



Teignmouth Town Council Absence Management Policy

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Teignmouth Town Council - Absence Management Policy

1 Introduction

The council is committed to providing effective, high quality service to all its customers and to optimising the contribution of all employees. As part of this aim, 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 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.

The council must balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short-term sickness or extended periods of absence as appropriate.

Any reference to 'Personnel Committee' should be taken to refer to the Staffing Committee and any reference to 'Properties Committee' should be taken to refer to the Finance & General Purposes Committee.

1.1 Aims

For the council to meet its responsibilities, it will ensure that:

- It provides a supportive environment for those employees affected by ill-health;
- Managers and employees adhere to this policy and procedure; and
- Levels of sickness absence are the subject of routine monitoring.

1.2 Responsibilities

The onus for attending work on a regular basis and for reporting absence in accordance with the council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked.

The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the Town Clerk. It is therefore essential that they ensure that all employees are aware of the council's Absence Management Policy and Procedures.

1.3 Reporting

Employees who are unable to work due to illness/injury must contact the Town Clerk, preferably by telephone and not by text or e-mailing, as soon as possible or arrange for someone else to do this on their behalf. This should be no later than 09.30 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.

If the Town Clerk is unavailable, the employee should ensure that contact is made with the Town Clerks office.

The employee must maintain contact with his or her line manager (either Town Clerk or Project and Facilities 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. If the employee is unable to do so, they must arrange for someone else to do this on their behalf.

Failure to follow the sickness reporting process might lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

2 Certification

Where the absence is for a period of up to seven days (inclusive of weekends) and not covered by a doctor's certificate, the employee will be asked to complete a self-certification form on their return to work.

If the absence exceeds seven days – and the employee has not already done so – the employee should provide a doctor's certificate for the remainder of the absence. The employee will need to ensure that there is always a current certificate. The doctor's certificate ('fit note') will include whether or not the employee needs to see a doctor again before returning to work.

If the doctor's certificate states that the employee "may be fit for work", the employee should inform the Town Clerk 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 advice. This may take place at a Return to Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the Town Clerk will set a date to review the situation.

3 Return to Work Meetings

When the employee returns to work after any period of absence, the Town Clerk will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- To provide an opportunity for the Town Clerk 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 in an appropriate forum;
- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- Fill out the Sickness Declaration Form.

4 Miscellaneous

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

- The council can be aware of any potential problems and provide assistance to the employee where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

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. The employee is entitled to access their records on request.

Entitlements to sickness allowance are as follows:

During 1 st year of service	1 month's full pay and (after completing 4 months' service) 2 months' full pay.
During 2 nd year of service	2 months' full pay and 2 months' half pay
During 3 rd year of service	4 months' full pay and 4 months' half pay
During 4 th and 5 th 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.

NB For the purpose of calculating 'half' pay, the rate of pay for the agreed salary month will be used.

Time off may be required for medical or dental appointments. Where such time off is required it will only be granted at the discretion of the Town Clerk.

Where possible, such appointments should be outside normal working hours. If this is not possible holiday or time-in-lieu must be used.

Absence is monitored on a twelve-month rolling year.

5 Underlying Medical Conditions

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

This process would involve gaining the employee's consent to refer them to the Council's Occupational Health Physician or Medical Practitioner(s). The purpose of this referral would be to obtain independent medical advice on:

- The nature of any underlying/recurrent condition;
- How to support the employee to improve their attendance, eg suggestions for reasonable adjustments to the employee's work, which the council could consider.

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

6 Frequent Intermittent Absence

In addition to the Return to Work interviews after all periods of absence, the council will institute a more formal review of attendance records and reasons for absence with an employee if any of the following triggers are met:

- A mixture or pattern of absences that gives cause for concern;
- Where an employee has had three or more periods of absence in a rolling three-month period;
- Where an employee has had four or more periods of absence in a rolling 12-month period; or
- Where an employee has had a total of five days short-term sickness within any period of 12 months.

The relevant manager will arrange a sickness review meeting 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 poor attendance record and the problems that their absences are causing for the council and other employees. Where no underlying medical condition is disclosed, 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. This will be confirmed in writing.

Return to Work interviews will continue to be carried out following any absences that occur during this monitoring period. These interviews afford the manager the opportunity to remind the employee of the Council's concerns.

If no significant improvement in attendance is demonstrated, a further Sickness Review Meeting will be arranged. The employee will be invited in writing to attend this meeting and will be offered the right to be accompanied by a work colleague or trade union representative. At this meeting, the employee will once again be reminded of the problems caused by the absences and, if this has not already been addressed, they will be asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, the advice in section 5 above should be followed. Where no adjustments to this process have been agreed (eg due to an underlying medical condition), the employee will normally be told that their attendance record will be subject to a further period of monitoring (of not less than 3 months) and that their employment may be terminated if the required improvement is not achieved.

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.

Where an employee's attendance has not improved to the required level, an Attendance Hearing will be arranged (see Section 9) to consider whether the employee should be dismissed or not.

7 Long-Term Absence

All cases of long-term absence will be treated sympathetically, and every assistance will be given to the employee to return to work. 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 Sickness Review Meetings with the employee during their absence, as appropriate, to keep up to date, review the on-going absence, and offer support to the employee where appropriate.

In order to ensure that the council has access to guidance and advice in respect of the best course of action to follow in relation to such cases of absence, employees who have been absent for a continuous period of four weeks might, depending on the nature of the absence in question, be referred to the council's Occupational Health Physician or Medical Practitioner(s).

Where the Occupational Health Physician recommends a course of action that might affect the employee's continued employment, the relevant manager will hold a Sickness Review Meeting with the employee to discuss the alternative options.

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

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (eg job sharing or part-time working) an employee can discuss these options with their 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.

In certain cases, the Occupational Health Physician 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. Consideration will also be given to redeployment in cases where work in a particular place poses problems with attendance.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Town Clerk will arrange a Final Sickness Review meeting (see Section 8), which may lead to an Attendance Hearing (see Section 9) to consider dismissal.

8. Disability and Attendance Management

Only a person who meets the Equality Act (2010) definition "of" disability has the protected characteristic of disability. Teignmouth Town Council recognises and will support any member of staff who meets the Equality Act (2010) definition if disability and the protected characteristics thereof.

The Equality Act (2010) says that a person has a disability if they have a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.

Long-term means that the impairment has lasted or is likely to last for at least twelve months or for the rest of the affected person's life.

Substantial means more than minor or trivial.

Cancer, HIV infection, and multiple sclerosis are deemed disabilities under the Equality Act 2010 from the point of diagnosis.

Where a person is taking measures to treat or correct an impairment (other than by using spectacles or contact lenses) and, but for those measures, the impairment would likely have a substantial adverse effect on the person's ability to carry out normal day to day activities, it will be treated as though it does have such an effect.

Adjustment is a key part of the Equality Act (2010) and can be central to enabling a person with a disability to retain their employment

Teignmouth Town Council recognises that it may be appropriate to adjust the expected levels of attendance when some, or all, of a staff member's absences are disability related. It also acknowledges that absences related to a staff member's disability still require to be considered and that there are limits to the levels of absence that Teignmouth Town Council can sustain, even when such absence is because of a staff member's disability.

Therefore, reasonable target levels will be set in consultation with the employees own GP and/or Teignmouth Town Council's Occupational Health Physician or Medical Practitioner(s) for the purpose of providing information for attendance target setting.

If Teignmouth Town Council needs a report from your GP, the Council will comply with the Access to Medical Reports Act 1988, which requires that: -

- Teignmouth Town Council obtains your written consent before we contact your GP;
- you are given prior access to the report and can refuse the Company access to it if you wish. –
- you can ask your GP to alter the contents of the report if you feel it is inaccurate.
- if your GP does not wish changes to be made, you can ask your GP to attach a statement of your views to the report.

However, you should be aware that if you refuse to supply relevant medical information to Teignmouth Town Council, the Council may have no choice but to make decisions based on the information that is available. Therefore, it is in your best interests to disclose medical information.

9 Capability – Ill Health

Where medical advice shows the primary cause of a genuine lack of capability occurs due to incapacity such as ill-health, relating to both physical and mental health issues, pregnancy and other reasons that are clearly covered by Equality Act 2010 the following approach should be followed and exhausted before a final stage capability meeting. This approach should only be used on medical advice: progression through the capability process must be recommended by the individual's GP, consultant or Occupational Health

To identify the primary cause of incapacity a referral should be made to the Occupational Health Department, if appropriate. There should also be further advice sought from the staff member's General Practitioner or Consultant dealing with the primary cause of incapacity. This will assist in identifying any

reasonable adjustments that may assist the staff member in continuing their employment.

A formal incapacity meeting will be held and will result in a formal investigation by the staff member's immediate line manager and a representative from Teignmouth Town Councils Staffing Committee and the South West Councils organisation to consider what alternative options (if any) can be put in place to allow the staff member to remain in work.

Where possible, the staff member should be present at this meeting and has the right to be accompanied by his or her Trade Union, or a work colleague.

The staff member should be given the opportunity to discuss and input into the meeting and will also be expected to participate fully in investigating what can be done to assist them in continued employment.

There may be an occasion when the staff member is unable, whether as a result of ongoing health issues or other related circumstances, to attend this meeting in person and as such, it may be necessary to arrange for the meeting to be held 'in absentia'. In these circumstances the staff member will be invited to submit a written statement for consideration at the meeting along with any relevant details relating to their circumstances for consideration at the meeting. The staff member may also request that their chosen representation (as outlined above) attends the meeting on their behalf. Teignmouth Town Council will facilitate this upon receipt of written note of authority from the staff member.

A formal review date should be agreed at this meeting for the outcome to be determined by the immediate Line Manager.

10 Adjustment

When determining a reasonably practicable adjustment, the following areas should be considered;

- how effective the adjustment would be in overcoming the disadvantage?
- how practicable it is to make the adjustment
- the financial and other costs incurred by the employer and the extent of any disruption to activities
- the extent of the employer's financial and other resources
- the availability of financial and/or other assistance in making the adjustment
- the nature of the employer and size of undertaking

8 Final Sickness Review Meeting

Prior to dismissal being considered for either frequent intermittent absence or long-term absence, the Town Clerk will meet with the individual to explore

whether there are any reasonable adjustments that could be made to enable an employee to remain employed.

Termination of 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 cannot be found;
- A decision has been taken that the service can no longer tolerate a high level of absence; or
- A decision is taken, within the council's disciplinary process, that an employee has wilfully abused the sickness absence/payments provisions or absented themselves without permission.

9 Attendance Hearing

To reach a decision about whether dismissal is appropriate, an Attendance Hearing will be arranged. 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 Staffing Committee, who will make the decision. The Town Clerk or relevant 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 of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

- 1 The Panel's decision:
 - a If a warning has been issued the timescale for this and the level of improvement required;
 - b If the decision is not to act at this point and to review again in a certain time period, the applicable timescale for this; or
 - c If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- 2 The employee's right of appeal.

10 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 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 a separate panel of members, who will also normally be part of the Staffing Committee. 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 decide.

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.

11 Personal, Domestic, or Work-Related Problems

Where an employee reveals that their absence has been a consequence of personal, domestic, or work-related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially, and that the council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Chair of the Staffing Committee 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.

12 Alcohol/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 through the council's Occupational Health Service or through resources of their own choosing. 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, with the monitoring of progress by the Occupational Health Service.

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

13 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 the Occupational Health Unit.

14 Monitoring

Monitoring is an important part of sickness absence. For reports to be issued to managers, it is important that all absence from the workplace is reported.

All signed absence forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted. The Town Clerk will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of statistics showing the level of sickness absence across the council.

The sickness monitoring system will also enable the Town Clerk to identify individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should view such notifications as a secondary means of identifying problems or potential problems.

The manager should ensure that they always maintain comprehensive records for each employee in relation to contact during and immediately following periods of sickness absence.

These details should be maintained on the employee's personal file and should always be treated with sensitivity and confidentiality. Employees will be entitled to access these records on request.

APPENDIX 1 – RETURN TO WORK DISCUSSION

Name:				
Date of Interview:				
Time of Interview:				
Period of Sickness Absence:	From		To	
Number of Working Days Absent				

* Self Certificate / Doctors Certificate provided (*delete as appropriate) – Attached

Provide brief details of the content of the discussion:

Signed Date.....
 (Employee)

Signed Date.....
 (Town Clerk)