

# **Trowbridge Town Council**

Working with the Community

## **Sickness and Absence Policy & Procedure**

### **1. INTRODUCTION**

The aim of Trowbridge Town Council's ("the Council") Sickness Absence Policy & Procedure is to minimise absence levels across the organisation whilst offering support to ill employees and ensuring the smooth running of the Council's services.

Whilst the Council must be in a position to provide a high level of service on a day to day basis, it recognises that from time to time it is not in the interest of the organisation or other employees for an individual to come to work whilst ill.

### **2. OBJECTIVES**

The objectives of this document are to:

- Provide employees and their managers with clear guidance on absence reporting and the processes to be followed
- Minimise absence and help employees to return to work at the earliest opportunity
- Highlight the consequences of failing to follow absence reporting procedures or taking unauthorised leave
- Provide clear guidelines on our sickness and absence triggers and the disciplinary procedures in place when triggers are exceeded.
- Ensure that the Council acts fairly and consistently when dealing with any absence issues, whether they are long or short term

### **3. POLICY SCOPE**

This document applies to all employees. The definition of "employee" in this instance is:-  
'any individual who is paid by the Town Council including full time, part time, temporary or casual work'

### **4. SICKNESS ABSENCE**

Absence levels for employees are recorded and monitored to assist in highlighting potential health problems. **Note:** *periods of absence due to injuries sustained whilst carrying out work duties, and through no fault of the employee, are not included in reported figures.*

#### **4.1 Sickness Reporting**

An employee prevented from working due to illness or injury should notify their line manager or the Human Resources (HR) department as soon as possible or, at the very latest, within one hour of their normal start time. If they are unable to contact their immediate line manager or the HR Manager, they must contact the Head of their Department. Employees should **not** call in prior to their shift commencing only to leave an answer machine message. Every effort must be made to speak directly with a Manager or HR Manager.

#### **Notification via text message or email is NOT acceptable.**

The employee should advise the likely duration of the illness and, if the absence continues, provide daily progress reports.

Line managers or HR Manager should be notified of a return to work day as soon as it is known (see Section 5).

#### **4.1.1 Contact with Infectious Diseases**

An employee who is prevented from working because of an infectious or contagious disease should notify the Council following the procedure above.

In cases of contact with infectious or contagious diseases employees should not stay away from work, unless advised to do so by their doctor, but should report the matter to their line manager or the HR Manager.

## **4.2 Absence Certification**

### **4.2.1 Self Certification**

Employees who are absent for a period of 3 to 7 days (including weekends) must self certificate on their return to work, (see Section 5).

Self certification is made by the completion/submission of a Self Certification of Sickness Absence Form (*Appendix I*). Failure to submit this form may result in a delayed sickness payment.

### **4.2.2 Doctors / Fit Note (Statement of Fitness for Work)**

Employees who are absent for more than 7 days (including weekends), must provide the Council with a fit note (statement of fitness for work) not later than the eighth day of absence.

If the absence continues beyond the dates covered by the first fit note a new one must be obtained and forwarded to the Council.

Employees must advise their line manager or the HR Manager of their continued absence as soon as they become aware that they will be issued with a new fit note.

Employees should not return to work before their fit note expires unless a fit for work certificate is provided by their GP.

An employee entering a hospital or similar institution should, in substitution for periodical certificates, submit a fit note at the entry and discharge stage.

No variation can be made in the requirement that sickness absence must be certified by a qualified medical practitioner.

## **4.3 Sickness Payments**

Employees must notify sickness absence as detailed in Sections 4.1 & 4.2. Failure to do so may result in sickness payments being delayed or refused.

Full details on conditions of sickness payments and calculation of allowances can be found in Appendices 3 and 4.

### **4.3.1 Sickness payments to victims of crimes or violence**

Where an employee is absent from work because of an injury in respect of which a claim will be made to the Criminal Injuries Compensation Board, and the employee is otherwise entitled to sick pay, they will receive the sick pay without being required to refund any proportion of it from the sum which the Compensation Board may award.

Where an award has been made by the Compensation Board the Council should, as it sees fit and on consideration of all material circumstances, be free to discount wholly or partly the period of sick leave caused by the injury in calculating the employee's future entitlement to sick pay.

## **4.4 Sickness during Annual Leave**

Annual leave may only be reclaimed if prior notification of sickness is reported in line with Section 4.1 and a fit note is produced on the employee's return to work.

#### **4.5 Cosmetic Surgery**

The Council realises that some employees may, for personal reasons, wish to undergo cosmetic surgery. Any absence arising from this type of surgery will not be covered by any form of sickness payment.

### **5. RETURNING TO WORK**

In cases where the a fit note covers a period exceeding fourteen days or where more than one fit note is necessary, the employee must, before returning to work, obtain a final fit note indicating their fitness to resume working.

**For absences of less than three working days**, employees should:

- record the period of absence on their annual leave/absence card

In instances of continued short term absences further action may be required (see Section 7)

**For absences of 3 to 7 days (including weekends)** employees should:

- record the period of absence on their annual leave/absence card
- complete a Self Certification of Sickness Absence Form (see Appendix 1)
- take part in a Return to Work interview with their line manager or HR Manager (Appendix 2)

**For absences of over 7 days (including weekends)** employees should:

- record the period of absence on their annual leave/absence card
- take part in a Return to Work interview with their line manager or HR Manager (Appendix 2)

The content of the return to work interview and the self certification will remain confidential between the employee and the line manager/HR Manager, unless there is sufficient concern to take further action e.g. referral to Occupational Health.

### **6. FAILURE TO COMPLY**

Employees will be subject to disciplinary procedures if the Council considers they have:

- no good grounds for absence
- failed to notify absences and keep the Town Council updated
- failed to complete self-certification documentation
- failed to provide a fit note

### **7. FREQUENT AND PERSISTENT SHORT-TERM ABSENCES**

- Any employee having 7 or more days of absence, or more than 3 occasions of absence, in any rolling 26 week period will, along with an appropriate representative if required, be asked to attend a meeting with their line manager and the HR Manager.
- During the meeting the employee will be invited to explain their absences and give any mitigating circumstances. The employee should provide a detailed explanation; it will not be sufficient merely to indicate that absences are genuinely due to sickness or injury.
- The explanation given and the likelihood of an improvement in the employee's attendance will be taken into consideration. Advice, expectations and requirements will be provided and the employee may be warned that unless attendance improves their employment may be terminated with notice.
- The Council will continue to monitor the employee's attendance and if the attendance record continues to be unsatisfactory (7 or more days of absence, or more than 3 occasions of absence, in any rolling 26 week period) the HR Department will arrange a further meeting with the employee (and their appropriate representative). At this meeting the HR department may warn the employee that if there is one or more further sickness absence during the following 26 weeks they are likely to be dismissed with notice.

- In the event that **one or more** sickness absence occurs the HR department will give the employee the opportunity to attend a hearing (with an appropriate representative) before making a final decision on their employment.
- Employees have the right to appeal to the Council’s Policy & Resources Committee against any decision to dismiss.

**8. LONG-TERM ABSENCE DUE TO ILLNESS OR INJURY**

- During periods of long term absence the employee’s line manager or HR Manager will consult regularly with them to establish the length of time they expect to be absent from work.
- The employee will be expected to co-operate with the Council and either agree to the provision of medical reports by either their own GP or consultant, or one nominated by the Council. In either event the Council will meet any expenses incurred.
- Wherever possible the employee will be given reasonable time to recover. The length of time being dependant on the prognosis and the ability of the Council to minimise the effect of the absence through re-organisation or engagement of temporary staff. Any reorganisation would be subject to the financial constraints under which the Council operates.
- When an employee is declared fit to return to work their line manager or HR Manager will contact them to discuss arrangements for their return. This may include consideration of working hours and workload for the return, to assess whether a phased return is appropriate and to make arrangements for any reasonable adjustments, training on new processes and updating the employee on news / changes within the department and the Council as a whole.
- Where an employee is able to return to work but subject to constraints, or is able to do alternative work, the Council will seek to continue the employee’s job in a varied form if it is reasonably possible to do so.
- If an employee’s employment is at risk they will be fully informed. Before the employment is terminated (which will always be with notice) the employee will be notified of a time, date and place at which they may (with an appropriate representative) make submissions against that action being taken.

**Appendices**

<b>Appendix I.1</b>	Self Certification of Sickness Absence
<b>Appendix I.2</b>	Return to Work Interview Form
<b>Appendix I.3</b>	Sickness Payments: Conditions
<b>Appendix I.4</b>	Sickness Payments: Calculation of Allowance

**Lance Allan – Town Clerk & Proper Manager**

**Signed:**..... **Date:**.....

*Approved at the meeting of the Policy & Resources Committee on 3<sup>rd</sup> November 2015  
Date of next review: November 2019 unless legislation or the size and nature of the Council changes.*

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**TROWBRIDGE TOWN COUNCIL**

**Sickness, Absence Policy and Procedure**

**ACCEPTANCE SLIP**

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I have received, read and understood the Council’s Sickness & Absence Policy and Procedure and I understand and accept the content.

Signed .....

Name .....

Date .....

**SELF CERTIFICATION OF SICKNESS ABSENCE****Name:****Job Title:****PERIOD OF ABSENCE**

Date illness began:

*(including non-working days)*

First date of sickness absence from work:

Last date of sickness absence:

*(if absence is for one day only the start and end date should be the same)*

Total number of working days absent:

*(include Bank Holidays)***DETAILS OF ABSENCE**

Nature of Illness / Injury:

Did you visit a GP or hospital?

If YES, please give name &amp; address:

Please state treatment / medication given:

If NO, please state self-prescribed treatment / medication:

**DECLARATION**

I understand that if I provide inaccurate or false information about my absence it may, depending on the circumstances, be treated as a disciplinary matter, resulting in my dismissal.

**Signature:****Date:**

**RETURN TO WORK INTERVIEW:** *to be completed by Line Manager/HR Manager*

**Name & Job Title:**  
**First Date of Absence:**  
**Return to Work date:**  
**No of days absent:**

**Areas to cover:**

- How is the employee feeling now?
- Are they fit enough to return to work?
- Were the correct notification procedures followed?
- Has the employee seen a doctor?
- Does the employee feel the illness could be linked to their working conditions?
- Discuss their cumulative absence record & impact this has on the team.
- If nearing 3 occasions or 7 days in a rolling 26 weeks period, inform the employee that this level of absence is approaching unacceptable. Review our company sickness and absence policy with the employee, informing them that any more sickness absences may result in a sickness and absence review meeting with their Manager and the HR Manager.

**Notes from Interview:** *Attach separate sheet if necessary*

**Further Action Necessary: YES / NO**  
*please give details if appropriate*

**Employee Signature:**

**Date:**

**Manager / HR Signature:**

**Date:**

**Completed forms to be returned to Juliet Weimar, HR Manager**



reason of permanent ill-health or infirmity to receive the period of notice provided by their contract of service.

- The Council may suspend the payment of a sickness allowance if they receive reports of an employee failing to observe the conditions of this scheme or taking part in activities which may harm their recovery. In such cases the suspension will be until the Council has considered the claim in detail and given the employee the opportunity to comment on the content of report either in person and in the presence of a representative if they wish, or via their representative.
- If the Council decides that an employee has failed without reasonable excuse to observe the conditions of the scheme, or has been guilty of conduct prejudicial to their recovery, then they shall forfeit their right to any further payment of allowance in respect of that period of absence.
- Any employee prevented from carrying out their duties because of contact with an infectious or contagious disease shall, providing they have correctly followed the reporting procedures in Section 4.1 be entitled to receive full pay less any state sickness benefits to which they are entitled. Periods of absence on this account will not be considered when calculating the employee's entitlement to sickness allowance.

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## CALCULATION OF SICKNESS ALLOWANCES

a) The rate of sickness allowance and the period for which it will be paid will be calculated by deducting from the period of benefit appropriate to an employee's service on the first day of absence the aggregate of the periods of absence due to illness during the 12 months preceding the first day of absence. In aggregating the periods any unpaid absence on sick leave will not be taken into account.

b) The allowance payable to an employee under the scheme will not exceed the sum by which the total amount of benefits, allowances and payments referred to below fall short of full pay.

**Note:** Under the Social Security Contributions and Benefits Act 1992 (as amended) ("the Act") the Council is required, subject to the provisions set out in the Act, to pay statutory sick pay to employees. State sickness benefits will be payable from the DWP in accordance with the Social Security Acts and Regulations in force from time to time. Accordingly the following will, as appropriate, be offset against an allowance equal to full pay:

- i. the gross amount of statutory sick pay receivable under the Act
- ii. the amount of any state sickness benefits receivable
- iii. the amount (if any) received as a treatment allowance from the DSS. The dependency element only of the treatment allowance shall be deducted from sickness allowance. The employee will, therefore, be allowed to retain the personal element of their treatment allowance.

c) In the case of half pay periods the allowance is a sum equal to half pay plus an amount equivalent to the statutory sick pay entitlement and other benefits receivable under i) to iii) so long as the total sum does not exceed full pay.

d) Where an employee is receiving sickness pay, they will continue to receive the pay if a public holiday occurs during the period of sick leave. If an employee has exhausted their period of entitlement to sickness pay, no payment will be made (other than SSP if applicable) if a public holiday occurs during the sick leave period.

e) For the purpose of assessing sickness pay, account shall be taken only of the state sickness benefits actually received as distinct from the normal benefits receivable subject to the employee complying with the regulations as to the payment of contributions and the claiming of such benefits to the extent to which they are so required by the Council.

f) Employees are under obligation to declare to the Council their entitlement to benefit under section b) and any subsequent alteration in the circumstances on which such entitlement is based, in default of which the Council shall be entitled to determine the benefit by reference to the maximum benefit obtainable.

g) Widows and married women exercising their right to be excluded from the payment of full rate National Insurance contributions shall be deemed to be insured in their own right for all National Insurance benefits and shall still be entitled to receive SSP.

Where a widow or married woman has opted out of paying full National Insurance contributions the amount taken into account when calculating an allowance under the sick pay scheme will be the amount equal to the total state benefit and SSP receivable had full contributions been paid.

h) So far as widows and widowed mothers are concerned, regard shall be paid in calculating the amount of sickness payment only to such part of the statutory sick pay or state sickness benefits received as is in excess of the amount received by the member of staff from the DSS in weeks of full normal employment.