

# Sickness & Pay Policy

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Originator: L McCormick	Agreed: RTC Annual Meeting 4 <sup>th</sup> May 2021

## BACKGROUND

### POLICY

Ripley Town Council has adopted this Sickness and Pay Policy to provide a sound structure to the way it conducts its business

## Sickness and Pay Policy

**Sick Pay** (As in the Employee contract)

### **Fit Notes**

From 6 April 2010, employees must evidence sickness of 7 days or more with a 'Fit Note'.

In addition to declaring that someone is unfit for work, a GP is now able to declare that a patient is:

1. Fit for some work, or
2. Fit for work taking account of changes that can be made to an employee's role or workplace to facilitate a return to work.

If an employee is given a Fit Note which advises changes or adjustments to an employee's role or workplace, these may include;

- a phased return to work;
- altered hours;
- amended duties; or
- workplace adaptations.

For example, a GP may recommend a phased return to work where the employee has been absent from work for a long period of time and needs to become used to the working environment over a staggered period.

Again, the Council may have had an employee who has been absent for reasons of stress or anxiety which may be exacerbated by travelling through rush hour traffic. Therefore, the

GP may suggest that the employee returns to work but works hours which avoid peak time traffic.

Sickness absence due to a physical condition may prompt a GP to recommend amended duties. For example, a Sexton may be unable to use an electric strimmer for a period following a shoulder operation but can still use the sit-on mowers and undertake some manual work.

An example of a workplace adaptation may be moving the employee's workstation to the ground floor following back problems and difficulty in climbing stairs.

The Council is not obliged to carry out the recommendations outlined by a GP on a Fit Note, however, if the Fit Note states that the employee is only fit to work provided the adjustments are in place, unless these adjustments are made, the employee will be deemed unfit to work and will therefore remain off sick and therefore remain entitled to receive sick pay. Should an employee return on a phased basis, it should also be borne in mind whether to pay the employee for the hours worked or to pay full contractual pay to encourage a quicker return to work.

Any medical capability dismissal which the Council undertakes without having first attempted to make adjustments and facilitate an employee's return to work may be deemed unfair and the employee may also have a claim for disability discrimination so recommended adjustments should always be taken into consideration.

### **National Agreement on Pay and Conditions of Service ('Green Book' Provisions)**

If the Council abides by Green Book provisions, then an employee will be entitled to sick pay above statutory sick pay provisions and accept the National Pay Policy.

The intention of Green Book provisions is to maintain normal pay during defined periods of absence due to sickness, disease, accident or assault.

Under Green Book provisions, absence caused by normal sickness is separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority, so absence relating to normal sickness is not aggregated with periods of absence through industrial disease, accident or assault.

Under Green Book provisions, periods of absence in respect of normal sickness, such as flu, as opposed to periods of absence caused by industrial disease, accident or assault arising out of or in the course of employment, should not be offset against the other for the purposes of calculating entitlements under the scheme.

Under the Green Book sickness scheme, employees are entitled to receive sick pay for the following periods:

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

A local authority has the discretion to extend the period of sick pay in exceptional circumstances.

Any entitlement to sick pay under this scheme will be on a rolling twelve month period.

If an employee is entitled to full pay, then this will be inclusive of SSP. However, if an employee is entitled to a period of half pay, then this half pay will be in addition to SSP provided the total payable to the employee does not exceed normal pay.

If an employee is absent due to contact with an infectious disease, assault or injury arising out of or in the course of employment he or she is entitled to receive normal pay and any absence due to this should not be taken into account under the scheme.