



SICKNESS ABSENCE POLICY

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Purpose of this policy and procedure

The Sickness Absence Policy sets out the procedure for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).

The Council wishes to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers. It does not apply to Councillors, agency workers, consultants or self-employed contractors.

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

Any information you provide to us about your health will be processed lawfully and in accordance with the Council's Privacy Notice and Data Protection Policy. The Council recognises that such data is sensitive and will handle it in a confidential manner.

Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Sickness absence reporting

If you are away from work because of sickness or injury you must:

- Telephone your line manager (which for the Clerk is the Chair of Staffing Committee/ the Clerk), before your contractual or normal start time for work but no later than 9:00 am on the first day of absence providing details and how long you expect to be absent and any outstanding work that needs to be handed over or requires urgent attention. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the Council is notified. You must then telephone again each day (unless otherwise agreed with the Clerk (or for the Clerk the Chair of Staffing Committee)). You should expect to be contacted during your absence by your line manager who will want to enquire after your health and wellbeing and be advised, if possible, as to your expected return date. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 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 as soon as possible.
- If you are away for more than seven days (including weekends and other non-working days), you must send in a "Statement of Fitness for Work" certificate from your doctor and continue to do so as and when each new certificate is issued to you to cover the

whole period of absence. This certificate gives details as to whether you are too ill to work, the reason for your absence and whether you are well enough to work with suitable support from the Council. 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.

- If your doctor provides a certificate stating that you “may be fit for work” you should inform your line manager immediately. The Council will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor’s advice. This may take place at a return-to-work meeting. If appropriate measures cannot be taken, you will remain on sick leave and the Council will set a date to review the situation.
- All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

If you are taken ill or injured while at work you should report to your line manager. Managers should ensure that arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

Return-to-work meetings

On the first day back at work after a period of sickness absence your line manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. A return-to-work meeting enables the Council to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring the relevant matters to the Council’s attention. Where your doctor has provided a certificate stating that you “may be fit for work” the Council will usually hold a return-to-work meeting to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor’s advice. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential.

The meeting would normally involve:

- a welcome back to work;
- an outline of 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 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.

Medical appointments

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 for such appointments.

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 four 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.

Council's Sick Pay (Occupational Sick Pay)

Please refer to your contract of employment.

Payment is conditional upon you complying with the Council's procedure for notifying your manager of the absence, attending a meeting with your manager on request to discuss the absence, and completing a self-certification form on return to work or providing a fit-note when requested. The Council may also ask you to attend an interview/examination with a nominated doctor at the request of the Council for which essential travel expenses will be reimbursed.

The Council 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 unreasonably refuse to attend an interview/examination with the Council's appointed medical advisor,
- 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.

If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify your line manager of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that the Council may reasonably require. If the Council requires you to do so, you must co-operate in any related legal proceedings and refund to the Council that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as the Council may reasonably determine, less any costs you incurred in

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connection with the recovery of such damages or compensation, provided that the amount to be refunded to the Council shall not exceed the total amount the Council paid to you in respect of the period of sickness absence.

Any employer or employee pension contributions will continue subject to the relevant scheme rules during any period of occupational sick pay or SSP.

Medical advice

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 adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. You will be asked to agree that any report produced in connection with any such examination may be disclosed to the Council and that we may discuss the contents of the report with the Council's advisers and the relevant doctor.

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.

Persistent short-term absence

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. The Council understands 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

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met. You may appeal against a formal warning. If your absence remains unacceptable after a second formal warning, the Council may bring your employment to an end following consultation with you.

If frequent absence is due to an underlying long-term health condition then the Council will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or consultant to establish further information about your health and how the Council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy related absence. The Council will also make adjustments where absences are related to a disability by adjusting the sickness absence procedure before considering whether disciplinary action is appropriate.

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.

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 Disciplinary Policy.

Long-term absence

As a guide, long term absence is any absence which lasts or is expected to last over four 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.

The Council is committed to helping members of staff return to work from long-term sickness absence. As part of the sickness absence meetings procedure the Council will, where appropriate and possible, support returns to work by making reasonable adjustments to the workplace, working practices and working hours, obtaining medical advice, considering redeployment and/or agreeing a return-to-work programme with everyone affected.

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;

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- 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; and
- Following this meeting, inform you of the final decision.

Where the Council is concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, the Council will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

Sickness absence meetings procedure

The Council may apply this procedure whenever it considers it necessary, including, for example if you:

- Have been absent due to illness on a number of occasions or a continuous long absence.
- Have discussed matters at a return-to-work meeting that requires investigation; and/or

Unless it is impractical to do so, the Council will give you five working days' written notice of the date, time and place of a sickness absence meeting. The Council will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

The meeting will be conducted by your line manager. You may bring a companion with you to the meeting.

You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree an alternative time.

A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within five working days of a sickness absence meeting (unless

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this time scale is not practicable, in which case it will be provided as soon as is practicable).

If at any time your line manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under the Council's Disciplinary Policy.

You may bring a companion to any meeting or appeal meeting which can either be a trade union representative or a work colleague. Details of your companion should be provided in good time before the meeting takes place. The Council may, at its discretion, permit other companions (for example, a family member) where this will help overcome a particular difficulty caused by a disability, or difficulty understanding English. A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

Stage 1: first sickness absence meeting

The purpose of a first sickness absence meeting may include:

- Discussing the reasons for absence.
- Where you are on long-term sickness absence, determining how long the absence is likely to last.
- Where you have been absent on a number of occasions, determining the likelihood of further absences.
- Considering whether medical advice is required.
- Considering what, if any, measures might improve your health and/or attendance.
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.

Stage 2: further sickness absence meeting(s)

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary.

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of your ongoing absence(s).
- Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return-to-work programme.

- If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

Stage 3: final sickness absence meeting

Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure.

The purpose of the meeting will be:

- To review the meetings that have taken place and matters discussed with you.
- Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- To consider any further matters that you wish to raise.
- To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- To consider the possible termination of your employment.

Termination will normally be with full notice or payment in lieu of notice.

Appeals

You may appeal against the outcome of any stage of this procedure.

An appeal should be made in writing, stating the full grounds of appeal, to your line manager within ten working days of the date on which the decision was sent to you.

Unless it is not practicable, you will be given written notice of an appeal meeting within five working days of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.

Where practicable, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting.

Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

The final decision will be confirmed in writing, if possible within five working days of the appeal meeting. There will be no further right of appeal.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no

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loss of continuity or pay.

Unauthorised absence

Cases of unauthorised absence will be dealt with under the Council's Disciplinary Policy.

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

If you do not report for work and have not telephone your line manager to explain the reason for your absence, your line manager will try to contact you, by telephone and in writing, if necessary. This should not be treated as a substitute for reporting sickness absence.

Sick leave and holidays

If you become sick or injured while on annual leave such that you would be unfit for work you may ask the Council to treat the period of incapacity as sick leave and reclaim the annual leave.

To be able to claim occupational sick pay you must notify your line manager of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.

If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your line manager as soon as possible that you wish to do this.

If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year. Any annual leave not taken within 18 months of the end of the holiday year in which it accrues (whether or not you have returned to work) will be lost.

Absence as a result of disability

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. This will include considering whether any reasonable adjustments can be made to the requirements of the job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager. Any information you provide will be handled in a confidential manner and in accordance with the Council's Privacy Notice and Data Protection Policy.

Data protection

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 the Council's Privacy Notice. When relying on legitimate interests as the legal ground for

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processing your data, you can object to the processing.

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