



## **BEXHILL-ON-SEA TOWN COUNCIL SICKNESS ABSENCE POLICY**

Adopted 9<sup>th</sup> June 2021

Bexhill-on-Sea Town Council recognises that there will be periods of absence when the Town Clerk is unable to work due to sickness. The Council provides a sick pay scheme for its Clerk and the details of this are included in the Clerk's contract.

If the Clerk is unable to attend work due to sickness, they must inform the Chair of the Council or the Vice Chair as soon as possible, but no later than 10am on the first working day on which the absence occurs. The Clerk should indicate the reason for the absence and, if possible, when they are expecting to return to work.

Regular contact must be maintained with the Chair of the Council or Vice Chair during the periods of absence.

If the Town Clerk is absent for seven days or less, they are required to complete the self-certification document *as outlined in the Employment Rights Act 1996*. For all absences which exceed a seven-day period a medical certificate is required (known as a "fit to work" certificate). In addition to declaring a person is unfit for work a GP is now able to declare that a patient is:

- Fit for work; or
- Fit for work taking account of changes that can be made to an employee's role or workplace to facilitate a return to work

If the note outlines changes to be made these could include:

- A phased return;
- Reduction of hours;
- Changes to the duties to be undertaken; or
- Workplace adaptations.

Where the incapacity to work is due to a voluntary action by the employee, e.g. cosmetic surgery or organ donation, the sickness absence and pay will be entirely at the Council's discretion and employees are strongly advised to discuss such circumstances, in confidence, prior to any procedure.

The Council reserves the right to require the employee to be examined by an independent practitioner of its choice in order to seek medical opinion and in order to gain as much information about the employee's medical condition as possible. The Council may also request the employee's permission to contact their GP and ask for a medical report on the employee's condition (the employee may also request to view this report).

The employee should keep the Chair, or Vice Chair informed of any changes to their circumstances that are preventing them from returning to work, their likely return to work and any advice given by the GP and contact details.

### Return to Work

Following the return to work the Chair or Vice Chair will arrange to meet with the employee to ensure that the employee is fit to work, any adaptations that are required, update on any developments and their current workload.

## Long Term Absences

In the case of long term ill-health the Council will provide a supportive approach to employees who have been subject to long term sickness.

During the period of absence, the employee will be requested to attend meetings with the Chair or Vice Chair for the purpose of providing information and facilitating an effective return to work. If the employee is too unwell or physically unable to leave their home the Council reserves the right to visit them at their home.

An employee returning to work following such a period will be supported on their return to work and the following options may be considered:

- Phased return to work
- Change of role or work pattern
- Provision of specialist equipment

## Frequent Short-Term Absence

The Council reserves the right to ask the employee to attend a meeting if a large number of short-term absences have occurred over a period of time:

- 3 absences in a 12-week period; or
- 10 days intermittent absence over the last 12 months

Where this is the case the Chair or Vice Chair will normally discuss the absence levels with the employee, to discuss any concerns and to agree a way of improving the situation if possible.

In both cases the Council will be sympathetic when an employee is ill but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible to continue indefinitely, the Council will hold the employment open for up to one year, longer in some cases. However, it may be necessary to review or terminate the employment.

Termination will not take place without:

- Full consultation with the employee
- Medical investigation
- A consideration of alternative employment

If an employee does not agree to the details outlined above for long-term or frequent short-term sickness they may be dealt with under the procedure detailed below. Furthermore, the employee's contractual sick pay and statutory sick pay (SSP) may be withheld.

## Procedure for Long Term Sickness Absence

### **First Formal Meeting – Stage One**

A first formal meeting will be arranged where there is no clear date of return for long-term sickness absence or there has been no improvement following the informal meeting in regard to frequent short term absence.

The Chair or Vice Chair will notify the employee, in writing, of the meeting and will be advised of the concerns and that this is the first formal stage of the procedure. The employee will have the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state their point of view.

Medical reports may normally be reviewed to assess whether there is an underlying health problem, written permission to access medical records must be sought from the employee before the Council makes any requests.

There will be a discussion on ways to assist the employee in returning to work with hours being agreed as appropriate.

Unless there is a clear date for a return the employee should be advised that the employment cannot be held open indefinitely. They will also be advised that there would normally be two further formal meetings after which the employee's contract, subject to medical reports, may need to be terminated on grounds of capability, unless there is a return to work in the meantime.

Notes of the meeting will be taken, recorded and kept on file. A date for a second formal meeting should be set.

### **Second Formal Meeting – Stage Two**

The employee will be informed, in writing, of the second formal meeting and that they may be accompanied by a colleague or trade union representative.

At the meeting the employee's sickness absence will be reviewed along with any medical reports received. An up-to-date medical report may be sought prior to the meeting and this will be discussed.

If the employee's absence is still a concern they should be advised that there will be one further formal meeting, after which the employee's contract may need to be terminated on grounds of capacity, subject to further medical reports.

Notes of the meeting will be taken, recorded and kept on file. A date for a third, and final, formal meeting should be set.

### **Third Formal Meeting – Stage Three**

The employee will be informed, in writing, of this meeting and advised of their right to be accompanied by a colleague or trade union representative. The Vice Chair of the Council [Hearing Chair] will hold the meeting.

The letter will have advised the employee that it is possible that a termination of employment on the grounds of ill-health may be an outcome of the meeting but that they will have the opportunity to state their point of view which will be fully considered.

Updated medical information will again have been received prior to the meeting and this will be reviewed. The employee's potential return to work should be discussed again.

If the absence levels have not reduced at this stage and if the Hearing Chair believes, on an assessment of medical information available and after a discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds on capability.

Before taking this step, the Hearing Chairman must consider again, and discuss with the employee, whether any reasonable adjustments could be made to enable the employee to return to work.

If a decision to terminate employment is taken, the employee will be provided, as soon after the meeting as possible, with a letter outlining the reasons for the termination of their contract. In the event of an appeal, the termination will be suspended until the outcome of the appeal hearing is known.

## **Appeal**

If the employee wishes to appeal against the decision to terminate their employment they should write to the Chair of the Council giving reasons for the appeal. The appeal must be made within ten working days of the date of the letter confirming termination of employment.

The employee will have the right to be accompanied to the hearing by a colleague or trade union representative.

The hearing will be held without unreasonable delay and the employee will be given the opportunity to state their point of view at the meeting.

The Council's decision is final.