



# **WARWICK TOWN COUNCIL**

## **SICKNESS ABSENCE POLICY**

**OCTOBER 2022**

## 1. What to do if you are unwell

1.1 It is recognised that from time-to-time employees 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.

1.2 If you are away from work because of sickness you must:

- If you are unable to attend work because of sickness or injury you must personally notify your Line Manager or the Town Clerk 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 or Town Clerk on your behalf.
- You must then telephone again each day (unless otherwise agreed with your Line Manager or the Town Clerk).
- 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. This can be obtained from your Line Manager or Town Clerk. The self-Certification form is **Attached as Appendix 1**.
- If you are away for more than seven days (including weekends and other non-working days), you must send a 'fit to work' statement from your doctor 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. For periods of long-term sick leave, you must keep the Council informed of your progress on a regular basis as agreed with your Line Manager or the Town Clerk. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the doctor to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work.
- All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

## **2. Return-to-work meetings**

**2.1** During periods of long-term absences your Line Manager or the Town Clerk will arrange to meet with you to discuss your absence and any ways that the Council may be able to help to support your early return to work. This may involve obtaining your permission to obtain a medical report from your General Practitioner or specialist health care provider responsible for delivering your health care.

### **2.2**

On the first day back at work after a any period of sickness absence your Line Manager or Town Clerk may want to meet informally. If this is not possible on your first day back, the meeting may take place shortly after your return. The return-to-work meeting will take place in a private place, and all discussions will be private and confidential. 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.
- 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 regularly provided.
- a discussion on absence over the last 52 weeks, the impact on pay and any next steps; and
- a handover of work where appropriate.

## **3. Medical appointments**

**3.1** 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 [with pay / without pay] for such appointments.

### **3.2 Statutory Sick Pay**

If you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after 4 Qualifying Days absence from work. The Qualifying Days are your normal working days that are in your contract. Tax and National Insurance will be deducted from SSP and if you earn below the lower earnings limit, you will not qualify for SSP.

### **3.3 Council's Occupational Sick Pay**

The Council's 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.

It is the Council's policy to pay you your normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence in line with the entitlements listed below: -

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 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 sickness absence during the twelve months immediately preceding the first day of Sickness absence, and will include your entitlement to SSP.

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.

Payment is, however, conditional upon you complying with the council's procedure for notifying your Line Manager or the Town Clerk of the absence, attending an interview with your Line Manager on request to discuss the absence, and completing a self-certification form on return to work or providing a fit note when requested. Your consent in allowing the Town Clerk to obtain a medical report from the person responsible for your health Care, or in attend an interview/examination with a nominated Occupational Physician at the request of the Council.

We may not pay you occupational sick pay where:

- you have failed to comply with the Council's sickness absence notification and evidence requirements.

- you unreasonably refuse to attend a sickness absence meeting with the Council on request.
- you are unable to work because you hurt yourself in dangerous sports / activities or any other occupation you have.
- you have misled the council about your fitness to work.
- you have resigned; or
- where disciplinary proceedings are pending against you.

#### **4. Medical advice**

**4.1** 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 a medical practitioner 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 for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition.
- 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; and
- to discuss any reasonable adjustments that could be made to accommodate your disability if you are disabled.

**4.2** 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 once we have seen it, we will want to meet you to discuss the findings and consider options available to you.

**4.3** If you choose not to consent to an Occupational Health referral, any decisions in relation to your employment may be made without the benefit of access to medical reports.

#### **5. Persistent short-term absence**

**5.1** 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.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and 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 arrange a final meeting with you and your representative to bring your employment to an end.

- 5.2.** 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 General Practitioner, or consultant to establish further information about your health and how the council may be able to make reasonable adjustment to support your attendance.
- 5.3** When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy related Sickness 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.
- 5.4** 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.
- 5.5** 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 Council's disciplinary procedure.

## **6. Long-term absence**

- 6.1** As a guide, 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 an Occupational Health Physician
  - Where appropriate alerting you to the fact that your absence is becoming a problem, and

- Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion

**6.2** 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
- [Discuss whether you may be able to access benefits from the Local Government Pension Scheme (where appropriate)]
- 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
- Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss
- 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

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

**7.1** 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 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

## **8. Infectious disease**

**8.1** 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.

## **9. Disqualification to occupational sick scheme**

**9.1** 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.

**9.2** The Town Clerk will advise you of the grounds for suspension and you shall have a right of appeal to the Chair of Finance & Policy. If the Chair of Finance & Policy 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 Council's disciplinary procedure.

## **10. Dental, Hospital, Medical and Private Health Appointments**

- 10.1** 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.
- 10.2** 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 Town Clerk, who will consider whether the circumstances require making reasonable adjustments, and if appropriate consider if the absence should be recorded as paid sick leave.
- 10.3** The Town Clerk 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.

## **11. Sickness absence and annual leave**

- 11.1** 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.

## **12. Data protection**

- 12.1** The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

This is a non-contractual procedure which will be reviewed from time to time.



## Appendix 1

# WARWICK TOWN COUNCIL

## SELF CERTIFICATION OF SICKNESS/INDUSTRIAL INJURY

This form will be handed to you to complete when you return to work after sickness/industrial injury absence. It should account for up to the first 7 days of sickness/industrial injury after which a period a Doctor's Certificate will be required in addition to this form being completed.

When completed, the form should be returned to your Line Manager.

**Please note that the provision of any false information may result in disciplinary action being taken, including the possibility of dismissal.**

When you have:

1. in any 12-month period been absent of 5 separate occasions (regardless of length of individual absences); OR
2. in any 12-month period had absences totalling 10 working days or more (regardless of number of absences)

You will be required to attend a formal interview with you line manager. You may be accompanied by a trade union representative or colleague if you wish.

SUNAME:	FIRST NAME:
JOB TITLE:	FULL TIME/PART TIME (delete as appropriate)

Date and time of first notification	
Received by	
Reason given for absence	
Estimated duration of absence	

### DETAILS OF THIS PERIOD OF SICKNESS ABSENCE

Total number of working days (or hours if part-time) lost this period	
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Please see over

**SECTION A – TO BE COMPLETED BY EMPLOYEE**

I certify that I was unable to work due to \*sickness/industrial injury (\*delete as appropriate)

<b>From (1<sup>st</sup> day of absence)</b>	<b>To (return to work date)</b>
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Signed..... Date.....

**SECTION B – TO BE COMPLETED BY LINE MANAGER**

Date form issued.....

Date discussed with employee.....

Formal interview required?..... Date interview held.....

Action following interview .....

Signature of Line Manager.....

**RECORD OF DOCTOR'S CERTIFICATES**

START DATE	END DATE	REASON

THIS FORM SHOULD BE RETAINED ON THE INDIVIDUALS PERSONNEL FILE