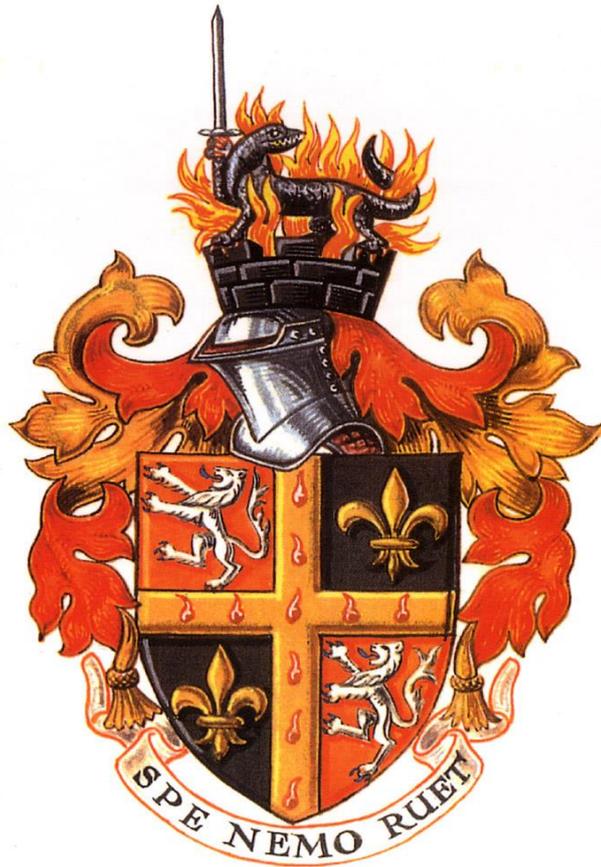


SPENNYMOOR TOWN COUNCIL



SICKNESS ABSENCE POLICY

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| Author of Policy: | Town Clerk |
| Date Effective From: | 24 th May 2022 |
| Policy Review: When & By Whom | 12 th May 2022 Constitution Working Group |
| Next Review: | September 2024 |
| Version Control: | V5 |

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website www.spennymoor-tc.gov.uk and copies of this document will be available for inspection on deposit in the Council Offices, Town Hall, Spennymoor. Costs are as per the publication scheme.

1 Policy Statement

- 1.1 The purpose of this Managing Sickness Absence Policy is to formalise arrangements for managing sickness absence in a manner that recognises the need to minimise the impact of the absence on both the individual and the operation of the Council's services.
- 1.2 This Policy provides managers with a flexible framework which promotes good employment practice, embodies the main principles of employment legislation and adopts a pro-active approach to equality and diversity issues whilst fully supporting the Council's core business.

2 Scope of the Policy

- 2.1 The policy establishes guidelines for managers and staff in relation to sickness absence and relates to all staff including permanent, temporary, full-time and part-time staff.
- 2.2 It sets the lead responsibility for the management of all absence and ill health issues with the Town Clerk but, where appropriate, line managers will also be expected to have a role. The Lead Member for Council Policy and Infrastructure has responsibility for the management of the Town Clerk's absences.
- 2.3 Procedural guidelines, which form the basis for the implementation of this Policy, are also provided. The Managing Sickness Absence Procedure has been designed to maximise flexibility to meet the needs of all areas and fulfil the Council's legal obligations.
- 2.4 Professional advice and support is available from your line manager or union representative.

3. Objectives

- 3.1 The objectives of the Managing Sickness Absence Policy are to:-
 - ✓ ensure that sickness absence is managed in a fair, sensitive and consistent manner with due regard to individual circumstances;
 - ✓ balance the interests of the individual and the operational needs of the Council;
 - ✓ promote a pro-active and positive approach to managing sickness absence, in order to minimise levels of absence;
 - ✓ address organisational factors that may lead to sickness absence;
 - ✓ encourage early indication of occupational health issues and illness which could result in long term incapacity; and,
 - ✓ define the responsibilities of Council staff and their designated managers in relation to implementing this Policy.

4. Definitions

Long-term absence – any period of absence from work due to ill health lasting more than four weeks will be deemed as long-term sickness absence. This includes long-term absence due to a single illness or disability and repeated periods of absence arising from a single illness or disability.

Frequent short-term absences – frequent short-term absence involves patterns of absence due to illnesses that may or may not be connected. Such patterns could vary from a relatively large number of single days of absence to fewer occasions involving a loss of up to a week or more, or a mixture of individual days and longer periods of absence. High levels of this type of absence may indicate problems which need to be explored and resolved.

Occasional short-term absence – occasional short-term absences are typically three or fewer occasions totalling no more than 14 days of sickness absence in any one rolling year.

Trigger points – the points at which it is appropriate for managers to review the sickness absence of an individual member of staff and identify any further measures that may be appropriate to support the employee in increasing their attendance rate. Current trigger points are included in the Sickness Absence Procedure, and may be reviewed from time to time.

Patterns of absence – these are trends that should be monitored and may be indicative of underlying causes for sickness absence. They may include regularly taking off Mondays and/or Fridays or taking days prior to or following annual leave.

Return to work meeting – this meeting, to be conducted by the Town Clerk, or appropriate line manager, should take place within 48 hours of the employee returning to work from any period of sickness absence, including short-term sickness of one day only. The purpose of the interview is to assure both the employee and manager that the employee is fit to return to work, ensure managers are aware of any on-going health concerns and provide an opportunity for staff to raise any wider concerns they may have. It should be informal and needn't take more than a matter of minutes, although the nature or severity of the illness will often dictate how long the meeting needs to be.

Phased return – this involves a gradual return to full duties following a period of sickness absence. Options may include varying days or hours usually worked for a short period of time.

5 Responsibilities

Council/Councillors

The Council has overall responsibility for approving this Sickness Absence Policy and the Sickness Absence Procedure. However, in some circumstances, for example where the sickness involves the Town Clerk, the Spokesperson for the Majority Group of the Council will be required to undertake certain of the procedures required under this Policy, for example the Return to Work Meeting.

Town Clerk

The Town Clerk has a lead responsibility for ensuring that sickness absence is recorded and managed within the Town Council in accordance with this Policy. The Town Clerk has a particular responsibility to:

- ✓ ensure that all members of staff understand and follow the procedures for reporting sickness absence;
- ✓ ensure that accurate records relating to sickness absence are collected and forwarded to the nominated Finance and Administration Assistant on a regular basis;
- ✓ ensure that on their return to work following an absence because of illness or injury, all staff have a return to work meeting with their line manager;
- ✓ decide, after taking appropriate advice, how to manage staff who are absent because of long-term or frequent short-term ill health;
- ✓ ensure that, in dealing with sickness absence cases, the Council is complying with the Disability Discrimination Act 1998, the Equality Act 2010 and other relevant legislation, and the Council's other policies on equal opportunities and dignity at work; and,
- ✓ ensure that staff are treated fairly, consistently and sympathetically.

Employees

Employees have a contractual responsibility to attend work. In the event of absence due to illness or injury an employee is required to comply with the following points:

- ✓ to follow the reporting arrangements as detailed in the Managing Sickness Absence Procedure;

- ✓ to attend a return to work meeting with the Town Clerk, or line manager, on their return to work following sickness absence;
- ✓ to attend referrals to Occupational Health or other appropriate medical or other specialists the Council appoints to advise on an issue;
- ✓ to accept measures identified as reasonable adjustments that change working arrangements, practices and procedures in order to address issues relating to disease, illness or injury.

6 Relevant Legislation and Internal Policies

This Policy takes account of the following appropriate legislation in relation to managing sickness absence:

Legislation:

- ✓ Employment Rights Acts
- ✓ Employment Act 2008
- ✓ Equalities Act 2010
- ✓ Health and Safety at Work Act 1974
- ✓ Data Protection Act 1998
- ✓ Working Time Regulations 1999
- ✓ Management of Health and Safety at Work Regulations 1999
- ✓ Access to Medical Reports Act 1998

Internal Documents:

- ✓ Disciplinary Procedure
- ✓ Health and Safety Policy
- ✓ Stress Policy
- ✓ No Smoking Policy
- ✓ Grievance Procedure
- ✓ Dignity at Work

SPENNYMOOR TOWN COUNCIL

Managing Sickness Absence Procedure

1. Introduction

This Procedure is intended to be read in conjunction with the Sickness Absence Policy.

Spennymoor Town Council is a caring employer and aims to provide considerable support to all staff in times of sickness and personal difficulties. The aim of this document is to provide all staff with guidelines on how to deal with individual employees who are absent due to sickness, and the procedures to be followed by anyone who is absent through sickness.

It is important that a consistent approach is adopted and a balance struck between providing support for the employee, recognising individual circumstances, whilst ultimately securing their return to work and improving attendance generally.

Whilst recognising the need to be reasonable and sensitive in cases of sickness absence, the Council is conscious of the fact that poor attendance at work can contribute to reduced efficiency and can disrupt the quality of service and team spirit.

This Procedure should be strictly followed in the event of sickness absence and particular attention paid to timescales and deadlines. The Procedure has been prepared in accordance with National Conditions of Service and in consultation with recognised Trade Unions.

2 Definitions

Occasional short-term absence – occasional short-term absences are typically three or fewer occasions in any one rolling year.

Frequent short-term absences – frequent short-term absence involves patterns of absence due to illnesses that may or may not be connected. Such patterns could vary from a relatively large number of single days of absence to fewer occasions involving a loss of up to a week or more, or a mixture of individual days and longer periods of absence. High levels of this type of absence may indicate problems which need to be explored and resolved.

Long-term absence – any period of absence from work due to ill health lasting more than four weeks will be deemed as long-term sickness absence. This includes long-term absence due to a single illness or disability and repeated periods of absence arising from a single illness or disability.

Trigger points – the points at which it is appropriate for managers to review the sickness absence of an individual member of staff and identify any further measures that may be appropriate to support the employee in increasing their attendance rate. Current trigger points are included in the Sickness Absence Procedure, and may be reviewed from time to time.

Patterns of absence – these are trends that should be monitored and may be indicative of underlying causes for sickness absence. They may include regularly taking off Mondays and/or Fridays.

Return to work meeting – this meeting, to be conducted by the Town Clerk, or appropriate line manager, should take place within 48 hours of the employee returning to work from any period of sickness absence, including short-term sickness of one day only. The purpose of the interview is to assure both the employee and manager that the employee is fit to return to work, ensure managers are aware of any on-going health concerns and provide an opportunity for staff to raise any wider concerns they may have. It should be informal and needn't take more than a matter of minutes; however, the nature or severity of the illness will often dictate how long the interview needs to be.

Phased return – this involves a gradual return to full duties following a period of sickness absence. Options may include varying days or hours usually worked for a short period of time.

2. Sickness Reporting Procedure

First Day (and the next two) – you should notify your immediate Supervisor or other nominated person before 10.00am on the first day of sickness absence and on each of the first 3 days unless you are informed otherwise. A telephone call from a relative or friend will not normally be sufficient and will only be accepted in cases where you cannot possibly make the call. It is appreciated that the Council does not always have a telephone in the appropriate place of work and it is suggested that, where this is the case, the telephone call should be made direct to the relevant line manager via the Town Hall, Spennymoor (Telephone 01388 815276).

It is the responsibility of the employee to keep his/her manager informed of the reason for absence, possible length of absence and likely return date, and any medical advice they have been given. If an employee is unsure of the possible length of absence then it is their responsibility to contact their manager at least every three days, or as agreed, and submit the relevant certificates as soon as possible.

Four to Seven Days - if you are sick for between four and seven days inclusive you are entitled to Statutory Sick Pay in addition to the normal Local Authority Sick Pay Scheme. For this you must:

1. Notify your Manager of your continuing ill-health
2. Complete form SC1 (supplied by the Council)
3. Send the SC1 to your Line Manager at The Town Hall, Spennymoor for registration to assess your entitlement to benefit. The SC1 must be received within 10 calendar days following the first day of absence. Failure to do so will normally result in the suspension of sick pay. This will only be waived in extraordinary circumstances.

Day 8 – a Doctor's certificate (now known as a Fit Note) is required should sickness absence continue beyond seven days. You should send this to your Line Manager within 14 calendar days from the first day of sickness absence. You must NOT hold on to the Doctor's statements until you return to work. Again, failure to send in a Doctor's statement within this timescale will normally result in the suspension of sick pay and this will only be waived in extraordinary circumstances.

You must continue to submit medical statements to the Council. These certificates should be sent to your Line Manager at The Town Hall, Spennymoor. If you are absent from work due to sickness for 28 weeks then you will transfer to incapacity benefit which is paid by the DWP. Your medical statements will be forwarded by the Council to the DWP. You must also send to your Line Manager forms relating to incapacity benefit and other documentary evidence from the DWP, identifying the rate of benefit payable/receivable.

Bank Holiday – If you are sick on a working day preceding or following a Bank Holiday you must complete an SC1 form (Self Certification) regardless of the number of days absence.

Recording and Monitoring

Comprehensive records of employee attendance will be maintained. These records will be monitored regularly to spot any patterns or trigger points being reached. Factors to be considered include:

- ✓ Do the employee's absences form a regular pattern?
- ✓ Do the absences follow or precede annual leave?

- ✓ What is the average length of absences?
- ✓ What are the reasons given for absences – are they varied or is there a pattern?

Where an employee arrives at work and subsequently goes home sick during the day, this will be recorded as follows:

- ✓ Where the employee is at work for less than one hour, a full sick day should be recorded;
- ✓ Where the employee is at work for more than one hour and up to half a day, this will be recorded as a half day's sick leave;
- ✓ Where the employee has worked for more than half a day, this should not be recorded as sick leave; however, records will be kept in order that patterns and trends can be monitored.

Where an employee goes home sick at the suggestion of his/her manager, this will be recorded as sick leave in accordance with the above guidelines.

A "day" for the above purposes is the hours due to be worked on a particular shift, whether this be part-time or full-time.

Return to Work Meeting

On your return to work after any sickness absence, irrespective of the length of the absence, you will be required to attend a return to work meeting with the Town Clerk or appropriate line manager. The meeting is NOT a disciplinary measure, but will be informal in nature and with the purpose of:

- i. discussing the reasons for your absence;
- ii. assisting your return to work; and,
- iii. updating you on any relevant issues which have occurred in your absence.

When you are fit to return to work and have been absent for more than fourteen days you must submit to your Line Manager a final statement from your Doctor stating that you are now fit to resume duties.

3. Managing Sickness Absence

The purpose of setting out this defined procedure for managing sickness absence is to provide a robust structure within which an employee's sickness absence can be managed fairly and equitably with them. Its objective is to support their return to good health and a sustainable level of attendance at work within a fair and reasonable period.

The Council aims through this procedure to enable employees who are absent due to illness to receive all appropriate support and consideration, whilst recognising that maintaining an effective service to our community must be the prime consideration.

Types of Absence

Incidents of sickness can generally be treated as falling into one of three categories:

Occasional short-term absence – typically three or fewer occasions in any one rolling year.

Frequent short-term absences – involve patterns of absence due to illnesses that may or may not be connected. Such patterns may involve a relatively large number of single days of absence, fewer occasions involving a loss of up to a week or more, or a mixture of individual days and longer periods of absence.

Long-term absence – any period of absence from work due to ill health lasting more than four weeks, due to a single illness or disability or repeated periods of absence arising from a single illness or disability.

Trigger Points

These are the points at which it is appropriate for managers to review the sickness absence of an individual member of staff and identify any further measures that may be appropriate to support the employee in increasing their attendance rate. Current trigger points are:

- ✓ 3 or more absences in any three-month period;
- ✓ 7 working days absence in a rolling 12 month period;
- ✓ an unacceptable pattern has become established.

Occasional Short Term Absence

Most employees will have an occasional short-term absence. For anyone who is only away from work on an occasional short-term basis all that will usually be required is a brief, routine Return to Work Meeting with the Town Clerk or appropriate Manager. However, it may be that such a discussion will identify issues, such as those of a newly acquired disability or changed personal circumstances, which will necessitate action on the part of the Council and/or the employee. Such action will be initiated as appropriate.

Frequent Short Term Absence

The fact that someone who is frequently absent with short-term illness is genuinely unwell does not mean that the Council can allow the situation to continue indefinitely. Frequent, short-term absences are a particular problem for the Council as it is difficult to plan for their impact. The impact may, therefore, be substantial and can frequently disrupt the normal operation of

the Council, having a negative effect on work colleagues and service users. The following procedures should be followed in the case of frequent short-term absence. A member of staff will have the right to be accompanied by a Trades Union representative or work colleague at any meeting held under the formal stages of these procedures.

Informal Stage

Early concerns about the level of an employee's absence should be raised at a Return to Work Meeting. Members of staff may be unaware of how much absence they have had and, bringing that to their attention, along with a discussion about factors that may be affecting their health, can lead to an early and informal resolution of the problem.

Where problems continue the manager should discuss the matter informally with the employee and inform them that their level of absence is causing concern. They should enquire whether there are any factors affecting the health of the individual that can be addressed by the Council. It is important to let the employee know that if the level of absence continues unchanged a more formal approach to the management of the issue is likely to be adopted.

Managers should make a note of the dates on which informal discussions of this sort have taken place.

Formal Stage

Where levels of frequent short-term absence have failed to reduce following informal management of the case, the Town Clerk and/or appropriate manager will meet with the employee to consider how the matter should be addressed. The employee may be accompanied by his/her trade union representative or work colleague if he/she wishes. He/she will be given advance, written notification that the Council has concerns about the level and pattern of absences and wishes to discuss them at a meeting. Details of the absences will be included in the letter, along with a record of dates on which the matter has been discussed informally.

The meeting should be supportive and aim to resolve the situation. It will seek to identify the reasons for the frequent absence, and measures that can be taken by the individual and the Council to help to overcome the health or other problem and improve attendance. The Council may seek advice and guidance from specialists such as Occupational Health. The Council may also consider variations to working arrangements to ensure the member of staff's sickness absence record improves.

The member of staff will be sent a written summary of the meeting, an action plan detailing the steps to be taken by all parties to help improve attendance, and the timescales within which it is to happen. The matter will be kept under review for a maximum of twelve months.

If during the twelve month period there has been a sufficient reduction in the level of frequent short-term absences to deem the member of staff as having a normal level of attendance, the matter will be closed and no further action taken. However, should the level of short-term absence continue at the same level or become more frequent, the formal stage of the process will be repeated on one or two occasions (according to the circumstances of the case) to try and identify and overcome the reasons for the persistence of the problem.

Final Stage

If the level of absence fails to improve following the formal stage of this process, the Council may conclude that the member of staff's lack of capability means that they cannot fulfil their contract of employment. At that point the member of staff, and his/her trades union representative or work colleague, will be asked in writing to attend a meeting for the purpose of reaching a final decision on the issues. The outcome of the meeting may be:

- ✓ Further action, with an agreed timescale, to try and address the problem. This option will only be pursued under the final stage of the process if there are clearly identified reasons why further action is likely to lead to an improvement where it has not done so previously;
- ✓ An agreed change to the contract of employment so that it reflects the capabilities of the member of staff. This may involve a change to the hours of work, the pattern of working hours or the grade or content of the job;
- ✓ Termination of the contract of employment. If this is the identified outcome the Council will follow the relevant contract termination procedure for the staff member concerned.

Long Term Absence

Staff who are absent from work because of a long-term health problem continue to be the responsibility of the Town Clerk and/or appropriate manager.

A key part of the process in managing a person on long-term absence is to ensure that regular contact with the employee is maintained. The timing and nature of that contact will be appropriate to the situation of the member of staff and their medical condition. However, it is expected that at no point in the absence will more than 6 weeks elapse without telephone or personal contact being made with the member of staff. The purpose of these contacts is to reassure the member of staff about their job and to enquire about their welfare. The Town Clerk or manager may wish also to provide information (for example on sick pay entitlements), discuss the likely length of absence and/or enquire as to whether any support can be provided that would assist the recovery of the individual.

Where the nature of the illness, as well as the duration and outcome of the treatment is fully known, both parties can plan the return to work as well as focusing on the member of staff's welfare whilst away from work. Where the diagnosis is unknown and/or the period of long-term illness uncertain, more difficulties are likely to arise in the management of the situation. Reports from Occupational Health Services and other specialists will be important in enabling the Town Clerk and/or manager to best manage the situation and any difficult decisions that may be involved.

The outcome of a long-term sickness absence will be determined by the Council on the basis of medical and other specialist advice and in consultation with the member of staff. The member of staff will have the right to be accompanied by a trade union representative or a work colleague at any meeting he/she attends within this part of the procedure. If the member of staff is unable to act on her or his own behalf, the Council will consult with the person(s) authorised to act for them.

The outcomes of a long-term sickness absence may include:

- ✓ A phased return - temporary reduction in responsibility, and/or working hours and/or shift working to allow the person to complete their recovery and/or to enable an assessment to be made of whether or when the person is able to return to "normal working";
- ✓ A return to "normal working" - the person will undertake the same range of duties and responsibilities they had before they went on long-term sickness absence;
- ✓ A return to their previous role but with permanent adjustments in working hours and procedures and practices to accommodate changes in ability levels. Such adjustments will be made in order to ensure compliance with the Disability Discrimination Act (1995) as well as the Council's wider commitments to equal opportunities and dignity at work;
- ✓ Redeployment to alternative employment which may involve a change in terms and conditions of employment;
- ✓ Termination on the grounds of incapacity because of ill health. In such cases the member of staff may seek an ill-health retirement pension. However, the decision on whether to award an ill-health retirement pension rests entirely with the Trustees of the relevant pension fund and the Council has no role in deciding the outcome of such applications. A termination on the grounds of incapacity because of ill health is not dependent upon the award of an ill-health pension.

Summary

Please remember the following points:

- ✓ The Council continually monitors sickness absence and could require you to submit a Doctor's statement (Fit Note) from the first day of any absence. The Council will pay for the statement if a fee is charged.
- ✓ The Council reserves the right to have you medically examined by an

- independent Doctor (subject to the merits of each case) to determine whether you are medically fit to continue in your present job.
- ✓ In the event that you have exhausted your sick pay allowances under the Local Authority sick pay scheme you may still be entitled to State Benefits. You should continue to enquire as to what these benefits are at your local DWP Office.
 - ✓ Should your employment be terminated, you will not be entitled to any further payments under the Council's sick pay scheme.
 - ✓ If there are any doubts as to the reasons for your absence it will be treated as a disciplinary matter and dealt with under the existing procedure. You will have the normal rights of appeal under that procedure.
 - ✓ Where you have been declared fit the Council will seek to have you return to work as quickly as possible.

SHORT TERM SICKNESS

Notification of Sickness Absence

Form: your line manager, or in their absence the person who takes the sickness notification call, should record this information and ensure the relevant Finance and Administration Officer is notified.

Return to Work Discussions: to be conducted by the employee's Manager following a period of sickness *absence* of more than 3 days (depending on individual circumstances). These discussions should **NOT** be used as a disciplinary tool and the main purpose of the discussion should be to assist the employee's return to work.

Informal Absence Review: once a trigger point has been reached, the Manager should arrange an informal absence review with the *employee*. A record of this discussion should be retained. It is recommended that the employee's absence record be kept under review for a further 3/6 months. The absence review discussion is purely an investigative tool to identify any problems/issues that may be causing the absence; it is **NOT** a disciplinary tool.

LONG TERM SICKNESS

Medical Referral Form: the form will be instigated by the appropriate Line Manager who will complete Part A and forward the form to the Town Clerk once an employee has been absent for 4 weeks. Town Clerk's Department will record the information, attach Part B of the form and forward both parts to the appropriate manager for completion of Part B. Both parts should then be forwarded to Occupational Health, a copy to Town Clerk and a copy retained on personnel files. The purpose of the form is to provide

occupational health with more detailed information about the employee's job requirements in order that a more informed medical can take place.

The **Sickness Code of Practice** details the procedure individual employees should take in the event of sickness absence. It is normally issued to new starters with their contractual details.

SPENNYMOOR TOWN COUNCIL

Notification of Sickness Absence

TO BE COMPLETED BY OFFICER AUTHORISED TO ACCEPT SICKNESS ABSENCE CALLS:

SECTION 1

Details in respect of

Full name: _____

Department: _____

Completed By: _____

Date and Time Received:

First Day _____ am / pm

Second Day _____ am / pm

Third Day _____ am / pm

Details of Illness: _____

Need for Occupational Health Involvement: yes / no

SC1 Form requested (date): _____

Expected Date of Return: _____

Date of next contact: _____

DETAILS OF WORK TO BE COVERED DURING ABSENCE

SECTION 2

Details in respect of

Full name: _____ Department: _____

Returned to work: Date _____ time _____ am / pm

Days absence this period certified: _____ uncertified _____

Need for Occupational Health Involvement: yes / no

Signed: _____

Dated: _____