



# Tenterden Town Council

## Sickness Absence Policy

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## 1. What to do if you are unwell

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

- Telephone the Town Clerk<sup>1</sup> before your contractual (or normal start time for work) on the first day of absence providing details and how long you expect to be off. Outdoor staff may contact the Site Manager, who will inform the Town Clerk. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the town council is notified. You must then telephone again each day (unless otherwise agreed with 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 town council when you are back at work.
- If you are away for more than seven days (including weekends and other non-working days), you must send in 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 town council. This gives you and the town 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.
- Should any absence be due to a disability or long-term health condition, this will be recorded as a reason for absence.

## 2. Return-to-work meetings

On the first day back at work after a period of sickness absence your manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should 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 town 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

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<sup>1</sup> Or in their absence, the Deputy Town Clerk.

- a handover of work where appropriate.

After the meeting, a written summary of the discussions will be agreed by both the Town Clerk and the employee.

### 3. Medical appointments

The town 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 town council. The town council will allow reasonable time off work for such appointments.

### 4. 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.

### 5. Town Council's Sick Pay (Occupational Sick Pay)

It is the town council's policy to pay you your normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence as specified in the Green Book terms and conditions of employment, adopted by the town council.

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

This occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include your entitlement to SSP.

Payment is, however, conditional upon you complying with the town council's procedure for notifying your manager of the absence, attending an interview 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. We may also ask you to attend an interview/examination with a nominated doctor at the request of the town council.

We may not pay you occupational sick pay where:

- you have failed to comply with the town council's sickness absence notification and evidence requirements;
- you unreasonably refuse to attend a sickness absence meeting with the town 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 town council about your fitness to work;
- you have resigned; or
- where disciplinary proceedings are pending against you.

## **6. Medical advice**

The town council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the town 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 town council will pay the cost of the report and you will have the right to see it. The town 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.

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.

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

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 town 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 town 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 we 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 town council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the town council will not consider any pregnancy related absence. The town 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.

The town 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 procedure.

## **8. Long-term absence**

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 town 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

Where ill-health means that you are unlikely to return to work for a long period of time, the town council may need to consider bringing your employment to an end. In these circumstances, the town 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

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

## **10. Sickness and annual leave**

Where you experience sickness during a period of booked annual leave, days lost due to illness may be reimbursed. It is your responsibility to confirm if you were unwell immediately on return to work, and to provide a fit note if the sickness lasted for over 7 calendar days. In this instance, any annual leave reimbursed, should normally be taken before the end of the holiday year.

Staff members may be permitted to carry over annual leave if they were prevented from taking it as a result of long-term sickness. It would usually be expected that any leave carried forward for this reason, would be taken by the end of that leave year.

## **11. Data protection**

The town 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.*