
Section G - Sick Leave

RECORD DETAILS	
DATE UPDATED:	15 July 2014
CONTRIBUTORS: <i>(By Job title, department, directorate)</i>	
HR	Policy and Diversity Manager, Employee Relations Manager, Strategic HR Manager
ER	Employee Relations Advisor
Trade Union	Trade Union Staff Side Chair and representatives
DATE/S	UPDATES / AGREED VERSIONS
August 2012	Reviewed Maternity Leave and this was moved to create a new Section H Parental Leave
15 July 2014	Updated Section 16 Medical Appointments following revised changes to Section E – Hours of Attendance
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SICK LEAVE

1. INTRODUCTION

- 1.1 Replaced by **Managing Attendance Policy para 1.3, 3.1 and 13.1**
- 1.2 While on sick leave, staff are expected to behave in such a way as not to delay their recovery and subsequent ability to return to work. It is accepted that staff may leave home for essential reasons e.g. in the interests of furthering their convalescence, to undertake longer journeys if this is on medical advice or under qualified medical supervision, to seek qualified medical advice, to make contact with the Library to report their absence, or to obtain necessary food, drink, or medication.

2. NOTIFICATION OF ABSENCE

Replaced by **Managing Attendance Policy para 7.1**

3. CERTIFICATION OF SICK ABSENCE

Replaced by **Managing Attendance Policy para 10.1 to 11.2**

4. ABUSE OF SELF-CERTIFICATION

Replaced by **Managing Attendance Policy para 15.1**

5. CONFIDENTIALITY OF CERTIFICATES

- 5.1 Replaced by **Managing Attendance Guidance para 9.5**
- 5.2 Replaced by **Managing Attendance Policy para 6.1**

- 5.3 Replaced by **Managing Attendance Policy para 6.1**
- 5.4 Replaced by **Managing Attendance Policy para 4.1**
- 5.5 Replaced by **Managing Attendance Policy para 4.1**
- 5.6 Replaced by **Managing Attendance Policy para 6.1**
- 5.7 See **Health and Safety Policy**

6. USE OF CERTIFICATES

- 6.1 Self-certificates and medical certificates are used to establish the reason a member of staff has been absent from duty and to establish a claim for sick pay or Statutory Sick Pay. The information forms part of the sick leave records which are kept by the Library and the payroll provider for administrative purposes. The certificates are kept by Payroll for a minimum of 4 years for Department of Social Security (DSS) audit purposes, following which, if no longer required, they may be destroyed. All information is treated as confidential.
- 6.2 Where staff need to claim sickness benefit from the DSS the original certificate is returned to them with the required SSP1 form. The Library retains a photocopy of the original certificate.
- 6.3 When staff choose to return to work before their medical certificate expires, they will be required to obtain the consent of their doctor.

7. SICK LEAVE RECORDS: DATA PROTECTION ACT

Under the terms of the Data Protection Act staff are entitled to a copy of their sick leave record which is held on the payroll system. Requests must be made in writing to Payroll. Staff are entitled to a reply within 40 days of the request being received. If there is a need for the Payroll Section to ask for more information in order to locate and extract the data, the 40 days will start when the additional information is received. The Library is entitled to refuse a request or to raise a charge if an individual makes unreasonably frequent requests for data (eg more than once a year).

8. STATUTORY SICK PAY

- 8.1 The Library is required to pay Statutory Sick Pay (SSP), at a rate set annually by the Treasury, to all staff with a contract of more than 13 weeks and who pay National Insurance contributions, except in the circumstances listed in paragraphs 8.3 and 8.4. It is paid for days which form a period of incapacity for work (PIW) up to a maximum of 28 weeks in any one illness. PIWs which are separated by 8 weeks or less are treated as one, linked PIW. No SSP arises unless there are four consecutive days in each PIW.
- 8.2 Statutory Sick Pay is included in any occupational sick pay due, not paid in addition to it, except that where occupational sick pay is less than SSP it will be made up to the SSP amount.

- 8.3 Staff are excluded from SSP and may claim Social Security benefit instead if, at the start of an illness:
- a. they are over the minimum State Pension age (60/65)
 - b. on strike
 - c. in legal custody
 - d. have not done any work under their contract
 - e. have a contract of less than 13 weeks
- 8.4 Pregnant women may not receive either SSP or occupational sick pay during the period in which Statutory Maternity Pay or Maternity Allowance is payable, or at any time while they are on maternity leave. (See **Section H**).
- 8.5 Staff who are not entitled to SSP, and who claim Social Security benefit from the DSS, will have their pay adjusted so as to ensure that the sum of the Social Security benefit plus sick pay does not exceed ordinary pay.

9. OCCUPATIONAL SICK PAY

- 9.1 Provided there is a reasonable prospect of recovery and return to duty paid sick leave may be allowed within the following limits:
- a. All full-time and part-time staff, including married women paying reduced National Insurance contributions, and staff on period appointments:
 - i. Full pay (or normal pay for part-time staff) for a period not exceeding 6 months aggregated during any period of 12 months, and thereafter half pay, subject to a maximum of 12 months sick leave in any period of 4 years or less. These payments will include any SSP due.
 - ii. When full or half pay is exhausted it will not be restored during the same sick absence.
 - b. Staff on casual appointments:
 - i. Not more than one week on full pay for every completed 4 weeks of effective service. Each period of casual employment is treated separately. A previous period may not be aggregated with a current period for determining allowable sick leave.
 - ii. SSP may be payable outside of these limits if the contract is for more than 13 weeks. (See paragraph 8).
- 9.2 If attendance by a part-timer is not required on each day of the working week, sick absence allowances will be calculated in working days. Each day's attendance per week on a regular basis will reckon for one-fifth (on the basis of a 5 day working week) of the maximum allowance i.e. 130 working days on full pay in any period of 12 months and thereafter on half pay, subject to a maximum of 260 working days in any period of 4 years or less. Saturdays, Sundays and other days not due to be worked which occur during a period of sick absence should not reckon against the sick absence allowances, nor

should public and privilege holidays if they fall on a day when attendance is not otherwise due.

- 9.3 When sick leave on full and half pay has been exhausted, and if the Library is satisfied that there is a reasonable prospect of recovery, pay may be allowed during a further aggregated period of 12 months sick leave at a rate not exceeding the amount of pension for which they would qualify if they retired on ill-health grounds (or half pay if this is less). This is known as pension-rate pay.

10. PART-TIME ATTENDANCE ON MEDICAL GROUNDS

Replaced by **Managing Attendance Policy para 20.1 to 20.4**

11. CALCULATION OF SICK LEAVE PERIODS

- 11.1 In calculating the sick leave period for pay purposes, Saturdays, Sundays, public and privilege holidays are treated as follows:
- a. those occurring within a period of absence are included and reckoned as part of the absence
 - b. those occurring at the beginning or end of a period of sick absence are not included or reckoned

Examples:

- i. sick leave from Friday to Monday reckons as 4 days
 - ii. if sick leave begins on a Monday the previous weekend is not counted
 - iii. if sick leave ends on a Friday the following weekend is not counted.
- 11.2 For shift workers:
- a. absence due to illness for a complete shift counts as one day's sick leave
 - b. when a shift involves attendance on 2 days, the day on which the greater part of the hours due to be worked falls determines the day on which sick absence begins or ends, or if an equal number of hours fall to be worked on each of such days, the first day is the day on which sick absence begins or ends
 - c. scheduled rest days are treated in the same way as Saturdays and Sundays as in paragraph 11.1 above.
- 11.3 For sick leave purposes 3 months means 91 days, 6 months means 182 days and 12 months means 365 days for full-time staff. For part-time staff see **paragraph 9.2.**

12. SICKNESS DURING ANNUAL LEAVE

Replaced by **Managing Attendance Policy para 13.1 and 13.2**

13. ANNUAL LEAVE FOLLOWING SICK LEAVE

Replaced by **Managing Attendance Policy para 13.3**

14. INDUSTRIAL ACTION: SICK LEAVE

- 14.1 Staff who are on sick leave before the start of a strike at the British Library, or who start a period of sick leave during a strike in which they are not participating, may have the period of absence treated as sick leave provided that it is covered by a self-certificate or a doctor's certificate.
- 14.2 Staff who fall sick while on strike may not have the period of absence treated as sick leave for the duration of the strike and will not be eligible for either occupational sick pay or SSP even if the period of absence is covered by a doctor's certificate.
- 14.3 Staff who are excluded from SSP will be given form SSP1 which sets out the reason for exclusion. This will enable them to apply to the DSS for Social Security benefit, or for a formal decision on their entitlement to SSP if they do not accept the Library's decision to withhold payment.

15. PAY SLIPS FOR STAFF ON SICK LEAVE

- 15.1 Pay slips for staff who are on sick leave are normally kept by local management until staff either return to work or ask for their pay slips to be sent to their home address. Other, local, arrangements may be agreed, and if in doubt staff should check with their line manager.
- 15.2 Staff should ensure that their current address is on record so that their pay slips may be sent to them if necessary.

16. MEDICAL, EMERGENCY AND ANTE-NATAL APPOINTMENTS

- 16.1 Paid time off will normally be allowed to attend doctor's surgeries, hospital appointments and appointments with dentists, opticians, physiotherapists, chiropractors, clinical psychologists, chiropodists, osteopaths and cancer screening sessions. Paid time off will also normally be allowed to attend appointments with other alternative medical practitioners provided staff have been referred by their doctor..
- 16.2 Appointments (e.g. doctor, dentist or optician) should be made outside the working day where possible and advance notice should be given to line managers. Staff should therefore restrict the amount of work time involved to keep the impact on the Library's services to a minimum. Similarly, if staff have been to work prior to an appointment and return to work after the appointment, the hours recorded that day may not go beyond a standard day. If it is necessary to attend an appointment before staff begin their working day, they may be updated up to a maximum of 2 hours, provided that this does not bring the hours recorded that day to more than a standard day. Similarly, if staff have been to work prior to an appointment and return to work after the appointment, the hours recorded that day may not go beyond a standard day.

- 16.3 If staff do not return to work, they will normally be updated no more than 2 hours, unless there are exceptional circumstances, at the line manager's discretion, provided that this does not bring the hours recorded that day beyond a standard day.
- 16.4 Emergency appointments and specialist medical referrals (e.g. hospital appointments, but excluding examinations for insurance purposes or injections prior to holidays) can be updated at the line manager's discretion for the amount of time taken to attend the appointment including travel time. Ante-natal appointments can be updated at the line manager's discretion for the amount of time taken to attend the appointment including travel time.

Applications for leave of absence should be made to the immediate line manager. Where possible an appointment card or letter should be produced to substantiate the claim.

- 16.5 If less than 2 hours attendance at work is made on the day of the appointment, excluding overtime periods, the whole day will be recorded as sick leave, giving hospital appointment as the reason. **A Self-Certificated should be sent to Employee Services.**
- 16.6 The same principles apply as above, in relation to staff who do not return to work or who do not attend for 2 hours before they go to the appointment.
- 16.7 Blood donor sessions and bone marrow donor sessions are treated as special paid leave. (See **Section F Part III**)

17. PARTIAL ATTENDANCE DUE TO ILLNESS

Replaced by **Managing Attendance Policy para 12.1 and 12.2**

18. EXCESSIVE ABSENCES

Replaced by **Managing Attendance Policy para 17**

19. BMI HEALTH SERVICES

19.1 - 19.4 Replaced by **Managing Attendance Policy para 19**

19.5 Replaced by **Managing Attendance Policy para 33.4**

19.6 Replaced by **Managing Attendance Policy para 33.1**

19.7 No longer applicable - deleted

19.8 Replaced by **Managing Attendance Policy para 19.2**

19.9 Replaced by **Managing Attendance Policy para 19.2**

20. ACCESS TO MEDICAL REPORTS ACT 1989

Replaced by **Managing Attendance Policy para 19.3 to 19.4**

21. INFECTIOUS DISEASES

21.1 Staff who think they may have been in contact with a serious infectious disease other than scarlet fever, german measles, whooping cough, chicken pox or mumps, should seek medical attention without delay and should not report for work unless authorised to do so by a doctor. Clearance certificates should be obtained before returning to work. Further contact with a suspected source of infection should be avoided.

21.2 Line managers should be kept informed at all stages of an absence, which will be treated as special paid leave unless the illness itself is contracted, in which case it will be treated as sick leave.

22. GERMAN MEASLES

Staff who have been in close contact (e.g. in a family setting) with german measles should report the fact to their line manager. If there is the likelihood of close contact at work with a woman who may be in the first 16 weeks of pregnancy, either the pregnant woman or the person in contact with the disease will be moved to another area on a temporary basis and encouraged to seek medical advice.

23. INDUSTRIAL INJURIES AND DISEASES/ACCIDENTS

23.1 & 23.2 Replaced by **Health and Safety Policy**

23.3. Staff who suffer injury arising out of, or in the course of their employment, or who are ill as a result of their employment should inform their local DSS office in order to protect their interests under the Social Security Act 1975. They should apply for an accident declaration in respect of an accident, or to establish their entitlement to benefit for an industrial disease.

23.4 Periods of sick absence which have been accepted by the DSS as being due to industrial injury or disease will not count towards the sick absence maxima of 6 months on full pay or 12 months overall. (**See paragraph 9**). Staff should note that DSS decisions are sent to the applicant and not to the Library. The sick absence record can only be amended if a copy of the DSS decision referred to in **paragraph 23.3** is sent to Payroll.

23.5 If staff are injured as a result of an accident, on or off duty, which involves a third party (other than the Library or another officer of the Library) and a claim for damages is to be made against the third party, any pay they have received as a result of the accident will be treated as an advance of salary to be repaid if the claim is successful. They will be advised to include a specific amount for loss of earnings in any claim they make against the third party and will be

required to complete a form of undertaking to refund the appropriate amount of salary advanced if the claim for loss of earnings is successful. (See **Annex A**).

- 23.6 If the claim is wholly or partly successful, any advances of pay must be refunded, also in whole or in part, and National Insurance contributions and Income Tax adjusted in consequence. If no claim for damages is made, or if the claim is wholly unsuccessful, there would be no requirement to repay the advance.
- 23.7 Any period of sick leave resulting from an accident which leads to a third party claim will reckon against sick leave in the normal way, except that if the claim is fully successful and full repayment of the advance of salary is made, that whole period of sick leave will be deleted from the record. If the third party claim was only partly successful the period represented by any refund of pay advances would similarly not count against the sick leave totals.
- 23.8 Any sick absence due to an assault while on duty would not count against sick leave totals.

24. ADVICE ON SICK LEAVE AND ADMINISTRATIVE PROCEDURES

Advice on managing sick leave can be obtained from Human Resources and advice on other sick leave processes from Payroll.

ANNEX A

BL FORM OF UNDERTAKING BY AN EMPLOYEE OF THE BL INJURED DUE TO THE NEGLIGENCE OF A THIRD PARTY

a. IN CONSIDERATION of the British Library advancing me sums in accordance with the regulations made by the Treasury on the 19th day of May, 1958, during my absence from duty due to an accident in which I was involved on, I HEREBY UNDERTAKE to refund, the said British Library, any damages received, the total amount of the sums so advanced, less part of that amount as is proportionate to any contributory negligence or fault on my part.

Or

If my claim is settled by a lump sum in which no specific amount is identifiable as a loss of earnings, I hereby undertake to refund the advance to the same extent as my total claim is successful, or such other amount as is, in the opinion of the Chief Executive of the British Library, fair and reasonable.

b. Any such further sums in respect of National Insurance benefit as are specified in Annex 4 to paragraph 8331 in the Civil Service Pay and Conditions of Service Code or any provision superseding the same.

Signature _____

Witness _____

Name in Capital Letters _____

Address _____ **Date** _____
