**Workington Town Council**

Town Hall, Oxford Street, Workington, Cumbria, CA14 2RS

Telephone: 01900 702986

Email: office@workingtontowncouncil.gov.uk

Website: www.workingtontowncouncil.gov.uk



1. **Introduction**

**WORKINGTON TOWN COUNCIL**

**SICKNESS AND ABSENCE POLICY**

**Introduction**

Workington Town Council aims to be a good employer; this is reflected in its approach to sickness management. The Council is fully committed to a healthy and safe environment that leads to the achievement and maintenance of high attendance levels. The aim of this policy is to reduce sickness absence, manage sickness absence effectively and help employees return to work when they are absent.

1. **Legal Responsibility**

In accordance with following legal requirements, the Town Council will consider all absences and act according to the following legislation.

* Disability Discrimination Act (DDA) 2010– to make reasonable adjustments to disabled employees’ working arrangements or conditions so they are not treated less favourable.
* Health and Safety at Work Act (HSWA) 1974 – to protect employees, after they return to work, if they are more vulnerable to risk due to illness, injury or disability.
* Employment Rights Act 1996 and Employment Act 2002 (Dispute Regulations) 2004 – when conducting procedures dismissal, disciplinary and grievance.
* Data Protection Act 1998 – for the processing and storage of sensitive data relating to medical information.

There can be a number of reasons for sickness absence and the Council’s approach to dealing with sickness absence will recognise this.

When an illness or injury prevents you from carrying out your job, it is reasonable for you to remain absent from work until you are better. However, absence can cause serious issues within the workplace when:

* It is intentional or may be deemed as self-inflicted.
* Frequent or prolonged
* Without good reason

It is sometimes necessary to take action against regular absenteeism. In appropriate cases, medical opinion is sought where there are doubts about someone’s ability to continue in their role. This will follow a formal warnings procedure set out within this policy.

1. **Managing Regular or Long Term Sickness Absence**

Reporting sickness and absence as soon as possible is important, it will allow the Council to make adjustments that benefit the employee and the Council as a whole.

Line Managers are expected to monitor and manage the attendance at work of those employees under their supervision.

Line Managers are responsible for the day-to-day welfare of staff.

Employees who become unwell or take sickness absence must be treated fairly, properly and consistently.

Employees will be informed if their attendance record is causing concern.

Employees will be given adequate opportunity and assistance to improve their attendance record with a view to ensuring their full return to normal working, modified working or their possible redeployment to alternative work.

The Council will provide employees with advice and direct them to services where necessary, such as Occupational Health advice.

Employees will be given the opportunity for a home visit to take place to discuss their general welfare and ease any anxiety about returning to work.

Employees will be made aware of a ‘return to work’ meeting that will be carried out after periods of absence and be informed of when self-certification and medical certificates are appropriate in accordance with the procedure for reporting sickness.

Employees should work in partnership with their trade union and employee representatives to help those off sick return to work.

1. **Sickness and Absence Notification Procedure**

**First Day of Absence**

If an employee is unable to attend work through illness or injury, they must notify their Line Manager before they are due to begin work.

If the Line Manager has not received sufficient notice of an employee’s absence and they are concerned that the employee has not arrived to start work at their normal time, the supervisor can contact the employee to check on their welfare.

When notifying absence, the employee must give the reasons for their absence and the likely duration of that absence.

Where this is not possible then the employee should arrange for someone to do it on their behalf which must include reasons for their absence and the likely duration of that absence.

The employee must notify their supervisor, prior to their return to work, their likely duration of absence to allow for:

* a Return-to-work discussion to be arranged.
* investigations of any welfare or work-related issues that may be required by the employee.
* the employer to correctly designate the correct resources for the day’s workload.

If an employee fails to follow these reporting requirements, then they may be classed as absent from work, rather than sick, and may not be paid.

**Eighth Day**

If an employee has been absent for seven calendar days, and does not return to work on the eighth day, then they must obtain as soon as possible after the eighth day a Fitness for Work (fit note) signed by a doctor which covers sickness absence from the eighth day of sickness onwards and this must be forwarded to the Chief Officer.

If a fit note is not received promptly, this may result in a loss of pay for these or any subsequent days of sickness absence.

On the fit note your GP may advise one of two options:

* + - Not fit for work – this means that you have a health condition that prevents you from attending work for a stated period.
    - May be fit for work taking account of the following advice - this means that your health condition does not necessarily stop you from attending work.

Your GP may suggest that you could continue to work, but may not be able to complete all of your normal duties and may suggest ways in which you could attend, such as:

* + - * A phased return
      * Altered hours
      * Amended duties
      * Workplace adaptations

Should you receive a fit note making suggestions from your GP regarding attending work with some changes, your Line Manager will consider any suggestions made and discuss them with you to determine whether they can be supported in the workplace and how they can be implemented. However, if this is not possible then your Statement of Fitness for Work will be used as if the doctor had advised ‘not fit for work’.

1. **Maintaining contact with the absent employee**

It is important that both the Line Manager and the absent employee maintain regular contact. This might involve telephone contact, visiting the employee at home, at the workplace, or when appropriate, meetings at some other neutral and acceptable venue.

The purpose of the meetings is to obtain information regarding an employee’s medical condition prognosis, any support the Council can offer, the expected return to work date, etc.

As an employee, whilst absent due to sickness you should be available to be contacted and be available for any possible meeting planned for normal working days or times. Unless the employee is on leave which has been authorised by their Line Manager.

1. **Statutory Sick Pay**

If you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after 4 qualifying days absence from work. The qualifying days are your normal working days that are in your contract. Tax and National Insurance will be deducted from SSP and if you earn below the lower earnings limit, you will not qualify for SSP.

1. **Council’s Sick Pay (Occupational Sick Pay)**

It is the Council's policy to pay you your normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence as stated below.

* During 1st year of service 1 months’ full pay, and (after 4 months’ service)

2 months half pay

* During 2nd year of service 2 months full pay, 2 months half pay
* During 3rd year of service 4 months full pay, 4 months half pay
* During 4th & 5th year 5 months full pay, 5 months half pay
* After 5 years’ service 6 months full pay, 6 months half pay

This occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include your entitlement to SSP.

Payment is, however, conditional upon you complying with the Council’s procedure for notifying your manager of the absence, attending an interview with your manager on request to discuss the absence, and completing a self-certification form on return to work or providing a fit-note when requested. We may also ask you to attend an interview/examination with a nominated doctor at the request of the Council.

We may not pay you occupational sick pay where:

* you have failed to comply with the Council's sickness absence notification and evidence requirements;
* you unreasonably refuse to attend a sickness absence meeting with the Council on request;
* you are unable to work because you hurt yourself in dangerous sports / activities or any other occupation you have;
* you have misled the Council about your fitness to work;
* you have resigned; or
* where disciplinary proceedings are pending against you.

1. **Continuing Sickness Absence**

You must continue to submit Statements of Fitness for Work (fit notes) to your Line Manager for any further day’s absence.

During any period of absence, you must keep in regular contact with your supervisor with telephone calls and/or meetings. Your supervisor will also keep in touch with you to keep updated on your absence and plan for your return to work.

1. **Returning to work**

Where a Statement of Fitness for Work (fit note) covers the period of absence and your GP has stated that they ‘will need to assess your fitness for work again at the end of this period’, before returning to work you must obtain a final statement showing your fitness to return, from your doctor and submit it to your Line Manager immediately prior to your return to work.

Where a Statement for Fitness for Work (fit note) shows a period of time, but the GP has stated that they ‘will not need to assess your fitness for work again at the end of this period’, then you will be able to return to your normal duties at the end of the stated period, or before, should you feel able to do so.

For periods of seven days or less (including non-workdays) the employee may self-certify for the period of absence unless following previous periods there has been an alternative agreement.

1. **Returning to Work Interviews**

When you return to work your Line Manager will arrange a return-to-work meeting to discuss your absence with you informally. They will try to assist you if you have any particular difficulties arising from your absence.

If you have had several recent absences (and especially if they were un-certificated/self-certificated) your supervisor will want to know more about the circumstances, and you should be prepared to discuss the situation openly.

It is widely recognised that the return-to-work discussion can have many positive effects. Such discussions will be carried out sympathetically and in private, by your Line Manager. Return to work meetings are also an opportunity for employees to discuss any health issues or other concerns which may affect their work.

A record of the discussion and the nature of the sickness will be made on the Return-to-Work Interview Form. Where actions are required, a copy of this form can be given to the employee upon request.

If there is no improvement in an employee’s sickness record and every effort has been made by the Line Manager to help an employee regarding their unsatisfactory sickness absence record, then the employee will be informed that the matter will proceed to a Sickness Absence Review Interview.

Although you are not ordinarily required to submit a doctor’s Fitness for Work (fit note) until you have been sick for more than seven days, where your record shows repeated short-term absences you may be asked to visit your doctor on the first day of any subsequent absence following a Sickness Absence Review Meeting

1. **Sickness during Holidays**

If you fall sick whilst you are on annual leave, you must obtain a Statement of Fitness to Work (fit note) from your GP/Hospital for the days in question and forward it to your Line Manager.

You will be regarded as being on sick leave for the dates/duration shown on the medical certificate. This means that your absence will not then be deducted from your annual leave entitlement.

Regular periods of sickness absence before, during and following annual leave will be monitored by your Line Manager.

If you wish to have a holiday during a period of sickness absence, your Line Manager must be informed prior to taking the holiday.

1. **Sickness control procedure**

The sickness control procedure is detailed on table below. The months stated are a rolling month and are calculated from the first date of the current sickness reported.

|  |  |
| --- | --- |
| **Occasions of absence** | **Outcome** |
| Each occasion of absence | Return to work interview |
| 3 occasions of absence in a 6-month period | Sickness Absence Review Interview |
| 2 occasions of absence within 6 weeks of Sickness Absence Review Interview | 1st formal warning |
| 2 occasions of absence within 6 weeks of the 1st formal warning | 2nd formal warning |
| 1 occasion of absence within 6 weeks of receiving 2nd formal warning | Disciplinary action/dismissal |

1. **Improvement**

If your sickness absence record improves to a satisfactory level, you will be advised of this by letter. Improvement must be maintained over a twelve-month period from the date of the letter confirming/giving the warning, after which time the warning will cease to be valid. However, your attendance will still be monitored and if it deteriorates again, you will revert back to the first stage of the procedure, the Informal Meeting.

1. **Long Term Sickness Absences**

If you are absent for a prolonged period and/or have a long-term illness the following action will be taken. With regard to the Equality Act 2010, the Council takes consideration to the needs of all long-term conditions and will endeavour to make reasonable adjustments for employees who become disabled or whose disability worsens.

You may be visited at home, or some other neutral and acceptable venue, after 3 to 4 weeks absence, and will be interviewed periodically, with the involvement of an accredited trade union representative if you so wish, and in turn you should maintain contact with your supervisor. Your supervisor will write to you informing you of their wish to visit. This may be followed up by a telephone call to check the date/time is convenient for you.

Often when an employee has been absent for a substantial length of time, an initial period of rehabilitation is beneficial when they return to work. There may be occasions where a phased return to work, or a return to partial duties in the short term, can be accommodated.

At a welfare meeting prior to their return, the question of whether a rehabilitation period would be of benefit, and if so, what assistance and support will be afforded to the employee should be discussed.

The return to work under the rehabilitation programme should be approved by the GP (i.e. a sentence on the employee’s signing off note) and/or from advice from an Occupational Health Advisor.

When a rehabilitation programme has been agreed, the details of the programme, its length and review date should be confirmed in writing to the employee.

A rehabilitation period of three to four weeks is usually sufficient to ease the employee gradually back into the full duties/hours of their post. This often involves working reduced hours or days per week. During this period, the employee will be paid their normal pay. Monitoring and regular discussion will identify an employee’s progress and the areas which require further improvement/support/training. At the end of the phased return period, or sooner, as appropriate, a review should take place to assess their progress and to identify if they are able to work the full duties/hours of their job.

Some employees may require a longer period to build up to a full work routine, if this is the case, an employee will then be paid for the actual hours they work, and a review period will be arranged to assess their progress and to consider working arrangements for the future. The use of annual leave or lieu time may also extend the period of reduced days/hours. Annual leave/lieu time can be used to allow for fewer days of work per week or fewer hours. This is a beneficial way of maintaining an employee’s pay while reducing their working week.

If an employee has a medical condition which will affect them at work on a longer term, or even permanent basis, greater consideration will need to be given to work organisation and adjustments to the workplace. If it is not possible to accommodate the adjustments required, or if the illness/absence is such that the employee cannot return to their own job, then consideration will be given to any suitable alternative employment available at the Council.

1. **Employment at Risk**

If you cannot return to your own job and no suitable alternative employment is available, the following action will normally be taken:

* You will be advised that your employment is at risk, and this will be confirmed in writing to you.
* Where your job can no longer be kept open and no suitable alternative work is available or acceptable to you, you will be interviewed and informed of the likelihood of your dismissal.
* Where dismissal action is to be taken, then it will be on the grounds of incapability due to ill health and the same process will be applied as detailed above.

1. **Appeals Process**

At each stage of the Formal Procedure an employee will have the right of appeal. Such an appeal must be made in writing within 5 working days of the date of the warning or the letter confirming a dismissal. In the event of an appeal being lodged against a warning the procedure will still continue.

1. **The Equality Act 2010**

Reasonable adjustments in the form of provision of aids or equipment, adjustment to duties or even redeployment may allow an employee with a disability to remain in employment.

An employee’s sickness records should differentiate between disability related and non-disability related absences. The Chief Officer will look at disability related absences separately when making decisions on what action is or isn’t appropriate.

1. **Monitoring procedures**

The Sickness Absence Policy and associated procedures will be regularly monitored and reviewed, to ensure they are clear, objective and consistently applied.