



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

Adopted [05/09/19] – Finance & General Purposes – Minute 1302ii

### **1. INTRODUCTION**

The aim of Folkestone 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 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 absence cautions and the disciplinary procedures in place when cautions 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 and fixed term work.'*

### **4. SICKNESS ABSENCE**

Absence levels for employees are recorded and monitored to assist in highlighting potential health problems.



## 4.1 Sickness Reporting

If you are prevented from working due to illness or injury, you should notify the Town Clerk as soon as possible or, at the very latest, within one hour of their normal start time. If you are unable to contact the Town Clerk or your supervisor (if applicable), you must contact the office. You should **not** call in prior to your shift commencing only to leave an answer machine message. Every effort must be made to speak directly with the Town Clerk.

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

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

At the discretion of the Town Clerk your access to Councils network, email and social media will be temporarily disabled if you are going to be away from the office for more than a couple of days sick; an out of office message will be added to your mailbox and your incoming external email will be redirected to another officer to action in your absence.

The Town Clerk should be notified of a return to workday as soon as it is known (see Section 5).

### 4.1.1 Contact with Infectious Diseases

If you are prevented from working because of an infectious or contagious disease, you should notify the Council following the procedure above.

In cases of contact with infectious or contagious diseases, you should not stay away from work, unless advised to do so by your doctor, but should report the matter to the Town Clerk.

## 4.2 Absence Certification

### 4.2.1 Self Certification

If you are absent for a period of up to 7 days (including weekends and non-working days), you must self-certificate on your return to work, (see Section 5).

Self-certification is made by the completion of a Self-Certification of Sickness Absence Form (*Appendix 1*). 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 and other non-working days), must provide the Council with a fit note (statement of fitness for work) from their doctor without delay



If the absence continues beyond the dates covered by the first fit note, you should continue to obtain up to date fit notes covering your absence which you must forward to the Council.



You must advise the Town Clerk of your continued absence as soon as you become aware that you will be issued with a new fit note.

In some circumstances, you may be asked to provide a fit for work certificate you're your GP before returning to work.

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**

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

### **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 or Elective Surgery**

The Council realises that some employees may, for personal reasons, wish to undergo cosmetic or elective surgery. Absence arising from this type of surgery may not be covered by sickness payments unless there are complications after the surgery requiring sick leave for which you will be entitled to claim statutory sick pay.



## 5. RETURNING TO WORK

In cases where the 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 up to 7 days (including weekends)** employees should:

- record the period of absence on their annual leave form
- complete a Self-Certification of Sickness Absence Form (*Appendix 1*)
- take part in a Return to Work interview with their supervisor or the Town Clerk (*Appendix 2*)

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

- record the period of absence on their annual leave form
- provide the Town Clerk with a fit note if not already submitted
- take part in a Return to Work interview with their supervisor or the Town Clerk (*Appendix 2*)

The content of the return to work interview and the self-certification will remain confidential between the employee, their supervisor and the Town Clerk, unless there is sufficient concern to take further action e.g. referral to Occupational Health.

## 6. FAILURE TO COMPLY

Employees may be subject to further investigation if the Council considers they have:

- frequently and persistently been absent from work
- failed to notify absences and keep the Town Council updated
- failed to complete self-certification documentation in line with this policy
- failed to provide a fit note in line with this policy
- failure to provide adequate or truthful reasoning for absence

## 7. FREQUENT AND PERSISTENT SHORT-TERM ABSENCES

- Any employee having a) 5 or more days of absence, or more than 2 occasions of absence, in any rolling 13-week period or b) 5 or more periods of absence or more than 8 days absence in a rolling 52-week period will along with a work colleague or union representative if required, be asked to attend a meeting with their supervisor (if applicable) and the Town Clerk.
- 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 Town Clerk will continue to monitor the employee's attendance and if the attendance record continues to be unsatisfactory the Town Clerk will arrange a further meeting with the employee (with a work colleague or union representative). At this meeting the Town Clerk may warn the employee that if there is one or more further sickness absence during the following 13 week period they may be subject to disciplinary procedures.
  - Informal absence caution valid for six months
  - Level one absence caution valid for six months
  - Level two absence caution valid for six months
  - Level 3a the duration of this caution will be at management discretion
  - Level 3b absence caution valid for twelve months
  - Level 4 caution may lead to an employee's dismissal
- In the event that **one or more** sickness absence occurs the Town Clerk will give you the opportunity to attend a hearing (with a work colleague or union representative) before making a final decision on your employment.
- In the case where you have frequent absence due to an underlying long-term health condition then we will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or consultant to establish whether attendance is likely to improve and any advice or guidance they can give prior to making any decisions. We will in these circumstances consider any alternative employment options before making any decision about ending employment.
- Employees have the right to appeal within 5 days against any decision to dismiss.

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

- During periods of long term absence, your supervisor or the Town Clerk will consult regularly with you to establish the length of time you expect to be absent from work.
- You will be expected to co-operate with the Council and either agree to the provision of medical reports by either your own GP or consultant, or one nominated by the Council. In either event the Council will meet any expenses incurred.
- Wherever possible you 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 you are declared fit to return to work the Town Clerk will contact you to discuss arrangements for your 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 you on news / changes within Council as a whole.
- Where you are able to return to work but subject to constraints, or are able to do alternative work, the Council will seek to continue your job in a varied form if it is reasonably possible to do so.
- If your employment is at risk, you will be fully informed. Before the employment is terminated (which will always be with notice) you will be notified of a time, date and place at which you may (with a work colleague or union representative) make submissions against that action being taken.
- You will have the right to appeal against any decision to dismiss you on grounds of long-term ill health.

## **9. Absence as a result of disability**

**9.1** Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.



**Appendices**

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

**Jennifer Childs – Town Clerk**

**Signed:**.....

**Date:**.....

Adopted [05/09/19] – Finance & General Purposes – Minute 1302ii

*Date of next review: April 2020 unless legislation or the size and nature of the Council changes.*



**FOLKESTONE 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 .....



## FOLKESTONE TOWN COUNCIL SICKNESS SELF-CERTIFICATION FORM

PERSONAL DETAILS (Please use BLOCK CAPITALS):

<i>Surname:</i>	<i>Forenames:</i>
<i>Pay Ref. No.:</i>	<i>National Insurance No.:</i>

PERIOD OF SICKNESS:

<i>FROM (first day on which you were sick)</i>	<i>Day</i>	<i>Date</i>	<i>Month</i>	<i>Year</i>
<i>TO (final day on which you were sick or, if sickness is continuing, seventh consecutive calendar day sick)</i>	<i>Day</i>	<i>Date</i>	<i>Month</i>	<i>Year</i>

DETAILS OF SICKNESS:

<i>Please give a brief indication of the reason for your absence:</i>
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<i>Was your sickness caused by an injury sustained at work? (Please tick appropriate box.) If YES you should also complete an Accident Report Form.</i>	<i>Yes</i>	<i>No</i>
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DECLARATION BY EMPLOYEE:

<i>I declare that the above information is correct and I understand that it will be used in the computation of my sick pay.</i>
<i>Signed: ..... Date: .....</i>

MANAGER:

<i>I certify that this certificate has been completed by the signatory, and that the signatory was absent from work for the period shown above.</i>
<i>Signed: ..... Date: .....</i>



**RETURN TO WORK INTERVIEW:** *to be completed by Town Clerk*

**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 the Town Clerk.

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

**Further Action Necessary: YES / NO**

*please give details if appropriate*

**Employee Signature:**

**Date:**

**Town Clerk Signature:**

**Date:**

**Completed forms will be retained on the employees personnel file and handled in compliance of the General Data Protection Regulations.**



## CONDITIONS OF SICKNESS PAYMENTS

- Employees must notify sickness absence as detailed in Section 4.1. Failure to do so may result in sickness payments being delayed or in extreme circumstances refused.
- Any Employees, who, with written instruction from a Doctor or Occupational Health Advisor, are returning to work on an agreed phased return to work plan, will be paid at their current salary rate for the days in which they work. On those days where they are not working, the employee will continue to receive sick pay in accordance with the policy:

*Scale of Allowances:* The Council has a sickness benefit scheme providing payment to employees who are absent from work due to genuine sickness or injury. To be entitled to payment employees must fulfil certain requirements, attached in the Sickness Payments procedure, see Appendix 1 attached. Provided the procedures are adhered to, you will be immediately eligible for sickness benefit calculated on an hours worked basis, as follows: -

- During 1<sup>st</sup> year of service                      1 months full pay and 2 months half pay (after completing 4 months service)
- During 2<sup>nd</sup> year of service                      2 months full pay and 2 months half pay
- During 3<sup>rd</sup> year of service                      4 months full pay and 4 months half pay
- During 4<sup>th</sup> & 5<sup>th</sup> 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

The Council shall have discretion to extend the application of the foregoing scale in exceptional cases and should review the position of employees at an early opportunity and before their entitlements to paid sick leave expires.

- The Council will give special consideration to cases of a serious nature where a period of sick leave on full pay in excess of the period of benefit to which an employee would normally be entitled would, by relieving anxiety, materially assist the employee's recovery.
- Unless the Council's Personnel Sub-Committee elects otherwise, enhanced sick pay allowances will not be paid in cases of an accident due to active participation in sport as a profession, nor in a case in which the absence arises from or is attributable to the employee's own misconduct. You will be entitled to claim statutory sick pay.



- Employees absent as the result of an accident will not be entitled to an allowance if damages may be receivable from a third party. In this event the Council may, having considered the circumstances, advance to the employee a sum not exceeding the sickness allowance provided under this scheme. An advance made would be subject to the employee funding the Council the total amount, or the proportion thereof represented in the amount of damages received.
- Any period of absence in instances where a refund of the advanced monies is made in full, shall not be recorded for the purposes of this scheme. However, where the refund is made in part only the Council may, at its discretion, decide to what extent, if any, the period of absence may be recorded.
- The Council may, at any time, ask an employee who is unable to perform their duties as a consequence of illness or injury to agree to an examination by a Council nominated medical practitioner or to be referred to an Occupational Health Physician (OHP). This will be subject to the provisions of the Access to Medical Reports Act 1988, where applicable. Any expenses incurred in connection with such an examination will be met by the Council.
- The provisions of sickness payments will cease to apply to an employee on the termination of their employment by reason of long term ill-health., but consideration will be given to the right of an employee 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 which causes further harm 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.



## 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.