



Portishead Town Council

Absence Policy

Policy Number	Version	Owner	Status	Review Date
PTC 004	21-07-2022	TC	Draft	

Introduction

The Council aims to maximise the attendance at work for all employees and ensure that when ill health occurs there will be a fair and systematic approach applied to managing such cases.

The procedure aims to:

- Ensure that a fair and consistent process is adopted regarding employee sickness absence and issues of ill health
- Help and encourage employees to achieve and maintain acceptable standards of attendance
- Ensure that employees who are unable to attend work due to sickness absence are managed appropriately, by clearly stating the standards of attendance expected and advising of potential outcomes should these not be reached; offering any available help or support to assist the employee improve their health and in turn their attendance; utilising occupational health expertise to assist in the management of ill health situations for mutual benefit
- To ensure that managers recognise their duties and responsibilities under the Equality Act 2010.
- To ensure that managers and employees recognise their duties and responsibilities under the Health and Safety at Work etc Act 1974

Scope

This procedure applies to all employees of the Council. Where there are concerns surrounding the ill health or attendance levels of the Town Clerk, the provisions set out in the conditions of service for those groups should be read in conjunction with this procedure.

Roles and Responsibilities

Staffing and Finance Committee - Hear appeals against dismissal.

Town Clerk - Review absence across the organisation and take a strategic approach to addressing concerns. Dismissals.

Senior managers

- Manage attendance issues within their own service/team and take actions under this policy regarding employee attendance, except dismissal
- Inform the Clerk of attendance concerns or issues
- Ensure employees are aware of the sickness absence notification procedures and their responsibilities
- Ensure that the management responsibilities are applied consistently when managing employee attendance.

Employee - Follow the sickness absence notification procedures, attend meetings to discuss their absence, alert the Council of any ill health that may affect their work and adhere to the responsibilities set out in this procedure.

Representative or companion, Either a trade union representative or work colleague - Support and advise employee. Can put forward employee's case, ask questions or make representations but cannot answer questions that are directly put to the employee.

Sickness absence notification procedure

As detailed in the Employee Responsibilities section

Return to Work Interview

Following each absence from work due to sickness, the absent employee must participate in a return to work discussion. This is an essential part of the procedure; these interviews should be conducted fairly and consistently. Interviews should be held, ideally, on the day an employee returns to work and no later than 5 days after they return. The return to work interview should normally be completed by the employee's line manager and notes should be forwarded to the Town Clerk within 5 working days after completion of the return to work interview.

Sickness Absence Review

Monitoring of sickness absence is intended to ensure that employees are treated fairly and consistently and appropriate support and assistance is offered to employees at an early stage. Trigger levels are a tool to assist managers in keeping track of the frequency of an employee's absences and to highlight when management intervention is required.

The manager must hold a Sickness Absence Review Meeting with the employee when the 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 (for example, regular Friday/Monday absence)

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

The employee shall be notified in writing of the meeting at least 7 days prior to the meeting (unless otherwise agreed). Whilst there is no necessity to do so, employees may wish to be accompanied or represented at such review meetings by a work colleague or trade union representative. If following a sickness absence review meeting, the desired improvement in attendance is not achieved the employee's absence will be dealt with under the formal procedure.

Occupational Health

The point at which an employee is referred for examination to the Council's Occupational Health provider will depend upon the particular circumstances of the case. However, at a minimum, an employee will normally be referred in the following circumstances: -

- Where a sickness absence is attributable to work related stress, irrespective of the duration or likely duration of the absence, or after 4 weeks continuous sickness absence
- Prior to any decision to terminate an employee's contract on the grounds of capability due to ill health

On receipt of an occupational health report a meeting will normally be convened to discuss the content of the report with the employee under the relevant stage of this procedure.

Short Term Sickness Absence Procedure

There are three key stages to the formal procedure for dealing with short term persistent absence (frequent and regular). The basic structure to the meeting is outlined below.

Stage 1

The manager will write to the employee notifying them of the concerns over their attendance and invite them to a meeting to discuss the matter providing at least 7 calendar days notice prior to the meeting. Employees have the right to be accompanied by a colleague or represented by a trade union official at every stage of the formal procedure.

At the meeting, the manager will discuss the sickness absence(s) which have occurred in detail, referring to information in this policy, return to work interview notes, previous sickness absence review notes and, where applicable, Occupational Health reports. Through discussion with the employee, the manager will seek to identify the reasons for poor attendance which may include underlying medical conditions, personal problems or work problems. The manager should explore these problems in depth and if necessary the meeting can be adjourned to obtain Occupational Health advice. The manager will consider any available support that could be offered to the employee to help them to reach an acceptable level of attendance.

The manager must advise the employee of the effects of their sickness absence on the Council (specifically the service), the improvement in attendance required over the set timescales and the likely next steps if there is no improvement in their attendance, if improvement is achieved that there will be no further action and normal sickness absence monitoring will resume. The outcome of these discussions will be detailed in writing to the employee.

The employee will enter the formal procedure at Stage 1 and should the required improvement in attendance not be achieved, will proceed to Stage 2.

Depending on the individual circumstances of the case, the manager may also wish to consider the temporary removal of the ability to self-certificate during the agreed review period. Managers should not wait until the end of the review period before progressing to the next stage of the process if there has been further absence which has meant that the desired improvement cannot be met. Equally where an employee has been removed from the formal process but within a short space of time their sickness absence becomes a concern once more the manager can re-enter the formal process at the same stage or next stage. If the period of time between leaving a particular stage and deterioration in attendance occurs is over 6 months it would be normal to re-enter the formal process at stage 1.

Stage 2

This shall be a repetition of the stage 1 process

Stage 3

If the standard of attendance is not reached following Stage 2 then a Stage 3 sickness absence meeting must be held to consider the employee's continued employment with the Council.

The employee will be notified in writing at least 7 calendar days prior to the meeting of:

- The details and purpose of the meeting,
- Their right to be accompanied by a work colleague or trade union representative
- The potential outcomes of the meeting (potential termination of employment on the grounds of capability due to ill health).

The employee will be issued with all relevant paperwork which the manager may refer to at the meeting. The employee will also have the opportunity to submit any information that they wish to be considered at the meeting and this must be submitted no less than 3 calendar working days before the meeting.

The purpose of the Stage 3 meeting is to explore;

- The employee's sickness absence record
- All information relating to the employee's sickness absence record including occupational health reports and discussions throughout this process
- Whether the employee has an underlying medical condition and how this has attributed to the employee's sickness absence record
- Whether the employee has a medical condition that is covered by the Equalities Act
- Whether all reasonable adjustments have been considered
- Whether applicable employee assistance services have been offered
- Whether any further adjustments may bring about the necessary improvement in attendance required
- The impact of the sickness absence on the team, service and overall Council

If new medical information is introduced at Stage 3 it may be appropriate to adjourn the meeting to obtain up to date medical advice. The manager must consider the following;

- Whether the employee has been made aware of the standards of attendance
- Whether the employee's sickness absence has fallen short of these standards
- Whether reasonable efforts have been made to support the employee to reach the required standard
- That despite these efforts the required standards of attendance have not been achieved

Following a Stage 3 meeting the options open to the Town Clerk will be either;

- 1) to dismiss the employee on the grounds of capability due to ill health
- 2) to provide a further opportunity for the employee to reach the required standard of Attendance

In cases of short term persistent sickness absence (frequent and regular), where the Town Clerk considers that an employee may benefit from a final opportunity to reach an acceptable level of attendance then the employee will be offered a further period to accomplish this and appropriate support will be considered accordingly. It should be emphasised to the employee that if they have failed to make the required improvement

in their attendance then a further Stage 3 meeting will be arranged. The Town Clerk will endeavour to announce the decision to the employee and their representative verbally at the end of the meeting. The decision will be confirmed in writing to the employee as soon as possible and no later than 7 calendar days from the date of the meeting.

Long Term Sickness Absence Procedure

In order to support employees who are absent long term due to sickness, the Council reserves the right to meet with the employee in order to discuss their condition and, when appropriate, what adjustments may be necessary to facilitate a return to work. Meetings should normally take place every 4 - 8 weeks. However, it is recognised that depending on the circumstances of the absence this is not always appropriate or practical.

The manager should prepare for a meeting with the employee by informing the employee of the purpose, their right to be accompanied and providing at least 7 calendar days notice of the meeting to allow them to prepare. This should be confirmed in writing.

At the meeting, the manager will discuss the current sickness absence in more detail including how the employee is feeling, any treatment they are going through, likely duration and where applicable recent Occupational Health reports. Through discussion the manager should seek to identify any underlying medical conditions, personal problems or work problems that may be causing or attributing to the sickness absence. The manager should explore these problems in depth and if necessary the meeting can be adjourned pending updated Occupational Health advice.

The manager will consider any available assistance that could be offered to the employee to assist their recovery and return to work. The manager will write to the employee to provide a written summary of the discussions at the meeting. At an appropriate stage, preferably early on in the process, employees must be advised that the potential outcome of ongoing absence may be termination of employment on the grounds of capability due to ill health.

Where an employee's sickness absence can no longer be sustained and it is felt that there is little likelihood that the employee will recover to the point that they will manage a return to work in the near future and all other reasonable interventions have been explored or exhausted the manager must consider the employee's continued employment with the Council. Specifically the manager must decide on the basis of all the information available to them whether to terminate the employment on the grounds of capability due to ill health.

Medical Capability

Where a medical condition is affecting an employee's ability to carry out the duties and responsibilities of their post, a manager must formally meet with the employee to consider the following:

- Ascertain the full extent of the medical condition and how this impacts on the duties of the post
- Seek occupational health advice, guidance and recommendations
- Consider all support & assistance mechanisms to assist the employee to carry out their duties

- Consider all reasonable adjustments in accordance with the Equality Act
 - Assess the impact of the duties that cannot be undertaken on service delivery
- Where the employee cannot perform the duties of the post and all other reasonable interventions have been explored or exhausted, the manager must consider the employee's continued employment with the Council. Specifically the manager must decide on the basis of all the information available to them whether to terminate the employment on the grounds of capability due to ill health.

Dismissal on the grounds of capability due to ill health

It is reasonable for the Council to dismiss an employee on the grounds of capability due to ill health in the following circumstances;

- Where an employee is on long term sickness leave and is not fit to return to work within a reasonable period
- Where an employee is unable to maintain a sustained attendance at work through short term or bouts of longer term absence or a combination of both
- Where the employee is unable to carry out the duties of their post due to a medical condition despite efforts to address such issues
- Where the Occupational Health Adviser has confirmed that the employee meets the criteria for permanent ill health retirement under the local government pension scheme

In all circumstances, the full consideration of reasonable adjustments and support measures must be exhausted before any such decision is taken and regard given to the Equality Act. The manager should contact the Town Clerk who will make the decision.

The employee will be given formal notice in accordance with their contract of employment or payment in lieu of notice. The letter of termination will confirm the effective date of termination, give the reason for dismissal and state the right of appeal.

Appeals Procedure

Employees are entitled to an appeal against dismissal. This should be submitted in writing to the Town Clerk within 14 calendar days of receiving the letter confirming the decision of the meeting. Any appeal letter must include reasons for the appeal and any evidence the employee wishes to submit.

Appeals against dismissal are determined by three Councillors appointed by the Staffing & Finance Committee.

Appeals Decisions

The decision of the appeals meeting will be one of the following:

- Uphold the appeal and rescind the action taken
- Uphold the appeal in part which may result in the level of action being reduced
- Dismiss the appeal
- There shall be no further right of internal appeal against the decision of the Staffing and Finance Committee members.

Related Policies

You may also find it helpful to read the following related HR policies:

- Dignity at Work
- Disciplinary Policy
- Alcohol and Substance Misuse Policy
- Health and Safety Policy

Employee Responsibilities

1. To look after their general health and wellbeing and seek medical or other support where necessary in order to minimise sickness absence from work.
2. To comply with the Council's notification and certification procedures and advise their line manager on the first date of sickness absence within an hour of normal starting time or within such other timescales which may be specific to certain services. Further notification should be made on the fourth and seventh day of sickness absence and, thereafter, on a weekly basis or at longer intervals as services deem appropriate in individual cases.
3. To provide a self-certificate for the first seven days of sickness absence and to ensure that all other sickness absence is covered by medical certificates (known as a statement of fitness for work, or 'fit note').
4. To ensure that medical certificates (known as a statement of fitness for work, or 'fit note') run concurrently and are forwarded to line managers promptly as failure to do so will affect sick pay entitlement.
5. To attend any appointment or undergo examination by any medical or specialist practitioner identified by the Council in relation to the management of their sickness absence. The terms of the Access to Medical Reports Act 1988 will apply where employees have a right to access the information provided by the general practitioner. If the employee is unwilling to sign the medical consent form, they should be advised that they will still be required to attend for a medical examination and a decision will be taken regarding employment based on the information available to the manager.
6. To maintain contact (either face to face or by telephone) with their line manager and adhere to the established practice of conducting sickness absence meetings at the employee's place of work or any other suitable Weymouth Town Council establishment unless a medical reason is provided to preclude attendance at work venues.
7. To promptly make their line manager, or other designated person aware if they consider their sickness absence to be connected with their job and to explain their perceptions in relation to this. This should be confirmed in writing. They should also co-operate with their manager with any future action identified as a result of these discussions.
8. To attend return to work interviews and other attendance management meetings.
9. To accept and comply with appropriate medical and other advice and assistance measures to minimise sickness absence.

Managers responsibilities

1. To manage sickness absence and apply the terms of this policy fairly and consistently, taking account of individual circumstances.
2. To maintain and apply appropriate sickness absence monitoring and review systems and procedures.
3. To advise employees of the importance of minimising sickness absence and ensure they are aware of their responsibilities.

4. To advise employees who they should contact to report a sickness absence and the timescales within which this contact should be made.
5. To notify the Town Clerk when an employee's absence requires HR intervention, or advice is required e.g. diagnosis of a serious condition, a stress related condition or hospitalisation.
6. To have an up to date understanding of current policies and available assistance measures with the aim of assisting employees to maximise their attendance at work.
7. To have an up to date understanding of their responsibilities in terms of considering "reasonable adjustments" where an employee has a disability in line with the Equality Act.
8. To treat information regarding an employee's health in a sensitive and confidential manner.
9. To manage health and safety in the workplace with the aim of minimising sickness absence. If an absence is due to accident or injury at work then the relevant Health & Safety Officer must be notified.
10. To participate in training related to managing sickness absence and maximising attendance.
11. To request medical and specialist advice where appropriate.
12. To maintain contact with absent employees.
13. To conduct return to work interviews and other sickness absence management meetings. Return to work notes must be retained by the manager for their records. If further advice or an Occupational Health referral is required, the manager should contact the Town Clerk.
14. To take appropriate management action to deal with sickness absence.
15. To advise employees of the potential for termination on the grounds of medical capability due to ill health if there is no significant improvement in the attendance levels and to deal with these cases in line with the Council's policies, procedures, conditions of service and employment legislation.

Sick Pay

Entitlement to Occupational Sick Pay is determined by the conditions of employment and length of service with local government. The allowances set out above are the maximum provision in any rolling 12 month period. The rate of pay received is calculated by adding together the total number of work days of sickness absence (on full or half pay) taken during the 12 months immediately preceding the first date of absence, and deducting this from your full/half pay allowance.

Length of service Entitlement

During 1st year of service - 1 month 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 and 5th year of service - 5 months full pay and 5 months half pay

After 5 years of service - 6 months full pay and 6 months half pay