



Charity number 1197599

Sick Leave Policy and Procedure for Brereton Big Local CIO

Introduction

Any benefits whether sick pay or permission to be absent from work will only apply if you adhere to the principles within this policy. You should be familiar with the rules so that you understand exactly what you must do if sickness or injury prevents you from working.

All absences will be recorded.

The BM CIO will carry out a Return-to-Work Interview (RTWIs) after each absence to confirm with you that you are fit to return to the job for which you are employed and to understand and manage sickness absence accordingly.

Sick Pay Scheme

If you are absent from work and your illness or injury prevents you from working, you will receive Statutory Sick Pay (SSP) subject to you qualifying for payment of SSP.

Amount of Statutory Sick Pay

SSP is only payable to employees if you are off work for 4 or more calendar days in a row. There is a waiting period of 3 days for which you are not entitled to SSP. Your line manager has the right to withhold SSP if it is felt that the incapacity is not genuine and reserves the right to request medical evidence.

The full rules on eligibility for and payment of SSP are set accordingly to the statutory requirements – which may change from time to time.

Authorised Absence from Work

Any absence from work will only be authorised in the following cases:

- Absence due to genuine personal sickness or injury and you have complied with notification and evidence as set out below or
- You had written prior permission from the BM CIO to be absent from work or
- Your absence is due to a genuine reason outside your control, which is deemed acceptable to the BM CIO.

Unauthorised Absence

Any unauthorised absence or where it seems that the reason given for absence is not genuine will be treated as a disciplinary matter in accordance with the disciplinary procedure.

The BM CIO reserves the right to withhold pay for all or part of any absence. Any member of staff whose absence record causes concern may be subject to review under the capability or disciplinary procedures.

Notification of Absence

If you are unable to attend work for any reason whatsoever you must inform your line manager, where possible, no later than 09.00am on the working day of which the first



Charity number 1197599

absence occurs. You are required to state the reason for absence, and if possible, when you hope to return to work.

Notification is **BY TELEPHONE**, and you must call until you **SPEAK** to your line manager (or deputy) or another manager in person. Messages (answerphone / text-messages / via-colleagues) are not acceptable.

You will be expected to keep your line manager up to date with your progress throughout your absence. The BM CIO reserves the right to ring you at home to ascertain your progress and check on your recovery and potential return to work date.

Return to Work

Evidence of Incapacity for Work

If you are ill for seven days or fewer you should on your return-to-work report to your Line Manager (or deputy) and explain in full the reasons for your absence. You will be required to complete a self-certification form and undertake a Return-to-Work Interview.

If sickness absence continues for eight days or more, you should obtain a medical certificate from your doctor and forward it without delay to the BM CIO. Further certificates should be submitted each week for as long as the illness lasts. Certificates should be sequential; gaps in certificates could lead to your SSP ceasing.

Return to Work Interviews

Under no circumstances must you start work before informing your manager if you have:

- Recently suffered or are currently suffering from or have been in contact with somebody suffering from diarrhoea, typhoid, paratyphoid, bowel or bacterial infection, Covid -19 or any form of food poisoning
- Returned from a surgical intervention and/or
- Are taking medication as part of your recovery.

Your line manager will normally undertake a RTWI on your return to your role to assess whether you are fully recovered and whether any reasonable adjustments need to be put in place to safeguard you or the health and safety of colleagues or the public. The BM CIO may also at its discretion allow for a phased return to work where there is a mutual benefit for you and the BM CIO and aids your recovery. This can only be implemented where a phased return to work is approved by your GP via a Fit Note.

Unacceptable sickness levels – Short term, frequent, persistent sickness

In the case where you have several sickness absences over a short period of time you may be deemed to have an unacceptable level of sickness. Where you hit the Sickness Trigger you will be managed under the process to deal with short-term, frequent, or persistent sickness absence. The Trigger will be monitored in accordance with industry trends and is subject to annual review and potential change.

Sickness Trigger

This can be one of 2 triggers - 9 working days whether consecutive or cumulative in a rolling 12-month period or, any 3 occurrences in a rolling 12-month period.



Charity number 1197599

Frequent, Persistent Short-Term Absence

The BM CIO will record and monitor the absence of all employees. In the event of you hitting the Sickness Trigger your line manager will hold a meeting with you to discuss the cause of the absences and will set targets for you to improve your absence levels and could lead to formal warnings in accordance with the Disciplinary Policy. Your manager reserves the right to request medical evidence for periods of absence of less than seven days (this will be obtained at your own expense). Where short term absences continue and levels do not improve, you may be subject to a review under the Capability procedure. Failure to attend work on a regular basis could lead to your dismissal.

Managing Long Term Sickness

Long-term absence is defined as a continuous period of absence (20 working days or more) or several periods of absence for the same or related medical condition punctuated by periods of returning to work.

An employee who is absent long-term is expected to comply with the above rules for providing evidence of incapacity for work. All medical certificates must be forwarded without delay to your line manager/BM CIO.

Your line manager will keep you up to date throughout your absence with any activity/changes of significance at the BM CIO.

Depending on individual circumstances, but generally before you have exhausted your entitlement to SSP, you will be asked for written consent so that the BM CIO can approach your doctor for a medical report on your long-term prognosis (see medical examinations below). The report will be used to assess the likelihood of full recovery, the likely date of return and the prospects of being able to do the same work. Your continued employment could be at risk if you cannot return to work in the foreseeable future i.e., 3 months/the outlook is not positive.

Where there is reasonable doubt from your doctor's report about the nature of the illness or injury, you may be asked to be examined by an independent doctor (Occupational Health) appointed by the BM CIO.

An employee who refuses to cooperate in providing medical evidence or to undergo a medical examination will be told in writing that a decision about their continued employment will be taken based on the information available, and this may lead to dismissal on grounds of their capability to do their work.

Where there is no improvement in your general health and level of attendance, consideration will be given to your future employment. Your skills, performance, the likelihood of a change in attendance, the availability of suitable alternative work and the effect of past and future absences on the BM CIO will all be considered in deciding appropriate action which could lead to your dismissal.

There is no obligation for the BM CIO to create a post for you.

Where all options of continuing employment have been considered and exhausted, and where there is no foreseeable return to work date (i.e., within 3 months), your employment



Charity number 1197599

may be terminated with notice on grounds of incapability due to sickness or injury. You will have the right of appeal against any decision to terminate your employment.

Where discussions or receipt of a medical report confirms there is no underlying medical theme between periods of absence The BM CIO will nevertheless continue to monitor absence and request medical evidence for subsequent periods of absence of less than seven days, if felt appropriate.

Evidence of illness or injury

Self-Certification

If your absence lasts less than seven calendar days (including Saturday and Sunday) inclusive of the first day of absence, you must complete a self-certification form stating the reasons for your absence to your line manager who will authorise your absence. No sick pay will be paid unless your line manager has authorised your absence.

Medical Certificates/Fit Notes

If you are absent for more than seven calendar days including Saturdays and Sundays (or as soon as you know you will be away from work more than seven calendar days) you must get a Fit Note from your own doctor which must be sent to your line manager, and you must let them know when you believe you will be fit to return to work. All Fit Notes submitted must satisfy your line manager but will not be conclusive evidence. If the GP recommends that some work is possible, this will be discussed with the employee and full consideration given to the recommendations.

Conduct During Absence due to Sickness or Injury

You are expected to return to fitness and work as soon as possible. The BM CIO would not expect anyone absent from work due to sickness or injury to:

- participate in sports, hobbies, or social activities inconsistent with the alleged illness or injury or which could either exacerbate it and/or delay recovery.
- undertake any other employment paid or unpaid.
- engage in any work around the house in terms of home improvements or building and similar activity.
- engage in any other activity inconsistent with your alleged illness or injury.

Statutory and BM CIO Sick Pay may be refused, and sickness absence status may be challenged if there is reason to believe that:

- Your absence is caused by negligence, recklessness, or carelessness by you in observing standard safety practices or by wilful misconduct at work.
- your absence is caused by any self-inflicted illness or injury including those primarily caused by your failure to heed medical advice.
- your absence is caused through injury in any dangerous sport in respect of which you are advised to take out your own personal accident insurance cover.
- your absence is caused through illness or injury caused by any outside employment or charity parachute jump or run or similar activity.
- your absence is caused by surgery or medical treatment (e.g. cosmetic surgery) which you have elected to have unless undertaken upon the advice of a registered medical practitioner and confirmed as necessary by any doctor appointed by the BM CIO.



Charity number 1197599

These are just examples and are not exclusive reasons for doubting medical certificates.

Holidays During Sickness

If you become sick whilst on holiday where you are away from home and continue with the holiday arrangements, you may be able to claim back holiday. In the event that being sick prevents you from taking your holiday, providing you notify your line manager on the first day of absence, submit a medical certificate dated on the first day and you confirming in writing how much of your holiday was affected by sickness or injury and the amount of leave you wish to take another time, within 5 days of your return to work, you will be entitled to claim back your holiday.

If you are off work due to illness or injury whether the period is covered by a medical statement from your doctor, self-certification or otherwise, you are not expected to take pre-booked holiday. There may be some circumstances where you opt to take pre-booked holiday provided this is approved by your GP or medical consultant/practitioner and where this aids your recovery and does not exacerbate it. In this situation, you will need to notify the BM CIO prior to the holiday start date that you are taking your holiday so that your sick leave and pay can be suspended until your return. If you are still deemed to be unfit to return to work, you will revert to sick leave status. Any holiday taken will be deducted from your holiday leave entitlement.

Where you are deemed unfit for work and partake in unauthorised holidays, outside activities or locations, conferences, meetings, sports, or leisure activities during sick leave will be deemed to be in breach of the rules of the BM CIO and as such will become liable to disciplinary action.

Medical Examinations

You may be requested during sickness to attend your place of work to discuss your sickness/ progress/recovery, if fit enough. Alternatively, the BM CIO reserves the right to ask a member of the management team or a trustee to visit a sick employee at home or in hospital or to undertake a meeting over the telephone or via a zoom/team's call.

You may be required to attend and undergo a medical examination during or after any absence from work due to sickness or injury at any time deemed necessary by the BM CIO during your employment. Should a doctor, appointed by the BM CIO, require details of your medical history, you will be required to give your written consent to giving him permission to contact your doctor (either GP or Consultant) for your medical records or for a medical report subject to your rights under the Access to Medical Records Act 1988 and Access to Health Records Act 1990.

You may be required to submit to a report pertaining to a medical examination by an independent consultant at the BM CIO's expense and will be required to give your written consent to a report being sent to the BM CIO's doctor who will disclose to the management any relevant details regarding your fitness to work. You will give your GP consent to liaise with the BM CIO's doctor regarding your case. All medical information will be kept confidential.

Infectious/Contagious Diseases



Charity number 1197599

You must report to your line manager if you encounter anyone suffering an infection or contagious disease or contract such a disease yourself. The BM CIO may require you to come to work or to stay at home on full pay subject to medical advice and government guidance.

Exclusions

There is no entitlement to SSP or BM CIO sick pay when in the opinion of the BM CIO:

- You have entered false information on any form including a Self-Certification form.
- You have failed to follow this policy and rules including following the process of notification of sickness absence; and/or
- there are serious doubts about the circumstances surrounding your claims for sick pay.

If you are absent from work because of sickness or injury, the conditions of the Statutory Sick Pay (SSP) scheme will apply. To qualify for sick pay, you must follow the notification and certification procedure set out– not doing so may result in you losing part of your sick pay.

The qualifying period to claim SSP and the amount of SSP are governed by the Government and is subject to change. The BM CIO has an obligation to keep record of all sickness absence and sick pay including SSP.

Medicals

The BM CIO has a moral and legal duty to provide as safe an environment as is reasonably practicable for yourself and others. The BM CIO will undertake pre-employment and general health checks/tests for those employees whose working conditions warrant it to prevent injury, ill-health, and disease.