

Barton Stacey Parish Council  
**Sickness Absence Policy**



### **1. Scope**

This policy applies to all Barton Stacey Parish Council (“the Organisation”) employees.

### **2. Purpose**

The Organisation aims to secure the attendance of all employees throughout the working week. However, it recognises that a certain level of absence may be necessary due to sickness or injury.

This policy provides a framework and standards for managing attendance in an effective, fair and consistent manner across the Organisation, taking into account the needs of the Organisation and employees. It also explains the Organisation’s absence notification procedure and individual entitlement to sickness payment during absence from work due to unavoidable incapacity to work due to sickness or injury.

It should be read in conjunction with employees’ Contract of Employment and any other associated documents.

### **3. Related policies**

This policy should be read in conjunction with the following Barton Stacey Parish Council policies:

- Disciplinary and Grievance Policy

### **4. Definitions**

- The number of working hours for a full time employee is 37 per week.
- Standard hours for a full time employee are 7.4 hours per day, Monday to Friday, 52 weeks per year, subject to annual leave entitlement.

### **5. Principles**

Employees are expected to aid their own recovery, and are advised not to undertake any activity during absence due to sickness or injury, which could impair this recovery.

Employees will be expected to comply with the advice given by their doctor or any other medical professional.

For absences of more than seven calendar days (including weekends), employees must obtain a fit note issued by a doctor or other medical professional from the 8th day onwards. Subsequent fit notes will be required to fully cover absences, which continue beyond the original certification.

When calculating length of absence (for sickness benefit calculation purposes), only lost working days are counted.

It is the responsibility of the HR working party to monitor and record sickness absence.

## **6. Notification and certification of absence**

If an employee is unable to attend work due to sickness or injury, they should inform the Chairman, the reason for it and likely duration, on the first day of absence.

The employee should speak personally to the Chairman. One of the purposes of this call is to enable any necessary reorganisation or reallocation of work, and for the Chairman to establish an estimated return date from the employee. Only when the employee is unable to telephone personally should someone else notify the Organisation on their behalf. Should the Chairman be unavailable, the employee should speak to another Parish Councillor. In any event the employee must ensure the Organisation is notified of their absence by a phone call.

Throughout the period of sickness, the employee must keep the Chairman regularly updated.

If the period of absence is for more than seven calendar days (including weekends), a completed fit note issued by a doctor or other medical professional must also be sent to the Chairman to cover the entire period of absence (from day eight onwards). Fit notes issued by a doctor or other medical professional must also continue to be submitted throughout the absence, regardless of whether any entitlement to sick pay has ceased. Employees must send the fit notes to the Chairman as soon as it has been issued by the doctor.

The Organisation may also request a fit note issued by a doctor or other medical professional for frequent periods of absence of seven days or less, or where there appears to be an unacceptable pattern of absence. The Organisation will reimburse all reasonable costs incurred in obtaining the fit note in these circumstances.

The frequency and timing of contact in the case of absences exceeding seven days will be agreed on a case by case basis, but, as a minimum requirement, the employee should keep the Chairman informed throughout the period of absence, on at least a weekly basis.

If the employee provides no satisfactory evidence of sickness absence, it will be deemed unauthorised absence. Any Organisation Sick Pay and Statutory Sick Pay (SSP) may be withheld at the Organisation's discretion and disciplinary action (up to and including dismissal) may be taken against the employee.

Disciplinary action (up to and including dismissal) may also be taken against employees who make fraudulent claims in respect of any period of incapacity for work.

## **7. Fit notes**

An employee's doctor or other medical professional may 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 a fit note is received the chairman will contact the employee and arrange for a meeting with them. The Organisation may seek the advice from an external HR adviser or medical professional as laid out in Section 15. 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.

## **8. Return to work interview**

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

- Check on the employee's fitness to return to work
- Ensure that all the support the employee need is in place
- Bring the employee up to date on any changes

A note of all discussions should be kept by the chairman and agreed for accuracy and copied to the employee. The Organisation may seek the advice form an external HR adviser or medical professional as laid out in Section 15.

## **9. Definition of a day of sickness absence**

For the purpose of the administration of sickness absence:

An employee who leaves work due to sickness or injury after having completed half of their normal daily working hours will have this day counted as a working day. However, the employee must still comply with the notification requirements and inform the chairman or other appropriate person that they are leaving work due to sickness or injury.

An employee who leaves work due to sickness or injury after having completed less than half of their normal daily working hours will have this day counted as a day of sickness absence. However, employees must still comply with the notification and certification requirements and inform their line manager or other appropriate person that they are leaving work due to sickness or injury.

## 10. Organisation Sick Pay

At its discretion and subject to the notification and certification requirements being met, the Organisation may make sickness payments up to the following maximum levels in any year of service:

(Below is an example of a scale of sickness payments. Councils should be aware that it should not unilaterally change an employee's terms and conditions)

Probation Period	No entitlement to Organisation Sick Pay
During 1st (excluding probationary period), 2 <sup>nd</sup> , 3rd, 4th and 5th years	One months full pay and 2 months half pay (see Section 11)
Subsequent years	44 days full pay (see Section 11)

The Organisation reserves the right to reduce the number of days for which an employee is eligible to receive discretionary Organisation Sick Pay in relation to any day taken as sickness absence, whether or not the employee receives Organisation Sick Pay in relation to that absence.

If an employee is on sick leave during their probationary period and remains so at the end of his/her probation period he/she is not eligible to receive any Organisation Sick Pay until he/she has returned to work for a minimum of one calendar month.

If an employee is on sick leave at the end of the service year and remains so at the beginning of the following service year, the Organisation will continue to make payments based on eligibility in the previous year. When the maximum payments have been exhausted based on the previous year's service, there will be no further entitlement to sickness payments until the employee has returned to work in the new service year for a minimum of 1 calendar month.

All employees on sick leave remain subject to their normal terms and conditions of employment, which include the Organisation's right to terminate employment by giving notice at any time.

### 10.1. Calculation of Organisation Sick Pay for full time employees working non-standard hours

Full time employees who work a non-standard week (i.e. do not work 7.4 hours a day, Monday to Friday) should convert the above entitlement to Organisation Sick Pay into hours, and if off sick, should deduct hours from total according to how many hours they were due to work on that day.

**Organisation Sick Pay - hourly conversion calculation:**

Organisation Sick Pay entitlement in days x 7.4 hours = Organisation Sick Pay entitlement in hours  
*(this should be rounded up to the nearest half hour)*

### 10.2. Calculation of Organisation Sick Pay for part time employees

Employees who are contracted to work part-time hours (i.e. less than 37 hours a week) should firstly convert the above entitlement to Organisation Sick Pay into hours (using the calculation in 10.1

above) and then pro-rata this to reflect the number of weekly hours contracted to work. If off sick, employees should deduct hours from total according to how many hours they were due to work on that day.

**Organisation Sick Pay – part time pro rata calculation:**

Full time equivalent Organisation Sick Pay entitlement in hours x no. of hours contracted to work ÷ 37  
= Pro rata Organisation Sick Pay entitlement in hours  
*(this should be rounded up to the nearest half hour)*

## **11. Definition of Organisation Sick Pay**

Full Pay is the employee's basic salary only (excluding any variable/additional payments) and will be inclusive of Statutory Sick Pay payments (see Section 15 below) for which they are eligible.

## **12. Withholding of sickness payments**

The Organisation may exercise its discretion to withhold Organisation Sick Pay (excluding Statutory Sick Pay) in any of the following circumstances:

- If the employee does not adhere to the required notification and certification requirements;
- If the employee is in paid employment elsewhere during any period of sickness absence;
- If the employee's doctor or other medical professional advise the Organisation that the employee is fit to return to work but the employee does not return;
- If the Organisation believes, after investigation, that there are no good reasons to support a period (or periods) of sickness absence.

In all of the above four cases, the Organisation may, in addition, take disciplinary action against the employee, up to and including dismissal.

- If patterns of absence appear to be forming i.e. Friday/Monday, days following annual leave
- If the employee is alleging sickness absence rather than using other types of leave i.e. dependant's leave;
- If an employee is in paid employment elsewhere (e.g. has a secondary job or self-employed in leisure time) and injury arises in that employment, resulting in sickness absence with Barton Stacey Parish Council;
- If an employee plays sport for financial gain and injuries arise resulting in sickness absence;
- If an employee is injured as a result of failure to comply with Organisation rules regarding health and safety at work.

The above are examples of circumstances in which Organisation Sick Pay may be withheld but this list is not intended to be exhaustive and merely serves as a guide. Therefore other circumstances may also lead to Organisation Sick Pay being withheld.

## **13. Exceeding sickness payment entitlement**

If an employee exceeds their entitlement to Organisation Sick Pay due to the number of sickness absence days taken in a year, they will no longer be eligible to receive Organisation Sick Pay. The

employee may continue to receive SSP in accordance with Government regulations, providing that a fit note issued by their doctor or any other medical professional is supplied fully covering the sickness absence period.

#### **14. Statutory sick pay (SSP)**

- If an employee is no longer eligible for Organisation Sick Pay, they may still be eligible for Statutory Sick Pay (SSP).
- The Organisation has a legal obligation to pay SSP to all employees who meet the regulations set out by the Government.
- SSP appears as a separate item on the pay slip and is subject to Tax and National Insurance deductions.
- The SSP amount is set and amended from time to time by the Government, and is paid via the normal monthly salary.
- SSP is paid for full days of sickness absence and not part days, and is only payable for standard contractual working days.
- SSP is limited to 28 weeks in any one period of sickness absence from work. It is only payable if the employee is sick for 4 calendar days or more in a row. The first 3 qualifying days of any absence are known as the "waiting days" – therefore, the employee will receive no pay if they have exhausted their Organisation Sick Pay during the 3 waiting days.
- If an employee has 2 or more spells of sickness of at least 4 days in a row which were within 8 weeks of each other, the first day of sickness is the first day they were off work sick at the beginning of these spells of sickness. There will therefore be no need to have the 3 "waiting days". This is called the "linking period" for SSP purposes.
- Further information regarding SSP can be obtained from GOV.UK website: <https://www.gov.uk/statutory-sick-pay>.

#### **15. Occupational Health and access to medical reports**

It may be considered appropriate by either the employee or the chairman to seek professional medical advice on the employee's medical condition. This could be in relation to a current absence or recent absence history (usually within the last rolling 12-month period) regardless of whether an employee's absence is considered short term or long term. The purpose of this is to gain as much information about the employee's medical condition as possible.

The Organisation may contact (with the employee's written permission) the employee's doctor or any other medical professional and ask them to supply a report on the employee's state of health and/or provide direct access to medical records.

In some cases the Organisation may utilise the support of an occupational health provider. The type of support will depend largely on the employee's condition, but may include a nurse appointment/nurse contacting the employee at home by telephone, a medical report or an appointment with an independent doctor nominated by the Organisation to conduct a medical examination.

An employee's lack of co-operation by refusing the Organisation consent to contact their doctor or any other medical professional or to involve an occupational health provider may impede an employee's ability to return to work. The Organisation's decision about an employee's employment will be based on the information available.

#### **16. Absence as a result of actions by a third party**

If any sickness absence is caused, or appears to have been caused, by a third party and this results in the employee claiming damages against the third party, the Organisation must be notified of the fact and informed of the progress of any resultant litigation. When making a claim, the employee should include a claim for loss of earnings. In these circumstances, any Organisation Sick Pay paid to the employee by the Organisation will be regarded as a loan to be repaid when compensation is recovered for loss of earnings.

#### **17. Becoming ill whilst on holiday**

If an employee is unwell during a period of time that has been booked as annual leave, the employee's line manager should be notified as soon as possible. The usual procedure for notification of sickness applies. It is accepted that, if the employee is overseas during the sickness, it might not be possible to notify his/her line manager immediately, but every effort should be made as soon as it is practicable.

An employee who is unwell during a time of booked annual leave may apply to have any days of sickness treated as sickness absence and not annual leave. The employee must satisfy his/her line manager that the illness was genuine and the Organisation may request a fit note issued by a doctor or other medical professional and/or other relevant supporting evidence.

The employee will be entitled to take any days of annual leave that are subsequently treated as sickness absence as annual leave at another time, subject to the Organisation's approval.

#### **18. Poor attendance**

The Organisation monitors sickness absence levels and will, where appropriate; investigate repeated, regular or high levels of absence.

Any investigation aims to provide advice, guidance and assistance to the employee and to assess whether there is any action that the Organisation or the employee could reasonably be expected to take in order to improve attendance.

Employees are advised that continued poor attendance may result in disciplinary action, which could ultimately result in dismissal.

In all cases of sickness absence it is important that the employee and line manager maintain regular contact. The purpose of staying in touch is to review progress, understand the expected date of return and review the need for any support.

The Organisation reserves the right to discuss with an employee his/her ability or suitability to carry out their existing job in light of their medical history and/or current medical condition. If poor attendance gives rise to performance or capability issues in relation to an employee's ability to undertake his/her duties, the Organisation may use the Organisation's Disciplinary and Dismissal Procedure in isolation or in conjunction with remedial measures, as appropriate, to address the situation.

A note of all discussions should be kept by the line manager, agreed for accuracy and copied to the employee.

### **19. Long-term sickness absence**

The Organisation will normally classify a period of sickness absence which has reached 4 weeks as long-term sickness and the following approach will apply:

- The Organisation may seek the advice of an external HR adviser to ensure that a fair procedure is carried out.
- The Organisation may request the employee's permission to contact his/her doctor or any other medical professional to ask for a medical report and/or access to medical records, or the involvement of an occupational health provider as set out in Section 16.
- An employee who is off longer than this period will be periodically asked to attend meetings with their line manager on work premises, for the purpose of providing information and facilitating an effective return to work. If the employee is too unwell or physically unable to he/she can expect (with the employee's agreement) a home visit(s) by their line manager.
- Every reasonable effort will be made to support recovery, rehabilitation, and return to work, including phased return to work and refresher training where appropriate
- Reasonable adjustments (either temporary or permanent) to the employee's working conditions will be considered, wherever possible and if the Organisation's circumstances permit, if these will help the person to stay at work, or accommodate the person's recovery and return, or support the management of a disability (in accordance with the Equality Act 2010). Reasonable adjustments to be considered may include an adjustment to working hours or working equipment being adapted (or special equipment to be provided) as appropriate to assist the employee in continuing to complete their role. Physical adjustments may also be considered i.e. a ramp being required for entry to a building, moving furniture or widening doors).
- Alternative employment available at the time will be considered where the person is medically unfit to carry out their previous duties. However it is important to note that jobs will not be created for the sole purpose of finding alternative employment.
- The Organisation and the employee will maintain regular contact and the employee will be made aware of any potential risk to employment e.g. a potential redundancy that may impact the employee who is absent during the process. In some cases, long term sickness progresses to incapability, which may result in termination of employment on the grounds of ill health, however as stated above, alternative employment within the Organisation will be considered before termination. In such cases the Organisation will seek external advice from an external HR adviser. Please refer to Section 23.

- A note of all discussions should be kept by the line manager, agreed for accuracy and copied to the employee.

## **20. Benefits whilst on long term sickness absence**

### **20.1. Holiday accrual**

For short term sickness absence, annual leave will continue to accrue. Statutory annual leave entitlement (5.6 weeks, or 28 days for full time employees working standard hours, including all public holiday entitlement) will accrue during all periods of long term sickness absence in accordance with the Working Time Regulations 1998. Any Organisation annual entitlement above the statutory minimum will not accrue. If an employee does not wish to take annual leave entitlement during long term sick leave, the employee is permitted to take this later in the annual leave year when he/she has returned to work. Where an employee is unable to take annual leave entitlement in the respective annual leave year due to continued sickness, he/she is permitted to carry forward unused statutory annual leave to the next annual leave year. No payment will be made in lieu of statutory annual leave not taken except in the year of termination of employment.

An employee may take their statutory annual leave at the same time as long term sick leave. The same rules apply as per the employment contract regarding the notification and approval requirements for any annual leave which an employee wishes to take whilst on sickness absence .

If an employee has exhausted his or her entitlement to Organisation Sick Pay and is only in receipt of SSP, the Organisation will "top up" the employees pay during any period of pre-approved holiday taken during sickness absence so that the combined total payment (i.e. SSP added to the "top up") is equivalent to normal basic pay.

Where no payments of SSP are being made to the employee, any pre-approved holiday taken during sickness absence will be paid at normal basic pay.

### **20.2. Pensions**

For employees in receipt of Organisation sickness pay, the employee's and Organisation's percentage contributions will continue as normal during this period, based on the actual gross pensionable salary received.

For employees on unpaid periods of sickness absence (e.g., those who have exhausted their annual Organisation sick pay entitlement) will have both theirs and the Organisation's contributions temporarily ceased.

In any case where the rules of the pension scheme differ, these will prevail.

### **20.3. Salary review**

Employees who are absent from work due to long-term sickness on their salary review date (usually 1st April) will have their review postponed until their return to work. Should an increase be awarded this will be effective only from return to work date (not backdated to annual salary review date).

## **21. Return of the Organisation's equipment whilst on long term sickness absence**

If an employee is off sick for an extended period of time the Organisation may require them to return the Organisation's 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 equipment belonging to the organisation on the date of termination of his/her employment.

## **22. Leaving the Organisation on grounds of capability**

In some cases, long term sickness progresses to incapability, which may result in termination of employment on the grounds of incapability (termination will not take place without full consultation with the employee, medical investigation and a consideration of reasonable adjustments and/or alternative employment). Such cases will be managed in accordance with the Organisation's Disciplinary and Dismissal Procedure by the line manager in conjunction with professional advice from an external HR adviser. In the event of dismissal the reasons 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 in writing to their line manager within 5 working days of their receipt of the dismissal letter stating the grounds on which they wish to appeal. The appeal will be heard in accordance with the Organisation's Disciplinary and Dismissal Appeals Procedure.

If an employee leaves the Organisation on grounds of capability, any outstanding payments due (e.g. in lieu of holidays accrued but not taken) will be made in their final salary.

In addition, any monies owed to the Organisation by the employee (e.g. as a result of any overpayment) will be deducted from their final salary. If there are insufficient funds to cover such costs, the employee is responsible for reimbursing the Organisation for any outstanding amount.

The Employee's P45 will be sent to their home address after the final payment has been made.

## **23. Health & safety (H&S)**

The Organisation has Health and Safety obligations to all of its employees, particularly employees returning from long term sickness absence. Should an employee have a concern or question regarding H&S, they should discuss this with their line manager.

## **24. Absences for reasons other than sickness**

Requests for time off for reasons other than sickness will be considered by the employee's line manager in the light of the individual's circumstances, legal requirements and operational needs.

Unauthorised absences will be dealt with in accordance with the Organisation's Disciplinary and Grievance Policy.

Absences due to pregnancy-related illness, maternity leave and time off for antenatal appointments, paternity leave, parental leave and other statutory leave will not be taken into account when reviewing an individual's attendance record. Please speak to your line manager for details of time off rights.

Lateness linked to ill health will be managed in accordance with this policy. Lateness which is not linked to ill health may be dealt with in accordance with the Council's disciplinary procedure.

## **25. Abuse of this policy**

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

## **26. Alterations and amendments to this policy**

This policy does not form part of an employee's contract of employment. The Organisation reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the Organisation.

## **27. Additional information**

For further information, please contact the chairman of Barton Stacey Parish Council.