

HR 7.04 POL Absence due to an injury caused by a third party

Staff Code Policy Document

1 Policy Name

Absence due to an injury caused by a third party

2 Policy description and purpose

This policy describes the MRC's approach to provision of sick pay and leave when absence is due to an injury caused by a third party together with details of damages compensation regulations.

3 Status of policy

Current

4 Scope of policy

This policy applies to all employees.

5 Policy statement

- 1 If an employee is absent through injuries caused by the actionable negligence, nuisance or breaching of statutory duty by a third party in respect of which damages are recoverable, this matter should be reported immediately to the local personnel or administrative contact who will notify the Human Resources Advisory Group.
- 2 During the period of absence the employee will not be eligible for sick pay but sums equivalent to the amount which would have been paid if the absence had been due to ordinary sickness will be issued as an advance. The employee should be asked to sign an undertaking as soon as possible, in ~~Form E (see Annex 1)~~ [update references] and this should then be sent to the Human Resources Advisory Group.
- 3 Where a claim for damages is submitted against the third party, the employee should include a specific amount for loss of earnings. Human Resources Advisory Group will advise on the actual amount to be included in the claim.
- 4 If a claim for damages is wholly or partly successful, any advances received by the employee during his/her absence have to be refunded to Council and the employee's income tax and National Insurance contribution payment will be adjusted. In no circumstances will the employee be required to repay a sum greater than the amount received from the third party as compensation for the advance during the absence. If the employee does not in the event claim any damages from the third party or if his/her claim is wholly unsuccessful, he/she will not be required to repay the advance or any part of it.
- 5 When all or part of the advance of salary is repaid, the period of absence (due to the injury) that is set against the maximum period of sick leave allowed (~~section 48, Appendix 3, point 7 (i)~~ [update references]) will be reduced in direct proportion to the amount of the advance that is repaid.

HR 7.04 POL Absence due to an injury caused by a third party
 Pending repayment, absences should be recorded provisionally as paid (or unpaid) sick leave and notified to Human Resources Advisory group in the normal way.

6 Effective Date

This policy is in force from 5 June 2006

7 Amendment History

Date	Version	Date in force	Date expired	Status	Summary of amendments	Author	Publisher
28/4/6	0.1			Draft 0.1	Staff Code re-organised to support shared service centre implementation	Phil Hunt, AEP HR	
21/5/6	0.2	5/6/6		Published in portal	Publishing update	Phil Hunt, AEP HR	Alice Kerman, LogciaCMG