



# Sickness Absence Policy & Procedure

## Ilfracombe Town Council

### 1 Policy

Ilfracombe Town Council is committed to promoting the health, safety and well-being of all employees and recognises that there will be times when sickness or injury may prevent an employee from coming to work. This policy explains their entitlements during any period of absence. It aims to ensure that a fair and consistent approach is taken by all in the active management of sickness absence and that appropriate support is offered by managers to employees in respect of their sickness absence. It also sets out what is required from them by the Council in order to qualify for any salaried payment while absent due to ill health.

This policy refers to all Ilfracombe Town Council employees.

### 2 Procedure

#### Reporting Sickness Absence

If an employee is away from work because of illness they **MUST** telephone their line manager within 15 minutes of their usual start time. If the employee's line manager is not available they must speak to another Senior Manager. If the employee is unable to make the call, in exceptional circumstances, they may ask someone to make it on their behalf. The employee must however make direct contact with their line manager as soon as possible thereafter. The employee can expect their line manager to make enquiries with them about work matters during the telephone call. Text messages, emails or indirect methods of communication are not acceptable.

The call should include:-

- Name
- Nature of illness
- Likely duration of absence
- Work commitments that need to be covered during absence

If an employee is employed to work outside of normal office hours and they need to contact their line manager out of hours they will have been provided with a telephone number to call. However, if they are aware that they will not be well enough to attend work prior to that date they should make every effort to contact the main reception, main office or their line manager during working hours the previous day.

This process must be repeated on the third working day of absence.

#### Certification and Medical Certificates

Employees must complete a sickness self-certification form for every period of sickness absence unless covered by a fit note. Self-certification can only be made for periods of absence covering up to 7 calendar days.

A doctor's or hospital fit note is required if the absence is more than 7 calendar days (regardless of whether these are working days. i.e. including Saturday and Sunday).

The certificate should be forwarded immediately after the 7<sup>th</sup> day of absence and will be required chronologically for all subsequent absences. Where there is continuing sickness absence employees must therefore, submit consecutive fit notes to cover the whole period of absence and these must be sent to the employee's line manager within 2 days of the previous note expiring.

Failure to notify sickness absence or provide self-certificates or fit notes may lead to the absence from work being considered as unauthorised, resulting in the loss of occupational sick pay and possible disciplinary investigation.

### **Hospitalisation**

Employees who become hospitalised will still need a fit note to cover their absence in hospital if exceeding seven days. This can be provided by the hospital.

### **Accidents and Injuries**

An employee who has an accident, incident or near miss (that could have resulted in injury or ill health) that occurs whilst they are at work must report it to their line manager. The incident can then be investigated to identify any action needed to prevent further injuries and ill health and to ensure that the accident is recorded in the accident book and reported as necessary.

### **Work related ill health or injury**

If the employee or line manager believes that ill-health or injury has been caused by work, the manager must complete the Council's accident report form as above.

### **Contact with infectious diseases**

Employees prevented from attending work due to contact with a reportable infectious disease should notify the Town Clerk immediately.

### **Monitoring sickness absence levels**

All sickness absences must be recorded on the Council's monitoring system.

The information recorded will be used to produce sickness absence level statistics on a monthly basis to monitor the success of the Sickness Absence Policy and identify any causes for concern. This information is presented to the Council's Staffing Committee on a monthly basis.

Line managers will use this information to identify employees with frequent short-term illness which may require further investigation as set out within the sickness Absence policy and procedure.

### **Return to work**

On the first day of your return to work, or at least within three days of your return, the employee will have a "return to work" interview with their line manager. This must be completed for 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 their manager that the employee is fit to return to work and to identify any concerns around their health that need to be addressed. All information will be recorded on the form and signed to say that both the employee and their line manager agree. Any recommendations will be clearly stated.

If the absence was for less than 7 days the employee will be asked to complete a self-certification form.

If the absence was medically certified the employee's G.P. will provide them with a Statement of Fitness for Work, commonly known as a "Fit Note". In this the employee's doctor may suggest ways of helping them return to work, e.g.:-

- A phased return to work
- Altering hours
- Amended duties
- Workplace adaptations

There may also be recommendations following a referral to Occupational Health.

Where recommendations have been made by a doctor or Occupational Health specialist, these are dependent on whether or not they are available and must have agreement from the Chair of the Council's Staffing Committee. The Council will try to accommodate recommendations and support needed to facilitate a return to work.

If the Council is unable to support the change(s) recommended by the doctor, the fit note will be interpreted as the employee not being fit for work. A further sick note is not required but the employee will not be allowed to return to work until the Council have an occupational health opinion that they are fit for work, and they will continue to be classed as on sick leave.

#### **Frequent and/or persistent short-term sickness absence**

The Council may, on reviewing an employee's sickness record, take action if:-

- There are three instances or 10 self-certified days of absence within 12 months
- There emerges a regular pattern of recurring absences or if the reason given for absences gives rise to concern

#### **First stage informal interview**

This will be an informal review meeting with the employee's line manager who will advise them of their concerns. This meeting will be in addition to the return to work interview and return to work form being completed.

The line manager will send a letter to the employee inviting them to the review meeting providing at least three days' notice. Representation is not required at this meeting. The line manager, Chair of the Staffing Committee and the employee will discuss –

- The reason for the repeat absences
- The likelihood of further absences
- Whether medical advice is required – Occupational Health, G.P. and whether there is an underlying medical condition
- If any measures might improve the employee's health and/or attendance
- A way forward, including the immediate improvement expected and a review date set
- If a further sickness absence is recorded the disciplinary procedure may be followed

The line manager may at any meeting escalate to the formal action stage if it appears the employee's attendance has not improved, without the need for a further meeting under the informal review stage.

### **Formal action**

If the informal review meeting has not led to any improvement in the sickness absence, the Council will make the matter a formal issue and follow the process outlined below.

### **Formal sickness review stages**

If there is insufficient improvement within the monitoring period in the employee's sickness absence record, a formal review will be held with the line manager where reasons for the continued absence levels will be explored.

Four or more occurrences will automatically trigger a formal review to discuss the sickness absence record.

In terms of the formal sickness review stages, the following will apply:

#### **Stage 1 Formal Action**

The employee will be given a minimum of seven days' notice inviting them to a meeting and advising the employee of the reason for the formal review, the date and time, their right to be accompanied by a trade union representative or work colleague. The purpose of the formal review is:

- To highlight the unacceptable level of attendance
- Explain the impact of the levels of absence on service delivery
- Explain future attendance will be monitored and reviewed
- Advise the employee of the future consequences if the employee continues with this level of attendance

At the end of the meeting, the line manager will consider all aspects of the case and may decide to take no action if further information is required, i.e. G.P., Occupational Health assessment etc.

The line manager may issue a formal First Written Warning where, despite previous discussions, the employee has failed to improve their sickness absence level and their attendance is unsatisfactory.

The line manager will write to the employee within 7 calendar days of the formal review meeting confirming:

- The points discussed
- The unsatisfactory sickness absence record
- Actions agreed
- The first written warning (if issued) will be valid for six months
- That a sustained improvement is expected within timeframes
- The employee's right to appeal
- That failure to improve will normally lead to a final written warning for unsatisfactory attendance and performance to undertake their duties

If attendance improves, the process will end at stage 1 formal action.

If required improvements are not demonstrated then stage 2 formal action will be followed.

## **Stage 2 Formal Action**

The employee will be given a minimum of seven days' notice inviting them to a second meeting and advising the employee of the reason for the second formal review, the date and time, their right to be accompanied by a trade union representative or work colleague. The purpose of the formal review is to discuss:

- Why attendance levels continue to be unacceptable
- What progress has been made towards improving attendance and what further improvement is required to meet the standard of attendance required
- Assess whether an improvement is likely
- Obtain views from the employee in relation to any circumstances or reasons that may be affecting attendance

At the end of the meeting, the line manager will consider all aspects of the case and may decide to:

- Take no further action if appropriate
- To extend the monitoring period
- To obtain further medical information from a G.P., Occupational Health assessment etc. (if appropriate)
- That the employee needs further advice and / or support
- To issue a first or final written warning which will be valid for twelve months

The line manager will write to the employee within 7 calendar days of the formal review meeting confirming the outcome.

If the line manager issues a formal first or final written warning, the required improvements and monitoring procedures will be agreed and the employee will be given an opportunity to reach the required standard. The final written warning will be held on file for 12 months.

## **Stage 3 Case Review Hearing**

Where the required attendance is still not being met and the employee has had a final warning issued at stage 2 formal action, then stage 3 will be invoked which is a case review hearing.

The purpose of the case review hearing will be to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment or whether employment should be terminated due to the employee's incapability to undertake their duties effectively because of ill health.

The line manager, Town Clerk and a member of the Council's Staffing Committee will hear the final review hearing.

The employee will be given a minimum of seven days' notice of the meeting and advising the employee of the reason for the case review hearing, the date and time, their right to be accompanied by a trade union representative or work colleague and that their employment may be terminated and the right of appeal.

Copies of the report and the case to be presented will be sent to the employee and attendees at least seven days before the case review hearing.

The decision will be communicated at the meeting with the employee and their colleague / trade union representative whenever practical. In all instances, employees will be treated in a fair and reasonable manner appropriate to their particular case. The decision will be confirmed in writing within 7 days of the meeting.

Where, as a result of a case review hearing, the decision has been taken to terminate employment, the employee will be notified of the reasons for this decision and their right of appeal. In order to exercise this right, the employee must write to the Town Clerk within 14 days of receipt of the letter confirming dismissal. The employee must state their grounds for their appeal.

### **Pregnancy**

Pregnancy related sickness will be recorded separately from other sickness absence details (inclusive of attendance at antenatal appointments) and will not be included in terms of Ilfracombe Town Council's trigger system. The line manager will ensure a Health and Safety risk assessment is completed with the pregnant employee upon notification of pregnancy, at the four months and seven months stages.

### **Disability**

Disability related sickness records will be recorded separately from other sickness absence details and will not be included in terms of Ilfracombe Town Council's trigger system. However, review meetings will be held with the employee and the line manager to discuss the level of absence and impact on productivity. Ilfracombe Town Council will assist, where possible, in making reasonable employee adjustments to support an employee with a disability to continue working, i.e. access to work claim.

### **Access to Work**

Access to Work is a government scheme that helps cover the financial cost of providing disability solutions that would otherwise not be considered a "reasonable adjustment" under the Equality Act 2010. ([www.gov.uk/access-to-work](http://www.gov.uk/access-to-work).)

The line manager will discuss eligibility with the employee. The employee would then need to make an application to Access to Work. If successful, Access to Work will liaise with the line manager and/or Town Clerk to visit the employee's work place.

### **Long term sickness absence**

Sickness absence lasting over four weeks is considered long term.

The wellbeing of all employees is of prime concern to the Council and any individual who is unfortunate enough to be away from work because of a long term sickness will be contacted regularly by their line manager or a senior manager who will discuss:-

- The length of expected absence
- Developments at work
- The requirements of the Council for further medical examinations

This will only be done with the express consent of the employee and conducted in a very sensitive way to avoid any stress.

The line manager will seek to make telephone contact with the employee after two weeks to keep in touch and to conduct a home visit at four weeks. Progress will then be reviewed formally on a monthly basis.

### **Medical examination**

The Council, as an employer has the right to seek a second or further medical opinion if an employee has been absent for or is expected to be absent for a continuous period of 2 months or a total of 42 days within any 12 month period.

### **Occupational Health**

Occupational Health is a specialist branch of medicine focusing on health in the workplace. It is concerned with the physical and mental wellbeing of employees. Ilfracombe Town Council has selected Combe Coastal Practice, Ilfracombe, to provide the necessary support and advice on work-related illnesses and accidents and monitoring the health of employees.

The line manager will make a referral to Occupational Health if an employee is absent from work due to long term sickness and if this is deemed appropriate or would provide useful medical information or when absence from work is occurring on above average frequency. Likewise any problems which are health, disability or injury related and which appear to be affecting performance or attendance may be discussed with an employee and considered for referral.

When an employee is absent from work they may be referred to Occupational Health before they return to work, to discuss their absence and potential return to work and if a phased return is recommended. This may not always be possible due to the difficulty of obtaining an appointment in time. In such cases, an appointment will be made as soon as possible after returning to work.

Once a referral has been made the employee will be contacted directly by the line manager with an appointment date and time. The line manager will be notified if these offers of appointment are refused or not attended as schedule. A consent for will be completed prior to obtaining a medical report.

The occupational Health Service will then send a report detailing the outcome of the appointment to both the employee and the line manager. This report may be discussed if appropriate with the Town Clerk and the employee's line manager to agree a way forward. All matters will be treated in strict confidence.

Ilfracombe Town Council's overall concern is that employees are able to be effective in their work and that their health is protected.

Taking into account advice received from Occupational Health or other medical examination, a further discussion will take place with the line manager to discuss the position.

One or more of the following actions may be taken:

- A further review period set
- A phased return to work or practical reasonable adjustments
- Other appropriate support mechanisms
- Investigations as to whether the employee is eligible for ill health retirement pension benefits
- Case review hearing to be set up

The line manager will discuss any actions contemplated with the employee before any decisions are made.

The Council may choose one of two routes in respect of Occupational Health Assessment and this can be dependent on the reason for the long term sickness. If it is likely that the employee will make a full recovery and return to their normal role within the Council the line manager may chose the “Fit for Work Route”.

Alternatively, if the employee has already been referred for a “Fit for Work” assessment within the last 12 months or their medical condition is deemed to be of a more serious nature then the line manager will be required to use the Council’s nominated Occupational Health provider.

### **Fit for Work Assessment**

“Fit for Work” assessment is a free referral for an occupational health assessment for employees who have reached, or whose GP expects them to reach, four weeks of sickness absence. The service is aimed at helping employees return to work sooner. Employees may be referred by their GP or employer.

To enable an employer to make the referral for a Fit for Work Assessment the following consent is required at all stages:-

- Before referral to Fit for Work by employees GP or employer
- Before initial assessment takes place
- Before each version of the Return to Work Plan is shared with the GP and employer
- Before Fit for Work contacts the GP or employer or any third party if this is necessary as part of the assessment

Following assessment a return to work plan may be prepared, however it is not mandatory that this is followed. The return to work plan is designed to assist the employee’s return to work sooner. Once a return to work plan has been prepared and the employee and employer and GP agree to implement it there will no longer be a requirement for the employee to provide a Fit for Work note.

Employers and employees are advised to familiarise themselves with the “Fit for Work” guidance notes provided by the Department for Work and Pensions for both employers and employees to use them in conjunction with this policy when appropriate (copies can be obtained from the Town Clerk).

### **Sickness immediately prior to or during annual leave**

If an employee is ill during a period of pre-arranged annual leave it is permissible to treat the days of incapacity as sickness absence instead of annual leave, subject to the provision of a medical certificate which covers the full period of sickness. Please note this will not be the case for non-certified absence. This will enable the Council to arrange alternative leave dates, subject to the demands of the business.

If an employee falls ill whilst on annual leave travelling abroad, they must produce acceptable documentation signed by an accredited medical practitioner, together with the employee’s name and contact details. This should also state whether the employee is fit to travel. If declared unfit to travel, the certificate must give an indication of the date the employee is likely to travel, if this is after the last authorised day of leave. When employees return to the UK, they are required to submit a Fit Note by their UK doctor in order to return to work.

Employees will continue to accrue annual leave (excluding bank holidays) at their normal rate whilst on sick leave in accordance with legislation.



Where, as a direct result of long term sickness absence, employees have been prevented from taking their holiday entitlement, it may be possible for an employee to carry forward (dependent on the amount of leave) the statutory element of their remaining annual leave entitlement into the next annual leave year; management reserves the right to specify when the leave must be taken.

### **Sick pay entitlement**

An employee's entitlements during any absence due to sickness or injury is Statutory Sick Pay or Employment and Support Allowance, enhanced for the first 5 days of absence in a year to full pay. (Pro-rate for part time employees)

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 employees entitlement on the first day the aggregate periods of paid absence during the 12 months immediately preceding the first day of absence.

In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Employment and Support allowance receivable will secure the equivalent of normal pay.

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Adopted: 11/11/19

Next review: 14/2/24



### Return to Work Form

#### Part 1: Self-Certification *(to be completed by employee)*

Name:	Job Title:
1 <sup>st</sup> Day of Absence:	Date Returned to Work:
Number of working days absent:	Are you: full time / part time * <small>*Delete as appropriate</small>
State briefly why you were unfit for work (specify nature of illness or injury. Words like "illness" or "unwell" are not enough)	
I reported my absence to: _____ on (date): _____	

Signed (employee): ..... Date: .....

#### Part 2: Return To Work Discussion *(to be completed by line manager)*

Line Manager's Name:	Date of RTW Discussion:
Has the necessary medical certification been presented? (e.g., where required, a fit note/s)	Yes/No
Summary of discussion:	
Any other comments or issues raised, and any further action agreed:	

Signed (employee): ..... Date: .....

Signed (manager): ..... Date: .....