

## **Dethick, Lea & Holloway Parish Council**

### **EMPLOYEE ABSENCE POLICY**

#### **1. Purpose and Scope**

The purpose of this policy is to set out the procedure for dealing with employee absence as a result of illness or injury.

#### **2. If an employee is unable to attend work**

If an employee is unable to attend work due to illness or injury, they must inform their line manager by 10am on the first day of absence or as soon as reasonably possible.

For periods of absence beyond 7 days a 'Statement of Fitness for Work' must be obtained and a copy forwarded to your line manager.

#### **3. Sick Pay**

Employees will be paid sick pay in accordance with their contract of employment. Statutory Sick Pay (SSP) will be paid in accordance with current legislation.

#### **4. Procedure for long-term or frequent short-term absence**

This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. The discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all.

##### **4.1 Principles**

- a) Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Parish Council and the impact of the absence on others.
- b) The employee's line manager will maintain periodic contact during the period of sickness absence.
- c) In cases of long-term health problems managers will take into account:
  - any representations from employees, including additional medical information
  - the employee's most recent health situation and the likelihood of an improvement in attendance following receipt of up to date medical advice.
  - the availability of suitable alternative work or working hours
  - any other reasonable adjustments which could be reasonably expected to facilitate the return
  - the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken.
- d) The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.
- e) At all stages of the procedure, the employee may be accompanied by a representative, colleague or trade union representative.

- f) If medical evidence suggests at an early stage that the employee cannot return to work, they can be dismissed before the sick pay entitlement has expired.
- g) Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the Disciplinary Procedure.

#### **4.2 Absence Trigger Points**

The following absence points will be used to initiate a trigger meeting:-

- 3 absences in a 12-week period
- 10 days intermittent absence over the past 12 months
- 3 months continuously off sick

All stages of the procedure, with the exception of the Formal Capability Hearing and Appeal, will be conducted by the employee's line manager plus another Parish Council representative. In the case of the Clerk this will be the Chair (line manager) plus another Councillor, or in the case of the Parish Warden, the Clerk (line manager) plus the Chair.

##### **4.2.1 STAGE 1 - First Trigger Meeting (3 Months)**

A first trigger meeting will be arranged where:

- In the case of long-term sickness absence (3-month or more) there is no clear date of return.
- In the case of frequent short-term sickness absence, this continues to be an issue.

The Parish Council will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first stage of the procedure. He or she will be advised of the right to be accompanied by a representative, colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may be obtained if it is considered necessary and with the employee's authorisation. There will be a discussion on ways to assist the employee to return to work, where appropriate. The issues discussed at the meeting will be recorded and a date will be set for a second meeting in due course if the absence continues.

A medical report can come from the Employee's own GP, or a Doctor / Occupational Health Specialist selected by the Council. The purpose of this report would be to answer questions such as:

- What is the diagnosis and how long is the problem likely to last?
- Does it affect their ability to do their job? (Include a copy of their Job Description)
- What reasonable adjustments and assistance can the Council provide to assist a return to work?
- What is the long-term prognosis with regards their ability to do their job?

The issues discussed at the meeting will be recorded and if appropriate a date will be set for a Medical Review Meeting once the medical report has been obtained. This means that if appropriate, there is the option to move directly to STAGE 4 – Medical Review Meeting.

#### **4.2.2 STAGE 2 – Second Trigger Meeting (6 Months)**

A second trigger meeting will be arranged where:

- In the case of long-term sickness absence there is still no clear date of return.
- In the case of frequent short-term sickness absence, this continues to be an issue.

The Parish Council will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the second stage of the procedure. He or she will be advised of the right to be accompanied by a representative, colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may be obtained if it is considered necessary and with the employee's authorisation. There will be a discussion on ways to assist the employee to return to work, where appropriate. The issues discussed at the meeting will be recorded and a date will be set for a third meeting in due course if the absence continues.

A medical report can come from the Employee's own GP, or a Doctor / Occupational Health Specialist selected by the Council. The purpose of this report would be to answer questions such as:

- What is the diagnosis and how long is the problem likely to last?
- Does it affect their ability to do their job? (Include a copy of their Job Description)
- What reasonable adjustments and assistance can the Council provide to assist a return to work?
- What is the long-term prognosis with regards their ability to do their job?

The issues discussed at the meeting will be recorded and if appropriate a date will be set for a Medical Review Meeting once the medical report has been obtained. This means that if appropriate, there is the option to move directly to STAGE 4 – Medical Review Meeting.

#### **4.2.3 STAGE 3 – Third Trigger Meeting (9-12 Months)**

A third trigger meeting will be arranged where:

- In the case of long-term sickness absence there is still no clear date of return.
- In the case of frequent short-term sickness absence, this continues to be an issue.

The Parish Council will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the third stage of the procedure. He or she will be advised of the right to be accompanied by a representative, colleague or trade union representative and will be given the opportunity to state his or her point of view.

There will be a discussion on ways to assist the employee to return to work, where appropriate.

A medical report will be obtained with the employee's authorisation. If a report has previously been obtained, a new report or an update will be obtained where appropriate.

A medical report can come from the Employee's own GP, or a Doctor / Occupational Health Specialist selected by the Council. The purpose of this report would be to answer questions such as:

- What is the diagnosis and how long is the problem likely to last?
- Does it affect their ability to do their job? (Include a copy of their Job Description)
- What reasonable adjustments and assistance can the Council provide to assist a return to work?
- What is the long-term prognosis with regards their ability to do their job?

The issues discussed at the meeting will be recorded and a date will be set for a Medical Review Meeting once the medical report has been obtained.

#### **4.2.4 STAGE 4 – Medical Review Meeting**

A Medical Review Meeting will be arranged when the medical report has been obtained.

The employee will be informed of the meeting in writing and he or she will be advised of the right to be accompanied by a representative, colleague or trade union representative.

The purpose of the Medical Review Meeting is to: -

- Review and discuss the recommendations of the report.
- Establish whether a return to work is likely in the foreseeable future.
- Establish what reasonable adjustments and assistance the Council can provide to assist a return to work?

The possible outcomes of the meeting are: -

- a. A return to work is not possible in the near future. If this is the case, the matter will progress to a Formal Capability Hearing.
- b. A return to work is possible in the near future. If reasonable adjustments would be required the Parish Council would need to decide whether it considers the adjustments to be practical and reasonable and whether they could be provided within the resources available to the Parish Council. If the adjustments are not reasonable and cannot be provided, the matter will progress to a Formal Capability Hearing.
- c. There are no health issues. If this is the case, the matter will be dealt with through the Disciplinary Procedure.

#### **4.2.5 STAGE 5 – Formal Capability Hearing**

Following the Medical Review Meeting, a Formal Capability Hearing will be arranged if a return to work is not possible in the near future or the Parish Council considers adjustments described in the medical report or by the employee to be unreasonable.

The hearing will be conducted and decided by the Parish Council in a confidential session of an ordinary or extra-ordinary Parish Council meeting.

The employee will be informed of the hearing in writing and he or she will be advised of the right to be accompanied by a representative, colleague or trade union representative. The employee will also be informed that a possible outcome of the hearing will be dismissal on grounds of capability.

If appropriate, an up to date medical report will be obtained ahead of the hearing with the employee's authorisation.

At the hearing, the employee (or their representative) will have the opportunity to speak in support of his or her situation and ask any questions of the Parish Council.

The Parish Council will review the case including the medical report and/or the reasonable adjustments requested. The Parish Council will also have the opportunity to raise any queries with the employee.

The possible outcomes of the meeting are: -

- a. Defer a decision (e.g. pending further information).
- b. Authorise the adjustments previously seen as unreasonable to assist the employee in returning to work, or accept alternative adjustments.
- c. Dismissal on grounds of capability.

The employee will be informed of the outcome of the meeting in writing within 7 days and will have the right of appeal.

#### **4.2.6 Appeal Process**

If the employee wishes to appeal against the decision to terminate their employment on grounds of capability, he or she should write to the Parish Council, giving reasons for the appeal. This appeal must be received by the Parish Council within 21 days of the date of the letter confirming termination of employment.

The appeal will be conducted and decided by the Parish Council in a confidential session of an ordinary or extra-ordinary Parish Council meeting.

The employee will be informed of the appeal date in writing and he or she will be advised of the right to be accompanied by a representative, colleague or trade union representative.

At the appeal, the employee (or their representative) will have the opportunity to speak and set out their reasons for appeal. The employee may also ask any questions of the Parish Council.

The Parish Council will review the case again, including the medical report and/or the reasonable adjustments requested as well as the grounds for appeal. The Parish Council will also have the opportunity to raise any queries with the employee.

The employee will be informed of the outcome of the appeal in writing within 7 days.