
MANAGING ILL HEALTH POLICY

1. Introduction

- 1.1 Sheringham Town Council supports the health, safety, and wellbeing of its employees. We value the contribution our employees make to providing effective, high-quality services to the community. So, when any employee is unable to be at work for any reason, we miss that contribution.
- 1.2 This policy explains:
- What we expect from the Clerk and Councillors when dealing with ill health and absence.
 - What we expect from employees who are off sick.
 - How we will support employees who are off sick in an attempt to facilitate an early return, to ensure a return is sustained and to reduce levels of absence.
 - How we will manage staff with any ill health or disability at work.
- 1.3 The Managing Ill Health Policy is based on the following principles:
- 1.3.1 As a caring and responsible employer, the Council will pay employees who are unable to attend work due to sickness in accordance with our sick pay scheme as stated in the employees' Statements of Terms and Conditions of Employment.
- 1.3.2 Regular, punctual attendance is an implied term in every employee's contract of employment. We expect all employees to take reasonable care of their own health, seek medical help when appropriate, and to attend work when fit to do so.
- 1.3.3 We will support employees who have genuine reasons for absence and will treat all such sickness absence in a fair, sensitive, and consistent manner.
- 1.3.4 We will balance the sensitive management of genuine sickness against the need to be publicly accountable for the costs of absence. Action will therefore be taken to address recurrent short-term sickness or extended periods of absence as appropriate.
- 1.3.5 We will consider any advice given by the employee's General Practitioner (GP) on the 'Statement of Fitness for Work'. If they advise an employee 'may be fit for work' we will discuss with the employee how we can help them get back to work – for example, on a phased return, flexible hours, or altered duties.
- 1.3.5 Council may use an occupational health adviser, subject to approval from the Employment Committee, where appropriate, to:
- a. help identify the nature of an employee's illness.
 - b. advise the employee and the Clerk/Councillor on the best way to support the employee to facilitate a return to work.
- 1.3.6 The Council's Managing Employee Performance Procedure may be used if there is a failure to follow or any abuse of the Managing Ill Health Policy.
- 1.3.8 The Council respects the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1990.

2. Scope

The procedure applies to all employees of Sheringham Town Council relating to ill health and/or sickness absence. However, employees who have high levels of sporadic sickness absence, where no underlying medical condition/disability has been identified, or where a condition has been identified and adjustments have been made, will be dealt with under the Managing Employee Performance Procedure.

3. Notification of Absence

If an employee is going to be absent from work they should speak to the Clerk (or the Chair/Vice Chair of the Council in the case of the Clerk) before 9am on the first day of absence. They should also:

- give a clear indication of the nature of the illness and
- a likely return date

The Clerk/Councillor will check with the employee if there is any information they need about their current work. If the employee does not contact the Council by the required time they will attempt to contact the employee at home.

An employee may not always feel able to discuss their medical problems with the Clerk/Councillor, who will be sensitive to individual concerns and make alternative arrangements, where appropriate. For example, an employee may prefer to discuss health problems with a person of the same sex.

The employee must maintain regular contact with the Council during any period of sickness lasting longer than one day so they are aware of any progress and the expected return to work date.

4. Evidence of Ill Health

Employees can use the Council self-certification arrangements for the first seven days absence. A medical certificate or 'Fit Note' from their GP is required to cover every subsequent day.

A 'Fit Note' from the employee's doctor must be sent to the Council by the eighth calendar day of absence (including Saturday and Sunday) and subsequent 'Fit Notes' need to be concurrent and forwarded to the office within 24 hours of issue by the GP.

The employee may be able to return to work before the end of the period that their GP has advised due to a faster recovery than anticipated or the GP not being aware of ways we could support the employees return. The employee will need to agree they are fit to return to work, you do not need to wait until the end of the Statement period for them to do so.

All 'Fit Notes' should be photocopied and sent to the Clerk for their records and the original note should be returned to the employee. These will be retained confidentially for the current year plus 3 years.

If absence is likely to be long term i.e. over 2 weeks, there is a shared responsibility for the Council and the employee to maintain contact at agreed intervals. This can be by telephone, e-mail/letter, or home visit.

It is the employee's responsibility to ensure that all necessary sickness certification is sent to the office in line with the timescales outlined above.

5. Sickness and Leave

Employees continue to accrue annual leave as normal whilst absent due to ill health.

Employees can take annual leave during sickness absence if they wish. If they do they will be paid for annual leave, not sick pay, for those dates. Employees can take this option if they are in a no pay period.

If the employee is unable to take all of their statutory annual leave entitlement within a year because of illness, they can carry forward the unused statutory entitlement up to a maximum of 28 days including bank holidays.

If employees become ill whilst they are on annual leave and want to claim sick pay instead of holiday pay they must inform the Clerk/Council immediately, submit a GP Certificate (Fit Note) to cover all periods of sickness, and will be considered as absent due to ill health from the date of the GP Note.

When an employee is receiving sick pay, it will continue if a public or extra statutory holiday falls during the absence period, no substitute or extra statutory holiday will be given.

6. Return to Work Meetings

The Clerk (or Chair / Employment Committee Chair in the case of the Clerk) will hold return to work discussions with employees after each period of absence and record this to: -

- welcome the employee back to work and make them aware they have been missed.
- ask about the reasons for their sickness and how they are feeling now.
- give the employee an opportunity to raise any personal or work-related problems.
- bring the employee up to date with any work issues.
- ensure the absence has been correctly certified and recorded.
- ask whether there is any further support that can be offered.
- discuss absence levels if hitting intervention points, and the consequences of any further episodes of sickness absence.

If an employee's GP has advised that they 'may be fit for work' the return-to-work discussion can also be used to agree in detail how their return to work might work best in practice.

7. 'May be fit for some work' and Phased Returns

If the GP advises on the 'Fit Note' that an employee 'may be fit for work' Council will discuss with the employee ways of helping them get back to work. This might mean talking about a phased return to work, amended duties, or additional support.

A phased return to work where recommended by a medical practitioner can allow a gradual return to work after a significant absence (usually 4 months duration) or a significant illness. It should normally last for a maximum period of 6 weeks (in the majority of cases 4 weeks will be sufficient) and generally for no less than half their contractual hours. During this period, the employee may not receive their full contractual pay (not including statutory sick pay), only hours worked will be paid the contracted rate, and there should be a gradual increase in hours within the agreed period, recorded in a return-to-work plan. Each employee should refer to their Statement of Terms and Conditions of Employment for their sickness entitlement.

Other means of assisting a phased return to work may be explored, for example reviewing work hours, duties or responsibilities.

If it is not possible to provide the support an employee needs to return to work – for example, by making the necessary workplace adjustments – or an employee feels unable to return then the Statement will be used in the same way as if the GP advised that the employee was 'not fit for work'.

8. Intervention Points

The Health and Safety Executive advise that early intervention is key. The sooner action is taken, the better the chances are of an employee making a full and speedy return to work.

The Council uses intervention points to help provide a consistent, fair and measured approach to managing all forms of sickness absence/ill-health. The purpose of an intervention point is to act as a prompt for management action. However, each case should be considered on its own merits, for example, when an intervention point is met or exceeded it is not an automatic reason to commence a formal process.

The intervention points are:

Sporadic Absence (within the last six months):

- Three periods of absence (irrespective of length of absence); and/or
- Ten days (working days) total absence.

Long Term Sickness absence

- Two weeks (10 working days)

9. Short Term/Sporadic Absence

If the short-term absence has a pattern or is made up of a number of sporadic instances, particularly when there is no underlying medical condition, then it should be managed under the Council's Managing Employee Performance Procedure. Persistent episodes of ill health absence are not sustainable as these can be detrimental to the Council's ability to deliver its services and is costly.

If the absence has met the intervention points the Clerk/Councillor should raise this at the Return-to-Work meeting. The discussion should establish the reasons for the absence explain the need for improved attendance and keep written notes on the self-certification form.

If following this discussion there is no improvement in attendance and there is no underlying medical condition, or there is an underlying medical condition or disability and all reasonable adjustments/support have been provided, the absence will be managed under the Council's Managing Employee Performance Procedure.

10. Long-Term Absence

Normally after two weeks absence where there is no clear indication of when the employee will return to work the Clerk/Councillor should gather all relevant information and explore the options. This could involve a review of the medical certificates, outcomes of discussions with the employee, and an agreed plan of action. The Council should remain focused on supporting the employee to return to work and will need to ensure regular contact is maintained.

An initial meeting/home visit could be held between the Clerk/Councillor and employee. The discussion should cover:

- confirm/clarify reason for absence.
- expected time of return to work – the date if possible.
- any measures that could be put in place to support the employee to return to work safely.
- consider the employee's ill health absence history.
- sympathise/understand the employee's situation and be flexible where possible to help facilitate a prompt resolution.
- at this meeting it may be necessary to complete an Occupational Health referral form.

Alongside this meeting, the Council should consider if they need to find a replacement to cover the absence so that the team/Council is not adversely affected.

11. Occupational Health Services (OHS)

The OHS is a clinical service whose main purpose is to provide advice to the Council to enable it to manage the health-related aspects of work. OHS advice can supplement advice from an employee's GP, therefore it is not always necessary to gain their input if the information from the GP is sufficiently comprehensive.

A referral should request information on the following areas:

- Establish if there is an underlying health condition or disability.
- The likely period of absence – and what support will be necessary when the employee returns or what measure could facilitate an earlier return.
- If the employee is/will be fit to undertake the full range of their duties and the timescales and if there are any permanent/temporary limitations on their ability to undertake some duties.
- If re-deployment on health grounds should be considered.
- Whether the ill health is likely to be permanent – if so is early retirement on health grounds an option.
- If the condition is due to an industrial injury (accident, injury or illness resulting from carrying out activities at work).

OHS cannot disclose information about employee's health without the consent of the employee because it is medically based and covered by medical law. Employees have the right to refuse disclosure of the OHS report. If this is the case then the Council will need to make decisions based on the information available to them. Reports or related papers should always be held confidentially.

The report does not make decisions for the Council but should assist in making decisions from a work perspective. The employee should be involved in any discussions about proposed actions.

12. Review Meetings

Depending on the duration of the absence and advice received, a series of meetings are likely to be held throughout the absence between the Council and employee.

If absence is long term in duration, there is no indication of a return date and/or medical advice has been obtained relating to fitness for the role, the review meeting should be formal. The employee should be given a written invite to the meeting, with at least 5 working days' notice, to be held at their home address or the Council offices. The employee should be given the right to be accompanied by a trade union representative or work colleague.

Review meetings are used to consider all the available information and options. No set number of meetings is required, the objective is to ensure that absence is managed and that all parties are kept informed.

The employee has an obligation to attend these meetings where reasonable. If they do not engage in this process then any decisions can be made by the Council based on the information available to them.

13. Final Ill Health Review Meeting

Where there is no foreseeable return to work in a reasonable timeframe OR medical advice indicates an individual is not fit for their job role then a Final Ill Health Review meeting will be held between the Council and the employee as per the formal invite requirements listed above.

The purpose of this meeting is to consider the ability of the Council to sustain the long-term absence. If there is no foreseeable return to work in a period that can be accommodated and all reasonable measures to support a return to work have been exhausted, then the Council will ultimately have to decide at this meeting whether to dismiss the employee (on the grounds of lack of capability due to ill health).

The decision to dismiss should not come as a surprise to the employee, as the potential for this to happen should have been discussed and conveyed sensitively to the employee in advance of the actual decision.

If the decision is to dismiss the employee, the decision will be confirmed in writing and include a statement regarding their rights of appeal against the decision. Contractual or statutory notice and any outstanding annual leave will be paid. The decision to dismiss should not be associated with the employee's entitlements to sick pay.

14. Ill Health Retirement

Where recommended by the OHS requires confirmation from an independent Doctor and is based on definitions provided under the LGPS (Benefits, Membership and Contributions) Regulations 2007.

15. Disability and Reasonable Adjustments

It does not follow that people with a disability have more absence due to ill health than others. Where periods of absence related to disability, the Council needs to follow the Managing Ill Health Policy but consider the disability.

Under the Equality Act 2010 employers have a duty to make reasonable adjustments so that disabled employees are not disadvantaged in their work compared to non-disabled employees. This may mean changing the way employment is structured, the removal of physical barriers, and/or providing extra support for a disabled worker.

Full consideration should be given to making reasonable adjustments. Further advice can be obtained from external HR services, ACAS, the OHS, GP or other medical professional, Access to Work, or Trade Union representatives. Consideration should also be given to the Council's Equality Policy.

16. Stress

The Council recognises that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.

The Health and Safety Executive define stress as "*the adverse reaction people have to excessive pressure or other types of demands placed on them*". This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

Absence that appears to be due to a stress related illness should be considered for action as soon as possible and as early as two weeks after the start of absence. The Council should consider the GP advice, if OHS advice is required, conduct stress risk assessments, and seek external HR advice where stress is identified.

17. Alcohol & Substance Abuse

The Council will respond to alcohol, drug, or substance misuse problems as primarily a health issue, recognising that an employee with a problem can put themselves, their colleagues, and the public at risk of harm. It is the Council's intention, to respond positively to these issues and to encourage staff with problems to seek help and advice and reasonable time off will be given.

However, employees must not consume alcohol or use substances outside of working hours that may affect their performance or their ability to work safely. Neither must they report for work if they may be under the influence of alcohol or other substances that may affect their performance and if they do, the Clerk/Councillor will send them home and consider action under the Council's Managing Employee Performance Policy.

The consumption of alcohol by employees during working hours is not allowed. The possession, use, production, or supplying (selling or giving) of illegal drugs is forbidden and will be reported to the police in line with the Council's statutory responsibility under the Misuse of Drugs Act 1971.

Serious incapacity due to alcohol, drugs or other substances whilst on duty will be regarded as gross misconduct and dealt with under the Council's Managing Employee Performance Policy.

If the offer of support and treatment is not taken up, or leads to little or no change, and there is little or no evidence showing change, then the Council may deal with the issue under the Managing Employee Performance Policy.

18. Absence due to disability/maternity

Absences relating to the disability of an employee or to pregnancy will be kept separate from sickness absence records.

19. Sick Pay

Employees may be entitled to Statutory Sick Pay only as detailed in their Statements of Terms and Conditions of Employment. The sick pay scheme is intended to supplement any statutory sickness benefits in order to maintain normal pay during defined periods of absence because of sickness, disease, accident or assault. The Council shall have discretion to extend the period of sick pay in exceptional circumstances.

Sick pay is calculated based on sickness absence episodes over the preceding 12 months.

In the case of full pay periods, sick pay will be an amount which when added to statutory sick pay entitlements will equal normal pay. In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay entitlements, so long as the total sum does not exceed normal pay.

Normal pay includes all earnings that would be paid during a period of normal working, and excludes any payments not made on a regular basis.

An employee is entitled to the social security benefits for calculating sick pay on the basis that the employee has followed:

- a) the conditions for reporting sickness as required by the employer
- b) the claiming of benefits
- c) the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.

Sick pay may be suspended if an employee abuses the sickness scheme; or is absent on account of sickness due or attributable to:

- deliberate conduct prejudicial to recovery, the employee's own misconduct or neglect
- active participation in professional or dangerous sports
- injury whilst working in the employee's own time, on their own account, for private gain, or whilst working for another employer.

The Council shall advise the employee of the grounds for suspension of sick pay and the employee shall have the right of appeal to the Chair of Employment Committee. If the Council decides that the grounds of suspension of sick pay were justified then the employee shall forfeit the right to any further payment in respect of that period of absence.

20. Monitoring

Monitoring is an important part of sickness absence. In order for reports to be issued to the Council, it is important that all absence from the workplace is reported. All signed absence forms should therefore be returned as soon as possible after the employee's return to work interview has been conducted.

The sickness monitoring system will also enable the Clerk/Councillors to identify individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, you should view such notifications as a secondary means of identifying problems or potential problems.

Records retained in respect of sickness absence will be treated with sensitivity and confidentiality. Employees are entitled to access their records on request.

21. Human Resources

External Human Resources are available to provide advice and guidance to support the Council in dealing with absence due to ill health fairly, sensitively and within policy requirements so as to enable them to minimise non-attendance levels. HR Services may be chargeable so should be agreed with the Employment Committee in the first instance. HR are available to attend any meetings; particularly formal ones and prepare and issue written records/letters as necessary.

13. Review

This policy and the supporting procedural guidelines will be reviewed periodically.