



# **Attendance and Sickness Absence Policy**

## **Introduction**

### **Policy Statement**

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. However, the Council must balance this with its needs to be publicly accountable for its resource allocations.

### **Scope of Policy**

The policy applies to all staff employed by the Council.

### 1. Introduction

Horsforth Town Council (hereafter referred to as the Council) is committed to creating a safe and healthy environment for all its employees and expects all staff to aim to attend work at all times, and take steps to maintain, where possible, their own general good health and wellbeing.

The delivery of efficient and effective services cannot be sustained if staffing levels fall below planned needs and expectations because of sickness absence. This policy outlines the procedure that will be followed to support employees in maintaining regular attendance at work and in supporting early return following absence.

This policy provides guidance to employees in relation to their sickness absence and the potential consequences for their employment. It also provides guidance to ensure that cases are dealt with sympathetically and consistently.

### 2. Objectives

The objectives of this policy are to:

- Provide employees and managers with consistent guidelines defining acceptable and unacceptable attendance for performance purposes.
- Promote the health, safety and personal well-being of all employees.
- Monitor levels of sickness absence of all employees.
- Support employees who are genuinely sick and unable to attend work.
- Actively manage the individual during their period of absence and subsequent return to work.
- Implement and apply procedures to deal with unjustified and/or high levels of sickness absence.
- Consider the need for reasonable adjustments, redeployment, rehabilitation and re-training to support an employee's return to work.
- Adopt a consistent and fair approach.

### 3. Reporting Process

Employees who are unable to attend work through sickness, injury or personal circumstances must report their absence in accordance with the Council's Absence Reporting Procedure (see Appendix 1).

If possible, you should give an indication of how long you expect to be absent so that arrangements can be made for cover if required.

If the absence is for a period of less than 7 days, employees should complete a self-certification form on their return to work. For periods over 7 days a medical Statement of Fitness for Work (fit note) from a GP (or relevant medical establishment) is required.

It is the responsibility of each employee to keep their line manager advised of the circumstances that are preventing them from attending work, of their likely return date, action being taken to mitigate the effect of the illness (e.g. GP medical appointments) and contact details in case of work-related queries.

Employees who are absent from work due to reasons other than sickness/injury are required, wherever possible, to obtain prior permission from their line manager. Where appropriate, the line manager will consider each case of absence on its merits and written evidence may be required.

Where the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery or organ donation, then sickness absence leave and pay will be entirely at the Council's discretion and employees are strongly advised to discuss such circumstances, in confidence, with their line manager in advance of such a procedure.

Where absence appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct. The Council reserves the right to make reasonable contact whilst they are on sick leave. Where absence extends beyond 7 days, employees are required to ensure at least weekly contact with their line manager.

Staff members will have a "return to work" meeting with their line manager after any period of absence. This meeting will take place on the first day back or as soon as possible thereafter. This practice is to ensure that staff members are fit to work; agree a phased return to work (where appropriate); establish if any further help or support is needed for the employee; alert the employee (if appropriate) to any concerns about a developing absence record; receive work related updates and prioritise workloads.

The return to work meeting may be very brief. In other, more complex cases, e.g. where there is a high level of sickness absence, the meeting will need to be more involved. An employee may refuse to provide any information at the return to work meeting. The line manager should attempt to identify the reason for refusal. If the employee refuses to provide information or the reasons for refusing, the line manager should record that a discussion was attempted and the employee's refusal.

See Appendix 2 for Return to Work form.

#### 4. Sickness Payments

Sick pay will be paid in accordance with your length of service as outlined in your contract of employment. Statutory Sick Pay will be paid where applicable at the current rate.

An employee who is ill whilst on leave will be regarded as on sick leave provided they report the sickness and provide a fit note if required in accordance with the Absence Reporting Procedure.

Where a public holiday falls during a period of sickness absence, the employee concerned will continue to receive sick pay but no substitute public holiday will be given.

#### 5. Long Term or Frequent Short Term Absence Procedure

This procedure is designed to outline the process where an employee is absent due to sickness or injury on a long-term or frequent short-term basis.

Discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all.

The procedure is non-contractual and does not form part of the terms and conditions of employment with the council. The procedure may be amended from time to time.

#### 6. Principles

- Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Council and the impact of the absence on others.
- The line manager will maintain periodic contact during the period of sickness absence.
- A full review, normally including medical reports, may be undertaken in each case.
- All periods of sickness absence (after the first seven days' self-certification period) must be certificated by a medical practitioner ("fit note") and in some cases the Council may request

certification for periods of absence of less than seven days, in which case the Council will pay the appropriate fee to the medical practitioner issuing the certificate.

- The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.
- The employee will be advised if their employment may be at risk (where appropriate).
- Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.
- Where possible, appropriate assistance will be provided to help the employee to return to work.
- In cases of long-term ill health, the Council will, where possible, hold employment open for up to one year, unless the employee's contract is terminated on grounds of capability.
- In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the Council will take into account:
  - any representations from employees, including additional medical information;
  - the employee's length of service;
  - the employee's most recent health situation and the likelihood of an improvement in attendance;
  - whether it is possible to hold the job open for longer and the effect of past and future absences on the Council;
  - the availability of suitable alternative work or working hours;
  - any other reasonable adjustments which could be reasonably expected to facilitate the return;
  - the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken.
- The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.
- At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.
- Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to stage 3 of the procedure, but not before the employee's sick pay has expired.
- Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the disciplinary procedure.

## 7. Informal Meeting

Absence levels will generally start to be of concern to the Council at the following trigger points:

- 4 episodes of absence in a 12 month period;
- A total of 20 days (pro rata for part time staff) intermittent absence over the past 12 months;
- more than 20 days (pro rata for part time staff) continuously off sick.

Where this is the case, the line manager will arrange an informal meeting with the employee to discuss absence levels with the employee.

The aim of the meeting will be to establish the reasons for the absence and to encourage the employee to understand the Council's concerns and to agree ways, if possible, of improving the situation.

Where there have been frequent intermittent absences, the Council may monitor the employee's attendance record over a period of not less than 3 months. The employee will be advised during the informal meeting that their attendance record will be monitored and the period of monitoring. The employee will be told during the meeting that if there is no improvement in the attendance record over the period of monitoring that the formal procedure may be initiated. This must be confirmed in writing.

Return to work interviews must continue to be carried out following any absences during the monitoring period.

If attendance improves during the monitoring period, the line manager will write to the employee to advise that they are expected to maintain the improved levels of attendance and that failure to do so may result in further monitoring and/or the initiation of formal action without a further informal meeting taking place.

If the employee has been off sick continuously, or if there appears to be an underlying health problem, the Council shall have the right at any time to require the employee to submit to an examination by an independent medical practitioner selected by the Council, in order to obtain a confidential report on the employee's condition and findings of the examination and a prognosis of the employee's likely recovery and/or fitness to resume work and any recommendations.

If after the informal meeting there is not satisfactory improvement in the attendance record, then the formal procedure may be initiated.

## 8. Formal Procedure

### **Stage One: First Formal Meeting**

A first formal meeting will be arranged where:

- in the case of long term sickness absence, there is no clear date of return;
- in the case of frequent short term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting.

The line manager will notify the employee in writing of the meeting to discuss the employee's absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. The meeting will be between the employee and the line manager.

The employee will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may be reviewed to assess whether there is any underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting.

During the meeting, there will be a discussion on ways to assist the employee to return to work, where appropriate.

Unless there is a clear date for return (e.g. in the case of a broken limb), the line manager should advise the employee that employment cannot be held open indefinitely. The employee must be advised that there will normally be a second formal meeting and that if there is no improvement after the second meeting, there will be a hearing to consider if the employee's contract should be terminated on grounds of capability. This will be confirmed in writing to the employee.

In the case of frequent intermittent absences, the line manager will advise the employee that there will be a further period of attendance monitoring for a period of not less than 3 months and that their employment may be terminated if there is not satisfactory improvement.

The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

### **Stage Two: Second Formal Meeting**

The employee will be informed in advance of the meeting in writing and advised that he/she may be accompanied by a colleague or trade union representative.

At the meeting the employee's absence will be reviewed. Medical reports will be reviewed again where appropriate. An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting.

If at the second formal meeting, the employee's absence is still a cause for concern, the line manager should advise the employee that if there is no improvement, the next stage of the procedure is a hearing to consider if the employee's employment should be terminated on grounds of capability.

The issues discussed at the meeting will be recorded.

### **Stage Three: Hearing**

Prior to calling a hearing, the line manager will meet with the employee to explore whether there are any reasonable adjustments that can be made to enable the employee to remain in employment with the Council.

The line manager will write to the employee to invite the employee to the hearing. The letter will advise the employee of their right to be accompanied by a Trade Union representative or other person. The letter will also advise that termination of employment on the grounds of capability due to ill-health is a possible outcome of the hearing.

The Hearing Panel will be a sub-committee appointed by the Staffing and Employment Committee and will consist of 3 members of the Staffing and Employment Committee, excluding any member who is line manager of the employee or who has had direct involvement with the case. Where there are insufficient members of the Staffing and Employment Committee who have not previously been involved, the Hearing Panel will consist of three members of the Council who may include members of the Staffing and Employment Committee. The Hearing Panel will appoint a Chair.

Medical information should again be reviewed at this meeting.

The employee's absence will be discussed. An up-to-date medical report will be sought prior to the hearing and the employee should be asked for his or her views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought.

The Hearing Panel will consider whether any reasonable adjustments could be made to enable the employee to return to work.

The Hearing Panel may consider termination of employment on the grounds of capability due to ill-health where:

- the employee is considered permanently unfit for work;
- the employee is considered medically unfit for their role, there is little likelihood of improvement in the foreseeable future and alternative employment with the Council cannot be found;
- there has not been satisfactory improvement in the absence level, it considers that there is little likelihood of satisfactory improvement in the foreseeable future and it considers that the Council can no longer tolerate the level of absence.

The Hearing Panel will adjourn to make a decision. The Chair of the Hearing Panel will write to the employee and to the line manager within 5 working days with the decision. The decision letter will state:

- If a warning has been issued, the timescale for this and the level of improvement required and that the case will be reviewed after expiration of the timescale

Or

- If the decision is to take no action at present, that the case will be reviewed within a set timescale and to state the timescale

Or

- If the decision is to terminate the employee's contract of employment, the reasons for the termination and the date on which the contract will terminate
- In all cases, details of the right of appeal.

## **Appeal**

If the employee wishes to appeal against the decision of the Hearing Panel, he/she must write to the line manager giving reasons for the appeal.

The appeal letter must be received by the line manager within 10 working days of the date of the Hearing Panel decision letter.

The Appeal Hearing Panel will consist of 3 members of Staffing and Employment Committee, excluding any member who is line manager of the employee or who has had direct involvement with the case. Where there are insufficient members of the Staffing and Employment Committee who have not previously been involved, the Appeal Hearing Panel will consist of three members of the Council who may include members of the Staffing and Employment Committee. The Appeal Hearing Panel will appoint a Chair.

The appeal hearing will be held without unreasonable delay.

The employee will have the right to be accompanied by a colleague or trade union representative at the appeal hearing.

The employee will be given the opportunity to state his or her point of view at the appeal hearing.

The termination date of employment may be delayed in order for the appeal hearing to take place.

The decision of the Appeal Hearing Panel will be final and will be notified by the Chair of the Appeal Hearing Panel to the line manager and to the employee within 5 working days of the appeal hearing.

## **9. Failure to Follow the Absence Reporting Procedure – Employee Responsibility**

Where an employee fails to follow the absence reporting procedures this may result in the employee being considered absent without permission and disciplinary action may be taken.

## **10. Becoming Unwell At Work**

If an employee goes home before working half of their allotted shift this will be recorded as one whole day's sickness. If an employee goes home after working more than half their shift, the absence will be recorded as a half day's sickness.

## 11. Medical Suspension

Occasions may arise where it appears to the line manager that an employee is medically unfit to be on duty. In such circumstances, medical suspension from duty on full pay may be appropriate pending a formal medical opinion being obtained from an independent Occupational Health Physician or the employee's General Practitioner.

Wherever possible, the line manager should consult with the Chair or Vice Chair of Staffing and Employment Committee before carrying out a suspension on medical grounds.

Medical suspension is intended to be a short-term intervention only and medical advice should be sought from Occupational Health Physician or the employee's General Practitioner urgently. If the medical advice received indicates the employee is fit to return to work, then the medical suspension should end with immediate effect with a return to work date agreed.

If the advice received indicates the employee is unfit to return to work the medical suspension will end with immediate effect and the whole period of absence, including the medical suspension, will be recorded as sickness absence.

The employee will need to provide certificates in accordance with the normal reporting arrangements and it will count towards the employee's contractual sick pay entitlement. If the employee fails to submit a medical certificate in these circumstances they will be recorded as unauthorised, unpaid absence for this period.

## 12. Personal Medical and Dental Appointments

Where possible, personal medical and dental appointments should be made outside of work time. If appointments are not available at these times the employee should agree with the line manager how appointments can be accommodated within the working pattern e.g. starting work earlier or finishing work later.

Alternatively, annual leave, flexi-time, flexi-leave or time-off-in-lieu can be used. Where an employee is required to attend a significant number of medical appointments a discussion should be undertaken to agree how these can be appropriately accommodated. This discussion will be between the line manager and employee.

## 13. Phased Returns to Work

A phased return is a temporary measure to enable employees to build up to their normal hours of work and duties over a short period. It is not expected that all employees will require a phased return to work. Typically a phased return should be no longer than 4 weeks in duration.

The line manager is responsible for monitoring the progress of the phased return.

### Phased Return – Pay

One phased return in any 12 month rolling period will attract full pay during the first 4 weeks of the phased return to work. Otherwise, payment will reflect the reduced hours worked. Annual leave can be used for the hours not worked if a phased return exceeds 4 weeks or if subsequent phased returns are required during the 12 month rolling period.

### Phased Return – Authorisation and process

The principle of a phased return for an employee should be approved by the Staffing and Employment Committee and the details agreed and instigated with input from an occupational health physician or the employee's General Practitioner and authorised by the line manager.

It should be accepted in principle that, where possible, a phased return will be approved.

## 14. Reasonable Adjustments

The Council must fully consider making any reasonable adjustment to working practices, equipment and premises.

A failure, without justification, to comply with this duty will amount to an act of discrimination. Legislation allows for financial and other costs to be taken into account when considering reasonableness of adjustments.

The line manager should not make assumptions about appropriate adjustments and should refer the employee to Occupational Health.

Absence due to disability, e.g. attending consultants appointments linked to the disability, attending hospital for regular blood tests, etc., should not be counted as sickness but the time should be made up where possible by working flexibly.

Sickness absence not associated with the disability is counted as sickness.

#### 15. Access to Work Scheme

Specialist advice and support on modification of duties may be obtained from the Department of Work and Pensions Access to Work Scheme. The individual employee is required to apply for assistance although in some circumstances the employer may contact Access to Work. For further information contact Access to Work via the local Job Centre or website <https://www.gov.uk/access-to-work>

#### 16. Equality and Diversity Statement

The Council will ensure that this document 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.

Adopted 26 September 2018

Reviewed: 27 July 2023 and 30<sup>th</sup> May 2024

Next review date: May 2025

**RETURN TO WORK DISCUSSION FORM**

<b>Employee Name</b>			
<b>Date of discussion</b>			
<b>Time of discussion</b>			
<b>Period of absence</b>	<b>From</b>		<b>To</b>
<b>Number of working days absent</b>			
<b>Number of days absent in last 12 months</b>			

**\*Self-certificate / fit note provided (\*delete as appropriate) – attached**

**Provide brief details of discussion:**

<b>Signed: (Employee)</b>		<b>Date:</b>	
<b>Signed: (Line manager)</b>		<b>Date:</b>	