



# Yateley Town Council Staff Absence Policy 2021

## 1.0 Introduction

1.1 This policy outlines the Council's approach to managing staff sickness and absence. Regular, punctual attendance is an implied term of every employee's contract of employment. The Council requires each employee to take responsibility for maintaining good attendance and reporting any sickness absences according to the procedures in this policy.

1.2 The Council understands that employees may be absent from work for a number of reasons, such as short-term illnesses and acute medical conditions. The Council aims to support employees through such periods of absence and seeks to facilitate the return to work by considering appropriate workplace adjustments, where required.

1.3 This policy aims to ensure that all employees are treated fairly, properly and consistently.

1.4 The Council will maintain sickness absence records for all staff and such records may be monitored from time to time. This will include Self-Certification forms, Return to Work meeting notes and Fit Notes. Records will be kept for a period of 6 years after the employee's contract of employment ceases with the Council.

1.5 Information relating to employees will be treated as confidential, for the purposes of the Data Protection Act 2018.

## 2.0 Sickness and Absence Notification Procedure

### 2.1 First Day of Absence

If any employee is unable to come to work through illness or injury they must notify the Town Clerk by phone as soon as possible, but no later than one hour after they are due to start work, on the first day of absence. If the employee is unable to make contact, they can ask someone else to do this on their behalf. The reason for the sickness absence must be provided, along with the possible duration of absence.

If an employee fails to follow these reporting requirements, they may be classed as absence from work, rather than on sick leave, and may not be paid.

### 2.2 Sickness Absence of Less Than 7 Days

Employees must phone at the start of each day of sickness absence, unless otherwise agreed with the Town Clerk. An indication of how long the employee thinks they may be off on sick leave should be given.

### 2.3 Returning to Work After Sickness Absence of Less Than 7 Days

When an employee returns from work following a sickness absence of less than 7 days (all days are counted, including weekends, rest days, bank holidays and annual leave days), they will be asked to complete a Self-Certification form.

### 2.4 Sickness Absence of More Than 7 Days

For sickness absence of more than 7 calendar days (all days are counted, including weekends, rest days, bank holidays and annual leave days), the employee must obtain a Fit Note / Statement of Fitness for Work from their GP or hospital doctor and hand it to the

Town Clerk. This note can be scanned in and emailed but the original must be provided as soon as possible.

Employees should take care to ensure that their Fit Note covers any continuous periods of sickness absence to avoid gaps. Any gaps may be considered as unauthorised absence, which the Council may manage through the Disciplinary procedure.

The Fit Note will either confirm that the employee is 'Not fit for work' or that they 'May be fit for work taking into account the following advice'. The advice may include a phased return, temporarily working different hours, performing different duties or making workplace adjustments. If the Council is unable to accommodate the changes advised in the Fit Note, the note will be treated as though it said 'Not fit for work'.

It is vital that the Town Clerk and the employee establish regular contact during the period of sickness, in a way that is appropriate and acceptable for the employee. This may include emails, text messages and phone calls as well as written letters. The aim of this contact is to keep the employee updated on matters at work, to enquire about the employee's health situation and to plan for the employee's return to work.

### 2.5 Returning to Work After Sickness Absence of More Than 7 Days

When an employee returns to work following sickness absence of more than 7 days, they may be asked to attend a Return to Work meeting with the Town Clerk, either on their first day back or later, by agreement. This is an informal discussion to:

- Check how the employee is feeling;
- Make sure that they are well enough to return to work;
- Check that any adjustments advised on the Fit Note have been put into place;
- Confirm that the absence will be recorded;
- Discuss the cause of their absence and whether there are any underlying issues for which an adjustment to their work needs to be considered;
- Develop an action plan to support the employee's return;
- Discuss absence over the last 52 week period and any associated implications;
- Set a review date, if required.
- Provide a general update on the workplace.

The Town Clerk will take notes of the discussion and share them with the employee.

## **3.0 Sick Pay**

### 3.1 Contractual Sick Pay

If an employee is sick and has notified the Town Clerk of their sickness absence in accordance with the Notification Procedure detailed in section 2.0 and provided any medical evidence or certification required, they will receive sick pay as detailed in their contract of employment.

The period during which Occupational sick pay shall be paid, and the rate of sick pay, in respect of sickness absence shall be calculated by deducting from the employee's entitlement on the first day of sickness, the aggregated periods of paid sickness absence during the 12 months immediately preceding the first day of sickness absence. Occupational sick pay will include the employee's entitlement to Statutory Sick Pay and be in accordance with the full terms contained in the Green Book.

Statutory Sick Pay is currently paid after 4 Qualifying Days (the employee's normal contractual working days) of absence from work.

The Council reserves the right to not pay contractual sick pay if the employee has:

- Failed to comply with the Council's sickness absence Notification Procedure and evidence requirements;
- Unreasonably refused to attend a sickness absence meeting with the Council;
- Misled the Council about their fitness for work;
- Resigned.

### 3.2 Annual Leave During Sickness Absence

If an employee falls ill during a period of annual leave, they must inform the Town Clerk, in accordance with the Notification Procedure detailed in item 2.0. Providing the Notification Procedure has been followed and the sickness has meant the employee did not benefit from the time off work, the employee's annual leave entitlement for the days they are sick will be reinstated. The Council reserves the right to request reasonable medical evidence in the form of a Fit Note, prior to reinstating the employee's annual leave.

An employee who is entitled to Statutory Sick Pay only, may wish to book annual leave during periods of sickness absence so that they receive full pay.

## **4.0 Long Term Sickness**

### 4.1 Long Term Sickness

Long term sickness is defined as 4 or more weeks off work due to sickness. In the event of long term sickness, the following process will be applied:

- The Town Clerk will make contact with the employee to evaluate their circumstances at the 4 week point and to determine whether any adjustments can be made to facilitate their return to work;
- If after 6 weeks, the employee has not advised the Council of a return to work date, and the employee has been certified by a medical professional as not fit for work, a review meeting will be arranged with the employee.

### 4.2 Working from Home

There may be occasions where it is possible for an employee to work from home if they are not fit enough to attend work in person, such as with a broken limb, recovering from an injury or self-isolating before a surgical procedure. This arrangement will be discussed with the employee as required.

### 4.3 Medical Advice

The Council may ask the employee to attend a professional medical examination by an occupational health advisor and/or doctor, where it is deemed appropriate. The professional medical assessment will be paid for by the Council. The resulting report will be shared with the employee and the Personnel Committee and be deemed confidential for the purposes of the Data Protection Act 2018.

If an employee does not consent to an occupational health referral, any decision in relation to their employment may be made without the benefit of access to medical reports.

Examples of when the Council might refer an employee to occupational health or a medical practitioner include:

- To seek a medical report on an illness, injury or mental health;

- To establish when the employee might be able to return to work;
- To understand when the employee is likely to be fit to resume normal duties or alternative duties;
- To establish whether alternative duties or reasonable adjustments could be made to working conditions or the role to facilitate a return to work;
- To discuss any adjustments that could be made to accommodate a disability;
- To obtain professional and independent information prior to any decision to terminate an employee's employment contract on the grounds of capability due to ill health.

## **5.0 Managing Persistent Sickness Absence, Absenteeism and Trigger Points**

### **5.1 Persistent Short-Term Absence**

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. The Council understands that most employees will have some short-term sickness absence from time to time. However, if an employee is frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on colleagues and the Council.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process. If this happens, we will meet with the employee to set attendance targets. Following a review meeting the Council may issue a formal warning if those targets are not met. Employees will be given written notice in advance of any formal meeting and you can be accompanied by a work colleague or trade union representative. Employees may appeal against a formal warning. If an employee's absence remains unacceptable after a second formal warning, the Council will invoke its Disciplinary procedure.

If frequent absence is due to an underlying long-term health condition then the Council may also request, with consent, a medical report either from an occupational health practitioner, doctor or consultant to establish further information about the employee's health and how the Council can support the employee's attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy related absence. The Council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

The Council will consider any alternative employment options before making any decision about ending employment. Employees will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if the employee has not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the Disciplinary procedure.

### **5.2 Absenteeism and Trigger Points**

To ensure that all employees are treated fairly, consistently and that early intervention support is in place, periods of sickness absence will be reviewed. Trigger levels will be used to keep track of absences and to establish when intervention is required.

A Sickness Review meeting must be held with the employee when their sickness absence record falls into one of the following categories:

- 10 cumulative days sickness absence in a rolling 12 month period;
- 4 periods of sickness absence in a rolling 12 month period;
- Patterns of sickness absence (e.g. regular Friday / Monday absences).

The trigger point for considering action for part-time employees is calculated on a pro-rata to the number of days the employee is contracted to work.

The employee shall be notified of the Sickness Review meeting at 7 days prior to the meeting date, unless otherwise agreed.

If, following a Sickness Review meeting, the desired improvement in attendance is not achieved, the employee's absence will be dealt with under the relevant formal procedure.

## **6.0 Absence for Medical Appointments and Other Absences**

### **6.1 Medical Appointments**

The Council recognises that medical appointments may fall due within the working day, for example for hospital consultations, clinics, GP appointments and going to the dentist or optician. Employees should make every effort to schedule such appointments outside of working hours. Where this is not possible, employees will be required to either make up the time to cover these appointments, take it as annual leave or take unpaid leave.

Where the employee's appointment requires a day's absence from work for a medical procedure, this will be treated as sickness absence and a Self-Certification is to be completed.

Employees are asked to provide to the Town Clerk advance notice, if possible, of any scheduled medical procedures where a period of convalescence is expected afterwards, so that any cover arrangements can be made. A copy of the employee's letter confirming the procedure will be required by the Council and can be redacted to exclude any confidential information.

### **6.2 Maternity, Paternity and Adoption**

Time off to attend a maternity appointments or in relation to maternity leave, paternity leave or adoption leave, will be granted in line with current legislation.

### **6.3 Jury Service, Time off for Dependents and Compassionate Leave**

Employees are entitled to take time off work for undertaking Jury Service and must provide the Town Clerk with the jury summons. The employee will be required to claim the daily loss of earning allowance from the court. The Council will top up the difference up to the employee's full salary due for each day of jury service.

Emergency leave, compassionate leave and time off for dependents can be taken in accordance with the Council's Emergency and Compassionate Leave policy.

## **7.0 Compliance with Equalities Legislation**

7.1 The Council will treat maternity and disability records separately to sickness records. For example, if an employee was absent 3 times in a rolling 3 month period, but one of these occasions was due to sickness related to pregnancy, no trigger (as detailed in 4.0) has been reached.

7.2 The Council has a duty under the Equalities Act 2010 to consider making reasonable adjustments to an employee's job to enable people with a disability to have access to employment. Where an employee experiences sickness as a result of a disability, reasonable adjustments may include the provision of workplace aids or equipment, modified duties or redeployment.

### **8.0 Raising a Grievance**

8.1 If an employee is dissatisfied with any management action relating to this policy, they may take out a formal grievance in accordance with the Council's Grievance Procedure.

### **Amendment Record**

Version 1:                   Agreed by Finance & Policy Committee 19<sup>th</sup> April 2021