

Bradford on Avon  
Town Council  
**Sickness &  
Absence Policy**



**Version Control**

<b>Action:</b>	<b>Who:</b>	<b>Date:</b>	<b>Comments:</b>
Draft to ??????	Town Clerk	03/03/23	

Review: May 2029

## **1. Introduction**

The aim of Bradford on Avon Town Council's Sickness and Absence Policy is to minimise absence levels across the organisation, whilst offering support to employees and ensuring the smooth running of the council's services.

The council is committed to providing an effective, high quality service to all its customers and to optimising the contribution of all employees. Whilst the council recognises staff absences 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 and well to do so.

The council recognises that genuine medical grounds and other issues, will occasionally result in employee absence – and it is the council's policy that sickness and absence issues will be dealt with sympathetically, fairly and sensitively while also recognising the requirements of the council and the impact of the absence on other staff and services.

The council must balance the management of genuine individual absence against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness and/or absence.

Action will therefore be taken to manage and address recurrent short-term sickness or extended periods of absence as appropriate.

The responsibility for recording, monitoring and managing absence on a day-to-day basis lies with the Chief Executive & Town Clerk. This responsibility includes making sure that all employees are aware of the council's sickness and absence policy and the procedures detailed in the policy.

The council's sick pay scheme is attached to the report as appendix 1.

## **2. Objectives**

The objectives of the sickness absence policy are to:

- ensure that sickness and absence is managed in a fair, sensitive and consistent manner with due regard to individual circumstances
- balance the interests of the individual and the operational needs of the council
- provide employees and their managers with clear guidance on absence reporting and the processes to be followed
- promote a pro-active and positive approach to managing absence to minimise absences and help employees to return to work at the earliest opportunity
- address organisational factors that may lead to absence

The council will ensure that this policy is applied in a fair and reasonable manner that does not discriminate on such grounds as race, gender, disability, sexual orientation, age, religion or belief.

### **3. Policy Definitions**

This policy applies to all employees. The definition of “employee” in this instance is:

*‘any individual who is paid by the Town Council including full time, part time, temporary work’*

This policy refers to sickness absence that may or may not be paid. Sickness can be defined:

*‘incapacity to carry out the duties and responsibilities which the employee is contractually obliged to do because of their own illness or accident’*

This policy refers to absence that may or may not be paid. Absence can be defined:

*‘where the employee takes time off without prior approval or notification’*

### **4. Sickness Absence**

Employees who are unable to work due to illness or injury must report to their line manager as soon as possible. This should be by a phone call, no later than 10.00 am 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.

The employee must make every effort to contact their line manager themselves, however, if the employee is unable may contact due to their condition, they must arrange for someone else to do this on their behalf.

If the employee’s line manager is unavailable, the employee should contact either the Chief Executive & Town Clerk or the Deputy Town Clerk. In the event an employee cannot contact their line manager, the Chief Executive & Town Clerk or the Deputy Town Clerk, contact must be made with the office by 10.00 am.

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.

Failure to follow the sickness reporting process may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action (following the council's disciplinary policy).

In the event that the employee arrives at work and is deemed unfit to work, the line manager will give permission for the employee to return home.

**Certification** - Where the absence is for a period of up to 7 days (inclusive of weekends) and not covered by a statement of fitness to work ("med 3"), the employee will be asked to complete a self-certification form on their return to work.

If the absence exceeds 7 days (inclusive of weekends) – and the employee has not already done so – the employee should provide medical evidence in the form of a fit note - for the remainder of the absence.

The employee will need to ensure that there is always a current fit note in place. All fit notes must be certified by a healthcare professional who has assessed the employee's fitness for work.

The fit note should state whether or not the employee needs to see a doctor or other healthcare professional again before returning to work. If the fit note states that the employee "may be fit for work", the employee should inform their line manager 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 doctor's or healthcare professional's advice.

This may take place at a **return to work meeting** or an **absence review meeting**. If appropriate measures cannot be taken, the employee will remain on sick leave, and their line manager will set a date to review the situation.

## **5. Absence**

The onus for attending work for contracted hours and for reporting absence in accordance with the council's agreed procedures rests with the employee.

In the event that an employee needs to take an absence from work, then they should discuss with their line manager or the Chief Executive & Town Clerk to agree such absence rather than to not attend.

If the employee fails to comply with the notification and certification requirements, the Chief Executive & Town Clerk will be responsible for contacting them at home. Firstly, to check on the employee's wellbeing and secondly to remind them of the correct procedures for reporting absence.

If the employee continues to be ill, but the fit note runs out, they must report this to their line manager or the Chief Executive & Town Clerk to indicate a likely return date. The employee will need to continue to obtain further fit notes which **must** run consecutively otherwise this may affect their pay.

If the employee fails to attend work on a second consecutive day the Chief Executive & Town Clerk will contact the employee asking them to make contact with the council by return. Failure to comply could result in disciplinary action being taken against the employee for unauthorised absence, and/or loss of Sick Pay.

## **6. Returning to Work**

In cases where the fit note covers a period exceeding fourteen days or where more than one fit note is necessary, the employee should, before returning to work, obtain a final fit note indicating their fitness to resume working.

**Return to work meetings** – When the employee returns to work after any period [in excess of a week] of absence, their line manager will arrange to meet with them.

This meeting will occur on the first day back or as soon as possible after that. The purpose of this meeting is:

- To provide an opportunity for the line manager 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
- To ensure that the employee is aware of work-related matters that have occurred during their absence
- If the employee appears to have a health problem, the council may seek the employee's permission to obtain a medical report from their GP or specialist, or to arrange an Occupational Health assessment

If the employee's line manager is unable to meet with them, the Chief Executive and Town Clerk or Deputy Town Clerk will meet with them instead.

The content of the return to work interview will remain confidential between the employee and their line manager/Chief Executive and Town Clerk, unless there is sufficient concern to take further action e.g. referral to Occupational Health.

## **7. FAILURE TO COMPLY**

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

- The council can monitor sickness absence across the workforce and identify any interventions or support needed.
- The council can help and support individual employees when and where necessary.
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

If an employee wilfully abuses the sickness absence provisions or absents themselves without permission, having

- no good grounds for absence
- failed to notify absences and keep the Town Council updated
- failed to complete self-certification documentation

- failed to provide a fit note

This will be dealt with in accordance with the council's disciplinary process.

## **8. Disclosures**

During the return to work process, and during normal staff management processes, staff should always ensure they disclose issues that might impact on their ability to undertake their duties. These disclosures will be treated confidentially although may be discussed with the Chief Executive & Town Clerk to agree any course of action.

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.

**Personal, domestic or work-related problems** - Where an employee reveals that their absence(s) has been a consequence of personal, domestic, or work-related problems, their line manager should endeavour to discuss with them any relevant details that they wish to disclose, the council cannot help and support them if it is not made aware of the problem.

If an employee wishes to discuss matters with someone other than their line manager, the Chief Executive & Town Clerk (or Deputy Town Clerk) 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.

**Alcohol and/or 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 and/or via Occupational Health.

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.

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

**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 Occupational Health.

## **9. Disability**

Where an employee experiences sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010.

If an employee is disabled, the Council will consider all reasonable adjustments which could be made to where and how the employee works.

The Council may need a report from the GP (with consent) or require an occupational health report to confirm that any adjustments are suitable and necessary.

The definition of disability under the Equality Act 2010 is:

*“a physical or mental impairment, which has a substantial long-term impact on your day to day activities”.*

## **10. Underlying medical conditions**

If at any stage in the Managing Attendance Review Process the employee and/or their manager identifies that their attendance may be affected by an underlying medical condition, the Chief Executive & Town Clerk will give consideration whether to request that an Occupational Health referral is arranged.

Occupational Health guidance and advice will represent the best course of action to follow in relation to cases of sickness absence, depending on the nature or length of the absence in question.

This process would involve discussing with the employee the proposal to undertake a referral to the council's Occupational Health. The purpose of this referral would be to obtain independent medical advice on:

- The nature of any underlying or 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.
- Seek advice on the employee ability to continue to undertake their duties [health capability].

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

Where Occupational Health makes a recommendation that might affect the employee's continued employment, the line manager will hold an Absence Review Meeting with the employee to discuss the advice and options going forward.

Employees may wish to have the support of a trade union representative or a work colleague during such a meeting, and this should be positively encouraged.

In certain cases, Occupational Health 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, if available.

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased reintroduction (e.g. reduction in hours) an employee can discuss these options with their line 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.

Where appropriate, an employee may be referred to Occupational Health on more than one occasion e.g. when there has been a change to an employee's underlying health condition or prior to an attendance hearing.

## **11. Long-term Absence Review Meetings**

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 absence review meetings with the employee during their absence, as appropriate, to keep up to date, review the ongoing absence, and offer support to the employee where appropriate.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Chief Executive & Town Clerk will arrange a final absence review meeting, which may lead to an attendance hearing to consider dismissal.

**Long-term sickness absence(s)** - All cases of long-term absence will be treated sympathetically, and assistance will be given to the employee to return to work.

## **12. Formal Process**

**Frequent intermittent absences** - In addition to the return to work meetings after periods of absence, the council will institute a more formal review of attendance records and reasons for absence with an employee if one or more of the following review points are met.

The process is not to question the legitimacy of any absence, but to reduce the level of absence and the consequential effect on the remaining staff and the council.

### **Review points**

For full-time members of staff (working 37 hours per week)

- 5 or more separate instances or episodes of absence within any rolling period of 12 months
- or a total of 15 working days' (or more) short-term sickness absence within any rolling period of 12 months

- or 4 or more separate instances or episodes of absence within a 6-month period
- or a total of 10 or more working days' absence in a 6 month period
- or If a noticeable pattern of absences appears that causes concern

The above review points for members of staff who work part-time will be pro-rata dependant on the employees work pattern.

### **Stage 1 - Absence Review Meeting**

The line manager will arrange an absence 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 attendance record and the problems that their absences are causing for the council and other employees. If the employee discloses an underlying health condition, then the advice in section 9 above should be followed.

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 in accordance with this procedure and this will be confirmed in writing.

The warning is not a judgement on the sickness itself, but is in regard to, absence levels and the impact of the absence on the council and highlighting the following steps in the process.

Return to work interviews will continue to be carried out following any absences that occur during this and subsequent monitoring periods. These meetings will allow the line manager the opportunity to remind the employee of the council's concerns.

### **Stage 2 – Further Absence Review Meeting**

If no significant improvement in attendance is demonstrated, a further absence review meeting will be arranged. At this meeting, the employee will once again be reminded of the problems caused by the absences.

The employee will normally be told that their attendance record will be subject to a further period of monitoring (of not less than 1 months) and that significant improvement will be required. In addition, employees will be warned that if no such improvement is forthcoming, their employment may be terminated, this will be confirmed in writing.

### **Stage 3 – Final Absence Review Meeting**

Where an employee's attendance has still not improved to the required level, for either persistent intermittent absence or long-term absence, the Chief Executive & Town Clerk will normally meet with the individual for a final absence review meeting, which then may lead to an attendance hearing to consider dismissal.

The purpose of this meeting would be to provide a final opportunity to review the employee's absence levels and for the Chief Executive & Town Clerk to decide on whether an attendance hearing should be held.

Other outcomes could include seeking further medical advice or extending the period of monitoring.

### **Maintaining levels of attendance**

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.**

### **13. Attendance hearing**

Where the decision is made to proceed to an attendance hearing, 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 Resources Committee and the Chief Executive & Town Clerk, who will make the decision.

The line manager will attend to outline the history of absence and any relevant steps taken and advice received.

All paperwork relating to the hearing will be circulated 5 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 to terminate the employee's employment may take place where:

- An employee is declared permanently unfit for work
- An employee is declared medically unfit for their work and alternative employment has not been found
- The council can no longer tolerate the high level of absence because of how it is impacting on the service and/or operation of the council.

The decision of the Panel will be confirmed to the employee in writing within 5 working days.

The letter will clearly set out:

i) The Panel's decision:

- If a warning has been issued the timescale for this and the level of improvement required
- 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

- If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- ii) The employee's right of appeal.

## **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 Chief Executive & Town Clerk setting out the grounds of their appeal. This must be done within 10 days of the date of the letter informing them of the outcome of the attendance hearing.

Appeals will be heard by an Appeal Panel made up of 3 town councillors from the council's Resources committee. These councillors will be different to the councillors who made up the Hearing Panel.

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.

## **Sick Pay Scheme**

Provided that you comply with the Council's sickness absence policy, you will receive sick pay when you are absent from work because of sickness, as follows:

- |                                    |  |
|------------------------------------|--|
| during 1st year of service         | • one month's full pay and (after completing 4 months' service) 2 months' half pay |
| during 2nd year of service         | • 2 months' full pay and 2 months' half pay  |
| during 3rd year of service         | • 4 months' full pay and 4 months' half pay  |
| during 4th & 5th - 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  |

The 'Green Book' - NATIONAL JOINT COUNCIL for LOCAL GOVERNMENT SERVICES