

## 1 Introduction

The Council is committed to providing effective, high-quality service to all its customers and to optimising the contribution of all employees. As part of this aim, it is essential that all employees are committed to maximising attendance.

The Council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return, the Council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate, and to attend work when fit to do so.

The Council recognises that genuine medical grounds will occasionally result in employee absence. It is the Council's policy to treat all such sickness absence in a fair, sensitive, and consistent manner across all areas of the workforce.

The Council must balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short-term sickness or extended periods of absence as appropriate.

### 1.1 Aims

In order for the Council to meet its responsibilities, it will ensure that:

- It provides a supportive environment for those employees affected by ill-health;
- Managers and employees adhere to this policy and procedure; and
- Levels of sickness absence are the subject of routine monitoring.

### 1.2 Responsibilities

The onus for attending work on a regular basis and for reporting absence in accordance with the Council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked.

The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the Town Clerk. It is therefore essential that they ensure

that all employees are aware of the Council's Absence Management Policy and Procedures.

### **1.3 Reporting**

Employees who are unable to work due to illness/injury must contact the Town Clerk as soon as possible or arrange for someone else to do this on their behalf. This should be no later than 09.30 on the first day of absence or the nearest working day. The employee should provide some indication of:

- The nature of the absence;
- The date the injury/illness began (including weekends and holidays);
- The expected duration of the absence; and
- Whether there are any immediate work commitments that need completing/reassigning during the absence.

If the Town Clerk is unavailable, the employee should ensure that contact is made with the office.

The employee must maintain contact with their Line Manager during any period of sickness absence lasting longer than one day, so that the Line Manager is aware of any progress and the expected date of return to work. If the employee is unable to do so, they must arrange for someone else to do this on their behalf.

Failure to follow the sickness reporting process might lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

In the case of the Town Clerk absence must be reported to the Office staff and Chairman/Deputy of Council.

## **2 Statement of Fitness for Work**

Where the absence is for a period of up to seven calendar days (inclusive of weekends) and not covered by a 'fit note' (also known as a Med3 form), the employee will be asked to complete a self-certification form on their return to work.

If the absence exceeds seven calendar days – and the employee has not already done so – the employee should provide a Med3 form for the remainder of the absence. The employee will need to ensure that there is always a current statement. The Med3 form will include whether or not the employee needs to see a recognised healthcare professional (\*) again before returning to work.

If the Med3 form states that the employee "may be fit for work", the employee should inform the Town Clerk immediately. They will discuss with the employee whether there are any additional measures that may be needed to facilitate the return to work, taking into account the healthcare professional's advice. This

may take place at a Return to Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the Town Clerk will set a date to review the situation.

(\*) A recognised healthcare professional is one of the following as determined by the Government's guidance (2022):-

- Doctor;
- Nurse;
- Occupational Therapist;
- Pharmacist;
- Physiotherapist;

### **3 Return to Work Meetings**

When the employee returns to work after any period of absence, the Town Clerk will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- To provide an opportunity for the Town Clerk to check that the employee is fit enough to return to work;
- To give the employee an opportunity to voice any concerns that they may have and/or to identify any domestic, welfare, or work-related problems in an appropriate forum;
- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- Fill out the internal Sickness Declaration Form.

### **4 Miscellaneous**

It is important that the employee complies with these procedures so that:

- The Council can be aware of any potential problems and provide assistance to the employee where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

Records retained in respect of sickness absence will be treated with sensitivity and confidentiality at all times, in accordance with the provisions of prevailing Data Protection legislation. Confidential copies may be provided to Councillors but kept as Confidential. The employee is entitled to access their records on request.

### **5 Underlying Medical Conditions**

If at any stage of the Managing Attendance Review Process the employee and/or their manager identifies that their attendance may be affected by an

underlying medical condition, the Town Clerk will give consideration whether to request that an Occupational Health referral is arranged.

This process would involve gaining the employee's consent to refer them to the Council's Occupational Health advisor (which would be appointed as and when needed). The purpose of this referral would be to obtain independent medical advice on:

- The nature of any underlying/recurrent condition;
- How to support the employee to improve their attendance, e.g. suggestions for reasonable adjustments to the employee's work, which the Council could consider.

Any agreed adjustments should be taken into account when applying the following procedure, which may need to be adapted accordingly.

## **6 Frequent Intermittent Absence**

In addition to the Return to Work interviews after all periods of absence, the Council will institute a more formal review of attendance records and reasons for absence with an employee if there has been either (a) four episodes of absence or (b) a total of 10 days' short-term sickness absence within any period of 12 months. The relevant manager will arrange a Sickness Review Meeting to meet with any employee whose absence record matches or exceeds the above criteria.

During the meeting, the manager should draw the employee's attention to their poor attendance record and the problems that their absences are causing for the Council and other employees. Where no underlying medical condition is disclosed, the employee will be advised that their attendance record will be monitored (over a period of not less than 3 months) and that significant improvement will be required. In addition, employees will be warned that if no such improvement is forthcoming, serious consideration will be given to reviewing their employment situation. This will be confirmed in writing.

Return to Work interviews will continue to be carried out following any absences that occur during this monitoring period. These interviews afford the manager the opportunity to remind the employee of the Council's concerns.

If no significant improvement in attendance is demonstrated, a further Sickness Review Meeting will be arranged. The employee will be invited in writing to attend this meeting, and will be offered the right to be accompanied by a work colleague or trade union representative. At this meeting, the employee will once again be reminded of the problems caused by the absences and, if this has not already been addressed, they will be asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, the advice in section 5 above should be followed. Where no adjustments to this process have been agreed (e.g. due to an underlying medical condition), the employee will normally be told that their

attendance record will be subject to a further period of monitoring (of not less than 3 months) and that their employment may be terminated if the required improvement is not effected.

Employees whose levels of attendance improve satisfactorily during periods of informal or formal monitoring will be reminded that they will be expected to maintain these levels of attendance. Failure to do so will result in further monitoring or the initiation of formal action.

Where an employee's attendance has not improved to the required level, an Attendance Hearing will be arranged (see Section 9) to consider whether or not the employee should be dismissed.

## **7 Long-Term Absence**

All cases of long-term absence will be treated sympathetically and every assistance will be given to the employee to return to work. The Council will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their medical condition. The Council will hold Sickness Review Meetings with the employee during their absence, as appropriate, to: keep up to date, review the on-going absence, and offer support to the employee where appropriate.

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to such cases of absence, employees who have been absent for a continuous period of four weeks might, depending on the nature of the absence in question, be referred to the Council's Occupational Health Advisor. Where the Occupational Health Advisor's recommendation might affect the employee's continued employment, the relevant manager will hold a Sickness Review Meeting with the employee to discuss the alternative options. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. job sharing or part-time working) an employee can discuss these options with their manager and, if such measures are appropriate, the Council will ensure that the support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period and will be subject to joint review.

In certain cases, the Occupational Health Advisor might find that an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, full consideration will be given to the possibility of redeployment into alternative positions. Consideration will also be given to redeployment in cases where work in a particular place poses problems with attendance.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Town Clerk will arrange a Final Sickness Review meeting (see Section 8), which may lead to an Attendance Hearing (see Section 9) to consider dismissal.

## **8 Final Sickness Review Meeting**

Prior to dismissal being considered for either frequent intermittent absence or long-term absence, the Town Clerk will meet with the individual to explore whether there are any reasonable adjustments that could be made to enable an employee to remain employed.

Termination of employment may be considered where:

- An employee is declared permanently unfit for work;
- An employee is declared medically unfit for their work and alternative employment cannot be found;
- A decision has been taken by the Town Clerk that the service can no longer tolerate a high level of absence; or
- A decision is taken, within the Council's disciplinary process, that an employee has wilfully abused the sickness absence/payments provisions or absented themselves without permission.

## **9 Attendance Hearing**

To reach a decision about whether dismissal is appropriate, an Attendance Hearing will be arranged. The employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or colleague.

The Hearing Panel will be comprised of three members of the HR Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence and any relevant steps taken and advice received.

All paperwork (including confidential paperwork – to be kept confidential) relating to the hearing will be circulated 5 working days in advance of the hearing to all parties attending.

Once the Panel has considered the manager's and employee's cases, and all other relevant information, it will adjourn to make a decision.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

1. The Panel's decision:
  - a. If a warning has been issued the timescale for this and the level of improvement required;

- b. If the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or
  - c. If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- 2. The employee's right of appeal.

## **10 Appeals**

Employees have the right to Appeal against any decision to issue a formal warning or dismissal under this procedure. If an employee wishes to Appeal, they should write to the Town Clerk setting out the grounds of their Appeal. This must be done within 10 working days of the date of the letter informing them of the outcome of the Attendance Hearing.

Appeals will be heard by a separate panel of members, who will also normally be part of the Appeals Committee. An Appeal hearing will be held where the employee can present their Appeal. The Chair of the original panel will also attend to explain the original decision. Witnesses may be called.

Once the Appeal panel has considered both the employee's Appeal and the Hearing Chair's case, and considered all other relevant information, it will adjourn to make a decision.

The decision of the Appeal panel is final and will be confirmed to the employee in writing within 5 working days. There is no further right of Appeal.

## **11 Personal, Domestic, or Work-Related Problems**

Where an employee reveals that their absence has been a consequence of personal, domestic, or work related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Chair of the Personnel Committee can be contacted for a confidential interview.

Once the problem has been clearly identified, appropriate assistance can be offered to the employee. In some circumstances, special leave, temporary adjustments in working arrangements, or referral to specialist agencies may be granted.

## **12 Alcohol/Drug Dependency**

Where an employee discloses that their absences are a consequence of alcohol- or drug-related problems, they will be encouraged to seek help and

treatment voluntarily through the Council's Occupational Health Advisor or through resources of their own choosing. Employees may be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the Council's sick pay scheme, with the monitoring of progress by the Occupational Health Advisor.

Should an employee refuse or discontinue any programme of assistance designed for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the Council's Disciplinary Procedure.

## **13 Welfare**

If, as a consequence of medically related absence, the relevant manager has any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, consideration should be given to suspending them with pay, or finding alternative duties whilst medical advice is sought from the Occupational Health Advisor.

## **14 Monitoring**

Monitoring is an important part of sickness absence. In order for reports to be issued to managers, it is important that all absence from the workplace is reported. All signed absence forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted. The Town Clerk will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of statistics showing the level of sickness absence across the Council.

The sickness monitoring system will also enable the Town Clerk to identify Individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should view such notifications as a secondary means of identifying problems or potential problems.

The Town Clerk should ensure that they maintain comprehensive records at all times for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's personal file and should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.



## APPENDIX 1 – RETURN TO WORK DISCUSSION

Name:					
Date of Interview:					
Time of Interview:					
Period of Sickness Absence:	From		To		
Number of Working Days Absent					

\* Self Certificate / Med3 form provided (\*delete as appropriate) – Attached

Provide brief details of the content of the discussion:

Signed .....

Date.....

(Employee)

Signed .....

Date.....

(Town Clerk or Line Manager)