



## **BEVERLEY TOWN COUNCIL SICKNESS POLICY**

### **PURPOSE AND SCOPE**

The purpose of this policy is to ensure that the operational efficiency of the organisation can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security, and support to employees during periods of ill-health.

### **INTRODUCTION**

The Town Council is committed to the provision of good working conditions, where the highest standards of health and safety are observed, and where all employees seek to maintain high levels of attendance. Employees are entitled to fair treatment if they are absent from work, and procedures for managing absence must be applied consistently and equitably.

When employees are sick they will be supported during their absence from, and assisted in making a return to, work. If there are concerns about their sickness absence, they are entitled to be informed about these concerns, when they arise.

It is the intention of the Town Council's policy to promote good work attendance levels and reduce absence, which is due to sickness, through positive counselling and employee support. Good work attendance is vital if the Town Council is to provide effective and efficient services. High levels of attendance will help the Town Council to plan and provide quality services, to win contracts, and assist in maintaining morale amongst employees. Low levels of attendance, on the other hand, will result in poor provision of services, increased costs, lost contracts, and potentially low morale.

The following has been prepared to inform employees, managers and Trade Union Representatives of the Town Council's Sickness Policy that will be applied in dealing with cases of sickness absence.

### **WHO DOES THE POLICY APPLY TO?**

The policy applies to all employees, whether part-time or full-time, temporary, or permanent.

### **WHAT SHOULD THE POLICY BE USED FOR?**

The policy is to be used in order to manage cases of sickness absence within the Town Council.

The policy is not appropriate to be used in cases involving:

- Performance issues
- Redundancy
- Disciplinary issues

These issues are dealt with under other policies and procedures, for instance the disciplinary procedure.

### **CONFIDENTIALITY**

All information relating to individual employees' absence at work must be kept strictly confidential by all those concerned. Any correspondence relating to the management of absence at work will be sent in envelopes marked '*Private and Confidential*' – to be opened by addressee only.

## **TIMESCALES**

The Town Council is committed to dealing with all stages of the procedure within acceptable timescales reflecting good practice and will not deal with any matter in such haste as to be detrimental as to the needs of the individual concerned.

## **ACCOMPANIMENT/REPRESENTATION**

Employees must be informed of the right to be represented, if they so wish, by a Trade Union Representative or by a fellow work colleague of their choice, at any stage of the formal sickness absence procedure.

## **EMPLOYEES**

All Town Council employees have obligations under the Sickness Absence Procedure to:

- Recognise their contractual commitment to attend work
- Report absence as soon as possible in line with the Reporting Procedure
- Maintain contact with the Town Clerk throughout protracted periods of absence
- Be available to attend meetings/reviews at request during normal office hours to discuss ongoing issues at a mutually convenient time subject to their health condition
- Attend appointments with Occupational Health Physicians as arranged
- Be informed of their right to be represented/accompanied at any formal meeting by a Trade Union Representative or a colleague not acting in a legal capacity.

## **NOTIFICATION OF SICKNESS ABSENCE**

When an employee falls sick, for Statutory Sick Pay (SSP) purposes, he/she must report the sickness in the following way:

### **First Day of Absence from Work**

If an employee is sick, he/she is responsible for ensuring that the Town Clerk is notified as soon as is practicable and preferably before 10.00 a.m. on the first day of absence, indicating the reason for the absence and, if possible, an indication of how long he/she is expected to be absent so that arrangements can be made for cover if required.

If the Town Clerk is not in the office, every effort should be made to speak to the Deputy Town Clerk. A telephone call from either themselves or from a relative or friend on their behalf will be sufficient. Notification must not be made through a fellow employee (unless he/she is a spouse or partner or living in the same household).

After speaking to the employee, the Town Clerk/Deputy Town Clerk is required to complete a notification form contained as a record of the details provided by the individual.

If the first day of absence from work is a Monday, the employee should inform the Town Clerk/Deputy Town Clerk whether they had been sick on Saturday and/or Sunday as well as Monday.

Employees are required to complete form SC1, on their return to work, even if their absence was less than four days.

#### **Fourth Day of Absence from Work**

Where it becomes apparent that absence due to sickness is to continue beyond the third day (including Saturday and/or Sunday, as appropriate), the employee (or relative or friend on his/her behalf) must again notify the Town Clerk, giving the reason for the absence and the expected date of return to work.

If it is being claimed that the sickness absence is as a result of an industrial injury or an industrial disease, this must be made clear by the employee.

Form SC1, containing this information, must be completed on the first working day after returning to work following sickness absence.

The Town Clerk/Deputy Town Clerk should also update the notification form to include this information.

#### **Absences between Four and Seven Qualifying Days**

When an employee returns to work, he/she must also complete and sign form SC2 and forward it to his/her line manager. This form can be obtained from the local Department of Social Security, Doctor's Surgery, or from the Town Council's Payroll Manager.

#### **Absences of More Than Seven Qualifying Days**

If sickness continues for more than seven consecutive calendar days, including Saturday and Sunday, the employee must complete form SC2 for the first seven days of absence and forward it to the Town Clerk immediately, and, on the eighth day of absence, a Doctor's certificate/statement must be submitted to the Town Council.

#### **Continuing Sickness**

An employee must submit a Doctor's certificate/statement as often as required for State Benefit purposes. These certificates/statements should be sent to the Town Clerk.

#### **Fit notes**

From April 2010 GPs have been required to provide simple, clear, and practical advice in relation to an employee's fitness for work by issuing a 'fit note'. In cases of continuing sickness absence, the fit note will provide, where possible, medical guidance around the opportunities for the employee and the Council to work together in order to consider arrangements to enable a speedier return to work including:

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

#### **Return to Work**

In circumstances where either more than one Doctor's certificate/statement is necessary, or the first Doctor's certificate/statement has covered a period of sickness absence of more than 14 days, an employee cannot return to work until the expiry of the certificate/statement indicating fitness to resume normal duties.

Any employee, returning to work, must comply with this condition by reporting personally to his/her line manager to confirm the expiry of the Certificate/Statement.

When an employee returns to work, his/her direct line manager will discuss the absence with him/her informally and try to assist with any particular difficulties, which may have arisen as a result of the absence.

If the employee concerned has had several periods of absence, the direct line manager will want to know more about the circumstances and may decide to invoke the procedure for dealing with short-term absence.

#### **Failure to Comply With Notification Requirements**

Failure to comply with this procedure may result in an employee receiving the wrong pay or no pay.

Failure to report sickness absence properly and/or to submit the necessary documentation may be treated as an abuse of the sick pay scheme and may be dealt with under the Town Council's Disciplinary Procedure.

If, after investigation, it is demonstrated that any false information has been submitted, knowingly, with regard to sickness absence, it will be treated as gross misconduct and may lead to the instant dismissal of the employee concerned.

#### **STATUTORY SICK PAY AND STATE BENEFIT**

The Town Council recognises that from time to time an employee will suffer from sickness absence and has agreed a scheme to provide financial assistance and procedures for dealing with such absence. Sickness absence represents a cost to the Town Council and its services, and will, therefore, be monitored carefully by management. The authority reserves the right to review levels of sickness absence periodically and to counsel employees to minimise the impact of the absences on their particular service.

Within any span of twelve months, payment of an allowance shall be made for the appropriate periods according to length of service. It should be noted that these provisions should not be treated as a right and that sick pay allowances are the maximum periods during which salary or wages are normally paid and do not imply time limits for other action being taken. The Council therefore reserves the right to withdraw the payment of sickness entitlement and/or to dismiss an employee before he/she has exhausted their entitlement to occupational sick pay.

An employee's entitlement to sickness allowance is as follows: -

During 1st year of service	1 month's normal pay and (after completing 4 months' service) 2 months' half pay
During 2nd year of service	2 months' normal pay and 2 months' half pay
During 3rd year of service	4 months' normal pay and 4 months' half pay
During 4th and 5th year of service	5 months' normal pay and 5 months' half pay
After 5 years' service	6 months' normal pay and 6 months' half pay

Normal pay includes all earnings that would be paid during a period of normal working for normal contractual hours.

Abuse of the sick pay scheme may result in the suspension of payment of sickness allowance and/or disciplinary action.

If, for any reason, there is no entitlement to SSP, the Payroll Manager will send the employee form SSP1, which will enable him/her to claim State Benefit.

There may be occasions, when an employee is notified by the DSS that he/she is not entitled to SSP. On receipt of such notification, the information must be forwarded to the appropriate Payroll Manager.

If sickness continues after the employee has received SSP for 28 weeks, he/she will transfer to State Benefit. The Payroll Manager will send a sickness benefit claim Form SSP1, which will enable him/her to claim State Benefit, if his/her period of sickness continues beyond the 28th week. This Form must be completed by the employee and forwarded to the DSS.

When an employee is in receipt of State Benefit, he/she must forward details of their giro cheque or DSS Forms BS12, BS49 or BS50 to the Payroll Manager.

#### **SICKNESS AND HOLIDAY**

In the event of an employee falling sick during a period of annual leave, he/she may be regarded as being on sick leave from the date of his/her Doctor's certificate/statement and further holiday entitlement will be suspended until the employee concerned is fit to return to work.

Self-certification is not sufficient in such circumstances. A Doctor's certificate/statement must be submitted to the direct line manager as soon as is practicable. If sickness occurs, when the holiday is abroad, the Town Council is prepared to accept other documentary evidence of medical attention and/or treatment rather than the certificate/statement, which is commonplace within the United Kingdom.

It is recognised that, because of operational requirements, holidays of a week's duration or more are customarily booked well in advance. It is only much later nearer the date of the holiday that absence on account of sickness occurs.

Where an employee wishes to take annual leave during a period of absence, he/she must provide written confirmation from their GP prior to the period of absence that the "holiday" would assist in progress to recovery or could be treated as a period of convalescence and therefore would not have a detrimental impact on their health. This requirement is designed to avoid a situation where an employee goes ahead with a pre-planned holiday, notwithstanding medical or other advice, which had been received, and thereby renders him/herself liable to disciplinary action on return to work.

#### **INDUSTRIAL INJURY OR DISEASE**

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

If an employee is claiming that sickness absence arises from an industrial injury or disease, he/she must give details of when the incident was reported and to whom. It is essential that the Town Council's Incident Reporting Procedures are also followed, and adequate records are kept.

### **RETURN TO WORK INTERVIEW**

When an employee returns to work after a period of sickness absence, the Town Clerk will conduct a return to work interview. This will be done either on the employee's first day of return to work, or as soon as practicable thereafter, if the line manager him/herself is absent on that day.

The purpose of this meeting is to enquire about the employee's health, discuss the individual's absence record (where there is cause for concern), inform him/her of any significant events at work, bring him/her back into the work environment after the period of absence, to ensure that the appropriate paperwork is completed and that the employee concerned has the necessary documentation, which indicates that he/she is fully fit to return to work on the particular day.

The discussion with the employee will also assist the manager in identifying any underlying problems/issues, which they may be able to help the employee address. Where appropriate, staff should also be made aware of the Town Council's medical referral and counselling services.

### **SHORT TERM ABSENCE**

Short-term absence is defined as sickness absence that lasts no more than four weeks.

To assist the Council in dealing with cases of short-term absence the following trigger points will be used as an indicator as to when the short-term absence procedure should be used.

- Three periods of absence in a three-month period.
- Four or more periods of absence in a six-month period.
- An established pattern of absence for example Mondays/Fridays.

Please note that where employees have not met the above trigger points but have a high level of sickness absence within a period of time, consideration should be given to using the following procedure.

Employees should be made aware of these trigger points, the possible actions that could be taken where trigger points are met and the procedure for dealing with short-term absences.

Sickness counselling is part of a broad process, by which the Town Council as an employer aims, through various methods, to achieve better employee attendance at work. Central to this, is better communication with employees, greater awareness of employees' absences, and a proactive approach to addressing, where appropriate, an individual employee's absence record. The principal objectives of sickness counselling are:

- To establish systems for reviewing individual sickness records in order that Managers, employees, and Trade Union Representatives can objectively assess the absence(s) and decide on appropriate action;
- To establish, if the absence is genuinely due to sickness or whether absence is being used for other reasons i.e. family related problems;
- To review compliance with sickness rules and conditions; and
- To explore reasons for sickness absence in order to prevent the absence recurring, address any welfare problems, and ensure appropriate medical/ specialist assistance is being provided.

Sickness counselling is not an attempt to “forbid” sickness and to require employees to work, when they are sick, rather it is a means of managing sickness absence within limits, which reflect the operational circumstances of Services.

The non-attendance of employees as a result of sickness does lead to obvious difficulties. Clients and customers can suffer because a service is not being provided; other employees in the work group can become under increased pressure due to absence.

Management will respond actively to sickness absence and will take steps to counsel employees about their individual sickness levels.

The following stages outline the process that must be followed in managing persistent short-term absences and may ultimately end in the dismissal of an employee. There are additional flexibilities within the procedure, which can assist the Council in reducing abuse of these trigger points, and review periods and these are outlined below.

If an employee meets any of these trigger points but does not have any absences during the three-month review period the matter would not progress to the next stage. However, if an employee then reaches another trigger point immediately, the Council can set a 6, 9 or 12-month review period next time, if there is a suspicion that the system is being abused. Where potential abuse of the scheme is alleged the employee will be made aware of the potential consequences of this.

The Town Clerk does not have to wait for the review period to end to set up an absence review meeting. For example, if an employee has three absences in one month it is possible to set up the meeting immediately and set the new review period under Stage 2. This also applies to the review periods and should help to make the process of managing absence more effective and efficient. Where possible it is important to fix review-meeting dates in advance in order to prevent timescales slipping beyond the agreed periods.

#### **Stage 1 – Informal Warning**

If the situation is reached, whereby an individual employee’s sickness over a particular period is a matter of concern, arrangements will be made for an informal Sickness Counselling meeting to be held with the employee. Although this will be an informal interview, the employee concerned will be informed that they may be accompanied by a work colleague or Trade Union Representative.

The Town Clerk should discuss with the employee their concerns regarding their sickness absence. They should establish the reason for the absence and what can be done to resolve the problem. The Town Clerk can make a referral to a Medical Representative or ERNLLCA for guidance and advice if deemed appropriate. The action decided should be noted and the situation monitored for an agreed period of time. The employee should also be advised that should high levels of sickness absence continue or trigger points be reached that it may be necessary to invoke the formal stage of this procedure.

#### **Stage 2 – First Formal Warning**

The Town Clerk should discuss with the employee their concerns regarding their sickness absence. They should establish the reason for the absence and what can be done to resolve the problem. The Town Clerk can make a referral to a Medical Representative or ERNLLCA for guidance and advice if deemed appropriate. At this stage of the process a formal warning may be issued to the employee, which states that if there is not a substantial and sustained improvement in their sickness absence record over an agreed period of time,

normally three months, then further action may be taken. Details of the meeting should be confirmed in writing to the employee within five working days. The sickness absence record of the employee should then be monitored for a three-month period.

### **Stage 3 – Second Formal Warning**

At the end of the three-month period, if the employee's sickness absence is still unacceptable, a formal review meeting should be arranged with the Town Clerk. Employees should be given five working days notice of the meeting and offered the right to representation. Where appropriate discussions will take place with the Trade Union Representative dealing with the specific case in order to agree a date for the meeting. A referral to a Medical Representative or ERNLLCA must be made.

At this stage of the process a formal warning may be issued to the employee, which states that if there is not a substantial and sustained improvement in their sickness absence record over an agreed period of time, normally three months, then their employment may be terminated on the grounds of inability to maintain an acceptable attendance level. Actions should be confirmed in writing to the employee within five working days.

### **Stage 4 - Potential Dismissal**

If there continues to be no improvement in attendance after the agreed review period, or before if trigger points have been met, a further formal meeting should be arranged. The Town Clerk should write to the employee informing them of the continued sickness absence, confirming that they may be dismissed as a result of the absence. Employees should be given five working days notice of the meeting and offered the right to representation.

The Town Clerk should, with appropriate advice from ERNLLCA, make a further referral to a Medical Representative if they think this is appropriate. The Chairman of the Town Council's Staffing Committee should conduct the formal meeting, supported by the Town Clerk and if appropriate a representative of ERNLLCA. At this meeting, the Town Clerk will firstly detail the sickness record and all actions/measures that have been taken. The employee and/or their representative will have the opportunity to question the line manager. The employee and/or their representative will then explain their position and put forward any evidence, which may be relevant. The Town Clerk will have the opportunity to question the employee/representative. The Town Clerk will then summarise the management case. The employee and/or their representative will then summarise their case.

If after hearing all the evidence, the Chairman of the Town Council's Personnel Committee believes that the attendance levels are unacceptable, they will present a written detailed report to the Town Clerk outlining their wish to proceed with recommendations to terminate the employee's contract on the grounds of inability to maintain an acceptable attendance level. This report should include details of the sickness record, all action taken to date and results of the Medical Officers reports.

### **Stage 5 – Dismissal**

If there continues to be no improvement in attendance after the agreed review period, or before if trigger points have been met, a further formal meeting should be arranged to consider the continued employment of the employee. The employee should be advised in writing and invited to attend an interview with Chairman of the Town Council's Staffing Committee, supported by the Town Clerk. At this interview, the Town Clerk will firstly detail the sickness record and all actions/measures, which have been taken. The employee and/or their



representative will then be given the opportunity to question the presenting Town Clerk. The employee and/or their representative will then explain their position and put forward any evidence, which may be relevant. The Town Clerk will have the opportunity to question the employee/representative. The Town Clerk will then summarise the case and the employee and/or their representative will then summarise their case. If the Chairman of the Town Council's Staffing Committee is satisfied that the employee is unable to maintain an acceptable attendance level and all reasonable measures have been taken to assist the employee they should dismiss the employee. The employee should receive the appropriate period of notice and receive written notification of the reasons for their dismissal. The employee should also be informed of their right to appeal.

### **Appeal against Formal Action**

The employee has the right to appeal against the dismissal. The Appeals Committee hears appeals against dismissal. The Appeal will review the reasonableness of the decision made by the Chairman of the Town Council's Personnel Committee and will not rehear the entire case. The employee should appeal to Town Clerk in writing within ten working days of receiving the letter confirming dismissal. The grounds for an appeal must fall within one of the following criteria:

- In the light of the facts of the case the judgement was unfair
- In the light of the facts of the case the sanction was too severe
- Procedural irregularities/inaccuracies

Employees must be advised of their appeal rights within this procedure in the letter confirming any formal action. In addition, in any such letter, the fullest information should be supplied to the employee for the purpose of preparing his/her defence, including precise reasons for the action taken or proposed.

Appeals against written warnings will be heard and determined by a Committee who has not been previously involved in the case.

Appeals against dismissal will be heard and determined by Members of the Appeals Committee. The Appeal will review the reasonableness of the decision made by the Personnel Committee and will not re-hear the entire case. The employee should appeal to the Town Clerk in writing within ten working days of receiving the letter confirming dismissal.

### **LONG TERM ABSENCE**

Long-term absence is defined as sickness absence that exceeds a four-week period.

Employees should be made aware of the procedure set out below for taking action where the above criteria is met.

#### **Managing Long Term Absence**

During a period of long-term absence, the Town Clerk should keep in regular contact with the employee either by telephone or by letter, to enquire about the employee's health and keep them up to date on any key developments at work.

Where an employee's period of continuous absence extend to four weeks or more, consideration should be given to a referral being made to the Town Council's Medical Representative in order to determine the extent of the medical problem, when he/she may reasonably be fit to return to work, and his/her suitability for

continued employment with the Town Council. Please note that the four-week qualifying period may be extended or reduced, depending upon the circumstances of each case.

Where a referral is to be made a home visit or office meeting should be offered to the employee by the Town Clerk. The meeting to be conducted by the Town Clerk and the Chairman of the Town Council's Personnel Committee and in addition to providing continued support to the individual should include a discussion regarding the specific details of the absence, how the employee is feeling/progressing, what stage of their absence the employee is at and an indication of the timescales for a return to work. The medical referral process and should also be explained to the individual at the meeting.

### **Return to Work**

The Medical Representative may be of the opinion that the employee is fit to return to work and provide detailed advice and guidance as to how this can be achieved. In such circumstances the line manager should meet with the employee to discuss the recommendations of the Medical Representative and agree a return to work programme in line with this advice. The Council is encouraged to consider a phased return to work if supported by the Council's Medical Representative as a means of supporting the employee's successful return. This can involve an ascending scale of days/hours attendance per week over a strictly defined period of time, say 4 weeks. The employee will be paid in accordance with the hours worked, but in many cases will be able to make up their pay to the full contractual hours by using accumulated annual leave. If the employee is not fit to return to work and their absence continues the Medical Representative will review the case at regular intervals.

The Council is encouraged to consider whether it is feasible, for example, for an employee to work from home rather than taking sickness absence. Where possible, the Town Clerk should explore the opportunities for an individual to work in a different role within either the employing service.

### **Terminal Illness**

In the case of a terminally ill employee, there is a need to consider the individual's circumstances and their continued employment in a sensitive and compassionate way as possible. Advice should always be sought from ERNLLCA on the issue of continued employment and the details of pension benefits for a spouse or dependants. It is important to consult the employee about their wishes and also to be in a position to provide them with all information they might require on the options available to them.

### **Redeployment**

The Medical Representative may be of the opinion that the employee is temporarily or permanently unfit to carry out their duties. In such circumstances it may be possible to redeploy the individual to other work in the Town Council.

### **Ill Health Retirement**

If the Town Council's Medical Representative, after a number of medical interviews, considers that a particular employee is not able to carry out his/her contractual duties as a result of a permanent incapacity, he/she will recommend to a Medical Officer designated by the Pension Fund that his/her employment should be terminated on the grounds of ill-health. Ill health retirement is only granted where the Medical Officer confirms that an individual is deemed permanently unfit, that is unfit for any suitable Town Council work until retirement age.

If the recommendation is confirmed by the second Medical Officer, the Chairman of the Town Council's Personnel Committee and the Town Clerk, will arrange for a capability Interview to be held in order to confirm the Medical Officers recommendation and discuss the arrangements with respect to the termination of employment on the grounds of ill health retirement.

#### **Dismissal on the Grounds of Ill Health Capability Owing to Protracted Sickness Absence**

If the Town Council's Medical Representative indicates, after a number of medical interviews, that a particular employee, who has had a protracted period of sickness absence, is still unfit and unlikely to return to work to carry out his/her contractual duties in the foreseeable future, the Chairman of the Town Council's Personnel Committee and the Town Clerk will arrange for a capability Interview to be held.

Initially, and subject to prevailing circumstances within the employment of the Town Council, redeployment to alternative employment may be considered, which could afford the opportunity of a trial period to determine its suitability to the individual's needs and preferences provided that reasonable adjustments can be made in accordance with the provisions of the Disability Discrimination Act.

Should no alternative employment be available within the service of the Town Council as a whole at the particular time, consideration will be given to termination of employment on the grounds of ill health capability owing to protracted sickness absence.

#### **Appeal**

The employee has the right to appeal against the dismissal. The Appeals Committee hears appeals against dismissal. The Appeal will review the reasonableness of the decision made by the Chairman of the Town Council's Staffing Committee and will not rehear the entire case. The appeal should be made by the employee in writing to the Town Clerk within ten working days of receiving the letter confirming dismissal.

#### **MAINTAINING CONTACT WITH EMPLOYEES**

It is important and good practice for the Town Clerk to maintain contact in a sensitive way with employees during periods of sickness absence. A supportive role will be taken, which promotes the key objective of attendance at work.

Under the Town Council's guidelines for the notification of sickness absence, it is the employee who initiates contact during any period of absence. The Town Clerk will themselves sustain this contact with telephone calls and, as a situation develops, consider when to activate other measures, which would be appropriate for longer-term absence.

The Council encourages use of the facility to carry out home visits and it is recognised that there are numerous benefits both to the Town Council and its employees in such visits. Unless there are exceptional circumstances, the visits will be pre-arranged with the employee concerned during normal working hours. They can take place at other times by mutual agreement. An appropriate record must be kept of the outcome and the employee will be provided with a copy.

The purpose of maintaining contact both in the form of home visits during sickness absence, and through discussions following a return to work is to ensure that employees know that their absences are noted and are

taken seriously. They provide the opportunity to identify any underlying problems that may then be referred to the Town Council's Medical Representative, or specialist external agencies.

## **MEDICAL REFERRAL**

Referrals can happen at any time, whether the employee is on long term sick or whether they are at work and we can insist as a Town Council that employees attend.

Should an employee fall ill, and his/her period of continuous absence extend to four weeks or more, details of the absence may be referred to the Council's Medical Representative to determine the extent of the medical problem, when he/she may reasonably be fit to return to work, and his/her suitability for continued employment with the Council. The four-week qualifying period may be extended or reduced, depending upon the circumstances of each case.

The results of medical referrals may not be known for several weeks. It is important, therefore, that line managers maintain regular contact with the employee, particularly if there is a possibility of a return to work or a wish to take "holiday". Contact will always be established if there is a prospect of the employee moving from either full pay to half pay or from half pay to no pay, in the period whilst the outcome of a medical referral is awaited.

The Medical Representative may either indicate that the employee is fit to return to carry out his/her full contractual duties or may propose some modifications to existing work arrangements. It is likely that there will be follow-up visits to the Medical Representative.

On receipt of the medical report, an interview will also be held with the employee so that the Town Clerk can follow through any recommendations from the Medical Representative.

## **DISABILITY**

The employee's illness may be defined as a disability under the Disability Discrimination Act 1995 if they:

- Have a physical or mental impairment which has a substantial and 'long term' adverse affect on their ability to carry out normal day to day activities.

The definition states that for an effect to be substantial and long term, it must be more than minor and have lasted at least 12 months or are likely to last at least 12 months or are likely to last for the rest of the life of the person affected. Normal day-to-day activities are those carried out by most people on a regular and frequent basis. This would not include activities, which are normal for only a particular group of people such as playing a sport to a professional standard.

The Act covers mental as well as physical disabilities and therefore many people with mental health problems will be covered by the legislation. In reviewing if the employee does meet the definition of a disability, the Town Clerk should consult the Medical Representative and ERNLLCA. The Act places a duty on employers to make 'reasonable adjustments' for disabled employees. These are not only physical adjustments but also adjustments to working practices. Examples of reasonable adjustments include; redeployment of the disabled person, altering their working hours, allowing absences for treatment/rehabilitation, providing additional training, assigning them to another place of work, adjustment to premises, acquiring or modifying equipment.

The basis of Disability Discrimination law is that in order to achieve equality of outcome, it may often be necessary to treat disabled people more favourably. By adhering strictly to trigger points in absence

procedures that apply equally to all workers, employers risk treating their disabled workers unfairly and possibly illegally if they have failed to take account of their obligation to consider reasonable adjustments.

## RECORDS

All correspondence and associated documentary evidence will be held on the employee's personnel file and be available for inspection by the employee on request.

Approved and Adopted by Full Council on 20th February 2023

Signed



Councillor Linda Johnson  
Mayor of Beverley



Matthew Snowden  
Acting Town Clerk

