



# WARWICK TOWN COUNCIL

## Sickness Absence Policy

### 1. Introduction

It is recognised that from time to time staff may be unable to attend work because of ill-health. This policy sets out the procedure to be followed by all employees and workers and entitlements to sick pay in the event of such absences.

#### 1.1 Notification of absence

- If you are unable to attend work because of sickness or injury you must personally notify your Line Manager by telephone before 10am on your first day of sickness, giving the reason for the absence, an estimate of how long the sickness absence will last and any information about work commitments that need to be postponed. If you are unable to personally call because of your incapacity you should arrange for someone to call with this information, to your Line Manager on your behalf.
- You must maintain regular contact with your Line Manager on any subsequent days of absence or expected date of return.
- If you are absent for seven days or less you must provide a self-certification form and send this to the Clerk of the Council - ([form HMRC SC2](#))
- If your absence lasts for more than seven calendar days, you must obtain a Statement of Fitness for Work ('fit note') from your GP for the entire period of absence and send this to your line manager.
- For periods of long-term sick leave, you must keep the Council informed of your progress on a weekly basis, and provide subsequential 'fit notes' to cover the entire period of absence.

- For long or frequent periods of absence, in accordance with your contract, the Council may require you to be examined by a medical adviser of their choice.

Failure to follow this procedure is classed as a breach of Council procedures and may result in disciplinary action. If you fail to contact the Council, or fail to provide subsequential medical fit notes within 7 days of the expiry date of medical fit note, your absence will be classed as unauthorised unpaid absence. Unauthorised absence (without good reason) of more than one week may be classed as a gross misconduct offence, which could lead to dismissal. Any unauthorised absence of less than one week will be classed as a serious misconduct offence, which will normally result in a Final Written Warning.

## **1.2 Returning to work**

On your return to work you must report to your immediate Line Manager who may conduct a return to work meeting. The 'return to work meeting' is part of the normal management process to enable both the Line Manager and member of staff to discuss the period of sickness and to see if any specific assistance is required to help them with a successful return to work, e.g. the need to attend follow up outpatient's clinics etc. In some circumstances the Council may consider seeking a medical report from the treating Doctor/Practitioner or arrange a referral to an occupational health service in line with this policy to the assist the Council with your return to work.

## **1.3 Absence levels**

Absence levels will be continually monitored and high levels of absence may lead to disciplinary action and warnings. Each case will be assessed on its merits and within the Disciplinary Procedures. In order to manage absences from work and support absent employee the Council reserves the right to arrange home visits with you from time to time and as considered necessary. **Please refer to the Council's Sickness Absence Management Procedure.**

## **1.4 Sick pay**

### **1.4.1 Statutory Sick Pay (SSP)**

- Statutory Sick Pay (SSP) will be paid to qualifying employees who are absent from work due to sickness for four or more days in a row.

This is known as the 'Period of Incapacity for Work' (PIW).

- SSP is not payable for the first three qualifying days in a PIW. These are known as 'waiting days'.
- You will be paid SSP for any 'qualifying days' that you are absent due to sickness. A 'qualifying' day is any day on which you would normally have been expected to work if you had not been sick.
- Periods of absence that are less than eight weeks apart are linked to count as one period of sickness, or PIW, for payment of SSP. This means that if you are sick for a second time during this eight-week period, and the total absence is four days or more, SSP would have to be paid from the first day of that second absence. The maximum entitlement is 28 weeks of SSP in any PIW.
- SSP is treated as part of normal earnings and is subject to tax and National Insurance. Please ask your Line Manager for a self-certification form, you can complete this online, save and printed off via the following link ([form HMRC SC2](#)). This should be completed and forwarded to you Line Manager or submit to your Line Manager on your return to work.

## 1.5 Occupational Sick Pay

The occupational sick scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.

**1.5.1** Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with the Council. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

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

During 1st year of service 1 month's full pay and (after completing 4 months' service) 2 months' half pay.

During 2nd year of service 2 months' full pay and 2 months' half pay.

During 3rd year of service 4 months' full pay and 4 months' half pay.

During 4th and 5th year of service 5 months' full pay and 5 months' half pay.

After 5 years' service 6 months' full pay and 6 months' half pay.

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

**1.5.3** 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.

**1.5.4** In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.

**1.5.5** In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.

**1.5.6** 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.

## **1.6 Withholding sick pay**

The Council may withhold sick pay if:

- you do not comply with the Council's requirements for the notification of sickness absence.
- you refuse to undertake a medical examination at the Council's request.
- you work for another employer during your period of sickness absence, in which case the Council will also take disciplinary action if the circumstances justify this action.

## **1.7 Sickness absence and annual leave**

If you fall sick while on annual leave and you produce a 'fit note' relating to the period of sickness, the Council will consider treating this as sick leave and not annual leave.

## **1.8 Benefits**

All the benefits to which you are entitled will continue to be paid during your period of sickness absence and your annual leave entitlement will continue to accrue during this period.

## **1.9 Employees not entitled to SSP**

There are some employees who are not entitled to SSP including those:

- whose average weekly earnings for the last eight weeks are below the Lower Earnings Limit for National Insurance Contributions.
- who have received certain state benefits within the preceding 57 days.
- who have not worked under the contract of employment.
- who fall sick during a stoppage arising from an industrial dispute, unless they did not take part and had no interest in it.
- who are in legal custody or in prison.
- who are sick during the maternity pay period.

## **1.10 Infectious disease**

An employee who is prevented from attending work because of contact with an infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be set against the employee's entitlements under this scheme.

## **1.11 Disqualification to occupational sick scheme**

If you abuse the sickness scheme or are absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or your own misconduct or neglect or active participation in professional sport or injury while working in your own time on your own account for private gain or for another employer Occupational sick pay may be suspended.

The Clerk to the Council will advise you of the grounds for suspension and you shall have a right of appeal to the Leader of the Council. If the Leader of the Council decides that the grounds were justified, then you shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme will result in action being taken under the disciplinary procedure.

## **1.12 Dental, Hospital, Medical and Private Health Appointments**

Wherever possible you should arrange such appointments outside of your normal working hours and in your own time. However, where there is no alternative to an appointment being made during working hours you should

try to arrange the appointment at the beginning or the end of the working day.

Where this is not possible, depending on the nature of the appointment, this may be taken and recorded as TOIL or annual leave. In exceptional circumstances where employees have exhausted their annual leave entitlement and have no TOIL, or their illness falls under the Disability Discrimination Act, a half day/full day of sickness absence may be approved and recorded. Such requests should be discussed with the Clerk to the Council, who will consider whether the circumstances require making reasonable adjustments, and if appropriate consider if the absence should be recorded as paid sick leave.

The Clerk of the Council may request evidence of any appointments and where a particular employee is taking a large or regular amount of time off work to attend appointments, with their Doctor/Health Practitioner responsible for their care **(except for ante-natal appointments - see Maternity Leave Policy)**, the Council may consider seeking a medical report from the treating Doctor/Practitioner or arrange a referral to an occupational health service in line with this policy.

Adopted by the Warwick Town Council Date:

Policy to be review Date: