

ALDERHOLT PARISH COUNCIL

SICKNESS AND ABSENCE POLICY

Scope

All employees of Alderholt Parish Council

Policy

Terms and Conditions of Service (including holiday entitlements) are shown in staff contracts. They may be amended and/or supplemented from time to time.

Delegated Authority

The Council delegates authority to the Chairman and Clerk to approve applications for the taking of contractual annual leave. All other leave is granted at the discretion of the Staffing Committee and recorded in the minutes.

The Council reserves the right to refuse an application for leave or time off if it is necessary to maintain appropriate levels of service. Such a decision should be reasonable in all of the circumstances.

Public Holidays

Unless the employee's contract specifies otherwise, he/she will be entitled to all public holidays including any additionally granted by government in any one calendar year.

Annual Leave

- Entitlement is shown in staff contracts. These may be amended and/or supplemented from time to time.
- Entitlement to annual leave will accrue from day 1 of the worker's employment.
- Employees are contractually entitled to the Annual and Public holidays provided for under their Conditions of Service.
- The annual leave year runs from 1 April to 31 March. Entitlement for part of a year's service is on a pro-rata basis for whole months worked.
- The leave entitlement of part-time employees is calculated pro rata of the full-time hours for their respective post. For full time employees this is 37 hours.
- The formula for calculation of pro rata holiday entitlement is leave entitlement x contracted hours ÷ 37 hours.
- When accounting part-time leave taken, a day's leave is only the number of hours that normally would have been worked on that day.
- Up to 5 days unused annual leave may be carried forward into the next leave year but this must be taken by 31st July of that year, otherwise be lost. Any application to carry over more than 5 days will be determined by the Staffing Committee.
- Sickness during Annual Leave - An employee who becomes sick during a period of annual leave should obtain a medical certificate from the GP or

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hospital. Leave will be suspended from the date of the medical certificate and can be re-applied for when the employee returns to fitness.

- Annual Leave Entitlement on Termination of Employment - If an employee leaves the Council's employment during a leave year, he/she should use up any remaining leave entitlement prior to their termination date.
- If there are valid reasons why the employee cannot take leave due, he/she will be entitled to receive pay in lieu of the untaken leave.
- If the employee has taken leave beyond that earned by service in the year, a deduction for the excess leave taken will be made from the final salary payment.
- Records of leave shall be kept by the Clerk.

Obligatory Time Off or Statutory Rights

Sick Leave

Notification and certification - If an employee is unable to attend work due to sickness, he or she must notify the Council by contacting the Clerk (or Chairman) as soon as possible, but no later than the end of the working day on which the absence first occurs. He or she should indicate the reason for the absence and, if possible, when he or she expects to return to work.

The employee must complete a self-certification form for the first seven calendar days of all sickness absences and give it to the Clerk. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must request a copy form and complete and post it to the Clerk as soon as possible.

If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to the Clerk. Current fit notes must cover subsequent periods of absence. The employee should also keep in touch with the Clerk regarding the status of their condition and likely return to work date.

If the employee does not follow this procedure, they may be dealt with under the Council's Disciplinary Policy. Furthermore, the employee's contractual sick pay and statutory sick pay (SSP) may be withheld.

Private medical certificates - In some circumstances the Council may require the employee to provide private fit notes for all absences from work due to sickness, regardless of their duration. The Council will reimburse him or her fully for the cost of obtaining these certificates. Examples of such circumstances include:

- a history of absenteeism
- an appearance or disposition such that management are concerned that the employee may not be receiving adequate medical attention.

Return to work - The employee will not be allowed to return to work until their GP deems that they are fit to return. Requests for temporary adjustments to the

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employee's working conditions will be considered by the Staffing Committee and will be accommodated wherever possible and if Council's circumstances permit.

In the case of extended periods of absence, the Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Council's choice.

Regardless of their length of absence, the employee will be interviewed by the Clerk on their return to work in order to:

- check on the employee's fitness to return
- ensure that all the support the employee needs is in place
- bring the employee up to date on any changes.

Fit notes - An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

If a fit note is received the Clerk will contact the employee and arrange for a meeting between the employee and the Clerk. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work. If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

Medical examination - The Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion. (A refusal to be examined may lead the Council to take disciplinary action against the employee, up to and including dismissal.)

Access to medical reports - 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 his or her GP and ask for a medical report on the employee's condition. The employee may ask to see this report.

Extended absences - 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 for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- full consultation with the employee
- medical investigation
- a consideration of alternative employment.

Where a return to work does prove possible, the Council may require that the employee's fitness to return is confirmed by a practitioner of the Council's choice.

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Meetings/home visits - During any absence it is important that the employee keeps in touch so that Clerk is kept informed of the employee's health and likely return-to-work date. The employee will therefore be periodically asked to attend meetings with the Chairman, 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 him or her at home.

Disability - If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

Dismissal and the right to appeal - In the event of a dismissal, the reason for the dismissal and the circumstances leading up to that decision will be documented in writing to the employee. The employee may appeal against their dismissal by writing, within five working days of their receipt of the dismissal letter, to the Chairman, stating the grounds on which they wish to appeal. The appeal will be heard in accordance with the Council's Disciplinary Policy. This right also applies to 'action short of dismissal' such as alteration of duties.

Payment arrangements – An employee will be paid your agreed basic remuneration in line with the scale of payment for any one year that runs from 1 April to 31st March. The Council will be responsible for reclaiming the Statutory Sick Pay element from HM Revenue & Customs.

Entitlement to payment is subject to notification of absence and production of medical certificates as required.

The Council operates the Statutory Sick Pay scheme and the employee is required to co-operate in the maintenance of necessary records. For the purposes of calculating entitlement to Statutory Sick Pay 'qualifying days' are those days on which an employee is normally required to work. Payments made by the Council under its sick pay provisions in satisfaction of any other contractual entitlement will go towards discharging the Council's liability to make payment to you under the Statutory Sick Pay scheme.

The Council reserves the right to require you at any time to submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council.

Whilst on absence due to sickness or incapacity you are not permitted to undertake any paid work for another employer or for any business established by you without express permission from the Council.

Scale of Payment - Subject to the above conditions of this scheme, when absent from duty owing to illness (which term is deemed to include injury or other incapability or disability) an employee will be entitled to receive an allowance in accordance with the following scale:

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during 1st - year of service	one months full pay and (after completing 4 months service) 2 months half pay
during 2nd - year of service	2 months full pay and 2 months half pay.
during 3rd - year of service	4 months full pay and 4 months half pay.
during 4th & 5th - year of service	5 months full pay and 5 months half pay.
after 5 years of service	6 months full pay and 6 months half pay.

For the purposes of calculating “half” pay, the rate of pay for the agreed salary month will be used.

Return of the Council's equipment – If the employee is off sick for an extended period of time (e.g. one month or more) the Council may require them to return Council equipment until they are well enough to return to work. If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding Council equipment on the date of termination of his or her employment

Maternity & Paternity Leave

The Parish Council recognises the statutory entitlement for maternity and paternity leave.

Adoption Leave

The Parish Council recognises the statutory entitlement for adoption leave.

Flexible Working

The Parish Council recognises the statutory entitlement for flexible working.

Parental Leave

Each parent employed by the Council may take up to 18 weeks' unpaid leave to care for their child. The leave may be taken at any time up to the child's 5th birthday. If the child has a disability this timescale is extended until their 18th birthday.

In the case of adopted children 18 weeks leave may be taken at any time in the first five years after the child is placed with its adoptive parents but must be taken before the child reaches 18.

Leave can only be taken in blocks of a week unless the child has a disability, in which case shorter periods are permissible.

No more than 4 weeks' parental leave in respect of each qualifying child can be taken in any one year.

Time off to care for dependants

The Parish Council allows reasonable amounts of unpaid time off to deal with certain issues affecting dependants [a dependant is the employee's spouse or civil partner, child, parent, elderly aunt or grandparent or a person who lives in the same

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household as the employee (but who is not his or her employee, tenant, lodger or boarder].

Unpaid leave may be granted for:

- To provide assistance on an occasion where a dependant falls ill, gives birth or is injured or assaulted;
- To make arrangements for the provision of care for a dependant who is ill or injured;
- In consequence of the death of a dependant;
- Because of the unexpected disruption or termination of arrangements for the care of a dependant
- To deal with an incident involving a child of the employee which occurs unexpectedly in a period during which an educational establishment is responsible for the child.

Trade Union Official duties and activities

If an employee is a Trade Union Official, that person will be allowed to take reasonable time off during working hours to carry out his or her duties as an official which are concerned with collective bargaining on behalf of employees or to undergo training relevant to carrying out collective bargaining.

Paid Time Off for union activities

An employee who is a member of an independent trade union recognised by the Council will be permitted to take reasonable paid time off (as per ACAS guidelines) to take part in certain activities during working hours. These activities are activities of the union of which the employee is a member and any activities in relation to which the employee is acting as a representative.

Unpaid Time off in relation to industrial action

The Parish Council does not permit time off for an employee who is a trade union member before any industrial action begins in order to deal with certain issues, such as allowing members to vote in an approved ballot or for the member to discuss ways of avoiding the industrial action.

Time off for public duties

The Parish Council will allow an employee who is a Justice of the Peace or a member of the local authority to take reasonable time off to perform his or her duties as JP or member. This may include attending a meeting of the body or its committees. The maximum number of hours permitted is 208 hours of paid time off in any one financial year. This limit does not apply to the Chairman of the Council.

Safety Representatives

Safety Representatives are permitted time off with pay for their performance of their duties as a Safety Representative.

Jury Service

The Parish Council permits the granting of leave to attend court to serve as a juror, but this will be unpaid leave.

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Non – Statutory leave

Examination Leave

Employees are allowed time off, with pay, to sit approved examinations upon request.

Compassionate leave

Compassionate Leave, with or without pay, may be granted at the discretion of Council but will not normally exceed 5 days. Compassionate grounds may include serious illness or death of a close relative or friend and attendance at a funeral.

Adverse Weather Conditions

If employees are unable to work for reasons related to weather conditions (including school closures), then employees are required to take annual leave. If there is no annual leave entitlement remaining, then leave must be taken as unpaid.

Service in non-regular forces.

Green Book provisions provides that service in non-regular forces such as the Territorial Army should be treated as 'public duty' for leave purposes and so paid.

Date	Min	Action
24/02/2014	P&F14/14	Adopted
23/02/2015	P&F07/15	Reviewed
09/03/18		Amended re changes to P & F Committee
11/10/2021	PC 127/21	Reviewed. Amended re changes to Staffing Committee and removal of Mayor