genuine illnesses, it is not realistic for the sickness-related absence to continue indefinitely. The Community Council will be eager to get the employee back into the workplace as appropriately and effectively as possible, but the employment may need to be reviewed if this cannot be achieved. There will be a full consultation with the employee, together with a medical investigation and consideration of redeployment or alternative employment.

If there is regular or persistent absence due to long term sickness, injuries etc, the situation is unlikely to be able to continue forever. Ultimately, employment may be terminated after full compliance with the Community Council's termination procedures in these circumstances. See the section below in relation to dismissal for more information on this aspect.

The Community Council will usually require employees who have been absent for one month or more, or are expected to be absent for one month or more, to return some or all of their Community Council equipment. This may be requested so that the equipment can be redeployed to other employees.

Should a return to work be possible, the Community Council may require the employee's current fitness to be determined and confirmed by a medical practitioner, of the Community Council's choosing.

### **Updates during sickness**

Employees are expected to keep their line manager updated with their health and expected date of returning to work.

The line manager will arrange periodic meetings with the employee to discuss the current situation so that each side is kept up to date with developments.

This will usually be at the employee's usual place of work but if a home visit is necessary due to serious ill health or being physically unable to attend work, this can be accommodated.

### **Disability**

The Community Council has a duty to make reasonable adjustments where an employee has a disability covered by the Equality Act 2010.

The duty to make reasonable adjustments covers elements such as making changes and adjustments to working hours, existing equipment, provision of different equipment and workplace practices, if the employee is placed at a substantial disadvantage. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture etc.

The employee will be consulted fully on these.

The duty to make the adjustments is 'reasonable' so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible to facilitate a return. There may be no alternative roles or employment available and if there is no prospect of the employee being able to return to work in the near future, it may be inevitable that a decision to dismiss is the last and only option.

### **Dismissal and the right to appeal**

If long term sickness absence leads to dismissal, the employee will be provided with the reasons for the dismissal in writing.

The reasons for dismissal should set out the circumstances that led to the decision to dismiss. Employees have the right to appeal the decision and they should do so within five working days, to the Chair of the Human Resources (HR) Committee setting out the reasons for their appeal.

The appeal itself will be dealt with in accordance with the rules on appeals set out in the Community Council's disciplinary process.

### **Payment arrangements and insurance Statutory sick pay (SSP)**

Employees qualify for SSP on Mondays to Fridays for full time employees and their normal working days for part time employees.

SSP payments are made subject to tax and national insurance deductions.

### **Community Council sick pay scheme**

The Community Council sick pay scheme is detailed in employee's contracts of employment. A rolling 12-month period is utilised in determining the number of weeks available for Community Council sick pay purposes.

Where the Council supports a phased return to work, any days not worked during the period of the phased return will, for the purposes of payment, be classed as sick pay. Days not worked during the phased return will not, however, be considered for attendance management action.

### **Unpaid sickness**

Employees who are not eligible for SSP or for payments under the Community Council sick pay scheme will take that period of sickness as unpaid. No variable payments may be paid and no basic pay shall be made.

### **Absences for reasons other than sickness**

Long term absences for reasons other than sickness, such as career breaks will be considered by the Council at the request of an employee. The request will be considered in line with business needs and operational requirements prior to being authorised. Unauthorised absences will be dealt with via the Community Council's disciplinary procedure.