



Devizes Town Council
ABSENCE & ILL HEALTH MANAGEMENT
POLICY

1. PURPOSE AND SCOPE

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 and capability to undertake the duties and responsibilities of their post where arising through ill health or disability.

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 or an inability to assume the full duties and responsibilities of their post. It is the Council's policy to treat all such sickness absence and reduced duties or reasonable adjustments in a fair, sensitive, and consistent manner across all areas of the workforce.

The Council must balance the sensitive management of genuine individual sickness or reduced capability due to medical conditions against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence and may not be able to make sufficient adjustments to duties and responsibilities for continued employment in the post or any other post to be reasonable. Action will therefore be taken to address recurrent short-term sickness or extended periods of absence as appropriate.

1.1 Aims

In order 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.
- Where someone meets the definition of a disabled person in the Equality Act 2010 that reasonable adjustments are made to any elements of the job

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 Senior Management Team (Town Clerk, Office Manager, Finance Manager, Town Centre Manager, Venues Operational Manager and Parks & Spaces Operational Manager) 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 a member of the Senior Management Team 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 or within six hours of the start of a shift falling to start after 12 noon. 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 none of the Senior Management Team is available, the employee should ensure that contact is made with the office.

The employee must maintain contact with his or her Line 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 most appropriate member of the Senior Management Team 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 Senior Management Team 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 appropriate member of the Senior Management Team 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 Council 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.

5 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 there has been either (a) four episodes of absence or (b) a total of 10 days' uncertified short-term sickness absence within any period of 12 months. The relevant manager will arrange a sickness review meeting to meet 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 after the period of monitoring has elapsed, a further Sickness Review Meeting will be arranged. At this meeting, the employee will once again be reminded of the problems caused by the absences and asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, a medical referral should be arranged. Where no underlying medical condition exists, the

employee should 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 affected. Employees have the right to be accompanied to this meeting by a trade union representative or a work colleague.

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 8) to consider whether or not the employee should be dismissed.

6 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. Where the Occupational Health Physician makes a recommendation 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 (e.g., 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 7), which may lead to an Attendance Hearing (see Section 8) to consider dismissal.

7 Reasonable Adjustments

Where an employee meets the definition of a disabled person in the Equalities Act 2010, the Council will make reasonable adjustments to any elements of the job which places the disabled person at a substantial disadvantage compared to non-disabled people

Employers are only required to make adjustments that are reasonable. Factors such as the cost, practicality of making an adjustment and the resources available to the employer may be relevant in deciding what is reasonable.

It is not possible to identify all circumstances as each case will be different and will need careful individual consideration.

The Council cannot make a reasonable adjustment unless it can reasonably be expected to know that the individual has a disability. In cases where this may be the case the Council will make a referral to the Council's Occupational Health Physician for independent advice.

In cases where there is considered to be a duty under the Equalities Act to make reasonable adjustments, the Council will hold Sickness Review Meetings as required with the employee, as required, to establish what the employee can reasonably undertake in the context of the duties and responsibilities of their post.

A number of options are available to the Council depending on the circumstances which may include redeployment, reduction in working hours or adjustment to duties and responsibilities.

Following the conclusion of these investigatory meetings, a report will be made to the Town Clerk who will decide whether a solution can obviously be put in place or will arrange for a Final Sickness Review Meeting to be undertaken with a member of the Senior Management Team who has not been involved in the investigatory meetings.

8 Final Sickness Review Meeting

Prior to dismissal being considered for either frequent intermittent absence or long-term absence or capability to undertake duties due to disability, a member of the Senior Management Team who has not been involved with the investigatory meetings will meet with the individual to explore whether there are any final 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.
- The adjustments that the Council would have to make would be not be reasonable for reasons of resource or practicality or for some other objective material reason.

The employee will be invited in writing and advised of the right to be accompanied by a Trade Union Representative or a colleague

9 Attendance or Reasonable Adjustments' Hearing

To reach a decision about whether dismissal is appropriate, an Attendance Hearing or Reasonable Adjustments' Hearing (depending on the nature of the case) 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 comprise of the Town Clerk and a member of the Personnel Committee, who will make the decision. The relevant manager will attend to outline the history of absence or capability due to ill health 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 take action 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 Personnel 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 make a decision.

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 Town Clerk or the Chair of the Personnel 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 Service.

14 Dependants Leave / Compassionate Leave / Bereavement Leave

Employees have the right to take time off work to deal with an emergency involving a dependent. This could be a husband, wife, partner, child, parent or anyone living in the household as a member of the family (excluding tenants, boarders or someone you employ).

A dependent may also be anyone who reasonably relies on them for help in an emergency. An emergency could be any unexpected or sudden problem involving someone who depends on their help or care. The right to time off for dependents could apply to a wide range of different circumstances and employees should discuss individual situations with their line manager.

If employees need to take time off for bereavement, they will need to speak with a senior manager. At the manager's discretion it may be decided that the employee is entitled to paid leave. When making this decision a manager will ensure they are fair and consistent and will take into consideration what the custom and practice has been in the past for all employees. A senior manager may authorise:

- Paid time
 - Where a member of staff is the principal carer, they may be offered up to 3 days
 - Where the member of staff is not the principal carer, they will be offered 1 day to attend a funeral
 - Time off beyond 3 days should normally be taken as part of the annual leave entitlement or unpaid.
- Unpaid time off up to 3 days, and in exceptional circumstances more than 3 days.
- At the Town Clerk's discretion, in exceptional circumstances, paid time off may be granted beyond 3 days.

15 Monitoring

Monitoring is an important part of sickness absence. In order 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 maintain comprehensive records at all times for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's personnel

file and should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.