

GNOSALL PARISH COUNCIL

(Including the Wards of Moreton and Knightley)

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Sickness Policy

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Next Review:

November 2026

Slight amendment (definition of Appeals Committee) January 2024

1 **Statement of Intent**

Gnosall Parish Council ("the Council" or "GPC") is committed to promoting the health, well-being and safety of its employees by:

- Working proactively to identify issues which may result in absence from work and putting in place preventative or mitigating measures
- Encouraging attendance and effective working by monitoring absence
- Giving appropriate support to staff following absence
- Managing staff absence in a consistent, supportive and effective way

In applying this policy, managers must refer to relevant legislation or Codes of Practice in line with ACAS guidelines.

NB

Throughout this document, if it should be the Chief Officer who is the subject of review, the actions attributed to the Chief Officer will be carried out by the Chair or other person nominated by Council.

2 **Roles and Responsibilities**

Managers

Managers have a duty of care for the health, safety and welfare of their staff members and should work supportively in conjunction with The Chief Officer and the Council's chosen occupational health provider to support staff with genuine sickness absence and to ensure that absence issues are treated equitably and consistently within their area of responsibility.

Managers are responsible for managing sickness effectively and ensuring absence is monitored and recorded for their team. The manager is responsible for carrying out return-to-work discussions and other review meetings, promoting a positive working environment, motivating and managing their team to maximize attendance.

Employees

Employees are responsible for their own health and wellbeing and for minimizing any absence from work. They are responsible for adhering to the requirements stated within this policy, particularly in terms of sickness notification, providing Statements and keeping in regular contact during longer term absence.

3 **Notification of Sickness absence**

3.1 If you are absent due to sickness on a normal working day, you must notify the Chief Officer (in the case of sickness absence of the Chief Officer, the Chair must be contacted) or other designated member of staff/Manager:

- By telephone as soon as possible and no later than 10.00am for staff working normal office hours;
- Giving the reason for absence; and
- The expected duration of the sickness absence, where known.

If you do not make contact within this time period, GPC will try to contact you at home. If you are unable to call yourself, someone else may call on your behalf but you should ring yourself as soon as possible after this, especially where alternative cover arrangements need to be put in place.

- 3.2 If your absence is longer than 3 consecutive days, you must contact your manager/the Chief Officer by the 4th working day. For longer periods of absence you should maintain regular contact, normally weekly, to keep GPC informed of the reasons for ongoing absence and the likely date of return.
- 3.3 You are responsible for notifying GPC of sickness absence and for obtaining appropriate certification where necessary. If you do not do this, you may not be eligible for occupational sick pay, where it applies to qualifying staff.

We recognize that there may be exceptional circumstances which prevent you from meeting the reporting and certification expectations, such as severe injury or hospitalization. Such instances will be treated on an individual basis. The Council will be grateful to relatives for keeping us informed in such circumstances.

4 Certification of Sickness

4.1 Days 1 - 7 of sickness absence

For the first 7 calendar days of continuous sickness absence (i.e. including non-working days), you do not need to obtain a note from your G.P. to cover your absence. When you contact your manager to inform them about your absence and the reasons for this, your manager or other designated person will record this information.

On your first day back at work you must notify your manager or another designated person to confirm the dates of your sickness absence and the reasons for absence.

If you leave work due to sickness absence before you have completed 2 hours' work (pro rata for part-time staff), your absence is recorded as a full day's absence.

4.2 Sickness absence exceeding 7 days

For absences that exceed 7 continuous calendar days (including non-working days) you must provide a Med 3 form which is a 'Statement of fitness for work' (Statement). Known as the 'fit note', this was introduced in 2010. Follow the link to view a sample of the 'Statement of fitness for work' form: <http://www.dwp.gov.uk/docs/med3-fitnote-sample.pdf>

You are responsible for ensuring your medical Statements reach your line manager promptly. Periods of absence that are not covered by a Statement will not qualify for occupational nor statutory sick pay, however, each case will be considered on its merits before occupational sick pay is withheld.

If your G.P. provides advice that you may be fit for work you should notify your manager as soon as practicable.

You should send your Statements to your manager or other designated person who will arrange for this to be passed to the Chief Officer for processing. If the Statement is not received by the twelfth consecutive day of sickness, you may not be entitled to occupational sick pay

4.3 Statement of Fitness to Work certificate (Fit Note)

Your G.P. will either give you a Statement confirming that you are unfit for work for a specific period / until a specific date or your G.P. may advise that you are able to return to work and, in these circumstances, your G.P. will suggest options that may help you to return to work.

The purpose of the Statement or 'fit note' is to facilitate a return to work and may be more likely to be used in longer term sickness cases or those with an ongoing medical condition. The suggestions your G.P. may advise include:

- **Amended duties** - this involves changes to your job and duties, if you are unable to complete all your normal duties, and these may be amended in discussion with your manager.
- **Workplace adaptations** - this involves changes to your work environment that may relate to, for example, use of equipment, accommodating mobility issues or other changes that may facilitate a return to work. A health and safety risk assessment and occupational health advice may be sought depending upon the nature of the changes suggested.
- **A phased return** - this allows you, initially, to work a reduced number of hours upon your return to work and increase the hours you work gradually until you return to your normal hours. This arrangement is normally agreed for a short period, normally of up to 4 weeks.
- **Altered hours** - this may be recommending a different work pattern and using forms of flexible working; for example, allowing a later start time or changing work patterns to accommodate treatment sessions.

In some cases, your GP may recommend that Occupational Health advice is sought.

When completing your Fit Note, your GP will say whether you need to be reassessed before returning to work. If you do not need such an assessment, your return to work will be your next normal working day after the end of the sickness period.

4.4 Return to work meeting.

All staff who have been absent will receive a Return-to-Work discussion, normally on their first day of return.

The purpose of this is to make your manager aware of any issues which may affect future attendance at work or any ongoing issues regarding your state of health, so that appropriate support may be put in place. Your manager should be made aware of issues such as:

- Any underlying or recently-diagnosed health conditions;
- Any adjustments needed in respect of a recent disability;
- Whether you are suffering from stress, whether related to work pressures or pressures outside work;
- Any personal issues outside work which may affect your attendance;
- Whether you would like access to any counseling or advice services.

Your manager should:

- acknowledge and welcome you back to work;

- find out the reason and cause of absence if this is not known;
- make sure you are well and fully fit to return to work, taking into account any recommendations from your G.P. where relevant;
- identify whether there is any additional support the Council may provide; and
- bring you up to date with any changes or news

Notes of the meeting should be taken and a copy of these given to you.

It is recognised that the exact duration and nature of the Return to Work meeting will depend upon the exact circumstances of your absence and whether there are any concerns over your sickness record.

Sickness information will be held confidentially and access restricted to authorized personnel within GPC. Under the Data Protection Act, such information is considered sensitive and will be treated accordingly.

5 Short Term Sickness Absence Procedures

- 5.1 If your attendance, due to short term or intermittent absence, becomes a matter of concern, for example, persistent short term absences or a pattern such as Monday/Friday absences before/after Bank Holidays and Council closures, your manager will discuss this with you informally with a view to resolving issues and improving attendance. Poor attendance and reliability issues may have a negative impact upon colleagues, workloads and team effectiveness.
- 5.2 The following procedure aims to provide a consistent approach to managing short term absence initially through informal interventions and (where attendance does not improve or attendance targets are not met and concerns continue) through a formal process. If attendance has not improved and there is no underlying medical condition, poor attendance may become a disciplinary matter.
- 5.3 Ongoing absence issues will be managed through the long term sickness and capability process (see section on Health Capability Review & Holding a Capability Hearing below) if it becomes clear that the sickness absence is:
- long term (likely to exceed 20 consecutive working days); and/or
 - related to a disability; or
 - related to a known underlying medical condition.

5.4 Informal Stage (1): Initial sickness review meeting

You will be required to attend an initial sickness review meeting with your manager if you have:

- more than 10 self certificated working days sickness within a 12 month period (pro rata for part time staff); or
- 4 periods of absence within a 6 month period or;
- a pattern of absence that is of concern (e.g. Mondays / Fridays or absence following bank holidays).

Notice of Meeting

You will be given at least 5 working days written notice to attend any meeting. You have the right to be accompanied by a trade union representative or work colleague from within the Council to all meetings held under the long term sickness and capability procedure. If your companion is unable to attend the meeting within this timescale, you should notify The Chief Officer of this and a further appointment will be made within the following 5 working day period.

In exceptional cases the Council may extend these timescales depending upon the individual circumstances of the case.

Purpose of meeting

The initial sickness review meeting should aim to:

- identify any contributing issues and how these may be resolved;
- establish whether there is an underlying medical condition or disability (this may involve seeking further medical advice);
- consider what other support may be needed; and
- encourage a member of staff to improve their attendance at work through agreed attendance targets.

Potential outcomes

You may be asked to attend an appointment with an OH physician and The Chief Officer will agree attendance improvement targets for a monitoring period of between 1 and 3 months.

Adjustments or other support may be agreed such as changes to working patterns, counselling or additional management support.

The Chief Officer will take a written note of this meeting and you may be advised that if attendance does not improve, this may become a disciplinary matter. You will be given a copy of this note.

5.5 **Formal Stage (2): Formal sickness review meeting**

A formal review meeting will be held with you if your attendance remains of concern and there is no underlying medical condition.

You have the right to be accompanied by a trade union representative or work colleague from within the Council. If your companion is unable to attend the meeting within this timescale, you should notify The Chief Officer of this and a further appointment will be made within the following 5 working days. In exceptional cases the Council may extend these timescales depending upon the individual circumstances of the case.

Reasons for a formal meeting may be that:

- attendance targets have not been met; or
- there has been no sustained improvement; or
- self certificated sickness absence has reached 20 working days (pro rata for part time staff) within a 12 month period; or
- the pattern of absence is a cause of concern.

Purpose of meeting

At this meeting, The Chief Officer will:

- review your attendance;
- discuss how this may be improved;
- review the improvement targets;
- discuss any management support or other needs.

Potential Outcomes

You may be asked to attend an OH appointment if a referral has not yet been made.

Your manager will continue to monitor your attendance and set improvement targets.

If your manager is concerned about your level of attendance you may be advised that your absence will be considered a disciplinary issue and managed under the disciplinary procedure. The Chief Officer will write to you inviting you to attend a disciplinary meeting to consider your attendance and will give you a copy of your attendance record and other relevant supporting documentation.

6 Long Term or persistent Absence

6.1 Definitions

Long term absence is defined as 4 weeks' continuous absence within a 12 month rolling period.

Persistent absence is defined as absence which equates to 20 working days (140 hours pro rata) within a 12 month rolling period and will also be managed by the Long Term absence protocol, with due regard for the Equality Act 2010 and Code of Practice on Disability in Employment, in cases where the absence(s) are related to an underlying medical condition or disability.

6.2 Initial Sickness Review Meeting

Managing long term sickness issues involves holding a sickness review meeting with the member of staff to:

- keep in touch;
- discuss and review the length and reasons for absence;
- establish a return to work date; and
- facilitate a return to work/improve attendance levels. This may include seeking medical advice, arranging a phased return, changing your work pattern or making other reasonable adjustments.
- You may be asked to meet with an Occupational Health provider. You will be given a copy of any medical reports arising from such meetings and the implications will be discussed with you.

Such meetings will be triggered by 4 weeks' continuous absence or intermittent absence totalling 20 days (140 hours pro rata) within a rolling 12 month period. Once instituted, they will continue every month.

6.3 Follow up monthly Sickness Review Meetings

The purpose of such meetings is as for the Initial meeting with the addition of, where appropriate, considering whether employment is at risk.

However, if you are off on long term sick leave and it becomes evident at any stage that a return to work is unlikely or that you will be unable to fulfil your role effectively for health reasons, you may be invited to attend a capability hearing and a potential outcome may be that employment is ended due to reasons of ill health.

Before any decision is taken about your employment situation, we will seek medical advice and consider other action short of dismissal, which will always be a last resort. Your manager will advise you if your employment may be at risk and will carry out a capability review before further action is taken.

6.4 Facilitating a Return to Work

In order for the Council to provide staff with appropriate support and facilitate a return to work we may need to:

- seek medical advice from your G.P. or medical consultant about your health to establish when/whether a return to work is likely and how we can reasonably help to facilitate this. Any costs in obtaining reports will be met by the Council and you have the right to see any Medical Report provided by your GP or consultant before it is sent to the Council.
- Refer you to Occupational Health for assessment. In cases where occupational stress is cited as a contributing factor, you will be referred to OH automatically after 5 working days' continuous absence. Following an OH report, you will receive a copy of the report and we will arrange a meeting to discuss it with you.
- discuss and make reasonable adjustments for disabled staff that may facilitate a return to work or to retain an individual at work.
- consider whether alternative duties/light work or a phased return to work is beneficial.
- consider redeployment as a potential alternative to ending employment where appropriate.
- discuss early retirement where appropriate with the Chief Officer, if this option is available to you.

NB If you refuse to consent to the Council seeking a medical report or refuse to attend OH, we will have to make decisions about your absence and your health on the information available to us.

6.5 Phased Returns

If you are recovering from illness and it is considered that a phased return to work would be beneficial, The Chief Officer will discuss this with you. A phased return allows you to return to work starting on reduced hours for a short period and building up hours gradually to your

normal full time hours. You will receive normal pay during this phased return which would be for up to a maximum of four weeks.

If you feel you are not able to return to full time work at the end of this phased return period, flexible working arrangements may be considered upon request, subject to organisational needs. The Flexible Working policy will be provided on request. So, for example, if you wanted to reduce your normal working hours either permanently or for a temporary period, you would make an application through the flexible working procedure and, if approved, this request would normally result in a contractual change.

6.6 Alternative Duties

If you are not considered fit to undertake your normal duties, for example in cases of a broken limb, and you are being paid sick pay, you may be requested to undertake other appropriate work. Such requests will only be made in consultation with independent medical advice and where appropriate following a risk assessment.

6.7 Keeping in touch

During longer term sickness absence and if your absence is likely to be 4 weeks or longer, it is important that you keep in touch with your manager at agreed regular intervals and let them know of any changes in your health or expected date of return.

Monthly review meetings will normally be held with you as detailed above and may be arranged at work, at your home or another agreed location and you have the right to be accompanied to these meetings. In some cases, where there is a known medical reason for absence and there is a known date of return to work, meetings may be held at longer intervals by agreement, with contact mainly by telephone.

6.8 Health Capability Review

In some cases of long term continuous or intermittent sickness absence, the Council will need to consider your capability / fitness for work where:

- there is no predicted date of return;
- medical evidence indicates that an individual is permanently unfit for work;
- a return to work may be unlikely within a reasonable timescale;
- there is a high level of intermittent absence;
- the member of staff is not able to fulfil their job role effectively (after appropriate interventions to facilitate their return or improve their attendance).

A capability review will consider whether:

- Further investigation is required, for example, if recovery is taking longer than predicted or there has been a recent deterioration in relation to health or a disability. Further medical advice and relevant specialist reports may be requested to ensure any decision takes into account up to date medical information.
- Reasonable adjustments have been made where this is appropriate and whether there are any further reasonable adjustments such as changes to the job role/support through the Access to Work scheme.

- A phased return, alternative duties, or flexible working have been discussed and considered where appropriate.
- Redeployment may be appropriate if there are other suitable job opportunities on a permanent or temporary basis that the employee may fulfil.
- Early retirement (where this is cost neutral) or ill-health retirement may be an option if the employee is a member of an occupational pension scheme and meets the relevant criteria for retirement under the scheme rules.

Your manager and The Chief Officer will meet with you to discuss and review these options and to listen to your thoughts and feelings about the situation and the options. You have the right to be accompanied to this meeting by a union representative or work based colleague.

A possible outcome of this meeting is that you will be invited to a capability hearing which will consider your future employment situation with the Council.

6.9 Capability Hearing

The purpose of a capability hearing is to consider your sickness absence and make a decision about your employment. The Chief Officer will prepare an absence report detailing the history, including all relevant documentation and medical advice received.

You will be given 5 working days written notice of the meeting and copies of the information which will be considered at the hearing in making a decision about your continued employment with the Council.

Your level of sickness absence, which may be intermittent absence or a continuous period of long term sickness absence, will be considered; the impact this has had on the service and on work colleagues, the support, actions or adjustments which have been taken so far and whether redeployment or early retirement has been discussed where appropriate. A decision will then be made about your employment situation.

A potential outcome of this meeting is that your employment will be ended with notice, though the Council would only consider this as a last resort.

At the capability hearing you will have the opportunity to state your case and have the right to be accompanied by a trade union representative or a work colleague from within the Council. Your companion may assist you in stating your case but may not answer on your behalf.

This meeting will be held either at the Council or at a mutually agreed location. It is in your best interests to attend such a meeting, however, you may submit a written representation if you are unable to attend in person. If you do not attend the hearing, your case and any documentation you have submitted may be reviewed and a decision reached in your absence.

The meeting will be held by The Chief Officer together with the Chair of the Parish Council. You will be notified of the decision as soon as possible and this will be confirmed in writing within 5 working days. If the decision is taken to end your employment, you have a right of appeal.

Right of Appeal of Capability Hearing decision

You should write to the Chief Officer stating the grounds for your appeal within 5 working days of receiving the decision of the capability hearing.

Your appeal will be heard by an Appeals Committee, convened for the purpose, comprised of councilors who have not been involved in the case management, usually (but not always) the Vice Chair, together with the Chief Officer. If you do not wish to attend the appeal, you may submit the grounds for your appeal in writing.

The appeal decision is final and you will be notified of this within 5 working days of the meeting.

7 Sickness during holiday periods

7.1 In the event of you falling sick during the period of your annual leave, you will be regarded as being on sick leave from the date of your medical certificate and further annual leave will be suspended from that date.

7.2 Annual leave will be re-arranged at a later, mutually-agreed date, subject to the following conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner
- The employee must contact the chair, in person and by telephone if possible, as soon as they know that there will be a period of incapacity during the holiday; and
- The employee must confirm in writing to the chairman no later than 5 working days after returning to work how much of the holiday period was affected by sickness or injury and the amount of leave that the employee wishes to take at another time.

7.3 Any requests for replacement holiday must be made in accordance with the Council's holiday policy and the employee should try to take the replacement holiday in the holiday year in which it was accrued. Where this is not possible, the Council will allow the employee to carry forward the leave into the next holiday year.

7.4 The Council may require the employee to take all or part of their replacement holiday on particular days to be specified by the Council.

8 Sick Pay

8.1 Statutory Sick Pay (SSP)

In order to qualify for Statutory Sick Pay, you must meet the conditions set out in the HMRC website at www.hmrc.gov.uk/payerti/employee/statutory-pay/ssp-overview.htm ie employees must be ill for four days or longer (this can include weekends and bank holidays), and must have average weekly earnings equal to or more than the lower earnings limit.

- 8.2 Employees must use the statutory Form SC2 to provide the Council with details of their illness. The Council will record all details of SSP payments made to employees using Statutory Form SSP2 in conjunction with legal requirements.

Where the Council is not required to pay SSP or SSP comes to an end, the Council will provide the employee with Form SSP1 to support the employee's claim for Employment and Support Allowance.

8.3 Occupational Sick Pay

Subject to the notification and certification requirements elsewhere stated, when absent from duty owing to illness (which term is deemed to include injury or other disability) you will be entitled to receive an allowance in accordance with the following scale, which includes any entitlement to SSP. Benefits will be paid pro rata for part time staff:

During 1st year of service	one 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 & 5th years of service	5 months' full pay and 5 months' half pay.
After 5 years' service	6 months' full pay and 6 months' half pay.

NB for the purposes of calculating "half pay" the rate of pay for the agreed salary month will be used.

If you receive any benefits due to illness or injury, these will be deducted or reclaimed by the Council and you must notify the Council of any such benefits as failure to disclose may be considered as a disciplinary matter.

If you work for more than one employer and sustain injury whilst working for another employer, you may not be entitled to receive occupational sick pay from the Council.

8.4 Withholding sick pay

In some cases the Council may take a decision to withhold or suspend occupational sick pay where:

- the notification of sickness absence procedures and certification requirements are not adhered to;
- recommended treatment is not followed;
- self-certificated absence is persistent / short term and becomes a disciplinary matter;
- sickness absence follows notification of a disciplinary or capability hearing or investigation;
- there is a failure to cooperate with, or abuse of, the absence policy and procedure.

You will be given notice in writing that your occupational sick pay will be suspended or withheld.

We will try to ensure that overpayments do not occur as a result of the benefits under the Scheme ending. Nevertheless should an overpayment occur you will be expected to reimburse the sums overpaid by deduction from the following months pay or at an agreed rate.

Occupational sick pay will cease if you do not adhere to the requirements stated within this policy; when your employment ends or if payments under the Council's occupational sick pay scheme are exhausted, whichever is sooner.

9 Other absence

9.1 Jury Service

Any employee called for jury service should inform the Chief Officer 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.

9.2 Public Duties

The Council is legally obliged to permit any employee time off to complete their public duties including, but not limited to, magistrate or school governor duties. The employee should inform the chair of their duties, meetings or rotas as soon as possible in order to allow the Council time to plan for their absence. Employees carrying out public duties will not receive pay for time off taken to complete them.

9.3 Maternity, Paternity, Parental and Adoption Leave

Maternity, paternity, parental and adoption leave are all as set out in the relevant legislation. If employees are uncertain about any other type of absence they must ask for advice.

9.4 Trade Union duties

The Council is legally obliged to allow employees time off to carry out their trade union duties. Any time taken off will be paid unless the carrying out of such duties occurs outside working hours.

9.5 Medical and Dental appointments

Requests for time off to attend such appointments will be dealt with sympathetically; however, it is expected that you attend medical or dental appointments in your own time where possible. Where this is not possible, appointments should be arranged to minimise any absence from work, for example, at the beginning or end of your normal working day.

If you are undergoing a period of medical treatment involving regular appointments, reasonable time off will be given.

Medical and dental appointments that take up more than 70% of your normal working day (5 hours for full time staff and pro rata for part time staff) will be recorded as sick leave. Medical appointments related to a disability or underlying health condition will not normally be recorded as sick leave.

You may be asked to provide your appointment card or evidence of medical or dental appointments.

Appointments related to pregnancy or maternity are dealt with under the maternity policy and such leave is paid.

Policy written February 2019