

BURTON GREEN PARISH COUNCIL

SICKNESS & ABSENCE POLICY

This is the sickness absence policy of Burton Green Parish Council, hereinafter referred to as “the Council”. This policy and procedure applies to any employee of the Council.

The Council aims to secure the attendance of its 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.

Related policies and procedures

This policy is to be read in conjunction with the Council’s Health & Safety, Grievance and Discipline policies.

Procedure Notification and certification

If the employee is unable to attend work due to sickness, he or she must notify the Council by contacting the Chair as soon as possible, but no later than the end of the working day on which the absence first occurs. He or she should indicate the reason for the absence and, if possible, when he or she expects to return to work.

The employee must complete a self-certification form for the first seven calendar days of all sickness absences and give it to the Council. This form can be completed on the employee’s return to work if their absence lasts less than seven calendar days. If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to the Council. Current fit notes must cover subsequent periods of absence.

The employee should also keep in touch with the Council 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 Grievance and Disciplinary Policy. Furthermore, the employee’s contractual sick pay and statutory sick pay (SSP) may be withheld.

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 Council and will be accommodated wherever possible and 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 and 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:

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

If a fit note is received the Council 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 Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion. (A refusal to be examined may lead the 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 Council 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 him or her 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 be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options,

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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 Chairman of the Council 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

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.

Covid-19¹:

Employees who cannot work will qualify for SSP if any they are:

- are self-isolating because they or someone they live with have symptoms of coronavirus or,
- are shielding or,
- are self-isolating because they were notified by the NHS or public health authorities that they've come into contact with someone with coronavirus or,
- are self-isolating because someone in their support bubble but not their own household had symptoms or tested positive for coronavirus or,
- have tested positive for coronavirus or,
- are self-isolating because they had been advised to do so by a doctor or healthcare professional before going into hospital for surgery

Employees will not qualify for SSP if they are self-isolating after entering or returning to the UK, and do not need to self-isolate for any other reason

Contractual sick pay:

Information relating to the scale and duration of SSP payments is in the contract of employment.

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,

¹ <https://www.gov.uk/employers-sick-pay/eligibility-and-form-ssp1>

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they will be required to return all outstanding Council equipment on the date of termination of his or her employment

Holiday entitlement

The employee's holiday entitlement will continue to accrue during periods of leave due to sickness. If the employee would lose out on any leave to which they are statutorily entitled because they are off sick during the last period in which they could have taken it, up to 20 days of this can be taken over to the next holiday year.

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 Grievance and Disciplinary Policy.

Exceptions

If an employee is absent due to contact with an infectious disease, assault or injury arising out of or in the course of employment he or she is entitled to receive normal pay and any absence due to this should not be taken into account under this policy.

Abuse of this policy

Any abuse in the application of this policy will be dealt with in accordance with the Council's Grievance and 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 Council will review this policy annually.

Signed (Chair): CLlr Grant

Date: 21st February 2022

Date for next review: February 2023