

# **Health, Wellbeing and Attendance Policy**

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## **SECTION 1 INTRODUCTION**

**Section 1 contains the following information:**

- Introduction
- South Swindon Parish Councils Principles for Managing Absence
- Roles & Responsibilities

# INTRODUCTION

The Parish Council values the contribution of its staff in the delivery and maintenance of quality services to the community. Whilst recognising that employees may be prevented from attending work through ill health, the Parish Council has a duty to maintain service delivery and minimise disruption. The Parish Council is therefore committed to managing attendance and sickness absence and believes that it is the responsibility of the managers, employees and trade union representatives to work together to promote the management of sickness absence and ill health.

The primary focus of approach to managing Health and Attendance is to promote the health and well-being of Parish Council employees by the early identification of patterns of absence which may reveal a need for appropriate supportive measures on the part of the manager or the Parish.

Managers have a key role to play in the management of employee attendance and the development of a positive attendance culture. All managers should take positive action in supporting individual well-being as well as taking a proactive, consistent and sensitive approach towards employees who are absent from work due to ill health.

## **The Parish Council will achieve this through:**

- Promoting the health, safety and well-being of all employees, including use of risk-assessments to identify and manage hazards impacting on health in the workplace.
- Monitoring levels of sickness absence for all employees.
- Implementing procedures to support and manage staff absence, whilst dealing with 'questionable' and/or high levels of sickness absence.

**The guidelines are neither prescriptive nor exhaustive but are suggested as good practice when dealing with individual cases of sickness absence.**

# THE PARISH COUNCILS PRINCIPLES FOR MANAGING ATTENDANCE

1. Good attendance is valued, and all opportunities should be taken to acknowledge and recognise such attendance. For example, positive attendance records should be noted in performance appraisals.
2. Matters raised relating to an employee's attendance do not imply any distrust of the employee or concerns regarding their conduct.
3. Sickness absence will be dealt with in a way that is non-discriminatory and in accordance with the Parish Council 's Equal Opportunities Policy. Managers involved in the attendance management will have received appropriate training in relevant Equal Opportunities issues.
4. Employees will be dealt with consistently and the sickness absence procedure will be fairly applied across the Parish Council.
5. The Parish Council will promote a positive and preventative rather than a punitive approach.
6. The Parish Council will be sensitive and supportive towards those with ill health.
7. Sickness absence cases will be conducted with respect for confidentiality and in accordance with the relevant legislation. Specifically, the Data Protection, Access to Records and the Disability Discrimination Acts.
8. Open communication between managers and employees will be encouraged and promoted.
9. The Parish Council will promote a positive attendance culture.
10. Appropriate medical advice will always be sought before decisions are made in relation to an employee's ill health.
11. The sickness absence procedure will be monitored and reviewed to ensure that it is being applied fairly and consistently.
12. The Health, Wellbeing and Attendance Policy may be revised from time to time, at the discretion of the Parish Council, to comply with legislative changes and best practice.

## **Vital to the success of these principles are the:**

- Commitment of all managers and employees.
- Consistency of action.
- Time and attention given to reducing sickness absence.
- Comprehensive record-keeping and continuous monitoring of sickness absence.

- Benchmarking average sickness levels and setting improvement targets.

## **ROLES AND RESPONSIBILITIES**

### **EMPLOYEES**

The Parish Council expects its employees to make a full commitment to the job for which they are employed and, in accordance with Parish Council procedures, employees should:

- Care for their health and seek medical help wherever appropriate.
- Raise concerns with their manager if they believe that their work is making them ill or contributing to their illness.
- Attend work unless they are unfit to do so.
- Notify their line manager if they are unable to attend work.
- Maintain contact with their line manager during absence and keep them informed about its expected length (in exceptional circumstances this contact may be through a third party e.g. Trade Union Representative or ACAS).
- Provide certification documents when appropriate.

### **MANAGERS**

Managers should aim to develop a culture where everyone works to achieve high attendance levels through:

- Monitoring and managing attendance.
- Seeking to identify the presence of any underlying problems and to look for joint solutions with the employee.
- Carrying out a Return to Work Meeting after each episode of absence.
- Taking appropriate action where an employee's absence record begins to cause concern.
- Maintain supportive and appropriate contact with employees during absence (in exceptional circumstances this contact may be through a third party e.g. TU Representative or ACAS).

### **OCCUPATIONAL HEALTH SUPPORT**

The Occupational Health Support will:

- Provide advice on the impact of Sickness Review on work and what steps the Parish Council and/or employee could take.
- Advise on the return to work after long periods of absence, including providing advice on appropriate adjustments e.g. phased returns to work, redeployment and rehabilitation.
- Provide advice in individual capability cases, to assist managers in identifying an appropriate course of action.
- Advise managers where an absence is related to a disability, in order that reasonable adjustments can be considered.

### **DEPARTMENTAL PERSONNEL SUPPORT**

The Clerk should provide advice and support to line managers and employees in the application of this policy and the associated guidelines.

## **SECTION 2 GENERAL GUIDELINES**

**Section 2 contains the following information:**

- Notification of Sickness Absence
- Medical Certification
- Maintaining Contact
- Management of Sickness Review Information
- Sickness Pay
- Right to Be Accompanied
- Support Services

## **NOTIFICATION OF SICKNESS ABSENCE**

For service delivery to be maintained, it is essential for line managers to know as soon as possible when a member of staff is unable to attend work due to illness. For more Information refer to the Sickness Absence Reporting Procedure. Depending on the circumstances of each individual case, if an employee fails to inform their line manager of their absence, this may be considered as unauthorised absence, resulting in loss of pay and possibly disciplinary action.

## **MEDICAL CERTIFICATION**

Every absence must be certified to ensure prompt and correct payment of contractual and statutory sick pay and to ensure that accurate records are maintained. Failure to comply with the certification procedures may result in the loss of sick pay. Misleading or false statements may be dealt with under the Parish Council's Disciplinary Procedure.

For more information refer to the Sickness Absence Reporting Procedure.

## **MAINTAINING CONTACT**

The line manager should maintain contact with the employee from an early stage in the absence. This contact should be handled sensitively, and the form of the contact (which should normally be by phone) should be agreed with the employee e.g. email, letter or phone. The line manager needs to ensure that work is reallocated, and service delivery is maintained. The employee needs to ensure that they do not feel isolated, vulnerable, out of touch or harassed.

## **MANAGEMENT OF SICKNESS REVIEW INFORMATION**

### **Monitoring**

Monitoring of attendance is important in ensuring that all employees are treated consistently, and that accurate information is collected on sickness levels. The Parish Council will monitor sickness absence level statistics in order to monitor the success of the Sickness Absence policy.

Line managers are required to:

- Monitor sickness absence levels within their team and take further action as necessary when trigger points are reached and/or where there is a cause for concern.
- Track overall sickness rates over a period and discuss with staff members to ensure that they are aware of the impact of sickness on the team.
- Check individual records at all Return to Work meetings to ensure that appropriate action is taken.

Monitoring also allows for potential problems relating to individual sickness to be identified and addressed at an early stage. Such problems can usually be dealt with informally, with assistance being given to the employee where necessary (e.g. equipment to alleviate symptoms of illness such as a special chair for back problems, or agreement on different working hours for a temporary period)



Line managers must ensure that time off related to a person's disability, i.e. for repair of aids and adaptations must not be recorded as sickness absence. Annual leave, flexi leave, or special leave should be used to cover such absences.

### **Record Keeping**

Managers are required to collect information for consultation with the employee, and if appropriate their representative, the Parish Clerk and the Occupational Health Physician. Although adequate record keeping is essential, it is not intended as a substitute for face-to-face discussions but rather must be kept in addition to these meetings. As well as maintaining records of the nature and extent of the illness absence, all discussions and meetings should be noted and be made available to the employee, and their representative.

### **Storage of Sickness Review Records**

All Sickness Review Records must be kept safe, confidential and at least one copy on the employee's personnel file.

### **Employee Access to Information**

The Access to Medical Reports Act 1988 gives employees the right to see any report made by their GP/Consultant to their employer. The Data Protection Act 1988 gives employees the right to see any report made by the Occupational Health Physician.

Please note the documentation extends now to information sent via e-mail, held electronically, or held in a manual filing system. The Data Protection Act requires the Parish Council to follow best practice rules, which include:

- Providing access to information within 40 working days.
- Ensuring that such information is held securely.
- Ensuring the information held is relevant, accurate, fit for the purpose it is used and held for no longer than necessary.

If the Parish Council fails to meet any of these best practice rules, it can be prosecuted under the Data Protection Act. Line managers must also ensure that information written or emailed about an employee must be factual and not libellous or defamatory in nature. For more information on this refer to the Clerk.

### **RIGHT TO BE ACCOMPANIED/SUPPORTED**

An employee is entitled to be accompanied by a work colleague or Trade Union or ACAS Representative at any formal Sickness Review meeting.

There may be circumstances where adjustments will need to be made to ensure that an employee is not disadvantaged at any such meetings. For example, a language interpreter may be needed where an employee's first language is not English, or special provision might need to be made for disabled access, or a hearing loop if the employee has a hearing impairment.

### **ENTITLEMENT TO SICK PAY**

#### **Statutory Sick Pay (SSP) & The Parish Council's Contractual Sick Pay (CSP)**

Employee's entitlement to pay during periods of sickness absence is usually composed of two elements, Statutory Sick Pay (SSP) and Contractual Sick Pay (CSP). Both schemes are administered by the Parish Council and paid to employees in conjunction with each other. The amount of SSP included in an employee's gross pay will be 'topped up' by any sickness payment that the employee is entitled to under the Parish Council's Contractual Sick Pay

scheme. Both schemes are taxable, and employees will have to pay National Insurance and Pension contributions on these.

The Sick Pay employees receive from the Parish Council will be based on a combination of the individual's entitlement to Statutory Sick Pay and Contractual Sick Pay (CSP) in accordance with the individual's Contract of Employment. The length of time an employee receives CSP is based on their length of service (see below) considering any sickness they have had in the 12 months prior to their first day of absence. An employee's entitlement to sick pay starts from the first day of absence, therefore if their service increases whilst they are absent they are not entitled to further sick pay. For this purpose, length of service means continuous service in local government and related employment.

	Full Pay	Half Pay
During 1 <sup>st</sup> year of service	1 month	+ 2 months
During 2 <sup>nd</sup> year of service	2 months	+ 2 months
During 3 <sup>rd</sup> year of service	4 months	+ 4 months
During 4 <sup>th</sup> year of service	5 months	+ 5 months
After 5 years of service	6 months	+ 6 months

When an employee is off sick they will receive their entitlements to SSP/CSP combined in such a way that at no time will their total pay when off work exceed their normal pay when at work. In exceptional circumstances where an employee has exhausted their entitlement to sick leave on either full or half pay, an extension may be considered.

### **Qualifying Days – SSP**

SSP calculations operate over the full seven-calendar day week. It is therefore necessary for line managers to collect full details of any period of sickness from their staff. This includes weekends, public holidays, annual leave, or any other day that they would not be required to work, so that calculations of SSP can be properly made and the Parish Council has full and accurate records of employee's sickness absence.

### **Exclusion from SSP**

Most employees are eligible for SSP, but if for any reason employees are not eligible they will be informed in writing by their line manager.

### **Reasons for exclusion:**

- The sickness ends.
- They have already received full SSP entitlement.
- They are pregnant and fall sick within the 18-week disqualifying period, this is 11 weeks before the expected week of childbirth and ends 6 weeks after childbirth.
- They are/have taken part in Industrial Action.
- They are in legal custody.
- They have received 'Incapacity benefit, Severe Disablement or Maternity allowance' within the last 8 weeks.
- Their average earnings are below the lower earnings level at which National Insurance Contributions are payable.
- They are over State Pension age.
- They are on a fixed term contract of less than 3 months.

## **Criteria for Extensions of Sickness Pay**

In exceptional circumstances where an employee has exhausted their entitlement to sick leave on either full or half pay, an extension may only be authorised by the Clerk. In reviewing the circumstances of the case, the Occupational Health Unit should be consulted.

Extensions of sick leave may be granted on either full or half pay. Below are some general points for line managers to bear in mind when considering whether to recommend an extension of sick pay:

- whether the extension, by relieving anxiety, would materially assist a recovery of health and a return to work.
- whether there are welfare and compassionate grounds relating to the employee's personal circumstances.
- the Occupational Health Unit's recommendation concerning the case.

Any guidance cannot cover every eventuality, but it may be useful to be aware of the type of cases where extension of sick leave on full or half pay may be considered:

- Following an accident at work during the employee's duties.
- To allow time to enable a complex medical problem to be resolved.
- Pending consideration of a return to work in some suitable capacity where a return to the employee's previous job is not possible because of injuries sustained in an accident at work.

When an extension has been requested, the line manager should ensure that the Parish Clerk has been informed of this in writing. This notification should set out the name, designation and workplace of the employee, the dates of the extension of sick pay and whether the extension is on full or half pay. The line manager must also decide when to review the situation and ensure that the Clerk has been advised of any further requests for extension of sick pay or return to work. Employees granted an extension of sick pay should be advised in writing. The grant of any extension is at the absolute discretion of the Parish Clerk.

## **When an extension to sick pay should not be considered**

Extension to sick pay should not be considered if there is a likelihood of early retirement or dismissal on the grounds of ill health.

## **Entitlement to Sick Pay during Leave**

If an employee falls sick whilst on holiday, then the leave for that day(s) may be reclaimed where a Doctor's Certificate is provided to cover the period. Entitlement to Sick Pay will depend on whether the leave is either:

- **Paid Leave** - In this situation the employee is entitled to both the Parish Council's Contractual Sickness Scheme and Statutory Sick Pay.
- **Unpaid Leave** - In this situation the employee will be entitled to Statutory Sick Pay only.

