

## **ABSENCE & SICK PAY POLICY AND PROCEDURE**

### **POLICY STATEMENT**

Godalming Town Council (the Council) is committed to maintaining the health, well-being and attendance of all employees. We value the contribution our employees make to the delivery of quality services to our community. So, when any employee is unable to be at work for any reason, we miss that contribution. This absence policy explains what we expect from managers and employees when handling absence.

Additionally, this policy outlines the payments made to an employee when they are absent due to sickness – this includes injury and disability. The policy aims to ensure fair, equitable and consistent treatment of staff.

This policy has been developed in consultation with employees and the Council welcome the continued involvement of employees in implementing this policy.

### **KEY PRINCIPLES**

1. The Council's Absence and Sick Pay Policy is based on the following principles:
2. As a responsible employer the Council undertake to provide payments to employees who are unable to attend work due to sickness in accordance with their Contract of Employment.
3. Regular, punctual attendance is an implied term of every employee's contract of employment – the Council ask each employee to take responsibility for achieving and maintaining good attendance.
4. Open communication between managers and employees is encouraged.
5. The Council will consider any advice given by the employee's GP on the 'Statement of Fitness for Work'. For example, a GP might advise that an employee is 'partially fit for work' or 'fit for work with adjustments' on the FIT note and set out recommended adjustments or support.
6. The Council will use an occupational health adviser, where appropriate, to gain information and guidance in relation to the health condition, in particular to help identify the nature and likely duration of an employee's illness and to advise of any recommended support required by the employee.
7. The Council's disciplinary procedure may be invoked if the absence procedures are not followed or if the Absence and Sick Pay Policy & Procedure s misused.
8. The Council respect 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 1988.

## **NOTIFICATION OF ABSENCE**

If an employee is going to be absent from work due to sickness they should speak to their manager or deputy within 30 minutes of their normal start time. They should also:

- Give a clear indication of the reason for absence (and the nature of the illness if applicable) and
- A likely return date.

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

## **CERTIFICATION OF ABSENCE**

Employees must self-certify for the first seven calendar days of sickness absence by completing the Council's sickness self-certification form and submitting this to their Manager upon their return to work. (Blank sickness self-certification forms are available from the Support Services Executive or electronically from the 'staffing committee' folder on the 'work' drive). Employees are required to provide a 'Statement of Fitness for Work' (FIT note) from their GP or consultant for any absence due to sickness of over seven calendar days upon their return to work. For ongoing absence, you will be required to send your FIT Notes to your Manager once you receive them.

A FIT note (or equivalent if abroad) is required for any sickness absence which occurs while the employee is on annual leave (and where the employee wishes to substitute sick leave for the annual leave).

If absence is likely to be protracted, ie more than four weeks continuously, there is a shared responsibility for the Council and the employee to maintain contact at agreed intervals.

Exceptionally, if the Council is concerned about the frequency of an employee's absence, or their account of their reasons for absence, the employee may be required to submit a FIT note, rather than self-certificates, from their first day of absence. In such cases the Council will meet the cost of any fee charged. The Council's disciplinary procedure may be invoked if the absence procedures are not followed or if the Absence and Sick Pay Policy and Procedure is misused.

Sick pay may be withheld where the sickness absence reporting procedure and certification requirements have not been followed in full.

### **'MAY BE FIT FOR SOME WORK'**

If the GP advises on the FIT note that an employee 'may be fit for work', or fit for work with adjustments'. For example, a GP might advise that an employee is 'partially fit for work' or 'fit for work with adjustments' on the FIT note and set out recommended adjustments or support. The recommendations will be discussed with the employee and if reasonable will be put into place. Examples of adjustments or support include a phased return to work or amended duties.

This discussion will take place as an informal meeting between the manager and the employee. In certain circumstances, the manager may need to seek advice and/or recommend an occupational health referral).

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

## **RETURN TO WORK DISCUSSIONS**

Managers will discuss absences with employees when they return to work to establish:

- The reason for, and cause of absence
- Any reasonable support or adjustments required by the employee.
- That the employee is fit to return to work.

If an employee's GP has advised that they 'may be fit for work with adjustments or support' the return to work discussion can also be used to discuss this.

### **A FORMAL REVIEW WILL BE TRIGGERED BY:**

- Frequent short-term absences;
- Long-term absence; or
- Any other pattern of absence that causes the manager concern.

The review will look at any further action required to improve the employee's attendance and well-being and will be conducted as a formal meeting (with the employee having the right to be accompanied). A written record of the review will be kept.

Further absence management procedures will be followed as appropriate to the circumstances.

## **ABSENCE AS A RESULT OF DISABILITY**

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

## **SICK PAY**

### **1. Contractual Sick Pay:**

If an employee is absent from work due to illness (this includes injury and other disability), and subject to compliance with Absence and Sick Pay Policy and Procedure, they will be paid Occupational Sick Pay in accordance with their contract of employment and in line with the National Agreement of the National Joint Council for Local Government Services, a copy of which is available at the Council Offices.

- a. The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence is calculated by deducting from the employee's entitlement on the first day by the number of days of paid absence during the preceding twelve months. (NB: for sick pay purposes; a month is equivalent to 22 working days, pro rata for part time staff).
- b. In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable will secure the equivalent of normal pay. In the case of half pay periods, sick pay will be the amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable, so long as the total sum does not exceed normal pay.
- c. The Employment and Support Allowance or equivalent social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis the employee has satisfied so far as is possible:
  - i. the conditions for the reporting of sickness as required by the council;

- ii. the claiming of benefits;
  - iii. the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.
- d. Sick pay will not be paid for absences which are not covered by an appropriate sickness certificate. The Council reserves the right to withhold pay for periods of unauthorised absence.

## 2. **Phased Return:**

The employee's salary will be calculated on a pro rata basis to reflect their hours worked during a phased return. The remainder of the time will be recorded as sickness absence, and paid as Sick Pay if eligible.

## 3. **Third Party Damages:**

An employee who is absent as a result of an accident shall not be entitled to an allowance if damages may be received from a third party in respect of the accident.

- a. In this event, The Staffing Committee would authorise a payment to the employee equivalent to the sickness payment which would normally be paid under the National Agreement of the National Joint Council for Local Government Services. The employee will sign an agreement to refund to the Council the equivalent payment from the amount of damages paid to them by the third party, or a proportion of the payment if the damages paid do not cover the full amount.
- b. Any period of absence in this case, where a refund of the payment advanced is repaid in full, will not be recorded as sickness absence. If the payment is only repaid in part, then the period of absence not refunded will be recorded as sickness absence.

## 4. **Pay During Notice Period**

- a. Where notice is given to an employee that their employment is to be terminated by the Council whilst they are on sick leave, pay during the notice period will be notice pay (i.e. full pay) and not sick pay.
- b. If an employee resigns their post whilst they are on sick leave, they will remain on sick pay during their notice period and conditions of the sick pay policy apply in the usual way.

## 5. **Non-payment of Sick Pay:** Sick pay may not be paid when the absence is due to:

- an employee's own misconduct or neglect;
- deliberate conduct prejudicial to recovery;
- active participation in professional sport;
- injury while working in the employee's own time on their account for private gain or for another employer

The above decision will be made by The Staffing Committee. The employee shall be advised of the grounds for suspension of Sick Pay and shall have a right of appeal. Such appeals will be heard by an independent panel chaired by the Mayor, plus two other elected councillors not serving on the Staffing Committee. If the panel concludes that the grounds were justified, then the employee shall forfeit the right to any further payment in respect of that period of absence.

## 6. **Occupational disease/accident at work:**

Absence in respect of normal sickness is entirely separate from absence through occupational disease, accident or assault arising out of or in the course of employment with the Council. Periods

of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements.

**7. Infectious Disease:**

An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay and the period of absence will not be recorded as sickness absence under this policy.

**8. Car User Allowance/Travel Allowance:**

If an employee is absent from work due to sickness for a period exceeding three months the following element of their pay will stop:

- Essential Car User Allowance
- Work Place First Aider Payment
- Out of hours enhancement payment

**9. Related Information:**

Statutory Sick Pay Information (<https://www.gov.uk/statutory-sick-pay>)

*This is a non-contractual procedure which will be reviewed from time to time.*