



**D O W N H A M**  
**M A R K E T**  

---

**T O W N C O U N C I L**

# **SICKNESS AND ABSENCE POLICY AND PROCEDURE**

**DATE OF ADOPTION:** Full Council amended 19th September 2023

**REVIEW CYCLE:** Every three years, or earlier in the event of legislative changes

# SICKNESS AND ABSENCE POLICY AND PROCEDURE

## 1. INTRODUCTION

The purpose of this policy is to ensure that the operational efficiency of the council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security and support to employees during their period of ill health. Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Town Council (Council) and the impact of the absence on others.

## 2. WHAT TO DO IF AN EMPLOYEE IS UNWELL

If an employee is away from work because of sickness or injury they must:

2.1 Telephone the Town Clerk (see below \*\*) before 10.00 am on the first day of absence providing details and how long they expect to be off. If the employee is incapacitated, a nominated representative may call. It is the employee's responsibility to ensure the Council is notified. They must telephone again each day (unless otherwise agreed with the Town Clerk). **Notification by text message or e-mail is not acceptable.**

. In the case of the Town Clerk, the Chair of HR or The Mayor, will be advised of the circumstances that are preventing them from attending work.

(\*\* or the Deputy Town Clerk if absent)

2.2 If the employee is away for seven days or less (including weekends and other non-working days), they must complete a self-certification form and provide it to the Council when they are back at work.

2.3 If away for more than seven days (including weekends and other non-working days), an employee must send in a 'fit to work' statement from their doctor and continue to do so as each new certificate is issued. The certificate gives details as to whether the employee is too ill to work or whether well enough to work with suitable support from the Council. This gives the employee and the Council the opportunity to discuss suitable arrangements which will support a return to work. The form also gives more space for the doctor to provide information about the condition and helpful tick boxes to suggest common ways to help a return to work.

2.4 All sickness or injury absence will be entered on the employee's employment record and will be monitored as a minimum, six monthly.

## 3. RETURN TO WORK MEETINGS

3.1 On the first day back at work after a period of sickness absence the employee's manager may want to meet informally. If this is not possible on the first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential. This meeting would normally include:

- . a welcome back to work;
- . outline the purpose of the return-to-work meeting; which is to manage and monitor absence and attendance to identify any problem areas and offer support where

- . appropriate;
- . a discussion about the reasons for absence, in a supportive way and to understand whether the Council can take any steps to help the employee's attendance;
- . explain that the absence will be recorded;
- . establish if medical advice has been sought (if appropriate);
- . ensure the self-certification has been completed or a fit note from the doctor has been provided;
- . a discussion on absence, the impact on pay and any next steps and
- . a handover of work where appropriate.

3.2 In the case of the Town Clerk, they should meet with the Chair of HR at the earliest opportunity.

#### 4. **MEDICAL APPOINTMENTS**

The Council recognises that employees will, from time to time, need to attend medical appointments. Every effort should be made to arrange medical appointments in the employee's own time, or if this is not possible, at times that will cause the minimal amount of absence from work or inconvenience to the Council. The Council will allow reasonable time off work for such appointments.

#### 5. **MEDICAL EXAMINATION/ADVICE**

The Council may want to obtain advice on the fitness to work of an employee from occupation health advisers or medical practitioners nominated by the Council. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- . to seek a medical report on an illness or injury;
- . to establish when an employee might be able to return to work;
- . to understand when an employee might be fully fit to resume normal duties;
- . to understand what alternative duties an employee might be fit to undertake if unfit to resume normal duties;
- . to understand when an employee is likely to be fit to undertake any alternative duties;
- . to ask for guidance on a condition, for example if there is a possibility that an employee is disabled or there is ambiguity as to the exact nature of the condition;
- . to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work;
- . to understand the likely recurrence of the illness or injury once the employee has returned to work; and
- . to discuss any adjustments that could be made to accommodate a disability, if an employee is disabled.

The Council will comply with the provisions of the Access to Medical Reports Act 1988 where applicable and the employee will be made aware of their rights. Any costs associated with the examination or referral will be met by the Council and the employee has the right to see the report. The Council will also be provided with a copy of the report and once seen, will want to meet with the employee to discuss the findings.

The Council is entitled to rely upon the co-operation of an employee in attending meetings/medical referrals etc. In the absence of such co-operation, any decisions in relation to an employee's employment may be made without the benefit of access to medical reports.

## **6. SICKNESS AT WORK**

The Council reserves the right to send an employee home, if for any reason, they appear to be unfit for work or appear to present a risk to themselves, the workplace, other staff members or third parties. These are precautionary measures designed to prevent the spread of disease in the workplace and/or further harm to the employee **or**

## **7. SAFETY AT WORK**

Should an employee have any worries or concerns about tasks which are likely to affect their health it is important to bring them to the attention of the Town Clerk (or in the case of the Town Clerk, the Chair of HR) at an early stage. The Council is always prepared to discuss any problems or difficulties staff may be experiencing and will endeavour to assist where possible.

## **8. SICKNESS PAY (SSP)**

Sick pay will be paid in accordance with the employee's length of service as outlined in the contract of employment.

Statutory Sick Pay will be paid where applicable at the current rate.

## **9. LONG TERM OR FREQUENT SHORT TERM ABSENCE PROCEDURE**

This procedure is designed to outline the process where an employee is absent due to sickness 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. This procedure may be amended from time to time.

9.1 The Town Clerk (or in the case of the Town Clerk, the Chair of HR or The Mayor) will maintain periodic contact during the period of sickness absence.

9.2 A full review, normally including medical reports, may be undertaken in each case. This includes, a report from an Occupational Health Physician, a GP or consultant to establish whether attendance is likely to improve and any advice or guidance they can give prior to making a decision.

9.3 All periods of sickness (after the first seven days self-certification period) must be certificated by a medical practitioner ("fit note") and in some cases the employer may request certification for periods of absence of less than seven days, in which case it will pay the appropriate fee to the medical practitioner issuing the certificate.

9.4 The employee will be consulted at each stage of the procedure, to establish the medical position and in order that the situation can be reviewed in full.

9.5 The employee will be advised if their employment may be at risk (where appropriate).

9.6 Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.

9.7 When the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery or organ donation, then sickness absence and pay will be entirely at the Council's discretion. Employees are strongly advised to discuss such circumstances, in confidence, with the Town Clerk (or Chair of HR) in advance of such a procedure.

9.8 When absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct.

9.9 The Town Clerk (or in the case of the Town Clerk, the Chair of HR) reserves the right to make welfare visits, by appointment, to the home of an employee whilst on sick leave. The Town Clerk (or Chair of HR) will refer to the ACAS policy advice when arranging a visit.

## 10. **CONSIDERATION OF TERMINATION OF A CONTRACT**

In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the Council will take into account:

10.1 any representations from the employee, including additional medical information;

10.2 the employee's length of service;

10.3 the employee's most recent health situation and the likelihood of an improvement in attendance;

10.4 whether it is possible to hold the job open for longer and the effect of past and future absences on the Council;

10.5 the availability of suitable alternative work or working hours;

10.6 any other reasonable adjustments which could be reasonably expected to facilitate the return;

10.7 the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken;

10.8 The employee will be informed of the right of appeal against any decision taken to terminate their contract of employment.

10.9. At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.

10.10 When it is clear early on 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.

## **11. INFORMAL MEETING**

Absence levels will generally start to be of concern to The Town Clerk (or in the case of The Town Clerk, the Chair of HR) at the following trigger points:

11.1 Any employee having:-

- a. 2 separate spells of absence or a total of 7 days in a rolling 3 month period, or
- b. 5 separate spells of absence in a rolling 12-month period, or
- c. More than 10 days absence in a rolling 12-month period, or
- d. Unacceptable patterns of absence, for example regular absence on a Monday or Friday or absence appears to form a pattern against the procedure, e.g. repeatedly completing a review period only to lapse again in a few months.

11.2 When this is the case, the Town Clerk (or, in the case of the Town Clerk, the Chair & Deputy Chair of HR) will normally discuss absence levels with the employee.

11.3. The aim will be to encourage the employee to understand The Town Clerk's (or the Chair & Deputy Chair of HR) concerns and to agree ways, if possible, of improving the situation.

11.4 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 examination by an independent medical practitioner selected by the Council. To obtain a confidential report on the condition from such practitioner and to discuss with such practitioner the findings of their examination and the prognosis of the likely recovery and or fitness to resume work, and any recommended treatment.

## **12 THE PROCEDURE**

### **12.1 STAGE ONE FORMAL MEETING**

A first formal meeting will be arranged where:

12.2 in the case of long term sickness absence, there is no clear date of return.

12.3 in the frequent case of short term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting.

12.4 The Chair of HR will notify the employee in writing of the meeting, to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. They will be advised of their right to be accompanied by a colleague or trade union representative and will be given the opportunity to state their own point of view. The HR Committee will appoint a sub-committee of 3 councillors from HR. This will consist of the Chair and 2 other HR councillors.

12.5 Medical reports may normally be reviewed to assess whether there is an underlying health problem, and if so, what that is. Alternatively, permission to access medical records may be sought at the meeting.

12.6 There will be a discussion on ways to assist the employee to return to work, where appropriate.

12.7 Unless there is a clear date for return (e.g. in the case of a broken limb), the Chair of HR should advise the employee that employment cannot be held open indefinitely and will state that there will normally be a further meeting, after which the employee's contract may need to be terminated on grounds of capability.

12.8 The issues discussed at the meeting will be recorded and a date agreed for review ahead of a second formal meeting.

### **13. STAGE TWO: SECOND FORMAL INTERVIEW**

13.1 If the employee's attendance record continues to be unacceptable, a further formal interview will be held. The Chair of HR will notify the employee in writing in advance of the meeting and advise that they may be accompanied by a colleague or trade union representative.

13.2 An up-to-date medical report will normally be sought prior to the second formal meeting. The HR Committee will appoint a sub-committee of 3 councillors from HR. This will consist of The Chair of HR and 2 other councillor members of HR.

13.3 If at the second formal meeting, the employee's absence is still cause for concern, the Chair of HR should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of capability. The issues discussed at the meeting will be recorded and a date agreed for review ahead of a third formal meeting.

### **14 STAGE THREE: THIRD FORMAL MEETING**

14.1 The employee will be informed of the meeting in writing by The Chair of HR and advised of their right to be accompanied by a colleague or trade union representative. The meeting will be held with the Chair of HR and 2 other councillor members of HR. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have an opportunity to state their point of view, which will be fully considered.

14.2 Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for their views. The report will be discussed at the meeting. Where there is a lack of clarity, or a dispute on the medical information, a second independent report may be sought.

14.3 If absence levels have not reduced at this stage and if the HR Committee believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of an improvement in the foreseeable future, the employee's contract

will be terminated on the grounds of capability. Before taking this step, the HR Committee must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work.

14.4 If a decision is taken to terminate employment, the employee will be provided within 5 working days, with a letter outlining the reasons for terminating their contract, the date on which the contract will terminate, and details of the right of appeal.

## 15. **APPEAL**

15.1 If the employee wishes to appeal against the decision to terminate employment, they should write to the Town Clerk (or in the case of the Town Clerk, the Chair of HR) giving reasons for appeal.

15.2 The appeal must be made within 10 working days of the date of the letter confirming termination of employment.

15.3 Where possible, an appeal hearing will be chaired by a panel of 3 councillors, including The Mayor and Deputy Mayor, who will not have been involved in the previous formal action. Where this is not possible, the Council may nominate a suitable person or an external HR consultant.

15.4 The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without reasonable delay.

15.5 The employee will be given the opportunity to state their point of view at the meeting.

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

15.7 The Council's decision will be final.

This is a non-contractual policy which will be reviewed every 3 years, or updated in accordance with changes in the law.

**END**

An amendment under Section 5, Medical Examination/Advice, was adopted by Full Council on 19/9/23.