

Loughton and Great Holm Parish Council Sickness and Absence Policy

Introduction

This policy and procedures apply to all employees of Loughton and Great Holm Parish Council. The Council aims to secure the attendance of employees throughout the working week. However, it recognises that a certain level of absence may be necessary due to sickness, through illness or injury. It is the Council's policy to offer as far as is possible, security of employment during such periods, subject to operational requirements and the conditions below.

This policy is to be read in conjunction with the Council's Health & Safety and Disciplinary and Grievance policies.

Procedure

Notification and Certification: If an employee is unable to attend work due to sickness, they must notify the Council by contacting the Parish Clerk as soon as possible (Clerk to contact the Chair of the Parish Council), but no later than the end of the working day on which the absence first occurs. They should indicate the reason for the absence and, if possible, when they expect to return to work. The employee must complete evidence of incapacity for work using a self-certification form for the first seven calendar days of all sickness absences and give it to the Parish Clerk (or Chair in the case of the Clerk). This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must request a copy of the form, complete and send it to the Parish Clerk (or Chair in the case of the Clerk) as soon as possible.

If the employee is absent by the eighth day (including Saturday and Sunday), they must send a "Fit Note" issued by their GP as evidence of their incapacity for work, to the Parish Clerk (or Chair in the case of the Clerk). Current Fit Notes must cover subsequent periods of absence. The employee should also keep in touch with the Parish Clerk (or Chair in the case of the Clerk) regarding their condition and likely return to work date. If the employee does not follow this procedure, they may be dealt with under the Council's Disciplinary Policy. Furthermore, the employee's contractual sick pay and statutory sick pay (SSP) may be withheld.

If an employee is off for two periods which are separated by 8 weeks (56 days) or less, then the employee does not need to be absent for 4 consecutive days in the second period of absence in order to receive SSP for a maximum period of 28 weeks.

Return to Work: The employee will not be allowed to return to work until their GP deems that they are fit to return. Requests for temporary adjustments to the employee's working conditions will be considered by the Parish Clerk (or Chair in the case of the Clerk) and will be accommodated wherever possible if Council's circumstances permit.

In the case of extended periods of absence, the Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Council's choice.

Regardless of their length of absence, the employee will be interviewed on their return to work in order to:

- check on the employee's fitness to return
- ensure that all the support the employee needs is in place
- bring the employee up to date on any changes.

Fit Notes: An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

If such a Fit Note is received, the Parish Clerk (or Chair in the case of the Clerk) will contact the employee and arrange for a meeting with the employee. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work. If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It

should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

Medical Examination: The Parish Council reserves the right to require the employee to be examined by a medical practitioner of its choice in order to seek a medical opinion. A refusal to be examined may lead the Parish Council to take disciplinary action against the employee, up to and including dismissal.

Access to Medical Reports: In order to gain as much information about the employee's medical condition as possible, the Council may also request the employee's permission to contact his or her GP and ask for a medical report on the employee's condition. The employee may ask to see this report.

Extended Absences: The Council will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- full consultation with the employee
- medical investigation
- a consideration of alternative employment.

Where a return to work does prove possible, the Council may require that the employee's fitness to return is confirmed by a practitioner of the Council's choice.

Meetings/Home Visits: During any absence it is important that the employee keeps in touch so that the Clerk (or Chair in the case of the Clerk) is kept informed of the employee's health and likely return-to-work date. The employee will therefore be periodically asked to attend meetings for the purpose of providing information and facilitating an effective return to work. If the employee is too unwell or physically unable to leave their home, the Council reserves the right to visit them at home.

Disability

If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will always be fully consulted. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

Dismissal and the Right to Appeal: In the event of a dismissal, the reason for the dismissal and the circumstances leading up to that decision will be documented in writing to the employee. The employee may appeal against their dismissal by writing, within five working days of their receipt of the dismissal letter to the Chairperson of the Finance and Staffing Committee, stating the grounds on which they wish to appeal. The appeal will be heard in accordance with the Council's disciplinary appeals procedure. This right also applies to 'action short of dismissal' such as alteration of duties.

Payment arrangements and Statutory Sick Pay (SSP): The employee's SSP qualifying days are either Monday to Friday or, in the case of part-time employees, those days that he or she normally works. If the employee is eligible for the payment of SSP, it will be subject to the deduction of tax and National Insurance contributions.

Contractual Sick Pay: The Parish Council operates a council sick pay scheme. Provided that you comply with the sickness absence policy, you will receive sick pay when you are absent from work because of sickness as follows; during the first year of service, one week's full pay, and thereafter one month's full pay. Thereafter SSP will apply.

Sickness During Annual Leave: Where an employee is incapacitated through sickness or injury during any period of pre-booked annual leave, the Council will, subject to the correct notification and certification, allow the employee to transfer to sick leave and take replacement holiday at a later date. This is subject to the following conditions:

- production of evidence of incapacity by a medical practitioner

- the Parish Clerk is contacted on the first day of incapacity for work during the holiday
- clarification of the affected days on their return to work

Return of the Council's Equipment: If the employee is off sick for an extended period of time (e.g. one month or more) the Council may require them to return Council equipment until they are well enough to return to work. If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding Council equipment on the date of termination of his or her employment.

Other Absences from Work

Jury Service: Any employee called for jury service should inform the Parish Clerk (or Chair in the case of the Clerk) as soon as possible. Employees called for jury service will not be paid by the Council for the period of their absence. Employees should instead claim all available allowances from the Court.

Maternity, Paternity, Parental and Adoption Leave: An employee's entitlement to maternity, paternity, adoption or parental leave is set out in the relevant legislation.

Dentist/Doctor/Hospital Appointments: Employees will not usually be allowed time off work for attending routine dentist, doctor or optician appointments. Where possible, hospital out-patient appointment should be scheduled either early morning or late afternoon, in order to minimise the disruption to the working day. Inpatient appointments or procedures taking the whole day will be treated as being on sick leave for that day. Appointment letters should be seen by the Parish Clerk (or Chair in the case of the Clerk).

Annual leave: Details of annual leave are included in an employee's contract.

Compassionate leave: Compassionate leave is at the overall discretion of the Parish Clerk or the Chairperson of the Parish Council. However, in general paid leave will be granted for the death of a close family relative i.e. spouse, civil partner, father, mother (or equivalent in-laws) or son or daughter, up to three days paid leave (reduced pro-rata for part time working) will be granted. The Parish Clerk (or Chair in the case of the Clerk) will consider the individual circumstances, taking account of such matters as the need to organise funeral arrangements.

Statutory time off: this policy does not affect an employee's rights to statutory time off for trade union duties or activities, public duties or duties as a safety representative.

Absences for reasons other than sickness: Requests for time off for reasons other than sickness will be considered by the Council in the light of the individual's circumstances, legal requirements and operational needs. Unauthorised absences will be dealt with in accordance with the Council's Disciplinary Policy.

Abuse of this policy: Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and may possibly result in disciplinary action being taken, up to and including dismissal.

Alterations and Amendments to this policy: This policy and procedure does not form part of employees' contractual rights. The Council reserves the right to revise the contents of this policy and procedure from time to time or withdraw it at its absolute discretion, in accordance with the needs of the Council. The Finance and Staffing Committee will review this policy annually.

Sources

SLCC: Advice notes on Sickness and Pay, Absence and Jury Service, Annual Leave, Employee Handbook

NALC publication "The Council's Guide to Being a Good Employer" 2016

www.gov.uk/taking-sick-leave

Colebrook, Stenson Fields, Coggleshall Parish Council sickness policies

Approved and adopted 18/03/19, 13/05/19