



## **SICKNESS/ABSENCE/ATTENDANCE POLICY**

Purpose	3
Responsibilities	3
Sickness Schemes	3
<b>PROCEDURE</b>	
Sickness Notification Procedure	4
<b>4.1</b> General Principals	4
<b>4.2</b> Reporting of Sickness Absence	4
<b>4.3</b> Sickness Absence of more than 7 days	5
Sickness during annual leave	5
Administration	5
Return to Work	5
Handling the 'Return to Work' discussions	6
Disability Discrimination Act (DDA)	6
Managing Persistent Intermittent Absence	7
10.1 Informal Absence Review	7
10.2 Formal Absence Review	8
10.3 Formal Absence Review Stage 1	8
10.4 Formal Absence Review Stage 2	9
10.5 Formal Absence Review Stage 3	9
Managing Long Term Sickness Absence	10

Possible Outcomes	12
Dismissal on Ill Health Grounds	12
Action Checklist for Managing Long Term Sickness Absence	12
Failure to Comply	13
<b>SICKNESS ABSENCE PACK</b>	
<i>Return to Work Interview Form</i>	14

## **1 PURPOSE**

This policy is designed to provide a positive approach in monitoring sickness absence levels in order to enhance services through improved cost efficiency and to take account of both the welfare of employees and the organisational requirements of the Authority.

Managers need to be able to adopt a consistent approach when dealing with sickness absence in order to ensure that all employees are treated fairly. However, every case should be treated on individual merit in a confidential manner. It is vital that employees receive appropriate support and encouragement to return to work where this is possible. However, good attendance can have a direct impact on the Council's ability to provide a quality service to the public.

Absence levels can be reduced by adopting a more active approach to the monitoring and management of sickness absence, and by encouraging accountability, personal responsibility and a feeling of personal value amongst employees.

This policy applies to all Aspatria Town Council Employees.

## **2 RESPONSIBILITIES**

2.2 The Clerk and Councillors are responsible for monitoring the implementation of the policy.

2.3 The Clerk is responsible for the administration of this policy

2.4 The Clerk is responsible for ensuring that the council adheres to this policy, Councillors are responsible for approving ill health retirement and dismissal of employees

## **3 SICKNESS SCHEME**

Subject to the conditions defined in the National Joint Council for Local Government Services (Green Book), entitlement to sickness allowance is as follows:

During 1st year of service (after completing 4 months service) 2 months half pay	1 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 and 5th years of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

## 4 SICKNESS NOTIFICATION PROCEDURE

### 4.1 General Principles For Line Managers

- Never ignore sickness absence.
- Short-term absence can easily go unnoticed.
- If absence is work related, early involvement should be considered to address the work related issues.
- Ensure employee absence is recorded in the appropriate way.
- Attendance problems need to be handled promptly, sensitively and call for a supportive approach by managers.
- All staff are entitled to expect fair and consistent treatment.

For help, advice and direct support on any matter raised in this policy please contact the Clerk.

### 4.2 Reporting Sickness Absence

In order for service delivery to be maintained, it is essential for managers to know when a member of staff is unable to attend work due to illness. Failure to inform managers of absence without good reason may lead to an absence period considered as unauthorised, resulting in loss of pay and possibly disciplinary action.

**4.2.1** The employee must **telephone** their Line Manager no later than 9.00 am on the first day of absence, and should state when they are expecting to return to work. Even if the employee is doing pre-arranged additional hours, this will be classed as the first day of absence if the employee is sick. If the employee is unable to return to work at the stated time, the employee must contact their manager again to ensure they are aware of the expected duration of the absence.

**4.2.2** In exceptional circumstances if the employee is unable to telephone in person, they must arrange for someone else to telephone on their behalf in accordance with above.

The employee must make direct contact with their Line Manager as soon as possible.

**Sending a text message or asking a work colleague to inform your manager is not acceptable.**

**4.2.3** The Clerk must ensure that the employee has completed a “Self Certification form” and that the return to work interview has been carried out for every absence regardless of the length of time. This should be done on the **first day** the employee is back at work. If the Line Manager is not at work on the first day of the employees return, the employee must return to work when the Line Manager is available to carry out the return to work interview. This part of the process is critical, as accurate and timely absence information is essential for the Council to manage its absence levels.

### **4.3 Sickness Absence of more than 7 days**

**4.3.1** If the absence is going to be over 7 days (which includes non-working days), a medical certificate must be provided. It is the employee's responsibility to ensure the medical certificate reaches their line manager on or before the eighth day of absence. If the absence continues after 7 days, the employee must keep their line manager informed of any developments on a weekly basis. Failure to do this may impact upon your sick pay.

**4.3.2** It is important that employees continue to maintain contact with their manager, and that they are available for consultation by their manager or colleagues on work related issues, if appropriate.

**4.3.3** Where absences are due to work related injury or ill health, the employee or manager must inform the Clerk.

## **5 SICKNESS DURING ANNUAL LEAVE**

- If an employee is on annual leave and becomes sick the procedure in section four "Reporting Sickness Absence" must be followed. An employee will only be regarded as being on sick leave, and not on annual leave, when they produce a medical certificate to cover the period that they were sick (even if this is less than eight days).
- Annual leave will not be carried over to another leave year due to sickness, over than the normal carried forward amount as locally agreed.
- It may also be necessary for the employee to submit a medical certificate, if the employee is sick the day before, or the day after the employees annual leave or a bank holiday.

## **6 ADMINISTRATION**

- Monitoring of sickness absence will be undertaken by the Clerk.
- The clerk will inform councillors when an employee's sickness record reflects persistent, intermittent or long-term sickness absence.

## **7 RETURN TO WORK**

- Managers will ensure that contact is made with each employee on their first day of returning to work following a sickness absence. This is the return to work interview. It is the manager's responsibility to ensure this is done.
- The return-to-work interview is designed to assess that the employee is fit to return to work and to discuss any further anticipated health problems or absences due to sickness.
- It should also be considered if a medical referral is required.

## **8 HANDLING THE 'RETURN TO WORK' DISCUSSIONS**

- Select an appropriate location, mindful of the level of privacy required.
- Know the details of the employee's sickness absence record.
- Welcome the employee back to work.
- Discuss the reasons for absence as notified on the self-certification form or doctor's note. Is there an underlying reason for their absence e.g. stress, work related reasons etc.
- Tell the employee they were missed and emphasise the importance of their work to the organisation, bringing them up to date with things at work.
- Ask if there is any reasonable adjustment to help their return to work.
- Record the interview details on the Return to Work Form.

## **9 DISABILITY DISCRIMINATION ACT (DDA)**

- The employee has the responsibility to inform the manager if the sickness is disability related.
- The Disability Discrimination Act (1995) defines a disabled person as someone with "a physical or mental impairment, which has a substantial and long term adverse effect on his ability to carry out normal day to day activities".
- The council recognises its commitments and responsibilities to staff who have a Disability or become disabled during their employment to consider reasonable adjustments under Section 6 of the disability Discrimination Act. Individuals will be treated, as sympathetically as possible.

## **10. MANAGING PERSISTENT INTERMITTENT ABSENCE**

In essence, this procedure consist of 4 stages –

1. Informal Absence Review
2. Formal Absence Review Stage 1
3. Formal Absence Review Stage 2
4. Formal Absence Review Stage 3 - Referral to Chief Officer

The above procedure should be initiated when an employee hits one of three possible triggers:

- 3 occasions of absence in any 12 months period
- 10 days absence in any 12 months period
- Any pattern occurring with the employees absence

The employee may be requested to submit a medical certificate from their doctor for every instance of absence, which can be enforced at any stage within this policy. In such cases the Council will reimburse the cost of any fee charged.

### **10.1 Informal Absence Review**

If the employee reaches either of the above triggers, the Clerk or a councillor should meet with the individual, which should be done within a reasonable time from the third absence occurring. The normal procedure should still be carried out before this meeting, with regards to the return to work interview. The employee has the right to be accompanied if they wish by a trade union representative, or a work colleague.

During this meeting the following should be addressed:

- Reasons for the sickness, and how the policy works
  - Explore the ways any underlying causes of absence can be resolved, especially if they are work related
  - Review any patterns of absence (such as days after bank holidays, Mondays etc.)
  - Take all or any reasonable steps to alleviate any problems which may be contribute to any absence
  - Consider whether to request a medical report and recommendations
  - Consider if the absence is covered under the Disability Discrimination Act
  - Explain that the employees absence will now be monitored
  - It should be explained to the individual that any further sickness in the 3 month review period, then a Formal Absence Review Stage 1 meeting will be arranged
  - If there is no further sickness in the 3 month period, then a meeting will be held with the employee and their line manger to discuss any further issues, and close off the Informal Review
  - Ensure the employee understands what is expected in the future
  - Record the interview details and provide the employee with a copy
- (Please Note: If a review period has been set for three months and the individual concerned is having continued frequent occasions of absence in the first one or two

months, there is no need to wait until after the three months before a Formal Absence Review is arranged).

## **10.2 Formal Absence Review**

At each stage of the formal procedure the employee has the right to be accompanied if they wish by a Trade Union Representative, or a Work Colleague. The employee also has the right to all relevant documentation during the Formal Absence Reviews. The outcome of each stage of this review process should be given in writing to the employee by the Clerk or a councillor. The employee can appeal against any decision reached from the formal process in writing to the Chair of Full Council, stating the specific reasons why they wish to appeal within 5 working days of receipt of the letter confirming the outcome.

## **10.3 Formal Absence Review- Stage 1**

If the informal stage fails to lead to sufficient improvement, a Formal Absence Review- Stage 1 meeting will take place. The line manager, along with a councillor will hear the case. At the meeting the following information must be discussed/considered:

- A review from what had happened/discussed during the Informal Review.
- Number of days, occasions and reason for absence, including any patterns.
- Does the employee have a disability? If so, have any reasonable adjustments been made or suggested?
- Do any risk assessments need to be carried out for the employees job/working environment?
- Explore if there are any underlying medical reasons for the absence.
- The Medical Report should be considered (if applicable) or explain that one may be required.
- Explain the stages of the policy, and that if improvements were not made in attendance, then ultimately it could lead to dismissal.
- Always treat the absences sympathetically and sensitively to each individuals circumstances.
- Discuss the impacts on the team (morale, workload, agency staff, acting up etc).
- Ensure the employee understands what is expected in the future.

The outcome of a Formal Absence Review- Stage 1 should be one of the following:

- A Formal Absence Warning- Stage 1. This will remain on the employee's personnel file for a period of six months. The employee will have the right to appeal within 5 working days of receipt of written confirmation of this warning. An improvement\* will be required in the employees attendance within this six months period.
- There is no case to answer. If this is the case further investigations may need to be carried out.
- A further investigation is required before making a decision from the above two options. This could be for example, a report from medical expert.

**\* An improvement is defined as no more than 2 occasions, or 6 days within the six months following the Stage 1 warning.**

## **10.4 Formal Absence Review- Stage 2**

If an employee has been issued with a Formal Absence Warning- Stage 1, and there has not been an improvement\*, then it may be necessary to progress to a Formal Absence Review- Stage 2. This stage should be followed much the same way as the previous stage, and the points raised at the Formal Absence Review- Stage 1 are pertinent here. However, due to the seriousness of the position some additional points must now be considered:

- In the unlikely event that the employee has not been referred to a doctor/medical professional at this stage, a referral is required as soon as it is apparent that the employees attendance has not met the required standards as stipulated in the Formal Absence Review- Stage 1. It may be necessary to obtain a further report where one has already been provided in the past.
- It may be relevant to consider redeployment to another suitable role should one exist, or can be identified. It may be necessary to explore this option where the employee no longer feels able to carry out the duties of their role. A medical expert would need to be consulted, as they can offer advice as to what specific duties are possible for the individual to carry out. Pay protection may be offered to a maximum of three months. During this time of pay protection, the individual may remain on the re-deployment list, but if no other suitable position becomes available, then this will become a permanent arrangement.
- Are there any other outstanding reasons that have been identified in the Informal Stage, or at Stage 1
- If it is decided that a Formal Absence Review- Stage 2 is necessary, the same time scales should be set out to monitoring improvements as described above in Formal Absence Review- Stage 1. It should be made aware that if the employee fails to meet the required improvements over the next six months, then it could result in dismissal.

## **10.5 Formal Absence Review – Stage 3: Referral to Council**

Where the employee has been unable to make or sustain an improvement to their attendance record, the Clerk will arrange a hearing. The person who carried out stage 2 will present the management case. The letter sent to the employee informing them of this review hearing should state that dismissal may be the outcome, and a minimum of 5 working days notice should be given. During this review hearing the following will need to be taken into consideration:

- Have the previous three stages been conducted fairly and properly, and has every step reasonably possible been taken by the manager to help the employee reach the required level of attendance?
- Has the required standard been made clear to the employee after each previous stage of the policy?
- Is the employee classed as disabled under the definition of the Disability Discrimination Act, if so have all the Council's duties and responsibilities under the Act been met, i.e. Have all reasonable adjustments been met where appropriate to help the employee improve their attendance?
- Is there an up-to-date medical report?

- Has any underlying causes for the absence been explored, and are there any reasonable adjustments that could be made to the job?
- Has redeployment been considered by both management and the employee?

If all the relevant above points have been reasonably explored, consideration will have to be given to terminate the employee's contract on grounds of capability, i.e. incapable of carrying out their duties to a satisfactory level, due to health reasons, or some other substantial reason, i.e. unsatisfactory attendance records. Normal rules will apply for dismissal and a letter will be sent to the employee advising them the date on which employment will be terminated, taking into account any right to notice if appropriate, and the right of appeal. Where the employee has a right to contractual/statutory notice, the Council reserves the right to terminate the employment with immediate effect and make a payment in lieu of notice.

## **11 MANAGING LONG TERM SICKNESS ABSENCE**

**11.1** If an employee has been absent due to sickness for a continuous period of 4 weeks, or if they have a medical certificate that states they are going to be absent for a period of 4 weeks, this is regarded as 'long term' sickness absence.

**11.2** It is the manager's responsibility to maintain regular contact with the employee by visiting the employee in person and/or by telephone or letter (the first contact to be made after 1 week). By text message is not appropriate. It is also the manager's responsibility to provide the employee with general welfare support throughout the period of absence.

**11.3** Where an employee is absent due to a long term ill health problem, the following procedure should apply:

- An interview should be arranged by the line manager with the employee to discuss their progress after 4 weeks of absence.
- It may be necessary to arrange this meeting before the 4 week period, for example if someone is suffering from stress, depression, anxiety.
- This should be held at the employee's home or a council office, whichever is preferred by the employee.
- A councillor should also be present.
- When arranging the interview it should be made clear that the discussion will be informal but the employee should be allowed the opportunity to have a trade union representative or colleague present if they wish.

**11.4** The purpose of the 'Long Term' sickness absence interview is to:

- Discuss the employee's state of health
- Express concern and interest for their well being
- Establish any support needs the absent employee may have
- Establish the nature and the likely duration of any medical condition for operational purposes
- Consider whether a medical opinion is required.

**11.5** The Manager may refer an employee to a medical expert at any time where they consider it to be in the interests of the employee or Aspatria Town Council, or where a professional opinion is required.

**11.6** Where recovery looks favourable and an early return to work seems probable the manager should review the situation at weekly intervals. Various options such as a phased return to work on a part time or reduced hours basis could be discussed with the employee. If this is not possible Managers must consult the employee on whether reasonable adjustments can be made to the workplace and/or job duties, which will allow a return to work.

Facilitation of a return to work following a work related sickness absence should not take place until a full risk assessment has been completed and appropriate action taken.

**11.7** Where an early return to work is doubtful medical guidance should be sought to enable the appropriate future management of the situation.

On receipt of the medical report a further interview should be arranged with the employee (and a trade union representative if they wish) to discuss the options available. These may include the following:

- The employee will be fit to return to work in the near future and no further action should be required.
- The employee is unfit to perform their current duties but is capable of other work. In this case suitable redeployment should be considered. There is a duty to consider the employee for any alternative employment which is available within the organisation (e.g. lighter or part time work); there is, however, no obligation to create another job.
- The employee will obviously be unable to return to work and there is no suitable alternative work. In this case the employee may be retired on the grounds of ill health in accordance with the terms of the Pension Scheme, provided that the medical report indicates permanent ill health.

If an employee refuses suitable redeployment or ill health retirement, Managers may have to consider terminating employment with notice on the grounds that the employee is no longer fit to perform the duties of the post due to ill health.

- The employee should be kept fully informed if their employment is at risk.
- In exceptional circumstances, such as terminal illness, it may be decided to take no further action. A flexible approach is extremely important in these cases.

## **12 POSSIBLE OUTCOMES**

**12.1** There are several possible outcomes for both 'Persistent Intermittent' and 'Long term' sickness absence these are as follows:

- Return to Work
- Redeployment
- Ill Health Retirement
- Dismissal

**12.2** The outcome of a sickness absence case will be dependent on the individual circumstances of the case.

## **13 DISMISSAL ON ILL HEALTH GROUNDS**

Before taking action managers should consider the following:

1. The requirements of the Disability Discrimination Act.
2. Is return to work likely and if so when and in what capacity?
3. How long has the employee worked for the organisation?
4. Is it a key job? If so, how long can the service function, without that contribution?
5. What additional demands does the absence generate for other employees and the services?
6. Is alternative employment or transfer available, suitable and acceptable?

The answer to these will help the Manager/Council decide what action to take.

## **14 ACTION CHECKLIST FOR MANAGERS MANAGING LONG TERM SICKNESS ABSENCE**

- Maintain contact with employees whilst they are absent.
- Discuss their progress and the length of time they might be absent from work.
- If an early return to work is likely consider measures to help. A Risk Assessment may be necessary if the absence is work related.
- If return to work seems unlikely or sickness absence is prolonged seek the employee's agreement to seek further medical advice.
- Consider alternative work if the employee is unable to return to their present job with due regard to redeployment, or if any reasonable adjustment is required to the employees existing post.
- If the employee will be unfit to permanently return to work, consider early retirement on health grounds.
- If early retirement is not appropriate and the person's employment is at risk, let them know.
- If all the options have been considered but found unsuitable and employment cannot be kept open follow the Capability Procedure.
- Involve Medical Experts and other outside bodies when necessary.

If an employee feels that they have been unfairly treated in the way this procedure has been applied, they would have the right to implement the Council's Grievance Procedure.

## **15 FAILURE TO COMPLY WITH THE ABSENCE POLICY**

Both managers and employees have a responsibility to comply with this procedure at all times. Failure to comply at any stage may jeopardise payment of sick pay, and could result in disciplinary action.

## **16 MONITORING**

Consistent application of the policy is of significant importance to the Council.

## **17 TRAINING**

Training will be provided to all managers on the application of this policy if required.

## **18 PREGNANCY RELATED ILLNESS**

An employee who is absent from work due to a pregnancy-related reason after the beginning of the fourth week before the expected week of childbirth automatically triggers her maternity leave, in such cases the maternity leave will commence on the day after the first day of the absence. Any other sickness absence shall be dealt with under The Council's Sickness Absence Policy.

## **RETURN TO WORK INTERVIEW**

**Employees Name:**

**Job Title:**

**Interviewers Name:**

**Department:**

**Date absence commenced:**

**Return to work date:**

**Date of Interview:**

Explain the purpose of the interview, to enquire and record the reason for absence and whether the reason is likely to contribute to further absences in the future. Also assess any support that the employee may need as a result of the absence.

**What was the main reason for the absence?**

**Is this likely to contribute to absences in the future?**

- Yes**
- No**

**If yes, then how?**

**Does the employee require any support as a result of their absence? (Either personally or professionally?)**

**Are trigger points reached, i.e. 3 Occasions or 10 working days in the last 12 months?**

**Additional Notes?**

**Signatures: Employee:**

**Interviewer:**