

CODSALL PARISH COUNCIL



SICKNESS & INJURY POLICY STATEMENT



Codsall Parish Council

Sickness/Injury Policy Statement

Codsall Parish Council is committed to promoting the health, safety and wellbeing of its staff by:

- providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, counselling, occupational health, flexible working, reasonable adjustments and in some cases redeployment;
- tackling issues which may result in absence due to work related stress or dignity at work issues;
- encouraging attendance, monitoring absence and the cost of sickness absence;
- working with unions and health and safety representatives to identify actions and preventative measures to promote the health, safety and wellbeing of staff; and
- providing coaching and training for managers dealing with sickness absence issues.

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that operational and service levels are maintained. This policy applies to all staff with a contract of employment and is in line with ACAS guidance.

In the application of this policy, managers must refer to relevant codes of practice in line with ACAS Guidelines, for example, the Disability Code of Practice and the guidance on stress related sickness absence.

Disability related sickness absence, and attendance at disability related medical appointments will be recorded but not categorised as sickness absence. Issues relating to attendance and disability or underlying medical conditions will take into account our commitment to retaining staff through making reasonable adjustments to jobs, equipment and processes, offering flexible working options and accessing medical advice through occupational health.

Guidance on making reasonable adjustments is available for managers and staff and The Clerk should be involved in dealing with health and disability, staff retention and adjustments.

Medical Health Advice and Support

Occupational Health

If we are concerned about your sickness absence, you may be referred to an Occupational Health adviser for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible.

If you are asked to attend an appointment with an Occupational Health physician you will receive a copy of the medical report and we will arrange a follow up meeting to discuss the findings with you.

Staff Sickness Notification and Certification Requirements

Notifying your Manager

If you are absent due to sickness on a normal working day, you must notify the Parish Clerk, or other designated member of staff:

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

If we do not hear from you within an hour of your normal start time your manager will endeavour to contact you at home.

If you are unable to call yourself you may ask someone to make contact on your behalf. However, you must ensure you speak with your manager later the same day or as soon as practicable thereafter.

If you are off for more than 3 consecutive working days, you must contact your manager by the fourth day (or next working day). Your manager may ask that you contact them before this where, for example, cover arrangements may need to be put in place. For longer periods of absence, you should maintain regular contact with your manager, normally weekly (longer by agreement with your manager).

You are responsible for notifying the Parish Council [Council] of your sickness absence and providing the appropriate certification statements as required. If you do not adhere to these notification and certification requirements, you may not be eligible for occupational sick pay where it applies to qualifying members of staff. In order to qualify for statutory sick pay, you must meet the statutory conditions. These are detailed on the HMRC website at: www.hmrc.gov.uk/payerti/employee/statutory-pay/ssp-overview.htm

We acknowledge that there may be exceptional circumstances which prevent the member of staff from meeting the reporting and certification requirements, for example, in the case of a severe injury / hospitalisation.

Certification for Sickness Absence

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.

Sickness absence that exceeds 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 Clerk for processing. If the Statement is not received by the twelfth consecutive day of sickness, you may not be entitled to occupational sick pay.

Statement of Fitness for 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 full time 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 G.P. may recommend that occupational health advice is sought.

Returning to work

When completing the Statement of Fitness for Work, your G.P. will say whether you need to be reassessed before you return to work. If your absence continues you will need to ensure that all absence is covered by a Statement.

If you do not need a further assessment, your return date will be your next normal working day after the end of the sickness period stated.

Sickness during holidays

If you are sick during holiday absence, your holiday may be reinstated subject to you providing a Statement from your G.P. to cover the period of sickness. Retrospectively dated Statements will not be accepted.

Managing Absence

In order to manage sickness absence effectively and consistently we will seek to support staff during periods of illness and use the following interventions and procedures to facilitate a return to work, retain staff in employment and improve attendance:

- Return to work discussions and/or interviews
- Keeping in touch during absence
- Monitoring and recording absence
- Carrying out sickness review meetings
- Providing management support
- Seeking medical reports and OH advice
- Managing absence through the procedures detailed below or through the disciplinary procedure where appropriate

Return to Work Discussions

All staff will have a return to work discussion with their manager, normally on their first day back at work.

The purpose of a return to work discussion is to ensure that your manager is aware of issues which affect your attendance at work and your state of health so that the appropriate support and action may be taken. For example, your manager should be made aware of whether:

- you have an underlying medical condition;
- any adjustments are needed if you have a disability;
- you are suffering from stress which may relate to personal issues or to issues at work;

- you would like access to the counselling service; or
- there are personal issues outside work which are affecting your attendance.

Return to work discussions and sickness review meetings may help to improve attendance and resolve absence issues, as health and other associated problems are discussed openly in a supportive way with a view to addressing issues at an early stage.

Absence is monitored over a 12 month rolling period. So current absence will be calculated from the date of review for the previous 12 month period. If a period or pattern of absence continues beyond 12 months, such previous absence may be considered as part of the ongoing absence review.

The content of return to work discussions will vary depending upon the length, type of absence and concerns in relation to your sickness record. It is likely to be a brief conversation about your health and offer of support, however, it may be a more detailed discussion or meeting depending upon the issues. 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.

A copy of the notes of your return to work meeting will be given to you.

In some cases an employee may not feel able to discuss their medical condition with their manager. In these circumstances, the employee may request to speak to a Councillor about the reasons for their absence via The Clerk.

Sickness information will be held confidentially and access restricted to authorised personnel within the Council. Under the Data Protection Act, sickness information is considered sensitive data and the Council is committed to ensuring that such data is treated confidentially and not shared more widely than is necessary, in accordance with the Act.

Medical Reports

If we are concerned about your medical condition or its consequences as related to your employment, you may be asked to attend a medical by our appointed OH adviser. Other medical and/or specialist reports may also need to be obtained. The costs of providing these reports will be met by the Council. In some cases your G.P. may also recommend that OH advice is sought.

All absence attributed to stress where occupational stress is a contributing factor will be referred to OH as a matter of course after 5 working days continuous sickness absence.

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

Under the Access to Medical Reports Act you have the right to see a medical report provided by your G.P. or medical consultant before it is sent to the Council. Further medical reports may be sought in relation to long term sickness or capability issues.

Short Term Sickness

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.

The following procedure aims to provide a consistent approach to managing short term absence initially through informal interventions and where attendance does not improve / 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.

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.

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).

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 Clerk 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 Clerk 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.

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 Clerk 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.

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.

You will be given at least 5 working days written notice to attend a meeting under this policy.

Purpose of meeting

At this meeting, The Clerk 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 Clerk 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.

Long Term Sickness

Long term sickness absence is defined as 4 weeks continuous absence. Intermittent absence that amounts to 20 working days (140 hours pro rata for part time staff) will also be managed under the long term sickness and capability process, with due regard to the Equality Act 2010 and the Code of Practice on Disability in Employment, where the reasons for absence are related to an underlying medical condition or disability.

Managing long term sickness issues involves holding a monthly 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.

Facilitating a Return to Work

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

- seek medical advice through our nominated OH physician or 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.
- 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 Clerk, if this option is available to you.

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 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.

Phased returns

If you are recovering from illness and it is considered that a phased return to work would be beneficial, The Clerk 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. 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.

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.

Procedure for Managing Long Term Sickness

During long term sickness absence, it is important for managers to keep in touch with the member of staff and provide appropriate support and interventions to facilitate a return to work and retain them in employment where this is practicable.

Sickness Review Meetings

Long Term Sickness Review Meeting

After four weeks continuous absence or intermittent absence that amounts to 20 working days (140 hours pro rata for part time staff) within a rolling 12 month period your manager will write to you and arrange a sickness review meeting.

The purpose of the meeting will be to discuss your sickness absence and identify any support we may be able to provide which may facilitate your return to work. This may include seeking medical advice, arranging a phased return, changing your work pattern, hours or making other reasonable adjustments. You may be asked to attend a meeting with a OH

provider. You will be given a copy of any medical reports received and the implications will be discussed with you.

Follow up Sickness Review Meetings (monthly)

After 8 weeks continuous absence or intermittent absence amounting to 40 working days (280 hours pro rata for part time staff), your manager will write to you to give you notice to attend a further sickness review meeting. You may also be asked to attend a meeting with an occupational health adviser if this has not already been arranged.

The purpose of follow up review meetings, which should be held monthly, is to:

- discuss your health;
- consider any medical advice received;
- review any actions which have been discussed;
- consider any further support including reasonable adjustments where appropriate that we are able to offer to improve attendance or facilitate a return;
- identify a possible return to work date; and
- where appropriate, consider whether employment may be 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. Your manager will advise you if your employment may be at risk and will carry out a capability review before further action is taken.

Notice of Meetings

You will be given at least 5 working days written notice to attend a 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 Clerk 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.

Health Capability Review

Undertaking a 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 Clerk 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.

Holding a Capability Hearing

The purpose of the capability hearing is to consider your sickness absence and make a decision about your employment situation. The Clerk 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 work colleagues, the support, actions or adjustments which have been taken so far; whether redeployment or early retirement has been discussed where appropriate; and 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.

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 Clerk together with The Chairman 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

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

Your appeal will be heard by a Parish Councillor, who has not been involved in the case management, together with The Clerk. If you do not wish to attend the appeal, you may submit the grounds for your appeal in writing.

If the person appealing has good reason to believe that there is a conflict of interest, they may make a case ACAS who will appoint an alternate personnel, if deemed appropriate.

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

Occupational Sick Pay

The Council will pay the following occupational sick pay in accordance with the requirements stated within this policy and payment includes any entitlement to SSP. Benefits will be paid pro rata for part time staff.

during 1st - year of service	One months full pay and (after completing 4 months service) 2 months half pay) calculated pro-rata
during 2nd - year of service	2 months full pay and 2 months half pay calculated pro-rata
during 3rd - year of service	4 months full pay and 4 months half pay calculated pro-rata
during 4th & 5th - year of service	5 months full pay and 5 months half pay calculated pro-rata
after 5-years service	6 months full pay and 6 months half pay calculated pro-rata

N.B. 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. You must notify the Council of these benefits as a failure to disclose these may be considered a disciplinary matter and may result in disciplinary action including dismissal.

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

During periods of sickness absence, within any leave year, annual leave will continue to accrue. The annual leave rules apply to accrued leave at the end of the leave year i.e. only 5 working days accrued leave may be carried into the following year. All leave accrued is pro rata to the hours worked.

Withholding occupational 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.

Statutory Sick Pay

Statutory sick pay is paid in accordance with Statutory Sick Pay (SSP) regulations.

SSP is paid for the first 28 weeks of sickness absence. It is not payable for the first 3 days of absence unless the absence is linked to a previous absence period. A linked period of absence is where any absence occurs within 8 weeks of a previous absence period.

If you do not qualify for occupational sick pay, for example, because you have failed to follow the procedures outlined within this policy, you may still qualify for SSP. The statutory qualifying criteria and further information is held on the following website: www.dwp.gov.uk

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.

Roles and Responsibilities

Employees

As an employee you are responsible for your health and wellbeing and for minimising your absence from work. You 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.

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 Clerk and the Council's nominated occupational health provider to support staff with genuine sickness absence.

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 maximise attendance.

Senior managers are responsible for ensuring that training is available for staff who are managing sickness absence issues. Senior managers should also ensure that absence issues are treated equitably and consistently within their area of responsibility.