



KINGSTHORPE PARISH COUNCIL

ABSENCE AND SICKNESS

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Policy

The purpose of this policy is to ensure that the operational efficiency of the council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security, and support to employees during periods of ill health.

Should any employee consider they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager. The Council also reserves the right to require employees not to report for work, if it considers an employee is unfit to attend work due to sickness/ injury.

Notification

Employees who are unable to attend work through sickness, accident or personal circumstances must notify the Clerk of the reason for their absence as soon as possible but no later than 10am on the working day on which the absence first occurs. If the Clerk is unavailable, they should contact the Chair of the Council or the Chair of the Staffing Committee who must be briefed on current workload and any urgent matters that may require attention. If possible, the employee should give an indication of how long they expect to be absent so that arrangements can be made for cover if required.

If the Clerk is unable to attend work, they should contact the Chair of the Council or the Chair of the Staffing Committee.

Certification

All employees must provide the Council with a completed self-certification form (SC2) for the first seven calendar days of sickness absences. The form should be completed on return to work (if the absence lasts less than seven days). Should the absence extend to the eighth day (including weekends), the employee must send a fit note, issued by their GP, to the Council. This note must also cover any subsequent periods of absence.

Fit Notes

Should a GP indicate "may be fit for work" on the fit note and identifies potential amendments; the Council will contact the employee and arrange for a meeting to discuss the suggested amendments before they return to work.

Return to Work

Employees will not be allowed to return to work until their GP deems that they are fit to do so. Any requests for temporary adjustments to working conditions will be considered and accommodated, wherever possible.

Staff members will undertake a "return to work" meeting with the Clerk (or the Chair) on their day of returning to work after any period of absence. This practice is to ensure that staff members are fit to work; agree a phased return to work (where appropriate); receive work related updates and prioritise workload. In the case of the Clerk, they will meet with the Chair or the Chair of Staffing Committee at the earliest opportunity.

Procedure

It is the responsibility of each employee to keep the Clerk (or the Chair) advised of the circumstances that are preventing them from attending work, of their likely return date, action being taken to mitigate the effect of the illness (e.g., GP / medical appointments) and contact details in case of work-related queries. Employees who are absent from work due to reasons other than sickness / accident are required, wherever possible, to obtain prior permission from the Clerk or the Chair. Where appropriate, the Staffing Committee will consider each case of absenteeism on its merits and written evidence may be required. Where the incapacity to work arises from a voluntary action by the employee e.g.,

cosmetic surgery or organ donation, then sickness absence leave and pay will be entirely at the Council's discretion and employees are strongly advised to discuss such circumstances, in confidence, with the Clerk (or the Chair) in advance of such a procedure.

Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct. The Parish Council reserves the right to make welfare visits to the home of employees whilst they are on sick leave.

Sickness Payments (SSP)

Sick pay will be paid in accordance with your length of service as outlined in the contract of employment.

Statutory Sick Pay will be paid where applicable at the current rate.

Long Term or Frequent Short Term Absence Procedure

This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. Discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all. The procedure is non-contractual and does not form part of the terms and conditions of employment with the council. The procedure may be amended from time to time.

Principles

- a) Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Council and the impact of the absence on others
- b) The Clerk (or, in the case of the Clerk, the Chair of the Council) will maintain periodic contact during the period of sickness absence
- c) A full review, normally including medical reports, may be undertaken in each case
- d) All periods of sickness absence (after the first seven days self-certification period) must be certificated by a medical practitioner ("fit note") and in some cases the employer may request certification for periods of absence of less than seven days, in which case it will pay the appropriate fee to the medical practitioner issuing the certificate
- e) The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full
- f) The employee will be advised if their employment may be at risk (where appropriate)
- g) Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work
- h) Where possible, appropriate assistance will be provided to help the employee to return to work
- i) In cases of long-term ill health, the Council will, where possible, hold employment open for up to two years
- j) In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the council will take into account
 - i) any representations from employees, including additional medical information
 - ii) the employee's length of service

- iii) the employee's most recent health situation and the likelihood of an improvement in attendance
- iv) whether it is possible to hold the job open for longer and the effect of past and future absences on the Council
- v) the availability of suitable alternative work or working hours
- vi) any other reasonable adjustments which could be reasonably expected to facilitate the return
- vii) the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken
- k) The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment
- l) At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative
- m) Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to stage 3 of the procedure, but not before the employee's sick pay has expired
- n) Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the disciplinary procedure

Informal Meeting

Absence levels will generally start to be of concern:

- i) 10 absences in a 12-week period
- ii) 20 days intermittent absence over the past 12 months
- iii) 4 or more weeks continuously off sick

Where this is the case, the Clerk (or, in the case of the Clerk, the Chair) will normally discuss absence levels with the employee

The aim will be to encourage the employee to understand the Clerk's concerns and to agree ways, if possible, of improving the situation. If the employee has been off sick continuously, or if there appears to be an underlying health problem, the council shall have the right at any time to require the employee to submit to examination by an independent medical practitioner selected by the council, to obtain a confidential report on your condition from such practitioner and to discuss with such practitioner the findings of their examination and prognosis of your likely recovery and or fitness to resume work and any recommended treatment

Stage One: First Formal Meeting

A first formal meeting will be arranged where: i) in the case of long-term sickness absence, there is no clear date of return; ii) in the case of frequent short term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting. The employer will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. They will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state their point of view. Medical reports may normally be reviewed to assess whether there is any

underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting. There will be a discussion on ways to assist the employee to return to work, where appropriate.

Unless there is a clear date for return (e.g., in the case of a broken limb), the Chair should advise the employee that employment cannot be held open indefinitely and will state that there will normally be two further meetings, after which the employee's contract may need to be terminated on grounds of capability. The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

Stage Two: Second Formal Meeting

The employee will be informed in advance of the meeting in writing and advised that they may be accompanied by a colleague or trade union representative. At the meeting the employee's absence will be reviewed. Medical reports will be reviewed again where appropriate. An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting. If at the second formal meeting, the employee's absence is still a cause for concern, the Chair of the Staffing Committee should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of capability. The issues discussed at the meeting will be recorded and a date set for a third formal meeting.

Stage Three: Third Formal Meeting

The employee will be informed of the meeting in writing and advised of their right to be accompanied by a colleague or trade union representative. The meeting will be held with the Staffing Committee and the Chair of the Council. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state their point of view, which will be fully considered.

Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for his or her views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought. If absence levels have not reduced at this stage and if the Staffing Committee believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds of capability. Before taking this step, the Staffing Committee must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work. If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of their contract, the date on which the contract will terminate, and details of the right of appeal.

Appeal

If the employee wishes to appeal against the decision to terminate employment, they should write to the Clerk (or, in the case of the Clerk, the Chair of the Council), giving reasons for the appeal.

This appeal must be made within ten working days of the date of the letter confirming termination of employment. The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay. The employee will be given the opportunity to state their point of view at the meeting. The termination date of employment may be delayed in order for the appeal hearing to take place. The Council's decision will be final.