

## **Barnwell Parish Council**

### **Sickness and Absence Policy**

Barnwell Parish Council aims to secure the attendance of its employees throughout the working week, however, it acknowledges that a certain level of absence may be necessary due to sickness, illness or injury. It is the Council's policy to offer, as far as possible, security of employment during such periods, subject to operational requirements and the conditions below.

#### **Unauthorised absence**

The obligation on an employee to attend work at the times agreed is a fundamental part of the contract of employment. Employees who deliberately fail to attend work without proper excuse or in breach of management instructions will be committing gross misconduct which could result in dismissal without notice or payment in lieu.

#### **Medical appointments**

In general, appointments to see a GP, dentist or optician should be made outside working hours. Paid leave will not normally be granted for non-emergency visits.

The Council appreciates that it is not always possible to avoid appointments during the working day and will judge each case individually in deciding whether any paid time off should be granted. In most cases, employees will be required either to use part of their annual holiday entitlement or to make up any lost time.

Employees who have a medical condition which will require regular appointments during the working day should discuss their situation with the Chair so that appropriate arrangements can be made.

Evidence of any appointment for which time off is needed can be requested.

#### **Ante-natal care**

Employees who are pregnant are entitled to paid-time off to attend ante-natal appointments provided that attendance is based on medical advice. For second and subsequent appointments you may be required to produce an appointment card or similar evidence of the date and time of the appointment.

While there is no limit on the number of appointments that an employee can attend, the Council does have the right to refuse time off where it is reasonable to do so. Employees are therefore expected to take reasonable steps to arrange antenatal appointments at a time that will require the minimum amount of time off and where possible avoid appointments in the middle of the working day in order to minimise disruption.

#### **Sickness absence**

Regular and reliable attendance at work is an important commitment that the Council asks all employees to make. Unjustified or excessive absence can put unfair pressure on colleagues and seriously damage the Council's operation, to everybody's detriment.

#### **Reporting sickness absence**

If the employee is unable to attend work due to sickness, he/she must notify the Council by contacting the Chair or Vice Chair as soon as possible, but no later than the end of the working day on which the absence first occurs. He/she should indicate the reason for the absence and, if possible, when he/she expects to return to work.

Falsely claiming to be sick is an act of gross misconduct that will normally result in dismissal.

If the employee's absence is for 7 days or less he/she will be required to complete a self-certification form on return to work. If the absence has been or will be for more than 7 days in a row and sick leave has been taken the employee must provide a Fit note from their GP, medical professional or hospital doctor. Uncertified absence may be treated as misconduct and will not be paid.

Where any period of sickness absence occurs immediately before or during annual leave the employee may take this as sick leave. The Council may require such absence to be certified by a GP at the employee's own expense.

If the employee is absent for an extended period of time (three weeks or more) the Council may refer yhe/she to an occupational health professional or seek a medical report from their GP. The purpose of this will be to ascertain when he/she is likely to be able to return to work and to identify any measures that can be taken to help them return as soon as possible.

Employees who are off sick should not undertake any activities likely to be detrimental to their recovery and should cooperate with the appropriate medical professionals in taking steps to ensure that their recovery is as swift as possible.

The Council will maintain regular contact with employees who are off sick for an extended period.

### **Annual leave and sickness absence**

Employees may request annual leave during any period of sickness absence in the normal way. If he/she intends to spend any time away from home during their sickness absence he/she should inform the Chair or Vice Chair of this fact in advance and provide contact details. The Council does not expect employees to take holidays while off sick. In exceptional cases only, where this may assist in an employee's recovery, the Council may agree to holidays being taken during sick leave. It is essential however that any such holidays are agreed in advance with the Council following the normal holiday request procedure.

### **Phased return to work**

As an employee recovers from illness or injury it may be possible for them to undertake a limited range of duties as a preparation for returning to normal work. The Council will try whenever appropriate in light of medical advice to allow for a phased return to work from any long-term illness. This may involve reducing the employee's hours or the scope of their duties or both. The purpose of a phased return, however, is to provide a bridge between sickness absence and normal working and so any such arrangements will be time limited.

### **Alternative work**

The Council may consider agreeing changes to an employee's duties or other working arrangements when it becomes clear that due to sickness or injury they will not be able to return to normal working. Any such changes will be subject to the needs of the organisation and there is no guarantee that permanent arrangements of this sort will be possible.

Where duties or working hours are varied in this way then the job being done by the employee will need to be reassessed to determine the appropriate level of remuneration.

If it is not possible to find suitable alternative work the Council may unfortunately have to consider dismissal on the grounds of capability.

### **Disability and reasonable adjustments**

The Council is committed to making reasonable adjustments to an employee's duties or working arrangements where they would otherwise suffer a disadvantage arising from any disability. In order to make appropriate adjustments the Council needs to know about any disability the employee may have. Employees who feel that they may require an adjustment should discuss their situation with the Chair or Vice Chair.

The purpose of any adjustment will be to ensure that the employee can work effectively in an appropriate role and on appropriate terms and conditions. The Council is not obliged to maintain an employee's level of pay if hours are reduced nor will the Council agree to an adjustment which will not result in a practicable working arrangement.

### **Sick pay**

Entitlement to sick pay is detailed in the employee's Contract of Employment.

### **Frequent or long term absence**

The Council may need to dismiss an employee whose attendance does not meet an acceptable standard either because of a long-term absence or because of a series of short-term absences. Such dismissals do not depend on any wrongdoing on the employee's part and do not mean that the Council does not accept that their absences are genuinely due to illness or injury. Rather, dismissal is recognition that unfortunately the employee is no longer able to perform their role or attend work on a sufficiently regular basis to make their continued employment a viable option.

### **Short-term absence**

An employee who is absent on more than three occasions within a six month period will be invited to a meeting to discuss their attendance. The meeting will usually be conducted by the Chair or Vice Chair and the employee will have a right to be accompanied by a trade union representative or friend. At the meeting the employee will be asked to explain the level of their absence.

Where there is any indication that the absences are caused by an underlying medical condition then the matter may be dealt with under the procedure for long-term absence set out below. The Council may also seek medical evidence from either the employee's doctor or an occupational health specialist in which case the meeting will be adjourned for a report to be obtained. Subject to any medical evidence, the person conducting this first-stage meeting may decide to issue a warning to the employee setting out the Council's expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from one month to 12 months depending on the circumstances.

If the employee's attendance does not improve to the extent required they may at any stage in the review period be invited to attend a second-stage meeting to discuss the matter. The meeting will again be conducted by the Chair or Vice Chair and the employee will have a right to be accompanied by a trade union representative or friend. This meeting may result in an extension of the review period or the issuing of a final written warning requiring the employee's attendance to improve and setting out the level of improvement required over a specified period of up to one year. If the employee does not meet this standard and there is no underlying condition where reasonable adjustments would assist the employee to attend work then they may be dismissed.

A final meeting will be convened which shall the Chair or Vice Chair and the employee will have a right to be accompanied by a trade union representative or friend. Any dismissal arising out of this meeting will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### **Long-term sickness absence**

Where an employee is absent for an extended period – or it is clear that their absence is likely to continue for some time – then the Council will want to investigate the prospects for their return and consider what actions can be taken to facilitate this. The extent to which the Council can continue to accommodate an employee's absence will depend on a range of factors, including the role of the employee and the prevailing circumstances of the Council.

The Council will seek medical advice as to the employee's condition either from the appropriate professionals caring for the employee or from a specialist occupational health practitioner. The focus will be on ascertaining when the employee will be able to return to work and what steps the Council can take to facilitate this. An employee is not obliged to consent to any medical reports or records being shared with the Council as part of this process. However, in the absence of medical evidence the Council will have to work on the basis of what information is available in reaching its decision.

One or more meetings will be arranged with the employee to discuss their condition, the prospects for any return to work, and whether anything more can be done by the Council to help. The employee will be entitled to be accompanied at the meeting by a friend or trade union representative. Every effort will be made to make suitable arrangements for the meeting to allow the employee to attend. Where the employee is simply too ill to take part

in the process, however, the Council may proceed with the meeting in their absence but will take into account any representations made on the employee's behalf.

Where it appears that the employee will be unable to return to work within a reasonable time frame then the Council may need to consider dismissal. Any dismissal will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### **Time off**

There are a number of circumstances in which employees have a right to time off from work either with or without pay. These include jury service and certain public duties such as serving as a local councillor, magistrate or school governor. Where a need for such time off arises the matter should be discussed with the Chair or Vice Chair who will consider what arrangements should be put in place.

While the Council will do its best to accommodate time off in these circumstances, the requirements of an employee's role may mean that the amount of time off granted may be limited. Where serving on a jury would lead to a level of absence that would be detrimental to the organisation, the Council may require you to seek a deferment.

### **Compassionate leave, time off for dependants and domestic emergencies**

If an employee suffers bereavement or faces some other personal emergency he/she should talk to the Chair or Vice Chair who will discuss what arrangements can be made to grant compassionate leave. These arrangements will always be at the discretion of the Council and will depend on the circumstances of the case and the impact that any absence may have on the organisation. However, the Council will be sympathetic to the need for time off (which may be paid or unpaid at the Council's discretion) to deal with the situation and make any arrangements that may be necessary.

Once the matter has been discussed with the Chair or Vice Chair, the arrangements will be confirmed in writing. If paid time off has been granted, then the amount of time that will be paid will be clearly set out. While on compassionate leave the employee should wherever possible inform the Chair or Vice Chair of any developments that may affect their needs.

If an emergency occurs and it is not possible for the employee to inform the Chair or Vice Chair in advance of any absence he/she should contact the Chair or Vice Chair as soon as possible to inform them of the situation. Appropriate arrangements may then be put in place.

Signed (Chair):

Date: 17<sup>th</sup> November 2020

Next review date: November 2021