



Sickness and Absence Policy

Newmarket Constitution

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1. Introduction

- 1.1 Council employees are expected to maintain acceptable levels of attendance and performance. While it is recognised that employees have genuine reasons to be absent from work, the Council has a responsibility for 'duty of care' for all its employees & expects all employees to adopt a responsible attitude towards their own health and well-being.
- 1.2 The aim of this policy is to provide clear guidelines regarding sickness absence from work and to keep unnecessary absence to a minimum. It also aims to ensure that all employees are treated fairly and consistently.

2. Principles

Should any employee be unable to attend work due to illness, injury, personal or domestic reasons, they must comply with the following sickness absence reporting procedure:

2.1 During Absence

- a) On the first morning of sickness absence, all employees must contact their Line Manager, by telephone, within the first hour of the working day and on each subsequent day after that unless otherwise agreed. If the Line Manager is unavailable, the employee **must** contact the office.
- b) The employee should give details of the nature of the illness and, if the illness is of a minor nature, they should indicate when they believe they will be fit to return to work.
- c) Details should be provided of deadlines and tasks which will be affected by the employees' absence.
- d) The employee must inform the Council as soon as possible of any change in the date of their anticipated return to work.
- e) Contacting the Council by text message or e-mail is not acceptable, other than in exceptional circumstances.
- f) Whilst off sick the employee should do nothing which is likely to make their illness worse and to do all they can to aid recovery.
- g) If the employee has been diagnosed with an infectious or contagious disease, they must inform their Line Manager as soon as possible after diagnosis.
- h) Any employee absent through sickness is prohibited from undertaking any form of paid alternative employment, self-employment or voluntary work. Any breach of this rule will be regarded as gross misconduct, which may result in the employee's dismissal.

2.2 Returning to Work

- a) When resuming work, employees must report to their Line Manager.
- b) If the sickness is for a duration of seven days or less, they must complete a Self-Certification Form on their first day back. Self-Certification Forms are available from the office.
- c) If the sickness is for a duration of more than seven days a Medical Certificate (Fit Note) must be produced.
- d) A Return to Work interview will be conducted by the Line Manager.

2.3 Fitness to Work

- a) Where a doctor's certificate indicates that an employee may be fit for work and the doctor has suggested ways of helping them get back to work, such as a phased return to work, altered hours, amended duties or workplace adaptations, their Line Manager will discuss the advice on the doctor's certificate with the employee.
- b) The Line Manager will consider any functional comments made by the doctor and any other action that could help the employee return to work despite their illness.
- c) The various options will be discussed with the employee and if a return to work is possible, the Line Manager will agree a return-to-work date with the employee, any temporary adaptations or adjustments that are to be made, for how long and will set a date for review. If the Council is not able to make any adaptations or adjustments to help their return to work, the Line Manager will explain the reasons for this and will set a date for review. The doctor's certificate may then be used by the employee as if the doctor had advised "not fit for work".
- d) If the employee disagrees with the Council's proposals to support their return to work, they will be asked to confirm why they believe they cannot return to work despite their doctor's suggestions.
- e) The Council reserves the right to obtain further medical evidence, as necessary.

3. Return to Work Interviews

- 3.1. For all periods of sickness absence, the employee will be required to attend a "return-to-work" interview on their first day back (or as soon as possible thereafter) to discuss the reasons for the absence and whether it was work-related.
- 3.2. The employee will be asked to explain the reasons for their absence and whether they consulted a doctor or attended hospital and will be required to produce a Medical Certificate (Fit Note) for the period of their absence.
- 3.3. During the interview, the employee will be advised of their absence record, and be asked to identify any contributory factors to their overall absence. The Council will also explore whether there is any support they can offer to assist in improving the employee's attendance.

- 3.4. The Line Manager will explore with the employee whether there is any apparent pattern of absence and discuss whether the absences are in any way related to their work.
- 3.5. The Line Manager may also set reasonable targets and time limits for improvement in attendance and be warned that a failure to improve may result in disciplinary action.
- 3.6. The aims of a return to work interview are to:
 - a) identify and resolve the cause of the absence.
 - b) make sure employees are fit to return to their normal duties.
 - c) offer employees assistance if required.
 - d) give employees an opportunity to discuss any particular problems.
- 3.7. The interview with the employee's Line Manager must be carried out as soon as practical, following their return to work. It must be private and on a one to one basis. The outcome will be recorded on the Return to Work form. This will document the precise reasons for the absence and any relevant comments made by either party. If a course of action is required, this will be recommended. The completed form will be placed in the employee's personnel file.
- 3.8. If appropriate, the employee may be asked to consult a doctor to establish whether medical treatment is necessary and the underlying reason for the absence.

4. Medical Examination

The Council reserves the right to require an employee at any time to submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council.

5. Sick Pay

- 5.1. If an employee is entitled to the Council's Sick Pay Scheme this will be detailed in their Contract of Employment.
- 5.2 Employees on a short fixed-term contract may be entitled to SSP, subject to meeting the eligibility requirements.
- 5.3. Someone who also undertakes work for the Council via an agency is entitled to be paid SSP by the Council, subject to meeting the eligibility requirements. For the purposes of SSP, agency workers are classed as employees.
- 5.4. The limit of entitlement to SSP is 28 weeks.
- 5.5. If an employee is off for two periods which are separated by 8 weeks (56 days) or less for the same ailment, then the employee does not need to be absent for 4 consecutive days in the second period of absence in order to receive SSP.
- 5.6. Payments made to employees by the Council under its sick pay provisions will go towards discharging the Council's liability to make payment to employees under the Statutory Sick Pay scheme.
- 5.7. Any payment of sick pay is conditional upon: -

- a) the production of a Self-Certification Form signed by the employee giving the reasons for any absences of up to a calendar week;
- b) the production of a Medical Certificate (Fit Note) covering any absences of more than a calendar week or an absence of any length before or after a public holiday;

5.8 Any payment of sick pay may be withheld if the employee: -

- a) has knowingly provided false information;
- b) has failed to follow the set procedure;
- c) is subject to a disciplinary warning;
- d) is suspected of abusing the system;
- e) is ill due to drug, alcohol or substance abuse or a self-inflicted injury; or
- f) is injured as a result of their involvement in dangerous sports

5.9 Employees failing to comply with their obligations under this scheme will invoke disciplinary action, which may lead to their dismissal.

5.10 It is The Council's policy that any employee in receipt of sick pay (including Statutory Sick Pay) is prohibited from undertaking any form of paid alternative employment, self-employment or voluntary work. Any breach of this rule will be regarded as gross misconduct, which may result in the employee's dismissal.

5.11 If the incapacity is, or may have been, caused by negligence of a third party on account of which damages are or may be recoverable, the employee must immediately notify the Council of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it. They must also provide the Council with all details it may reasonably require. If required by the Council, the employee shall refund to the Council such of the damages recovered as related to loss of earnings, less any costs borne by the employee in recovering those damages.

5.12 The Council reserves the right to require any prospective or current employee to undergo a medical examination at the expense of the Council, at any time before or during employment, and allow the findings to be made known to the Council in confidence, if there are reasonable grounds as to their capability to carry out duties required and/or on return from any absence due to sickness.

6. Persistent Short-Term Absence Procedure

6.1. Should an employee's level of absence give cause for concern, it is responsible and appropriate for the Council to investigate the reasons for the absence.

6.2. Persistent short-term absence is defined as one of the following: -

- a) 2 separate spells of absence or a total of 7 days in a rolling 3-month period, or
- b) 5 separate spells of absence in a rolling 12-month period, or
- c) More than 10 day's absence in a rolling 12-month period, or
- d) Unacceptable patterns of absence, for example regular absence on a Monday or a Friday or absence which appears to form a pattern against the procedure e.g. repeatedly completing a review period only to lapse again a few months later.

6.3. If one of these occurs, the Council will adopt the following procedure:

- a) **No table of figures entries found.**The Line Manager will conduct a Return to Work Interview on the employee's return to work, (see clause 3) to investigate the situation and give employees an opportunity to explain their reasons for the absence.
- b) If the Line Manager still has cause for concern following the Return to Work Interview, the Disciplinary Procedure may be invoked.

7. Long-Term Sickness Absence Procedure

- 7.1. The Council will do what it can to provide support and assistance where long-term absence arises through sickness, or the inability to attend regularly and consistently because of ill health.
- 7.2. Contact will be maintained with the employee or their family throughout the absence. The Council maintains the right to visit the employee at home in order to discuss their condition and what adjustments may be necessary to facilitate a return to work. This will take place no earlier than the fourth week of absence and will be notified in writing. The employee will be asked to give consent for a GP report to be obtained (under the Access to Medical Reports Act 1988).
- 7.3 Upon receipt of the GP report, a further meeting/home visit will be arranged to discuss the content and future options.
- 7.4. The Council may request further information from the employee's GP or Consultant or seek a second medical opinion where appropriate.
- 7.5. A Return to Work interview will be conducted upon their return to make sure that the employee is fully recovered and to help them return to their normal duties.
- 7.6. In a case of permanent or long-term sickness or disability, where appropriate, the Council will do all it can to identify alternative employment or adjustments to terms and conditions, which may facilitate a return to work.
- 7.7. Where there is little or no prospect of recovery, or where the period before return is unreasonable in terms of the needs of the Council, the Council may decide to terminate employment on the grounds of incapacity. Before such a decision is taken, however, all the possibilities will be discussed with the employee, taking into account any reasonable adjustments and all the relevant circumstances. Each case will be considered on its own merits.
- 7.8. If the decision is made that there is no option but to dismiss an employee following a period of long-term sickness absence, the required contractual entitlement to notice and pay during the notice period will apply, even though the employee will be unable to work the notice period.
- 7.9. Early retirement on medical grounds may be considered.

8. Sickness at Work

- 8.1 The Council reserves the right to send an employee home if, for any reason, they appear to be unfit for work or appear to present a risk to themselves, the workplace, other staff members or third parties. These are precautionary measures designed to prevent the spread of disease in the workplace and/or further harm to the employee or others.

9. Safety at Work

- 9.1. Should an employee have any worries or concerns about tasks which are likely to affect their health, it is important that they bring them to the attention of their Line Manager or the Town Clerk/Deputy Town Clerk at an early stage. The Council is always prepared to discuss any problems or difficulties staff may be experiencing and will endeavour to assist wherever possible.

10. Medical Appointments

- 10.1 Appointments with doctors, dentists and other medical practitioners should, wherever possible, be made outside of normal hours of work or with the minimum of disruption to the working day (i.e. at the beginning or end of the working day).
- 10.2 When this is not possible, time off work to attend medical appointments must be authorised by the Line Manager in advance. The employee may be asked to provide proof of appointment. Time off for this purpose should be made up, as agreed with the Line Manager.
- 10.3. There is no contractual or statutory right for employees to be paid for absences relating to attendance at medical appointments, unless these are ante-natal appointments, and any payment of salary is made at the absolute discretion of the Council, bearing in mind the Equal Opportunities Policy.
- 10.4 Where a medical appointment is expected to take half a day or more, the employee should complete the Employee Self-Certification form and submit to their Line Manager. In this instance the time off will be recorded as sickness absence. Alternatively, staff can opt to use their annual leave for this absence.

11. Occupational Health referrals

- 11.1 Where appropriate, an employee may be referred to an Occupational Health Specialist, to understand any support required, regardless of whether this need is identified by the employee or as part of the absence review process.

12. Pregnancy Related Absence

- 12.1 Where a period of absence is attributable to pregnancy, sickness absence will not contribute towards the trigger points however, any such sickness will be managed in accordance with this policy to facilitate a return to work as soon as possible with any necessary support or adjustment to duties during the pregnancy. This may lead to formal review meetings being held in line with this policy as a supportive measure. Employees who are absent due to pregnancy related illness are still required to comply with the

requirements of this policy in terms of reporting their absence to their line manager and submitting evidence of their incapacity (self-certification or Fit Note issued by their GP) as appropriate.

- 12.2 If a staff member is absent due to pregnancy related illness on or after the fourth week before the expected week of confinement, their ordinary maternity leave will commence the day after their first completed day of sickness absence. Where a staff member who is pregnant suffers from non-pregnancy related sickness absence, these absences will be counted as a trigger in the normal way in accordance with this procedure.

13. Disability Related Absence

- 13.1 Sickness absence may sometimes result from a disability. At each stage of the policy, consideration will be given to understanding the nature and day to day effects of any disability and whether reasonable adjustments could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work, in accordance with the disability provisions of the Equality Act (2010). If an employee considers themselves to be affected by a disability or any medical condition affecting their ability to undertake their work, their line manager must be informed. Employees should not wait for the sickness absence procedure to be used before doing so. However, the Council will work with the employee to identify a phased return to work plan, including alternative duties, additional training and support required to facilitate return to work on a timely basis, where available.

14. Elective Surgery

- 14.1 Elective surgery is surgery that is not considered to be medically necessary, for example because it is concerned with the enhancement of appearance through surgical and medical techniques.
- 14.2 If an employee wishes to take time off for elective surgery, they may use their existing paid annual leave entitlement, provided they comply with the provisions relating to annual leave set out in employees Contract of Employment and the leave has been approved by the Line Manager.

15. Gender Reassignment

- 15.1 Gender reassignment is a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and it includes any part of such a process.
- 15.2 Medical appointments and absence in connection with the gender reassignment process will be treated no less favourably than any other medical appointments or absence. The employee should try to arrange medical appointments and surgery at times that will cause the minimum amount of inconvenience to the Council.

16. Fertility Treatment

- 16.1 Medical appointments in connection with the early stages of the fertility treatment process will be treated no less favourably than any other medical appointments. The employee should try to arrange fertility treatment at a time that will cause the minimum amount of inconvenience to the Council. If time off is required, it is permitted to use existing paid annual leave entitlement, provided the employee complies with the provisions relating to annual leave set out in employees Contract of Employment and in the leave has been approved by the Line Manager. If the employee, as a result of fertility treatment, becomes pregnant, the normal statutory pregnancy and maternity entitlements will apply.