



Sickness Policy

1. Introduction

1.1. Staff absence has a direct negative impact upon the ability of the Council to manage its business. Therefore it is the shared responsibility of the Council and employees to ensure that sickness absence is kept to the lowest possible level. The Council has an interest in working to establish and maintain a method of monitoring and controlling absence that ensures fair and consistent treatment. It is inevitable that staff will experience periods of ill health and require sick leave from time to time. Employees are entitled to expect that the Council will be sympathetic and supportive of them and act as a fair, reasonable and consistent employer.

2. Purpose

2.1. The Employment Act 2002 and the Employment Act 2002 (Dispute Resolution) Regulations 2004 provide the main legal tools for facilitating absence management. Other important legislation which has an impact on absence management include:

- Data Protection Act 1998;
- Equality Act 2010;
- Employment Rights Act 1996 as amended;
- Employment Rights Dispute Resolution Act 1998;
- Employment Relations Act 1999.

2.2. Where an employee fails to follow the reporting or certification arrangements as set out in sickness absence guidelines, the matter may be dealt with under the Council Disciplinary Procedure.

3. Eligibility for sick pay

- 3.1. A member of staff is considered as eligible for sick pay from the first day of reported sickness absence until they report to the Chair that they are fit to return to work. Therefore, sickness absence is calculated over the entire period of absence and not restricted to the start /end of an employee's weekly shift/work pattern.
- 3.2. Entitlement to paid annual leave continues to accrue during paid and unpaid sick leave.
- 3.3. The Council operates the minimum Statutory Sick Pay scheme.

4. Definitions

4.1. Occasional short term absence

- 4.1.1. Short term absences are defined as those lasting for up to two working weeks.

4.2. Frequent short term absences

- 4.2.1. Absences from work will be regarded as frequent if, during any rolling twelve month period, an employee is absent from work for ten or more non-consecutive working days or on four separate occasions. Reasonable variations should be allowed for chronic illness and disabilities covered under the Equality Act.

4.3. Long term absence

- 4.3.1. Long term absence is any absence in excess of two weeks.

5. Managing absence

- 5.1. In the event that the Chair feels that the employee has frequent absences the Chair can conduct an informal meeting with the employee to discuss the patterns of absence, identify any solutions to support future attendance and to consider any actions required. During this meeting the employee will also be issued with a Recorded Oral Warning which will remain live for a period of six months. As this is informal action there is no right of appeal against the decision but the employee can place a letter of mitigation in their file to run concurrently with the duration of the warning.
- 5.2. A specified period of time in which the member of staff's attendance can be assessed and the attendance levels required will be agreed and shared with the employee; this is typically a three month monitoring period, however reasonable variations can be agreed if the employee is covered under the Equality Act. The

Chair will monitor annual leave due and taken and sickness taken with reason.

- 5.3. To support the process the council can request medical advice – the employee can request where appropriate that their GP provides evidence pertinent to the case. A charge may be required which should be met by the council. The council should document their concerns and the impact against the employee at work to the nominated clinician.
- 5.4. If informal action does not bring about a sustained improvement to attendance during the monitoring period and there is no underlying medical reason for the absence, the manager is required to progress to formal action for **poor attendance** using the Disciplinary Procedure
- 5.5. Formal procedures should be used where there is no significant improvement in absence over a period of time usually 6 months. It may also be required where the condition of the employee means that they are unfit to work under any circumstances.
- 5.6. Formal procedures can also be used where the employee has a long term medical condition which inhibits their ability to undertake their role despite any reasonable adjustments.
- 5.7. The council must make every effort to support workplace adjustments in the event that these are required to support the employee to maintain employment.
- 5.8. Where a decision is reached to dismiss an employee on capability grounds due to ill health, there is a right of appeal. This should be made in writing to the Chair of the Finance Committee within 14 days of receiving the dismissal letter. The employee must clearly state the grounds for the appeal. An appeal hearing, if necessary, will be convened in accordance with Council policy.

6. Certification

- 6.1. If sickness continues beyond the seventh day a doctor's fit note will be required. The fit note should be provided as soon as practicable but in any event within 4 working days. If a member of staff fails to produce the correct certification within this timescale he/she will be marked absent without pay. In exceptional cases, the Chair may request in writing with an explanation that a doctor's fit note be obtained from the first day of absence. In such cases, any fee for the certificate will be paid for by the Council upon production of a receipt.

7. Procedure

- 7.1. A hearing and appeal for formal ill health capability hearings will allow all parties a full opportunity to present their statements, ask questions and clarify points. The council will follow and adhere to all statutory procedures and guidelines relating to this procedure.

8. Councillor training

- 8.1. Training in relation to the hearing and appeal process and required actions will be given to councillors by the nominated lead from the Finance Committee. In addition, the Chair is able to seek support from KALC.

9. Implementation and communication

- 9.1. This policy has been ratified by the Finance & Administration Committee under the delegated responsibility given to the Committee by Full Council, as set out in the Terms of Reference of the Finance and Administration Committee.
- 9.2. This policy should be reviewed at a minimum every four years.

| Version | Source | Approved |
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| 1.0 | <ul style="list-style-type: none">• Employment Rights Act 1996 as amended.• Data Protection Act.• Employment Relations Act 1999.• Equality Act 2010. | 10 Feb 2020 |