



Sickness Management Policy

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If you require any support in understanding or applying this policy, please contact the Corporate Services Manager. In addition, in line with the Equality Act 2010, we will make reasonable adjustments to remove or reduce disadvantages faced by disabled employees, Councillors, or applicants.

1- Introduction

1.1 - Hailsham Town Council is committed to dealing fairly and sympathetically with employees who are absent from work due to ill health. In cases of long-term sickness absence, the Council will assist with rehabilitation and eventual return to work, including making reasonable adjustments to jobs or working arrangements where possible.

1.2 - This procedure does not form part of employees' terms and conditions of employment and is subject to change. Hailsham Town Council staff follow the National Joint Council "Green Book" sick leave entitlement. Hailsham Youth Service staff follow the Joint Negotiating Committee for Youth and Community Workers "Pink Book" sick leave entitlement. For Post Office staff see individual contracts for sick leave entitlement.

1.3 - In all cases, data and information regarding absences from work and health conditions will be treated as sensitive personal data in accordance with the Council's Data Protection Policy.

2- Reasonable Adjustments for Disabled Employees

2.1 - Whilst managing sickness absence the Council is mindful of the obligation under the Equality Act 2010 to consider reasonable adjustments for disabled employees. The Council will work with an employee to support their continued employment, explore reasonable adjustments and identify any additional support that may reasonably be provided.

2.2 - Guidance on suggested reasonable adjustments may be sought from Occupational Health or other medical practitioners if appropriate. Adjustments may include, for example:

- Minor changes to the job, tasks, or the way that work is done
- Changes to place of work, hours of work or the introduction of remote or hybrid working
- Adaptations to the workplace
- Provision of specialist equipment or software

2.3 - The assessment of reasonableness will rest with the Council and will be determined after consideration of all relevant circumstances including effectiveness, practicability, impact on service users and financial consequences. Employees will be encouraged to engage with the government's Access to Work scheme where appropriate.

3- Sickness Absence Reporting

3.1 - On the first day of sickness absence, employees should contact their Line Manager or Reception, no later than 15 minutes after their usual start time, to confirm that they are absent due to sickness and to give an indication of the likely duration of the absence. Employees must remain in regular contact with their Line Manager throughout any period of sickness absence.

3.2 - Line Manager should report any absences to Corporate Services Manager/Officer.

3.3 – For any absences staff should complete a Sickness Absence Self Certification Form (Appendix 1).

3.4 - If still unfit to attend work after 7 calendar days of absence, the employee must obtain a 'fit note' from a GP or authorised health professional indicating the nature of the absence and the likely duration. Fit notes must be sent to the Line Manager and these should be forwarded to Corporate Services Manager/Officer for filing in HR files. All files will be kept confidential.

3.5 - Fit notes must continue to be submitted to cover the full duration of any absence lasting more than seven calendar days.

3.6 - If an employee is unable to communicate with the Council themselves as a result of their illness or condition, they may nominate a friend or family member to act as their designated contact.

3.7 - The sick pay scheme is set out in the Council's terms and conditions of employment. Receipt of sick pay is conditional on employees following the sickness absence reporting procedure, remaining in regular contact with the Council during any period of absence, providing updates on their health situation if requested, and submitting fit notes as required. Employees should also attend third party medical examinations if requested to do so by the Council. If an employee does not give permission to attend third party medical examinations the Council will make decisions based on information available to them.

3.8 - If the sickness absence is due to a planned surgery or a medical procedure where possible the employee is to give as much notice of the planned absence as possible. For absence for other medical appointments see Annual leave and other leave policy.

3.9 - All sickness or injury absence will be entered on your employment record and will be monitored from time to time.

3.10 – Annual leave accrues while on sick leave, and the Council abides by ACAS guidelines regarding this.

4- Abuse of the sick pay scheme

4.1 - Instances of abuse or suspected abuse of the Sick Pay Scheme will be investigated and treated as a disciplinary matter. This includes if it is known or suspected that:

- absence is not due to genuine ill health, or not for the reason stated
- the employee is undertaking inappropriate activities while off sick, such as carrying out similar work for another employer
- the employee knowingly engages in activities which further endanger their health or recovery during a period of sickness absence

5- Short term sickness absence

5.1 - Short-term sickness absence is defined as any single period of absence lasting less than 28 calendar days.

5.2 - After any period of short-term sickness, the Line Manager will have an informal conversation with the employee to:

- Check on their health and understand whether the absence is likely to reoccur
- Provide any information or updates to the employee about anything they have missed during the absence period
- Respond to any questions or concerns the employee raises
- Understand whether any temporary adjustments need to be made to assist the employee during their recovery

5.3 - In the case of frequent or persistent short-term absences, it may be necessary to work with the employee to develop a plan to improve attendance. This may include discussion of reasonable adjustments or adaptations to either the job, the workplace or ways of working. Medical advice may also be sought.

5.4 - It will not normally be necessary to convene formal meetings as a result of short-term sickness absence. However, the Council may choose to enter formal sickness absence management procedures where:

- an employee has been absent for five or more occasions totalling 12 days or more of absence in any 12 month period; or
- a concerning absence pattern emerges; or
- an attendance improvement plan has been unsuccessful

6- Long term Sickness absence

6.1 - Long term sickness absence is defined as any absence lasting 28 calendar days or more. During all periods of long-term absence, employees are required to maintain regular communication with their Line Manager to provide updates on their condition, recovery and likely duration of the absence.

6.2 - The Council reserves the right to seek advice from appropriately qualified medical professionals, including Council nominated Occupational Health practitioners, at any stage during a long-term sickness absence. The purpose of a referral to a medical professional may include:

- to seek information or a medical report on the employee's condition, including where a condition is unclear or ambiguous
- to establish prognosis, or an indication of when the employee may be fit to return to work either to their original role or to an alternative or adapted role
- to seek guidance on an employee's disability status and any adjustments which may reasonably be considered to facilitate a return to work
- to seek to understand the impact of the employee's health condition on their ability to attend work and do their job

6.3 - Such referrals will be carried out in accordance with the Access to Medical Reports Act 1988 where applicable.

6.4 - Return to Work

6.4.1 - At the point of returning to work after any long-term sickness absence the Line Manager will meet with the employee to conduct a Return to Work meeting. This should ideally take place before the planned return date but also should be on the first day back to work at the latest. During this return-to-work meeting the following points should be discussed:

- the specific arrangements for the employee's return to work, including any temporary reasonable adjustments that are being made such as a phased return or homeworking
- what work the employee will be doing on their return to work and a plan for the first week back
- any ongoing medical issues of which the employer is not already aware, including any updated guidance from a GP or other healthcare professional
- arrangements for monitoring the employee's progress and ongoing fitness to work
- what the employee should do if they have any difficulties with fulfilling the return to work plan

6.5 - Guidelines for a Phased Return

6.5.1 - A phased return to work allows an employee to transition from long-term absence back to full work duties. A phased return to work plan should be based on the employee's health needs and could, for example, involve a gradual increase in hours over a period of weeks, or a temporary period of increased home or flexible working.

6.5.2 - If a phased return to work plan is agreed, the plan should set out:

- when it starts, and with what duties, hours and work location
- any temporary changes to the employee's work environment, workplace, duties or ways of working during the phased return to work
- when and how the employee's work duties, hours and location will change during the phased return period
- how the employee's progress during the phased return to work will be monitored

- what the employee will be paid during any phased return to work (this may be a combination of normal pay and sick pay where the phased return includes reduced hours)
- what happens if the phased return needs to be extended

6.5.3 - The phased return plan should be set out in writing. The Line Manager should liaise with the Corporate Services Manager/Officer. The phased return will be actively monitored by both the employee and their Line Manager.

7- Absence Management Procedure

7.1 Informal stage

7.1.1 - Employees may be required to attend informal meetings to discuss their absence and recovery at any stage whilst absent due to sickness. This may include meetings with third party medical practitioners if requested. These meetings may take place at Council offices, a third party consulting venue, or the employee's home with their permission and subject to prior appointment. The Council will also consider an employee request for a remote meeting (e.g. by telephone or video call), but the Council reserves the right to require in-person attendance at such meetings.

7.1.2 - As these meetings are informal, employees will not be entitled to be accompanied except in cases where a companion is necessary as a reasonable adjustment for a disabled employee.

7.1.3 - Informal meetings will seek to explore the employee's health condition and its impact on their ability to attend work and deliver the requirements of their role. Meetings may explore temporary adjustments to the role, work pattern, work location or duties to allow the employee to return to work sooner than may otherwise be the case.

7.1.4 - If there is no change in the health condition, no adjustments can be agreed to facilitate a return to work, and where there is no prospect of the employee returning to their existing job within what the Council considers to be a reasonable timescale, meetings with the employee will move to the formal stage of this procedure. This can be done before the expiry of full or half pay under the Sick Pay Scheme if appropriate.

7.2 Formal stage

7.2.1 - The Council will notify an employee in writing if they are required to attend a formal meeting under this Sickness Absence Management Procedure. The purpose of the formal stage will be to ensure that all options have been explored to enable the employee to return to work. If it is established during the formal stage of the procedure that the employee cannot return to work within a reasonable timescale, the Council may ultimately make the decision to terminate the employee's employment on grounds of capability.

7.2.2- If at any formal stage the employee or their representative is unable to attend a meeting at the time and date set by the Council, reasonable efforts will be made to rearrange the meeting for a mutually convenient date and time. Unreasonable and repeated delays are unacceptable however, so if it is not possible to agree on a date and time after three attempts, the meeting will go ahead in the employee's absence and the Council will make their decision on the basis of the information available to them. The employee may make advance written submissions if they are not attending in person.

7.2.3 - At all stages during the formal process, reasonable adjustments to the process itself will be considered in respect of disabled employees, where requested.

7.2.4 – Where there is a right to be accompanied by colleague or Trade Union representative the employee will inform the Council of their names in advance of the meeting. The representative cannot answer questions on the employee's behalf.

7.3 First Formal Meeting

7.3.1 - The Council will write to the employee to request that they attend a first formal meeting, giving at least five working days' notice of the meeting. The employee will be informed of their right to be accompanied at the meeting by a colleague or a Trade Union representative, where the employee holds Trade Union membership. The employee will be informed in this letter that ultimately, the outcome of the formal process may result in the termination of their employment. The employee will also be provided with a copy of this policy and procedure.

7.3.2 - The meeting will be chaired by a member of the Senior Management Team. The Chair will be accompanied by the employee's Line Manager, or another Council employee senior to the absent employee. The Council may also, at their discretion, choose to invite an external HR representative to provide advice to the panel. Notes of the meeting will be taken, and a copy provided to the employee within five working days of the meeting.

7.3.3 - The purpose of the first formal meeting will be to:

- establish the current situation regards the employee's health, the progress of their recovery and the likely length of their absence, checking especially whether the situation has changed since the most recent discussion under the informal stage of this procedure
- review the advice in the employee's most recent fit note or any medical reports received
- determine whether further medical or Occupational Health reports are required
- review discussions with the employee regarding what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, workplace adaptations etc.) and to set out any adjustments or adaptations which have already been considered and why these have either not been implemented, or have not been effective
- consider the employee's skills and experience in order to look at options for redeployment to an alternative role

7.3.4 - If further medical or Occupational Health advice is required, the First Formal meeting will be adjourned to allow this to be provided. The meeting will be reconvened once this advice is received, to consider the implications of this advice, and whether any adaptations or adjustments not previously considered are available.

7.3.5 - At the conclusion of the meeting, the panel will confirm the appropriate course of action to the employee. This may include one or more of the following:

- agreement to continued absence from work with an agreed review date to obtain further medical advice
- implementation of adjustments or adaptations to facilitate a full or partial return to work
- options and consideration of redeployment to an alternative role, within a reasonable timescale
- return to work
- the possibility of ill health retirement
- the possibility of a decision to dismiss the employee
- a decision that the case should proceed to a Final Formal Meeting

7.3.6 - The panel's decision and any agreed actions will be set out in writing to the employee within five working days of the meeting.

7.4 Final Formal Meeting

7.4.1 - A Final Formal Meeting will be convened where:

- it is clear from medical advice received that the employee is unable to return to either their original role or an alternative role in the foreseeable future; and/or
- all reasonable steps to assist the employee in returning to work have been exhausted

7.4.2 - The Council will write to the employee to request that they attend the Final Formal Meeting, giving at least five working days' notice of the meeting. The employee will be informed of their right to be accompanied at the meeting by a colleague or a Trade Union representative, where the employee holds Trade Union membership. The employee will be informed in this letter of the possible outcomes of this meeting, which will include the possibility of the termination of their employment.

7.4.3 – A panel comprising three councillors will be convened wherever possible from the Staffing Committee, acting as a Staffing sub-committee. In extraordinary circumstances the panel could comprise individuals from outside of the Council, with the agreement of all parties concerned. The sub-committee will appoint a Chair from one of the three members. No councillor with previous involvement in the case will sit on the sub-committee. The employee's Line Manager, the Town Clerk or the Corporate Services Manager will attend to present the management case and summarise actions taken to date. External individuals.

7.4.4 - The Council may also, at its discretion, choose to invite an external HR representative to provide advice to the panel. Notes of the meeting will be taken, and a copy provided to the employee with five working days of the meeting.

7.4.5 - At the Final Formal Meeting, the panel will consider all circumstances of the employee's case, including:

- the length of the employee's sickness absence
- the likely length of any future absence
- the prospect of a return to work within a reasonable timescale
- the medical advice received on the employee's condition, recovery and prognosis
- if applicable, the possibility of ill-health retirement
- any adjustments and adaptations discussed to facilitate a return to work, and whether these are reasonable
- any other adjustments or adaptations which could reasonably be made
- the effect of the employee's continued absence on service users, colleagues and the Council's operations
- whether redeployment has been considered

7.4.6 - The meeting may be adjourned and reconvened at a later date to allow additional information or medical advice to be obtained if necessary.

7.4.7 - After the meeting, the Chair will write to the employee setting out the outcome of the Final Formal Meeting. The outcome of the meeting could be:

- a decision that the employee remains absent on sick leave until they have recovered (typically where an approximate return to work date within a reasonable timescale can be identified)
- that steps to pursue ill-health retirement will commence
- confirmation of adjustments or adaptations to enable a return to work
- a warning that continued absence is unacceptable
- a recommendation that redeployment is pursued
- a decision to dismiss the employee

7.4.8 - The employee will receive the panel's decision, and confirmation of any right of appeal, in writing within five working days of the meeting.

7.5 Appeal

7.5.1 - The employee will have the right of appeal against the following outcomes of a Final Formal Meeting:

- a warning
- redeployment
- dismissal, including ill-health retirement

7.5.2 - The employee should set their appeal out in writing, addressed to the Town Clerk, within five working days of receiving the written outcome of the Final Formal Meeting. The appeal should set out the grounds on which the employee believes that the decision was flawed or unfair.

7.5.3 - An appeal hearing will be convened no earlier than 10 working days after the appeal is received. The appeal will not be unreasonably delayed. The Appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. In the event that there are insufficient members of the Staffing Committee who have not previously been involved, the appeal panel will be a committee of three members of the council who may include members of the Staffing Committee. The appeal panel will appoint a Chair from one of its members. The Council may also, at their discretion, invite an external HR representative to provide advice to the panel. The employee will have the right to be accompanied at the meeting by a colleague or a Trade Union representative, where the employee holds Trade Union membership. Notes will be taken and a copy provided to the employee within five working days of the meeting.

7.5.4 - The purpose of the hearing will be to review the decision made at the Final Formal Meeting and the employee will be entitled to make representations about the appropriateness of the decision. At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Staffing Sub-Committee and to review that decision
- explain the action(s) that the appeal panel may take

7.5.5 - The Appeal is not a complete re-hearing of the entire case. The Appeal panel will focus solely on the grounds of appeal. The employee (or their companion) will be asked to explain the grounds for appeal. The panel may adjourn the hearing if additional information is required before a decision can be made.

7.5.6 - The Appeal Panel may:

- uphold the original decision
- substitute an alternative decision
- refer the matter back to an earlier stage of the process (formal or informal)

7.5.7 - The decision of the appeal panel will be confirmed to the employee in writing within five working days of the conclusion of the appeal hearing and will explain the grounds on which the decision was reached. There is no further right of appeal.

7.5.8 - If an appeal against dismissal is upheld, and the dismissal has already taken place, the employee will be reinstated and will receive normal pay (in accordance with the sick pay scheme where the employee remains absent from work) for the period from the date of dismissal. Continuity of service will be preserved.

8- Redeployment

8.1 - The Council will consider redeployment to an alternative role where medical advice indicates that an employee absent due to long-term sickness absence will be unable to return to their existing role within a reasonable timescale, and where it is not possible to make temporary or permanent adjustments to their existing role to enable the employee to return to work.

8.2 - The Council will discuss with the employee their skills and experience and will take account of medical advice in seeking a suitable alternative role. An employee absent due to long-term sickness may be considered for redeployment at any stage during formal absence management processes.

If offered redeployee status as an outcome of a formal meeting, this may be offered for a defined period determined by the panel. This will not normally exceed a maximum of three months. If it is not possible to redeploy the employee to a suitable alternative role within the agreed timescale, the only alternative available will usually be dismissal.

8.3 - At the Council's discretion, a redeployment period may run concurrently with the employee's notice period where a decision to dismiss has been made in a Final Formal Meeting. In this case, if a suitable alternative role is accepted and is considered successful after a trial period, a variation of contract will be offered and, if accepted by the employee, notice of termination of employment will then be withdrawn. Notice may be extended at the Council's discretion to allow completion of a trial period in an alternative role, where appropriate.

8.4 - During any redeployment period, if the employee remains unfit to attend work they will be paid in accordance with the sick pay scheme set out in their terms and conditions of employment.

8.5 - Any vacancy offered as a redeployment opportunity will be offered on the basis of the salary, working conditions, work pattern/hours, work location and terms and conditions of that vacant role. Reasonable adjustments will be considered for disabled employees. If an employee accepts an offer of redeployment on health grounds, they will be asked to agree to a variation of contract.

8.6 - While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

Appendix 1 Sickness Absence Self Certification Form



Sickness Absence Self Certification Form

This form is to be completed on your return to work following any period of sickness.

If you are returning to work after a sickness absence of more than seven calendar days, you should also provide a medical certificate/fit note.

Name:

Position:

Dates of Absence (actual working days)

From:

To:

Details of sickness or injury (provide a brief description, detailed medical information is not required):

Employee signature:

Date:

Line Manager signature:

Date:

Line Manager to forward to HR (Corporate Services Manager/Officer)

This form and the information contained within will be handled in accordance with the General Data Protection Regulation (GDPR).