



# **OAKHAM TOWN COUNCIL**

## **SICKNESS ABSENCE POLICY (INCLUDING GUIDANCE FOR MANAGERS) PROCEDURE**

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# **OAKHAM TOWN COUNCIL SICKNESS ABSENCE POLICY (INCLUDING GUIDANCE FOR MANAGERS)**

This policy applies to sickness and unplanned absences. The Council recognises that there are occasions when an Employee will need support and guidance to help with their reasons for absence. The Council also needs to ensure that the high quality service to the Town is not affected by absence, and it will therefore manage absence to ensure fair and equal treatment to all Employees.

## **Scope**

This policy applies to all Employees of the Council.

## **Purpose**

Our sickness absence control procedure is there to provide a fair and consistent framework for handling staff sickness. It makes the Employees' responsibilities clear and gives guidance to Members.

These are our core principles:

- To ensure that all Employees appreciate the effect of sickness and unplanned absence on the Council, in terms of efficiency and additional pressure placed on Colleagues
- To ensure that all Employees are aware of their sickness entitlements
- All Employees have a responsibility to attend work and to keep unplanned absence to a minimum
- Members and the Clerk are responsible for monitoring absence levels amongst staff, including welfare support, and are the first and key point of contact on attendance issues
- To encourage open and honest communication between Members, Employees and the Council.
- To support and encourage people with disabilities to comply with the requirements of the Equality Act 2010.

## **Absence Definition**

This policy refers to sickness absence that may or may not be paid. Sickness can be defined as:

*Incapacity to carry out the duties and responsibilities which the Employee is contractually obliged to do because of their own illness or accident.*

## **Reporting Sickness**

The general procedure for reporting sickness is:

The Employee must notify the Clerk, that they are absent due to sickness and that they are unable to get to work.

Do not use email, text, if Employees have to leave a message on the answer machine, the Clerk may contact them to discuss expected return dates.

When contacting the Council Employees must provide the following information:

- When you became ill
- The broad nature of your illness (e.g. sickness, diarrhoea, Chest infection)
- Whether the illness is due to an accident or injury at work
- Whether you will be seeking medical attention
- The likely date of return (if known)

The Employee should always report sickness themselves. Reporting by other people does not allow the Clerk to discuss when the sickness started, the nature of the illness, work to be covered and how long the sickness is expected to last. It is only acceptable for others to notify on the Employees behalf if they are not able to get to a phone themselves.

If an Employee is off work due to sickness, they are expected to provide or give an indication of work that needs to be covered via email or over the phone.

The Employee should remain in regular contact during their illness so that the Council knows what is going on – and can plan accordingly. Should the reason for the Employee's sickness absence change or they expect to be absent longer than originally expected the Employee will need to inform the Clerk as soon as possible. Regular contact will vary in individual circumstances but would normally be at least weekly.

After the Employee has notified the Council of the absence, the Clerk will record the Employee's absence in their personnel file.

On the Employee's return from sickness of less than 7 days a Self-Certification Form must be completed, signed by their Manager as soon as practically possible.

If the Employee's sickness exceeds 7 days a Fit Note must be provided no later than the eighth day of absence. If subsequent fit notes are required these should be with continuous dates and forwarded to Management no later than the previous fit note expired otherwise pay may be affected.

Please note that failure to comply with the sickness reporting requirements may result in the Employee losing their Sick pay for the period in question.

### **Notification and Certification of Sickness Absence**

An Employee returning to work after a period of sickness absence of four days or longer, is required to complete a Self-Certification form, giving the reasons for the absence. Failure to complete a Self-Certification form may result in reduction or loss of sick pay.

The Self-Certification Form must contain detail of reason for absence with precise descriptions of illness. Stating sick, not well or ill is not acceptable and the Self-Certification form will be returned for further completion.

For periods of sickness that exceed 7 calendar days (including weekends and Bank Holidays) a Fit Note completed by a qualified medical practitioner must be submitted to the Clerk.

### **Fit Notes**

Fit notes are about removing the challenges to returning to work. This involves both the Council and the Employee working together, being open and honest to find suitable arrangements that provides benefits to both.

If the Fit Note advises that the Employee is 'not fit for work', this means they have a health condition that prevents them from working between the dates specified.

If the Fit Note advises that the Employee 'may be fit for work' a meeting between the Clerk and Employee will be held to discuss the information by the Doctor in the way of a phased return to work, amended duties, altered hours, workplace adaptations, support available and realistic timescales. If the Council cannot make the adaptations or adjustments indicated by the Doctor to help a return to work an explanation as to the reasons will be given and the fit note will be used as if the doctor had advised 'not fit for work'.

Subsequent Fit Notes must be submitted if the absence continues beyond the period covered by the initial statement, and forwarded to the Clerk no later than the day after which the previous certificate expired. If this is not possible for any reason, the member of staff must contact the Clerk to provide an update of the situation.

An Employee who goes into hospital or other similar institutions is required to submit a doctor's statement on discharge.

If an Employee is absent from work due to sickness, they must not work for any other organisation at the same time, unless that other work could be considered therapeutic, for example in cases such as stress and depression.

If an Employee arrives at work and has to leave due to sickness, a day's absence will be recorded unless half or more of the normal hours have been worked in which case only half day will be recorded.

Misleading or false statements may be dealt with under the Council's disciplinary procedure. Where the Council requires an Employee to obtain a doctor's statement solely for the purpose of qualifying for sick pay under the sickness leave scheme, the Council will normally refund any charge made for such a statement.

The Council may require an Employee who is unable to work for an extended period of time as a consequence of illness, or whose health is a cause for concern to the Council's management, to submit to examination by a medical practitioner nominated by the Council, or by the Occupational Health Doctor used by the Council. In such cases, the provisions of the Access to Medical Reports Act 1988 will apply. Any costs incurred in connection with such an examination will be met by the Council. The Employee will be asked to give their consent to this examination. The Employee is not obliged to consent, however failure to provide it may be treated as a deliberate attempt to frustrate the Council's investigation into the problem. Failure to give consent may also result in the withdrawal of the Statutory Sick Pay element of the Employee's Sick Pay, as allowed under HMRC Rules.

Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Failure to comply with the certification and reporting procedures may result in loss of sick pay.

### **Non-reporting of Sickness Absence**

If the Employee fails to comply with the notification and certification requirements, the Clerk will be responsible for contacting them at home. Firstly to check on the Employees well-being and secondly to remind them of the correct procedures for reporting absence.

If the Employees fit note runs out but continue to be ill they must report this to the Clerk and indicate a likely return. The Employee will need to continue to obtain further fit notes which must run consecutively otherwise this will affect their pay.

If the Employee fails to attend work on a second consecutive day the Clerk will contact the Employee asking them to make contact with the Council within 48 hours. Failure to comply may lead to disciplinary action for unauthorised absence.

Failure to notify the Clerk of the absence could result in disciplinary action being taken against the Employee, and/or loss of Sick Pay.

### **Maintaining Contact**

When an Employee is absent from work due to sickness it is important that regular contact is maintained between the Clerk and Employee in order to ensure that the Employee does not feel isolated, vulnerable or out of touch. The Clerk may contact the Employee by phone to find out about work allocations and request information to ensure that service delivery is maintained.

The form of the contact will be agreed with the Employee as appropriate.

The Employee should keep the Clerk informed throughout the period of absence, initially on a daily basis unless their expected date of return is known.

In cases of long term sickness absence, review meetings will be arranged to visit the Employee at home, or in another location in agreement with the Employee.

In exceptional circumstances it may be necessary for the Clerk to make an unannounced visit to an absent Employee in which case no prior arrangements will be made. Such visits would only occur in situations where circumstances had indicated a necessity for the Council to authenticate a claim for absence or confirm the whereabouts of the Employee when all other attempts of contact have failed.

### **Return to Work Interviews**

Best practice in absence management shows that return to work interviews are a crucial part of supporting Employees back to work and dealing with repeat absences.

The Council's Management will arrange a return to work interview with an Employee exceeding 2 days sick leave to investigate whether the problem is likely to recur, and whether steps can be taken to improve the situation. These interviews are to monitor absence levels and where an Employee's absence reaches the trigger points for either short term or long term sickness as defined within the policy. This is to be recorded on the reverse of the Self-Certification form for future reference (I have already developed a Return to Work form that is in place using trigger points).

If the Employee appears to have a health problem, the Council may ask for the Employee's permission to obtain a medical report from their GP or specialist, or to arrange a consultation with an Occupational Health Consultant.

If there is no identifiable reason for so many absences, the Employee will be advised that disciplinary procedure may result if attendance does not improve.

### **Disability**

If an Employee has become disabled the Council will consider all reasonable adjustments which could be made to where and how the Employee works (please see section below on Access to Work). The Council would need a report from the GP (with consent) to confirm that these adjustments are necessary.

The definition of disability under the Equality Act 2010 is "if you have a physical or mental impairment, which has a substantial long term impact on your day to day activities".

### **Access to Work**

Access to Work can help the Employees if health or disability affects the way they do their job. It gives the Employee and the Council advice and support with extra costs which may arise because of the disability.

If an Employee feels that the type of work done is affected by a disability or health condition that is likely to last for 12 months or more, the Employee should contact the regional Access to Work contact centre to check eligibility.

### **Withholding Sick Pay**

If the Council's Management has legitimate doubts about whether or not an Employee is genuinely off work due to sickness, a decision may be taken to suspend or stop Sick Pay altogether.

Reasons which would give rise to such doubts could include, but are not limited to:

- 1 An Employee refusing to give their consent to either attending a medical examination, or allowing the Council to contact their doctor to get a medical report.
- 2 Evidence of the Employee working elsewhere whilst on sick leave
- 3 Evidence that the Employee is not unable to work.

Should an Employee have their Sick Pay either suspended or stopped, they are entitled to ask HMRC for a formal decision regarding the Council's actions.

### **Grounds for Formal Disciplinary Action**

The following will be addressed as potential misconduct and addressed through the formal disciplinary procedure:

- 1 Providing false and misleading information to the Council's Management regarding sick leave.
- 2 Unauthorised absence
- 3 Unacceptable levels of sick leave for reasons not associated with a chronic health problem, and which are higher than the average number of sick days for other staff.

Any member of staff who is accused of one or more of the above will:

- Have an informal meeting with a member of the management team, during which they will be given an opportunity to provide their account of the alleged misconduct.
- If the Manager feels that the allegation needs to be pursued further, the Employee will be invited to a formal disciplinary hearing.
- The invitation letter will provide details of the allegation, the evidence to be used to support it, and inform the Employee of their right to be accompanied by a colleague or Union Representative. The letter will also provide a minimum of two days prior notice.
- During the Disciplinary Hearing, the Employee will be given an opportunity to respond in full to the allegation, and also provide any witnesses or other evidence they feel may help their defence.
- If the Manager conducting the Hearing believes that the allegation is proven against the Employee, they may issue a Formal Written Warning as a first course of action.
- If the Employee's misconduct continues, or fails to improve during the live period of the Written Warning, further disciplinary action may be taken which could result in a Final Written Warning and ultimately dismissal.