** Cyngor Sir CEREDIGION County Council**

**Adnoddau Dynol | Human Resources**

**Policy and Procedures**

**Managing Sickness Absence at Work**

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# Policy

## Introduction

1.1 This policy applies to all employees under a contract of employment with the Council, with the exception of those employed by Governing Bodies. A specific policy applies to those employees employed by School Governing Bodies.

1.2 The appendices do not form part of the policy and are included for guidance purposes only.

## Sickness Absence Policy

2.1 Ceredigion County Council is committed to continuously improving service delivery to its citizens, and recognises that a committed and motivated workforce is the key to achieving this. The application of this policy will ensure a fair, consistent and supportive approach to managing sickness absence and create and encourage a culture of good attendance.

2.2 The Council will take pro-active steps to address problems associated with persistent, recurring short-term sickness absence and is committed to reduce such incidences. However, the Council is also sensitive to the needs of long-term and chronically sick employees, as well as those with a disability and will endeavour as far as is reasonably possible to provide any necessary support.

2.3 Legitimate illness cannot be avoided. However, absences, both long term and short term place a significant burden on the Authority both in terms of actual financial cost and the negative effect on service delivery to the public. It is therefore essential that Managers actively manage all employees, who are absent from work.

2.4 Equally, all employees are under a contractual duty to be at work under their terms and conditions of employment. There may be circumstances when absence is such that disciplinary action is required and employees should note that correct and proactive management of attendance in accordance with this policy is a reasonable managerial action.

## Purpose of this Policy

* Offer support to those employees who are ill
* Discourage non–legitimate absence
* Ensure fair consistent treatment and support to all employees
* Provide a fair and objective means for monitoring sickness absence

The above will be achieved through a variety of means including:

* Ensuring line managers are trained to take responsibility for managing absence;
* Implementing appropriate measures for monitoring absenteeism;
* Ensuring accurate and timely recording and monitoring of absence data.
* Identifying and addressing the factors contributing to sickness absence;
* Creating a healthy working environment in which employees and their managers are proactive in identifying any situations or factors which have an impact on an employee’s ability to work
* Developing appropriate rehabilitation programmes for employees returning from long term absence;
* Developing a clear understanding of the sickness policy and procedure and its relationship with other procedures (e.g. Redeployment, Disciplinary, Work Life Balance etc.)

# Procedure

## Introduction

4.1 Ceredigion County Council wishes to encourage and ensure the regular attendance at work of all its employees and to institute fair, effective and consistent arrangements for dealing with absences.

4.2 The Council recognises the importance of its responsibility to manage sickness absence and will do so via procedures, which incorporate mechanisms to monitor individual attendance levels and where appropriate, reduce high levels of sickness absence through proactive management strategies and support to employees where appropriate.

4.3 The Council also recognises that employees form its most valuable resource and therefore strives to be a caring employer and will encourage and develop initiatives to promote the health and wellbeing of its employees.

4.4 Concern and understanding will be shown to those employees who legitimately need to be absent and support will be offered during periods of ill health. However, it is recognised that this must be balanced with a need to ensure that the public receive a level of service to which they are entitled. Abuse of the system, which may occur within a minority of the workforce, is regarded as unacceptable and the Council will deal with such cases in a firm manner and robust as it recognises that this practice has a detrimental impact on colleagues and the delivery of services.

4.5 The Council wishes to secure genuine equality of opportunity in all aspects of its activities as an employer and will, therefore, seek to ensure that the policy and procedure is implemented in a non-discriminatory manner.

4.6 An employer has a legal responsibility under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees.

## Roles and Responsibilities

5.1 It is important that everyone clearly understands their roles and responsibilities within this process.

### Employee Responsibilities

All Council employees are responsible for:

1. Attending work on a regular basis in accordance with their contract of employment
2. Ensuring they read, understand and comply with this policy and procedure
3. Fully co-operating with the requirements of this policy
4. Maintaining confidentiality at all times during any sickness proceedings, with the exception of any conversations which may be necessary with their Trade Union or companion
5. Behaving and acting in a way that is consistent with the Council’s values of accountability, flexibility, openness, professional integrity, diversity, respect and working with others

### Management Responsibilities

In addition to their responsibilities as employees, managers are also responsible for:

1. Ensuring staff are aware of all relevant policies and procedures by the most appropriate means.
2. Establishing, standards and consistently upholding levels of acceptable attendance.
3. Fully understanding the Managing Sickness Absence at Work policy and where it is implemented, applying it fairly, consistently and in a timely way.
4. Attending training on the Managing Sickness Absence at Work Policy
5. Seeking advice and guidance from the HR Service on all matters relating to attendance.
6. Keeping adequate notes and records of all events and evidence, to support the use of the policy.
7. Ensuring that the Council’s Managing Sickness Absence at Work policy is adhered to at all times including timescales, appeal rights, rights to representation, etc.
8. Arranging any meetings and support required as part of the procedure, e.g. securing dates, despatching invitation letters people to attend stage interviews, contact visits etc., organising administrative support to record the proceedings, send decision letters, etc.
9. Maintaining confidentiality at all times throughout the process.

### HR Services responsibilities will:

1. Act as advisor to managers to ensure that the Council’s Managing Sickness Absence at Work is applied correctly and consistently.
2. Provide all employees with information and advice as necessary throughout the process.
3. Review and monitor sickness cases and outcomes as well as supporting Service Areas to undertake any remedial action that may be necessary.
4. Review and collate corporate monitoring data in relation to sickness for consideration by various groups, e.g. Leadership Group, Heads of Service, Corporate Employee Forum etc.
5. Review the application of the policy and procedures in the light of operational experience.

## Definitions

### Sickness Absence

6.1.1 This procedure applies to sickness absence as defined below:

* Self-certification
* Absence supported by a Fit Note
* Short-term absences, which may be intermittent/persistent
* Long term continuous absence
* Industrial injury / Work related injury

### Pregnancy related absence

6.2.1 Maternity leave and time off for ante natal care is a right conferred by the Employment Rights Act 1996 and should not be recorded or monitored as sickness absence.

6.2.2 No action should be taken against those employees absent with pregnancy related conditions. However, absences during pregnancy that are not pregnancy related will be monitored and managed as any other absence.

### 6.3 Cancer screening and Disability Related Treatment

6.3.1 Time off for cancer screening and disability related treatment e.g. rehabilitation, assessment, treatment, will be with pay. Line managers will need to consider whether there is a need for reasonable adjustments within working practices.

### Disability

6.4.1 All sickness absences of employees who are classed as disabled under the Equalities Act 2010 will be recorded as with absences of non-disabled. However, it is important that the line manager/supervisor establishes which absences are related to the employee’s disability. This may be through consultation with the employee or may necessitate seeking medical advice via the Occupational Health Physician.

6.4.2 Absences relating to the disability will be disregarded in terms of trigger points unless reasonable adjustments have already been made.

### Cosmetic Surgery

6.5.1 Time will be taken as annual leave/flexitime unless medical diagnosis supports that such surgery is a necessity.

### Absence on Public Holidays

6.6.1 Where an employee is receiving sick pay under the scheme, then sick pay should continue if a public holiday falls during such sickness absence. No substitute public holiday shall be granted. See Annual Leave and Holiday Pay Policy for more details

### Holiday whilst on Sick Leave

6.7.1 Employees who wish to go on holiday will seek the permission, or otherwise, of their line manager before booking the holiday. Under normal circumstances, the line manager will not reasonably withhold permission provided that the employee submits a letter from their doctor in support of the holiday. The Council reserves the right to refer the employee to the Occupational Health Physician for confirmation. See Annual Leave and Holiday Pay Policy for more details

### Carry over of Annual Leave

6.8.1 Employees will be able to carry over a maximum of 5 days leave unless deemed as Long Term Sick where the employee will be permitted to carry forward the statutory element of any accrued leave in to the next leave year, subject to a maximum of four weeks leave (i.e. 20 days for a full time employee, pro rata for a part time employee). Advice should be sought from the Human Resources Section in these circumstances.

## Sickness Absence Notification

7.1 On the first day of absence it is the employee’s responsibility to notify their Line Manager in person by telephone, or, in the manager’s absence, another designated officer within their service who would be responsible for receiving such information.

7.2 If the employee is too unwell, in this exceptional circumstance it will be acceptable for a relative or friend to notify the line manager or the designated officer of the employee’s absence as soon as is practicable.

7.3 Unless specific service arrangements apply which have been communicated to employees, notification should be made as soon as practically possible prior to normal start of work or shift for that day/night or, where flexitime is operational, contact should be made by the start of the normal working day.

7.4 It is the employee’s responsibility to provide the Line Manager with the following:

* A broad description of the illness
* The date the illness began
* The expected duration of the illness
* Whether or not there are any meetings or other work commitments which may require cover or re-arrangement
* When and how the manager and the employee will next make contact
* In cases where the relative or friend has notified the absence, a time when the employee will make contact
* If the absence is due to an injury sustained in the course of duty.

7.5 The employee must keep their line manager informed of their continuing ill health at the agreed intervals. This contact must include details of:

* The expected duration of the absence
* What, if any, medical attention / advice has been sought.
* The employee will contact the manager if the absence exceeds 4 days.

7.6 If contact is not made by the employee as required during the absence and their absence is unexplained, the manager will take all reasonable steps to contact the employee e.g. telephone call, home visit.

7.7 All periods of absence up to 7 calendar days must be supported by a Self-Certificate

7.8 If the employee is absent for more than 7 calendar days, a medical certificate known as a “Fit Note” will be required from the employee’s Doctor. The Fit Note should be submitted to the line manager, together with the completed Self-Certification form. In cases where a Fit Note covers the first seven days of absence, the Self-Certification is not necessary.

7.9 The Fit Note must be signed and dated by the Doctor, it will state whether the doctor thinks the employee is not fit for any work or whether he/she may be fit for work. It will also provide information on whether the employee is likely to need a new fit note when the current one expires.

7.10 The line manager (or other appropriate manager) will keep in regular contact with the employee during the sickness absence. There is also an expectation that the employee contacts the line manager to update the manager on their absence.

7.11 If an individual does not follow the absence reporting procedure by notifying their immediate line manager, or by providing a Self-Certification form or Fit Note, the absence may be recorded as unauthorised, and therefore unpaid, until such time as a valid certificate is received. Failure to follow the absence reporting procedures without good cause will result in disciplinary action being taken.

7.12 For each occasion of absence, the line manager must ensure that they have completed the Return to Work interview with the employee within a week of the return date

7.13 Return to work interviews can be carried out over the phone or by face to face.

## Short Term Absences – Procedure

8.1 These are absences which are usually sporadic and attributable to minor ailments, in many cases unconnected, which are frequent or irregular.

8.2 Short-term absences can be the most disruptive because of the unpredictability and the difficulty in arranging cover. Consequently essential work may have to be undertaken by work colleagues in addition to their normal duties. The serious effects on other employees, the costs of such absences and disruption to service delivery must be kept to a minimum, therefore such absences will be closely scrutinised by managers.

8.3 If considered appropriate the facility to self-certify sickness absence may be withdrawn at any point in the procedure. This facility should only be used where a manager has concerns about frequent short-term absences. Advice should be sought from the Human Resource Section prior to implementation. In such circumstances the employee will be required to produce a medical certificate from their doctor on the first day of any further period of sickness absence. Failure to do so may result in suspension of sick pay.

8.4 In cases where it is suspected that unwarranted absence has been taken and ascribed to ill health the matter may be more appropriately addressed through the disciplinary procedure. Advice should be sought from the Human Resources Section.

## Monitoring and Recording - Short Term Absences

9.1 It is the manager’s responsibility to monitor and act upon trends in their employees’ sickness absence.

9.2 Monitoring and effectively managing sickness absence requires accurate and reliable records to be kept by the employing service. It is therefore the responsibility of the line manager to ensure sickness absence is recorded and reported accurately on the Ceri System.

9.3 A series of trigger points and a Bradford Factor formula will be used to manage short term absence. These triggers will help managers identify at what stage action should be taken

9.4 Individuals’ Bradford scores are monitored and when a certain score is achieved this will require further investigation as to whether a trigger point is reached, a process of absence reviews and further action can be set in motion

9.5 If one, or a combination of the trigger points listed below has been reached , the employee will be required to attend an Initial Absence Review Meeting with his/her line manager:

* 3 or more occasions of absence in a 3 month rolling period
* 5 or more occasions of self-certified absence in a 12 month rolling period
* 2 or more occasions in a 12 month rolling period where absences abut any period of leave (annual or bank holidays)
* Any unacceptable patters of absence.

9.6 Where an employee has been persistently close to but not hit a trigger, the line manager may meet with the employee to bring the pattern of their absence to their attention, identify if there are any underlying problems and whether any preventative action can be taken. The Return to Work Interview will be used for this purpose.

9.7 A Head of Service or Senior Manager will monitor absence levels within their service area and review absence data at regular Service Managers meetings.

9.8 Employees will be given a minimum of 5 working days’ notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union or a work colleague.

9.9 The purpose of the Initial Absence Review Meeting is to further investigate the employee’s absence which will have previously been discussed and recorded during the return to work interviews, counsel the employee on the consequences of such absence and develop, where appropriate, a joint remedial strategy. The line manager should reiterate the standards of attendance expected of all employees, discuss fully the employee absence record and reasons for absence and assess whether there is an underlying problem (medical or otherwise) which needs to be addressed.

9.10 After hearing the reasons given for the employee’s absence, and consideration of the circumstances, the line manager/supervisor may determine that:

* No further action is necessary other than to continue to monitor attendance

or

* + It is necessary to inform the employee that their absence is a cause of concern, and advise him/her of the consequences of failure to improve attendance.

9.11 Where cause of concern is registered all practical steps to alleviate the situation should be explored and an action plan including any support mechanism which may be helpful, will be agreed together with a timescale for improving attendance and a date of review.

9.12 he line manager will confirm, in writing, the outcome of the absence review meeting at this and any subsequent stage, where appropriate detailing any agreed action and period of review. The Initial Absence Review record will be kept on the employees file for 12 months

9.13 If there is evidence that the employee’s attendance has improved to a satisfactory level the manager will confirm this in writing and advise the employee that their sickness absence will continue to be monitored

9.14 However, if there is no evidence of improvement in attendance, and a further sickness absence trigger point has been reached within 12 months of the Initial Absence Review, the line manager will refer to Occupational Health for advice. The manager will review the Occupational Health report and evaluate the effectiveness of any support mechanisms that have been implemented. The employee will be required to attend a Second Review Meeting.

9.15 The Second Review Meeting will follow the format as described above. The employee will be given a further opportunity to explain the reasons for absence and additional support mechanisms may be considered if appropriate.

9.16 The Second Absence Review will be conducted by the Senior Manager and if he/she is of the view that the continuing level of absence is unacceptable for the Service to bear he/she will warn the employee to that effect advising that unless an immediate improvement in attendance is achieved and sustained any further sickness absence during the review could result in dismissal.

9.17 If any suggested options are unacceptable to the employee and the employee has not demonstrated improved and sustained attendance to a satisfactory level, the Head of Service will conduct a Final Absence Review Meeting.

9.18 If in the judgement of the Head of Service and based on available information, the employee is incapable of fulfilling the contract of employment and there are no extenuating circumstances the employee should be dismissed with notice of pay given in accordance with contractual provisions.

9.19 A representative from the Human Resources Section will attend all Final Absence Review Meetings.

9.20 The employee will be entitled to be accompanied to any of the review meetings by a Trade Union representative, Colleague or friend

9.21 Normal rights of appeal against dismissal will apply. (See Section 12 for further information)

## Long Term Absences – Procedure

10.1 A long term absence is defined as continuous absence of 28 days duration or more.

10.2 The line manager/supervisor will maintain reasonable regular contact with the employee throughout the period of sickness absence. The frequency and form of this contact e.g. telephone calls, emails, home visits, will depend on the circumstances and may vary from case to case.

10.3 Employees will be given a minimum of 5 working days’ notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union or a work colleague.

### Welfare Meeting

10.4.1 A welfare meeting should be arranged by the line manager. The welfare meeting should be held at the workplace wherever possible; if due to special circumstances, the meeting cannot be held in the workplace then a home visit can be arranged. If a meeting is not feasible then regular contact should be maintained through other means e.g. telephone, letter, email, contact with relatives, etc.

10.4.2 The Line Manager can be accompanied by a work colleague or a representative from the HR Service, the meeting should take place as soon as possible after 28 calendar days of the employee’s sickness absence. The Line Manager must not make unaccompanied visits to the homes of employees.

10.4.3 The purpose of the welfare visit is to reflect genuine concern for the wellbeing of the employee, to offer support including, where appropriate, exploring flexibility in facilitating a return to work and to ensure that the employee is aware of, and understands, the procedures which will apply during their absence.

10.4.4 During the welfare meeting, the line manager will discuss with the employee the requirement for a referral to the Occupational Health Service.

10.4.5 Welfare visits will be by prior arrangement other than in exceptional circumstances e.g. where reasonable attempts to contact the employee have failed or where abuse of the sick scheme is suspected

10.4.6 If the employee wishes, a recognised trade union representative, work colleague, friend or relative maybe present during the welfare meeting. The role of the representative will be to support the employee, however the employee is expected to respond to the questions themselves.

### Phased Return to Work

10.5.1 There may be occasions where an employee has recovered from a long term or debilitating illness but would find it difficult to return immediately to their full contracted duties and hours of work without further risk to their health or has sufficiently recovered to be able to carry out some of their duties/hours of work. In such cases, managers are encouraged to take a flexible approach to facilitate the employee’s earlier return to work by allowing a phased return.

10.5.2 An action plan must be agreed by all parties before the phased return to work can commence. Therefore it requires the input of the line manager, the employee and Human Resources. If there is a requirement to consult with Occupational Health then the Human Resource Section will do so.

10.5.3 The Phased Return will normally be for a period of up to 4 weeks. However, if the GP is of the view that a longer phased return is required then agreement must be sought from Human Resources in discussion with the Head of Services and Occupational Health Service.

10.5.4 To support the employee to remain in work in the longer-term, particular arrangements (such as changes to working hours) may need to be more long-standing, or even permanent.

10.5.5 The agreed plan will be confirmed in writing to the employee by their line manager and copied to the Human Resource Service.

10.5.6 It is the responsibility of the line manager to then implement the agreed plan and ensure that the employee’s return is managed and reviewed at agreed intervals.

10.5.7 The employee will be paid his/her normal contracted hours during the phased return period. During the phased return period, sick days will not contribute to trigger points.

### Monitoring and Recording Long Term Ill Health

10.6.1 There may be occasions following examination by the Occupational Health Physician where he/she can categorically state that the employee is capable of returning to work in a reasonable period of time and cannot declare the employee permanently unfit for his/her employment. In such cases the line manager will consult and discuss the situation with the employee in a series of absence review meetings.

10.6.2 After the Welfare Visit at around the 5th week continued absence, the employee will be referred to the Occupational Health Service for a medical assessment.

10.6.3 The First Absence Review meeting will take place following the receipt of the Occupational Health Service report.

10.6.4 A full discussion on the matter will take place between the employee and his/her line manager having regard to received medical reports and any further investigations which may be required. Considerations will be given to the options available under the circumstances, which will include the full range of options including status quo, re-deployment, phased return to work or termination of employment.

10.6.5 A time scale will be agreed for Intermediate Review meeting of the case, which would normally be between 12- 16 weeks of continued absence.

10.6.6 The Intermediate Absence Review Meeting will follow a similar format to the first meeting and provide the opportunity to discuss any further medical reports and the agreed action from the previous meeting. Any new information will be considered and where appropriate the action plan revised accordingly. As before, possible outcomes will be discussed and a way forward agreed. It may be necessary to hold more than one intermediate review meeting prior to the final review stage. If this is the case, confirmation must be sought from the Human Resource Section.

10.6.7 The employee will be advised to make any further evidence available prior to, or at, the Final Absence Review meeting which will take place no later than 35 weeks of continued absence

10.6.8 The Final Absence Review meeting will be conducted by the Head of Service and a member of the Human Resource Service.

10.6.9 Following the established format of previous absence review meetings the situation will be discussed fully with the employee and any further medical information from Occupational Health Service, GP and or medical Specialists will be taken into account as appropriate. If there is no foreseeable return to work or, it has not been possible to re-deploy and no other solution can be found to facilitate the employee’s return to work, the employee will be informed by the Head of Service that his/her employment be terminated on the grounds of ill-health.

10.6.10 Normal rights of appeal against dismissal will apply. See Section 12

## Permanent Ill Health

11.1 Should medical evidence show that an employee is incapable of discharging efficiently and effectively the duties of his/her post or any comparable employment by reason of permanent ill health the line manager and a member of the Human Resources Section will visit the employee to explain the findings of the Occupational Health Physician and to advise that he/she will be unable to continue in their post.

11.2 The procedure of termination of employment will be fully explained. The employee will be made aware of their right to appeal against the decision. If such an appeal is registered which is supported by a qualified medical practitioners report, then an independent medical examination will be arranged, the cost of which will be borne by the Authority.

11.3 If the employee is a member of the Local Government Pension Scheme, then it will be explained that payment of pension scheme benefits will be subject to independent certification by an Occupational Health Physician appointed by the Pension Fund administrators

11.4 If the employee does not wish to exercise their right to appeal against the medical opinion of the Occupational Health Physician, then the appropriate notice period will be given to terminate employment. The reason for dismissal is that the employee is incapable of attending for work regularly due to Ill-health and has been declared permanently unfit for employment.

11.5 During the notice period every effort will be made to find alternative employment within the Council for the employee (employees will have the right to declare that they do not wish to be considered for alternative employment with the Council.).

11.6 Reference must be made to the provisions of the Equalities Act. Re-deployment must be to existing posts only. Such work may not be at the same level of salary or wage. Posts do not have to be created to accommodate a re-deployment.

## Appeals

### Appeals against decisions other than dismissal

12.1.1 Where a line manager has decided that action is necessary under this procedure and the employee is aggrieved regarding the reasonableness of the action that has been taken, the matter shall be dealt with under the Resolution Procedure. This should be done, in writing, within 7 days of the action being taken.

### Appeals against the decision to dismiss

12.2.1 The Right of Appeal applies in all instances where an employee has been dismissed by reason of ill-health under the Long Term Absence Procedure or by reason of attendance under the Short Term Absence Procedure. Notice of Appeal should be addressed to the Head of HR, in writing, setting out the grounds of appeal, within 7 days of receipt of the letter confirming the decision to dismiss. The next level of management will then hear the appeal in accordance with the normal procedure.

### Appeals against release of Pension

12.3.1 While the decision to dismiss rests with the employer; any pension decision rests with the Independent Pension Fund Doctor. An appeal against the decision to release pension on grounds of ill health (or otherwise) is dealt with through the Pension Internal Dispute Resolution Procedure.

## Employees with Disabilities

13.1 The Disability element of the Equalities Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

13.2 The definition for the purposes of the Act is as follows:

* substantial means neither minor nor trivial.
* long term means that the effect of the impairment has lasted or is likely to last or at least 12 months (there are special rules covering recurring or fluctuating conditions).
* normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
* a normal day-to-day activity must affect one of the ‘capacities’ listed in the Act which include mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, perception of the risk of physical danger.

13.3 The Council is committed to the employment of people with disabilities and will make every effort to retain any individual who is or becomes disabled whilst in its employment and to offer appropriate and timely support to ensure that the employee’s skills, experience and loyalty are not lost.

13.4 Initially, the individual will need to be referred by their line manager; to the Occupational Health Advisers for a medical assessment. Following advice and where appropriate, information and/or assessment from external organisations, a number of options may be available to the individual, line manager and with advice from Human Resources in facilitating a return to work. These may include:-

* Remaining in the same job with reasonable adjustments to the job or the working environment.
* Seeking redeployment opportunities incorporating retraining and/or rehabilitation where required.
* Considering the feasibility of other patterns of work i.e. part time, job share.

13.5 When considering the above alternatives regular contact with the individual will be important, consulting them on the options available, the associated arrangements, rehabilitation needs and any re-induction programme.

13.6 It must be recognised in some cases, it is not possible to retain an employee with disability. In these circumstances, ill-health retirement/termination on the grounds of incapacity may need to be considered.

## Occupational Sick Pay - General Principles

14.1 Occupational Sick Pay forms part of the Local Government Conditions of Service.

14.2 The provisions in relation to payment during sickness absence (except teachers) are:

During 1st year of service 1 month full pay (26 days)

During 1st year and after 2 months half pay (52 days)

completing 4 months’ continuous

service

During 2nd year of service 2 months full pay and

2 months half pay (52 days)

During 3rd year of service 4 months full pay and

4 months half pay (104 days)

During 4th and 5th year of service 5 months full pay and

5 months half pay (130 days)

After 5 years of service 6 months full pay and

6 months half pay (156 days)

14.3 The following are examples of the circumstances in which sick pay may be withheld (following investigation and a decision reached in accordance with the disciplinary procedure):

i. Falsification of certificates (self or medical)

ii. Failure to submit Fit Notes when required

iii. Failure to follow the procedures in accordance with this policy without good reason

iv. If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee’s own misconduct or neglect or active participation in professional sport or injury while working in the employee’s own time on their own account for private gain or for another employer. However, with agreement, there is no restriction in an employee working during their own time subject to Contract of Employment.

14.4. Employees will be advised of the grounds for suspension of sick pay and will have the right of appeal. If, following appeal, it is concluded that the grounds for suspension were justified the employee will forfeit the right to any further payment in respect of that period of absence. If it is concluded that the grounds of suspension of sick pay were not justified, sick pay will be paid

14.5 In the event that an overpayment of occupational sick pay is made the Council has the right to recover such payment but should endeavour to seek agreement with the employee the amount and method of payment from each salary/wage payment until the overpaid amount has been recovered in full.

14.6 Where an employee claims loss of earnings form a private insurance company e.g. for sport injuries, car accidents, for any period of absence from work, the Authority reserves the right to make a third party claim for repayment of occupational sick pay. This excludes any payments made by way of compensation.

## Occupational Health Referrals

15.1 The Council’s Human Resource Section and where appropriate, the Occupational Health Physician may be consulted at any stage in the procedure wherever there is a concern about the employee’s health. However, advice must be sought from HR and Occupational Health before any action is taken under specific paragraphs outlined in the procedures for dealing with short term and long term absences.

15.2 Referral for medical assessment will be made direct to the Human Resource Section using the Medical Referral Form. A copy of the Occupational Health report will be retained on the employees HR File.

15.3 Referrals aid the Council by assessing:-

* + The likely duration of sickness absence
  + Where absence seems excessive in relation to the nature of the illness/ injury
  + Where there is concern about recovery
  + Whether there is a underlying reason for absence
  + Whether the absence is due to a work related cause
  + Reasonable Adjustments to work activities or the working environment to enable an employee to continue to work in his/her substantive post.
  + Suitable alternative employment where the employee cannot return to his/her substantive post.

15.4. Employees must attend any occupational health appointments. Failure to do so without good cause may lead to suspension of sick pay and the instigation of Disciplinary Procedures.

15.5 Employees have a statutory right under the Access to Medical Reports Act 1988. Their consent is required for the Council’s Independent Occupational Physician to apply to a Doctor/specialist, who has responsibility for their care, for a statement giving information about their current health situation. The independent Occupational Physician will seek consent before making any such requests for information. If the employee refuses to give consent they will be advised that any subsequent decision taken by the Council will be based on the facts that are available.

## Discipline

16.1 When a manager/supervisor identifies that an abuse of the absence procedure has occurred action should be taken, following an investigation, in accordance with the disciplinary procedures.

## Critical / Terminal Illness

17.1 In addition to its legal obligations under the Equality Act 2010, the Council has a clear responsibility to provide help and support to any employees who are diagnosed with or suffer from a critical or terminal illness.

17.2 In circumstances where an employee is diagnosed with a critical or terminal illness a sensitive approach will be taken. Advice from Human Resources Services must be sought in these circumstances.