

BOSTON BOROUGH COUNCIL

SICKNESS ABSENCE POLICY AND PROCEDURE

This policy should answer the questions you have when you have been absent from work on sick leave

The Council operates a locally agreed scheme that provides for varying periods of sickness absence on full pay, followed by half pay, according to the length of recognised Local Government Service. The first two days of any period of sickness will normally be without pay (exceptions apply and are set out in the policy).

“Sickness” is defined as incapacity to carry out the duties and responsibilities which the employee is contractually obliged to do because of their own accident or illness. This policy therefore applies to absence caused by personal illness or accident, not to the need to take time off work because of the illness or accident of others e.g. children or partners. Please see the Family Leave Policy for full details. Where the validity of the absence is in doubt or the sick pay scheme is being abused the disciplinary procedure will apply.

Principles

This policy and associated procedure incorporate the following principles.

- **Good faith**
This policy and procedure will be applied to all members of staff (excluding casual or bank staff) in a consistent manner and without discrimination.
- **Fairness**
Any action taken will be reasonable and necessary. Members of staff involved are entitled to be heard with courtesy and respect.
- **Confidentiality**
Information relating to sickness absence will only be shared with individuals who have a need to know.
- **Representation**
If issues of attendance arise within these procedures and a formal approach is required to deal with them, employees will be entitled to be accompanied by a trade union representative or by a work colleague.

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1. How do I report sickness absence?

If you are an office based employee, you must ensure the Council is contacted, preferably before your normal start time, but at the latest within 30 minutes of your normal start time. If it is impossible for you to make contact personally (i.e. you are hospitalised), someone may do this on your behalf, for example, a family member. The reason for absence must be given, along with how long you expect to be away from work. If your immediate line manager is not available, this information should be conveyed to your designated contact. The same procedure should be used if you are unexpectedly absent from work for any other reason, including an accident. When you are unsure how long you will be absent, you should phone in daily. If when you initially telephone in to report your absence you can indicate that your absence will continue beyond 3 calendar days then you should telephone again on the third day of absence to your Line Manager to update them on your condition. Thereafter you should agree with your Line Manager any further date(s) for contact, taking into account your individual circumstances. If there is no contact from you within an hour of your designated start time, your line manager or a colleague should either contact you directly or inform a member of People Services who will try and contact you. Please see Appendix A for reporting times of non office based employees.

In the event of an accident at work, the line manager or other member of staff taking the message must inform People Services immediately so that any necessary follow-up action can be taken, for example, amendment to pay, communication with the Health and Safety Executive of a notifiable accident or illness or liaison with Occupational Health.

2. What if I cannot contact my Line Manager?

You are responsible for ensuring you have accurate contact details for this purpose. If this were to happen in an exceptional circumstance, you would be given the opportunity to explain your reasons for non contact. Staff who fail to follow the absence reporting procedures without good cause may be liable to disciplinary action.

3. Why do I have to complete forms when I return from sickness absence?

It is very important to keep the Council up to date with dates of absences for a number of reasons, for example:

- 1 To ensure you are fit to return to work, this may include agreeing temporary adjustments to your hours/duties which will be recorded on your return to work interview.
- 2 If the correct notification is not received your pay may be affected
- 3 To enable consistent application of absence monitoring

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4. What if I go home sick but have worked a part day?

You still need to complete a self certificate, as you have been absent from work. The absence will be recorded in the same way as a complete day's absence, but will be recorded as early leaving, i.e. going home early because of illness or being sent home because of illness after arriving at work. In line with the policy on Flexible Working Hours if you are off work through illness you are allowed a credit of 7 hours 24 minutes for each full day and 3 hours 42 minutes for each half day or the equivalent for part-time employees or employees with non standard working patterns. Where employees report for work but are sent home before working 2 hours due to illness this will be counted as a normal sick day. Where a part day is worked normal payment for the day will be given.

5. Can I book a holiday to cover a sick day?

Not normally, this would distort the absence monitoring statistics and you should use your holiday for its intended purpose which is to take regular rest breaks from work. You should report your absence as sickness as per the policy and your line manager may be able to agree you utilising part of your leave entitlement in lieu of a deduction from your pay for the day(s) of sick leave when you return to work. There will be some exclusions to this which are dependant on Statutory Sick Pay rules and agreement will be at management discretion.

6. What if I am ill for less than 7 calendar days?

You do not need to obtain a Statement of Fitness to Work (hereafter referred to as either a Fit Note or a Statement). On your first day of return to work you must complete a self certificate form and give it to your Line Manager at the earliest opportunity so that they can undertake a return to work interview with you. Self Certificate forms are available on ALFIE . Where your absences are becoming problematic the Council reserves the option to revoke any self-certification rights. This will be decided by your Line Manager in consultation with People Services. In this instance you will be notified in writing by People Services of the need to provide a Fit Note / Consultant report for each future absence. Such restrictions will not be imposed lightly and usually arise where dismissal is a very real possibility.

7. What if I am ill for more than 7 calendar days?

A Fit Note should be submitted to the Council no later than the 8th day after your first day of sickness. Whilst you are absent you are responsible for ensuring Fit Notes are submitted regularly and cover all dates of absence. Your pay may be affected if you fail to do so. In exceptional circumstances where Fit Notes are given at greater intervals than 14 days, the Council could require them to be submitted more frequently.

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8. What is the difference between calendar days and work days?

Calendar days are exactly that, i.e. a period of four calendar days can be Thursday to Sunday, Friday to Monday, Saturday to Tuesday. We use calendar days because time limits quoted in working days would create inconsistencies with part time workers who, for example, only work Monday and Tuesday and so have only 2 working days (days you are normally contracted to work) in a week.

9. What if I am pregnant and absent from work due to illness?

Up until the fourth week before your EWC, payment of sick pay will be made according to the Council's normal rules and conditions. Once you are within four weeks of your EWC (provided you are still working), you may still be paid sick pay if you are off sick, but only where your sickness is not related to your pregnancy e.g. flu. If however, your absence is pregnancy related, the Council may trigger the commencement of the maternity pay period, in which case SMP would become payable rather than SSP. Please see the Maternity Leave policy for full details.

10. How do you work out how much Sick Pay I am paid?

The Council has its own policy and rules on how much sick pay staff are entitled to.

The Council does not pay employees for days 1 to 2 of any period of absence. For example if you are absent from work for 1 week, Monday to Friday inclusive, you would receive OSP for the 3rd, 4th and 5th days only (SSP would be payable for days 4 & 5 only) Both SSP and OSP will make up the normal value of your pay unless you have exhausted entitlement to full pay and are on half pay.

Any member of staff having 5 days of sickness or less in each tax year (April to March) would be re-paid any pay withheld from the first 1-2 days of any period of absence. This re-payment would be made in the May following the year the absence was taken in e.g. absence between April 2011 and March 2012 would be re-paid in May 2012. Any member of staff leaving part way through the year will not fulfill the requirements of the scheme and would therefore not be entitled to any repayment. Pregnant staff will be exempt from these rules for maternity related absences. Repayment of any withheld pay will be made at the rate the pay was deducted during the relevant tax year.

For employees joining the authority part way through the year, the 5 days will be apportioned to the number of completed months in the year, for example, joining date of 1 July, by 31 March employee will have completed 9 months service. The number of sick days used to calculate their entitlement to repayment of any sick days would be $5 \times 9 / 12 = 3.75$ days. If the employee took 4 days sickness in the 9 month period they would not receive repayment of withheld pay in May.

Upon your return to work your line manager may be able to agree to you receiving pay

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for the sick day(s) you have taken in lieu of annual leave to ease the financial burden. In the event of this being agreed your absence will still be recorded as sick leave but your pay will reflect the substitution.. Your line manager will take into account a number of factors including your remaining annual leave entitlement. Where this is agreed your annual leave card should be amended to record the leave used.

Where leave is substituted for unpaid sick leave for payment purposes, in the event of an employee taking less than 5 days sick leave over the course of a year the employee will not be able to re-substitute paid sick leave for annual leave and re-claim used annual leave entitlement.

Any unpaid leave for sickness reasons does not affect service with the Local Government Pension Scheme. If you have pay deducted through sickness the Council will notify the pensions team of this. The Council will continue to make employers contributions for your full service including any period of unpaid leave for these reasons.

Example 1

Mrs Smith is absent for 2 days in June. In July she had 2 days salary deducted as a result of the sick days in June. She has a further 1 days sickness in February. In her March salary she has 1 further days pay deducted as a result of the sick day in February. At the end of March she has had a total of 3 sick days in the whole year. As this falls under the 5 days she will be repaid 3 days pay in May which had originally been deducted at the time of the absence.

Example 2

Mr Brown is absent for 6 days in August. In September he had 2 days salary deducted for the first 2 days of his absence. He receives pay as normal for the 3rd, 4th, 5th and 6th day of sickness which is made up of Statutory Sick Pay and Occupational Sick Pay. At the end of March he has taken 6 sick days and has therefore exceeded the 5 days limit so will not receive any repayment of sick pay.

Example 3

Miss White is absent for 2 days in September. On her return to work she agrees with her line manager that she will use 2 days annual leave to avoid having 2 days pay deducted from her salary for her sickness absence. Her annual leave entitlement will reflect this however the leave will be recorded as sick leave. In December Miss White has a further day sick. On her return she again requests to use 1 day of annual leave to avoid having a days pay deducted. Miss White's manager decides that as she only has 2 days annual leave entitlement left to cover a further 4 months of her annual leave year that it would not be wise to allow the request and therefore 1 days pay is deducted in her January salary.

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SSP is not normally payable for the first 3 days of absence. Where this is due under SSP regulations it will be paid in accordance with these.

Staff returns are completed and sent to payroll by the 6th of the month, to be used to determine who should be paid sick pay. Any Fit Notes or self certificate forms not already sent to People Services must be submitted either on or before this date to guarantee inclusion in the Payroll. Periods of absence not covered by a Fit Note or self certificate will not be paid where pay may be due. Payments are made in accordance with current legislation and in conjunction with the Councils terms and conditions as below: the authority has discretion to extend these scales in exceptional circumstances. The following circumstances are likely to receive an extension to the amount of sick pay you receive:

- Terminal illness;
- Cancer;
- Multiple Sclerosis;
- Any illness or injury arising from an accident at work unless due to negligence or misconduct on behalf of the employee concerned.

Entitlement to an extension of sick pay however is not automatic following. Payment for absences exceeding the above entitlements will be made on a discretionary basis and will, with consent from the employee, be considered confidentially by an independent panel including a representative of management and the union. Where the employee prefers a decision will be made by a representative of People Services.

The number of hours you work are irrelevant as far as entitlement to statutory sick pay (SSP) is concerned, as long as you earn at least the equivalent of the lower earnings limit for National Insurance purposes.

The first three days of absence are classed as “waiting days”, meaning that SSP is payable on the fourth qualifying day for a maximum period of 28 weeks. SSP is payable for days known as Qualifying Days (QD’s). Normally your QD’s will coincide with your working days. For example where you work a standard Monday to Friday week, the qualifying days will be Monday to Friday.

Any period of sickness absence extending beyond 3 calendar days is called a “period of incapacity for work “(PIW). If a PIW occurs within 56 calendar days of a previous PIW, the two periods are linked for the purposes of paying SSP. Where this happens there is no requirement for waiting days in the second PIW.

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Entitlement to Occupational Sick Pay (OSP) for Boston Borough council Employees	
First 4 months of service	One month full pay
First year of service (after 4 months)	2 months full pay and 2 months half pay
After 1 year of service complete	4 months full pay & 4 months half pay

11. What is the definition of full and half pay?

Full pay means the amount, when added to statutory sick pay and incapacity benefit, will be the equivalent of your normal pay.

Half pay means the amount, when added to statutory sick pay and incapacity benefit will be the equivalent of half your normal pay. ,

12. What if I have already been paid sick pay this year?

There are both Government and occupational sick pay limits. Sick payments made in the 12 months immediately preceding the first day of absence are taken into account when calculating the amount.

13. If I have been in hospital what will I get paid?

If you are suddenly taken ill and are hospitalised (either emergency or planned but not elective) then you will not lose pay for the first 1 – 2 days of any absence. Any other hospital visits will need to be discussed and planned for with your line manager. Time off with pay is not normally granted for hospital appointments.

14. I am having an elective procedure, am I still entitled to sick pay?

Elective is defined in medicine as something chosen (elected). An elective procedure is one that is chosen (elected) by the patient or physician that is advantageous to the patient but is not urgent. Elective surgery is decided by the patient or their doctor. The procedure is seen as beneficial but not absolutely essential at that time. Examples of this would be cosmetic surgery such as laser eye treatment, facial improvements etc.

You are entitled to statutory sick pay (SSP) when you are unfit to work, so the reason for absence is essentially immaterial so long as you are unfit for work. Provided you follow the requisite notification requirements, SSP is payable. Staff undergoing fertility treatment are not however entitled to SSP, unless the effect of that treatment - such as stress or depression - means they are unfit for work.

Occupational sick pay however is not automatic following an elective procedure. Payment for absences following elective procedures will be made on a discretionary

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basis and will, with consent from the employee, be considered confidentially by an independent panel including a representative of management and the union. Where the employee prefers a decision will be made by a representative of People Services.

Staff undergoing fertility treatment will be entitled to a reasonable amount of time off with pay and will receive occupational sick pay for the duration if they are unfit for work.

15. What happens to my sick pay if I leave the Council?

Entitlement to pay only applies as long as you are employed. Therefore if your employment ceased for any reason you would no longer have an entitlement to pay.

For employees joining the authority part way through the year, the 5 days will be apportioned to the number of completed months in the year, for example, joining date of 1 July, by 31 March employee will have completed 9 months service. The number of sick days used to calculate their entitlement to repayment of any sick days would be $5 \times 9 / 12 = 3.75$ days. If the employee took 4 days sickness in the 9 month period they would not receive repayment of withheld pay in May.

16. I need to visit the dentist / doctor / optician etc; can I do it in work time?

These types of appointments should normally be in your own time. With the flexi time provision there should be adequate opportunity for this to be accommodated. Hospital appointments for cancer screening i.e. cervical/ testicular, may be taken during work time where this is unavoidable. Where you have a hospital appointment or where appointments are unavoidable in work time you will be required to show proof of the appointment and discuss the circumstances with your Line Manager. You may be required to work back any time taken. Please refer to the Flexible Working Policy for full details. Where employees are not eligible for flexi time working they should agree any reasonable, necessary time off work with their manager and arrangements for making up this time. Managers should be as flexible as possible bearing in mind the needs of the service.

In cases where the employee is disabled within the meaning of the Disability Discrimination Act 1995, their Line manager will consider if it is a reasonable adjustment to allow the appointment during normal working hours and will discuss this informally with them.

17. I was injured during the course of my work, what sick pay do I get?

Absence caused by industrial disease, accident (unless due to negligence or misconduct on the part of the employee concerned) or assault arising whilst at work is separate from absence caused by normal sickness. Periods of absence in respect of one shall not be offset against the other when calculating entitlements to sick pay.

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18. I had an accident outside of work, how does this affect my entitlements?

If you might recover damages from a third party you will not be entitled to sick pay. However, sick pay may be paid if you undertake to refund this from any damages received. You will undertake to refund the total amount of sick payments or such part thereof as the amount of damages recovered. The Council would also seek to recover the total cost of payments made to you in any such absence such as employers' superannuation and national insurance contributions made. You are required to notify the Council of any action against a third party in this regard. This will be decided after consultation with you and/or your representative.

19: What if I am ill on a day I am rostered to work, but it's an extra shift to my normal hours?

Once you have agreed to work this shift you must report sickness absence in the same way as for "normal" work days. Once you have agreed to work on this day it will also be included when looking at sickness statistics.

20. I had a holiday booked but was sick, how will this be recorded?

Where sick leave, certificated or otherwise, coincides with booked annual leave it will normally count as sick leave. This must however be reported in accordance with this policy.

21. What is the difference between short and long term sick leave?

Long term sickness absence is characterised by a number of consecutive weeks/days absence. This is when you have had a period exceeding 14 consecutive calendar days certificated sickness absence.

22. How will I know when I can return to work?

Your doctor can use the Fit Note to indicate if they need to see you to assess your fitness for work at the end of the period indicated on the Fit Note. Your options will be:

- Where your doctor has indicated you MAY be fit for work they will include some comments on your condition and indicate some ways which a return to work could be assisted. This should be a more detailed view of the kinds of things which may help, such as a temporary adjustment to your duties or working hours. You will need to discuss the advice on your statement with your Line Manager. You should consider the advice on the Fit Note together and how it affects your job and the work place. Where a return to work is possible you will agree a return to work date, any work place amendments and a date for a review. This will then be monitored and reviewed as agreed. Your Line Manager should record a summary of this meeting on your return to work

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interview.

- Where your doctor has indicated that you MAY be fit for work, and you agree with your Line Manager that it is not possible to agree a return to work taking into account the advice on the statement you will agree a next review date. If no appropriate work can be offered you will remain off work. Your Fit Note will be used as if your doctor had advised "Not fit for work". This review should be summarised by your Line Manager on your return to work interview.
- Your doctor can advise that you are unfit for work. This will be advised just like it was on the old "sick notes" and means that you have a health condition which will prevent you from working for the stated period of time. These changes are not about trying to get you back to work before you are ready, but about removing challenges which would previously have prevented you returning.

Where your doctor has indicated on your Fit Note that they need to see you again to assess your fitness for work you will not be permitted to return to work without evidence that you are fit to return. This could take the form of a further Fit Note with more specific advice on managing your return, or a documented return to work interview where you confirm that your doctor has advised in a subsequent consultation that they feel you are able to return without any functional limitations and has not issued a new Statement (Fit note).

You should also discuss your proposed return to work with the People Services department, as it may be necessary to arrange an appointment with Occupational Health to obtain final clearance for you to return, and to obtain advice on any adjustments required, e.g. phased return. It may be that the Council is able to support you to return to work early with necessary measures in place.

23. Can I just return to work when I feel ready?

Yes and no. If you have not been issued with a Fit Note you can complete a self certificate yourself and return to work when you feel ready. However it is important to complete a return to work interview with your Line Manager at the earliest opportunity to ensure that you are given help or support you need to maintain your attendance.

If you have a Fit Note which indicates you may be fit for work you should contact your Line Manager to arrange a meeting to discuss any temporary changes which are needed to your job or hours. You will agree a return to work date in this meeting if possible.

If you feel that you want to return to work before the end of a Statement where your

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doctor has advised that you are not fit for work you **MUST** agree any return to work with your Line Manager. This may be, for example, if you have recovered faster than your doctor expected or that your doctor was not aware of ways in which the Council could support you in a return to work. You will then not need to wait until the end of the Statement period to return to work.

You are reminded that GP recommendations are not binding on the Authority; it is advice to their patient (the employee). The Authority has the right to procure its own medical assessment or, if a fit note is not produced, to refuse resumption of work. If the Council feels that they need a medical opinion stating that you are fit for work they will arrange for you to see an Occupational Health professional at the earliest opportunity.

24. How can I stop anyone else seeing my self / medical certificate?

All paperwork is dealt with in compliance with the Data Protection Act. However, should you wish to keep details of your absence strictly confidential you should send your self certificate or Fit Note to People Services in a sealed envelope marked "Strictly Private and Confidential, to be opened by addressee only". Your Line Manager will need to be aware of the reason for your absence in order to conduct a meaningful return to work interview.

25. Will the Council keep details on my personal file?

Yes, written records of sickness monitoring meetings, and their outcomes, will be kept on your file. All information will be held in compliance with the Data Protection Act 1988.

26. What does the Council use Fit Notes / Self Certificates for?

These are used to determine eligibility for payments. The council also uses them to provide monthly statistics on absence for monitoring purposes. Absences are categorised into standard categories as defined by the Local Government Employers in order to provide these statistics. If you send your Fit Note or self certificate under confidential cover it will be classed as "other" in the monthly statistics provided to management.

27. What happens when I return to work after sickness?

Your Line Manager will arrange a short return to work discussion. This is intended to give you the opportunity to discuss any issues which may be factors in your absence. Your Line Manager will record the details on your self certificate which will be passed to People Services. Receipt of this will trigger any further action necessary, such as Occupational Health monitoring.

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28. What are absence monitoring reviews?

They are formal meetings to discuss your attendance levels. The aim is to get to the heart of the matter and resolve issues causing absence wherever possible. The problem will be discussed in clear unambiguous terms to enable an informed decision to be made about the appropriate action to be taken. Possible outcomes include, but are not limited to: making reasonable adjustments, agreeing an action plan, referral to Occupational Health

29. What are the trigger points for absence monitoring?

People Services provide monthly statistics for Managers which detail absence for the previous 12 months. These reports are used to identify any employees whose absence requires a review.

A stage 1 review will be triggered when you have frequent short term illness (this is defined as greater than 7 days (pro rata for part time employees) or 3 episodes of absence in a rolling 12 month period. Reasons may include:

- Concern that you have work related health problems, or that existing conditions are being affected adversely by your work
- To seek advice regarding adjustments required under the Equality Act.
- Where there is frequent short term sickness. To discuss the reasons and obtain advice on restrictions or adjustments required and their duration
- Where your health may be contributing to disciplinary or performance issues.
- If your ill health is prompting consideration of redeployment, retirement or dismissal.

A review will be held at the conclusion of any timescale agreed in Stage 1. You will be given at least 7 calendar days notice of the proposed interview. Possible outcomes are:

- 1 Satisfactory improvement in line with the agreed action plan, no further action is then necessary.
- 2 Failure to meet the standards required in the action plan, this will then be classed as a Stage 2 meeting.
- 3 An agreed extension of the action plan. This may occur when some improvement is evident and there is a realistic prospect of achieving a satisfactory outcome. A second monitoring period will follow where the outcome will follow either 1 or 2 as above, however there will only be one extension of the initial action plan.

The outcome of the review will be confirmed in writing to you, along with cautions where appropriate and any future requirements, i.e. to maintain a satisfactory level of performance.

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A Stage 3 review will be required where improvement is genuinely beyond your ability, you have had a Stage 2 meeting and it is necessary as a last resort to consider terminating your employment. The Chief Officer and People Services will be informed and will review matters. If appropriate, and where suitable vacancies exist, redeployment will be considered. This is not a requirement and is dependent of the merits of the case and vacancies available. You will be informed in writing of the decision to dismiss or re-deploy on capability grounds. Where redeployment to a lower graded post is agreed, pay protection will not automatically apply, but will be considered to assist the redeployment process.

30. Will the Council keep details on my personal file?

Yes, written records of sickness monitoring meetings, and their outcomes, will be kept on your file. All information will be held in compliance with the Data Protection Act 1988

31. Who decides which action to take?

Your Line Manager will liaise with People Services throughout the process, and decisions will be made in consultation with you. Any decision made will be based on the specific facts relating to your case. There are no surprises in these situations; you are consulted from an early stage. In all cases you will have a fair procedure applied, with a review of your attendance record, opportunities to state your case, and any appropriate cautions being given in respect of your attendance record. You will have the right of appeal against these decisions, details of how to do this can be found in the Appeals procedure which is available in People Services and on the intranet.

32. Can I appeal against decisions made?

There is a right of appeal against decisions made at any stage of the process. Any appeal must be in writing, (this includes e mail) and received by the relevant Chief Executive/Chief Officer within 14 calendar days of you receiving written notification of the sanction to be imposed. Where hand delivered written notification cannot be served, the 14 day period commences from the date of the recorded delivery letter. The appeal must state whether you are appealing against the findings, the severity of the sanction imposed or the decision made. Please see the Appeals Procedure for full details

33. When and why will I have to see Occupational Health?

Appointments are made for Occupational Health advice with the aim of giving support and advice to resolve attendance problems. Employees who have short term absences which have not been resolved by a stage 1 review will be referred to Occupational Health, as will employees who are absent on long term sick leave. Any employee with a health issue, whether absent or not, which may be resolved by an

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Occupational Health appointment will have this assistance made available to them, and will be required to attend any appointments made. In addition to this your doctor can now indicate on a Fit Note if they feel an assessment by an Occupational Health professional is required.

You are required to attend Occupational Health so that professional support and advice can be sought where there is a concern that your health may affect your work. Please see the Occupational Health and Welfare Policy for further details.

Usually Occupational Health appointments are conducted by telephone in the first instance although face to face referrals may be necessary.

34. What are the possible outcomes when I've seen Occupational Health?

- All clear
- Phased return to work (following sick leave)
- Further review with Occupational Health.
- Occupational Physician referral - for more detailed advice.

35. What is the purpose of a phased return?

A phased return is designed to allow you to return to work on either reduced hours (on full pay) and/or modified duties after a period of absence, for example serious illness, accident or operation. The phased return is for a limited period of time (usually 4 weeks) jointly agreed with you. Exceptional cases will be reviewed individually and the time limit extended as appropriate in line with specialist advice.

36. How can I help?

You will be responsible for taking all reasonable steps to keep yourself in a good standard of general health and to comply with the Council's Health and Safety policy. You have a duty to ensure that you follow the reporting procedures as laid out within this policy and should be aware that disciplinary action can be taken if you persistently fail to comply.

37. How do you keep in touch when I am sick for a long time?

It is good for both you and the Council to keep in touch during absences. This can be by way of a telephone call when you are first absent. It is informal and allows you to be kept informed of any changes happening whilst you are absent. As your absence progresses, or if a telephone call is not appropriate, a home visit may be arranged, with your consent, in order to discuss your absence. Your Line Manager will normally undertake a home visit. They may ask a People Services Adviser to accompany them to explain policies/procedures etc. There is no obligation for you to agree to this, some

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employees may find it intrusive, and the Council can make suitable alternative arrangements if this is the case i.e. a meeting at the Council offices or a jointly agreed location. When you are contacted the Council will try and ascertain the following information:

- Likely duration of absence (if known)
- Diagnosis of illness
- What action you are taking to improve your condition
- Anything else affecting your health or wellbeing
- Potential future related problems
- Is counselling appropriate? If so arrangements can be made by People Services for confidential sessions to assist your recovery.
- Is it beneficial to obtain a Medical Report, via an Occupational Health referral? If so, with your consent, People Services can arrange this.

38. My illness was genuine, does it count when you look at my attendance level?

Yes, however, you will be supported through ill health. The Council needs to manage attendance effectively in order to keep it to the minimum level. Policies and procedures must be applied consistently to all members of staff.

39. I am disabled, how will you help me?

The Equality Act defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

The Council is an Equal Opportunities employer, and promotes equality of opportunity. Disabled employees have a right for reasonable adjustments to be made by employers in order to help them. For example: you are deaf and require a special telephone for text messages. It may be reasonable for an employer to provide this. The Council will consider making reasonable adjustments to the particular job to accommodate your short term or long term requirements. This duty to make reasonable adjustments only applies if the employer knows, or should reasonably be expected to know, you are disabled.

If you have an absence which is the result of a disability this should be clearly identified and recorded by you as DRA (Disability Related Absence). Absence monitoring can then have allowances made as appropriate.

You should be aware that this does not entitle you to be exempt from absence monitoring. Where levels of absence become unacceptable, formal action may still be taken under the relevant procedure.

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40. My health has changed since I completed the Medical Declaration, what should I do?

The Council takes seriously its responsibility for the health, safety and welfare of employees. It is crucial that you inform your Line Manager as soon as you are aware of anything which significantly affects your health. Any changes to your health will be reviewed and any appropriate action taken. It may be that the change is a minor one which does not need any action taking. The Council will assess if there is any assistance you need which would help you. This will be undertaken with the utmost confidentiality, and aims to prevent you or anyone else being put needlessly at risk, whilst ensuring you are able to remain employed for as long as possible. It will only be necessary to complete a new medical declaration if you are appointed to a new position within the council which is substantially different to the post you were originally appointed to.

41. Is there a point at which you would consider dismissal?

The point may come where continued employment of an employee with long-term or persistent short-term absences, is no longer feasible because there are no reasonable adjustments that can be made to allow the employee to continue working without disruption to their work/team. The Council's Capability policy (HR041) deals with situations where genuine long-term ill health or frequent bouts of absence interfere with job performance.

Where an employee is often absent or late for unexplained/unconvincing reasons, disciplinary action may be more appropriate. Please refer to the Disciplinary procedure (HR019) for further details.

42. If I am dismissed how much notice is needed to terminate employment?

The minimum legal notice period to be given by the Council:

- one week's notice if you have been employed continuously for one month or more, but for less than two years
- two weeks' notice if you have been employed continuously for two years, and one additional week's notice for each further complete year of continuous employment, up to a maximum of 12 weeks

Your contract of employment will state contractual notice and the minimum legal period will only apply where this is greater than your contractual notice.

Unless your contract states otherwise, notice can be given on any day. The notice period runs from the start of the day after the day on which notice was given. So if a week's notice is given on a Monday, the period of notice will begin on the Tuesday and expire at the end of the following Monday. A months notice, given for example on 23rd January will expire on the 22nd February.

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43. I contribute to the Local Government Pension Scheme; can I retire early if I suffer from ill health?

Whatever your age, this may be an option if you contribute to the Local Government Pension Scheme. In order for you to retire on health grounds with immediate benefits a specific recommendation from the Council's Occupational Health advisor is necessary. You would have to demonstrate that your incapacity is such that there is no prospect of you returning to normal duties or other similar employment before the statutory retirement age of 65. There are other tiers of benefits available if there is little prospect of you returning to work at the Council but you may be able to recover in the longer term. If permanent incapacity is not the case then dismissal on health grounds is the alternative if reasonable adjustments or redeployment is not suitable. Retirement on health grounds is a dismissal, so the provisions for notice etc apply. Benefits will vary according to your pensionable service. Please contact People Services for further details.

44. Can I reduce my hours rather than retire completely?

There is a provision within the regulations of the Local Government Pension Scheme to exercise discretion for employees to voluntarily reduce their grade or hours of work. You must be of pensionable retirement age (currently 55) and may reduce your hours of work, your grade or both. The general principles still apply when you are not a member of the LGPS. Full details of this can be found in the Flexible Retirement Policy (HR018, appendix 1).

45. What do I get paid during my notice period?

You are entitled to full pay during this period of notice, regardless of whether your sickness payments would have been at full or half pay.

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APPENDIX A

ABSENCE REPORTING PROCEDURES FOR NON OFFICE BASED STAFF

Department	Shift	Latest time to contact the Council	Contact
Refuse & Cleansing	Early	30 minutes before normal start time	08:00 – 17:00 Operations Supervisor / Manager Outside 08:00-17:00 call 01205 311112 and leave a message
GMLP	Early Days Late	07:30 07:30 10:00	Leisure Pool Manager
Parks & Grounds	Days	07:00 or 30 minutes before your normal start time, whichever is the earliest	Supervisor
Crematorium	Days	Within 30 minutes of normal start time	Line manager or supervisor
Caretaking / Cleaning	Days	30 minutes before your normal start time	Supervisor or Operations Manager
Haven	Days	Within 30 minutes of normal start time	Line Manager
Car Park Attendants	Days	Within 30 minutes of normal start time	Town Centre Services Manager