



Axminster Town Council



AXMINSTER TOWN COUNCIL ATTENDANCE MANAGEMENT POLICY

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1.0 Introduction

1.1 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 throughout the organisation all employees are committed to maximising attendance.

1.2 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.

1.3 The Council recognises that genuine grounds will occasionally result in employee absence. It is the Council's policy to treat all such absence in a fair, sensitive and consistent manner across all areas of the workforce.

1.4 The Council must however balance the sensitive management of genuine individual absence against its needs to be publicly accountable for its resource allocation and as such it cannot sustain high levels of absence. Action will therefore be taken to address recurrent short term or extended periods of absence as appropriate.

2.0 Aims

2.1 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
- All employees adhere to the comprehensive procedural guidelines produced in support of this policy
- Levels of absence are the subject of routine monitoring

2.2 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 (timesheet) of hours worked. The responsibility for recording, monitoring and managing absence on a day to day basis lies with the Town Clerk. In the instance of the Clerk's absence, this responsibility lies with the Chair of the Employment Committee. It is therefore essential that all employees are aware of the Council's Absence Management Policy and Procedures.

3.0 Guidelines for Employees

3.1 If an employee is unable to work they must contact the Town Clerk as soon as possible, or arrange for someone else to do this on their behalf. This should be no later than 9.30 am on the first day of absence or nearest working day.

3.2 Employees should provide some indication of:

- the nature of their absence: sickness, accident or injury, compassionate leave, family circumstances
- the date the absence began (including weekends and holidays)
- the expected duration of their absence
- whether they have any immediate work commitments that will need completing or reassigning during their absence.

3.3 If the Town Clerk is unavailable, employees must ensure that contact is made with the office or the Chair of the Employment Committee. If you are unable to speak with your manager you must email or make contact by text message on your first day of absence as this assists your line manager in making arrangements to cover your duties as necessary.

Not later than the fourth day of absence, employees must contact the Town Clerk again in order to provide updated information in respect of their on-going absence. Employees must then telephone again each day (unless otherwise agreed with your Line Manager).

4.0 Persistent short-term absence

4.1 Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. The Council understands that most employees will have

some short-term sickness absence from time to time. However, if an employee is frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on colleagues and councillors.

4.2 It is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process. If so, the Clerk or the Chair of the Employment Committee will meet with the employee to set attendance targets. Following a review meeting a formal warning may be given if those targets are not met. Employees will be given 5 days' written notice in advance of any formal meeting and can be accompanied by a work colleague or trade union representative. Employees may appeal against a formal warning.

4.3 If an absence remains unacceptable after a second formal warning, the Council may bring an employment to an end following consultation with the employees. If persistent absence is due to an underlying long-term health condition then the Council may also request, with consent, a medical report either from an Occupational Health Physician, G.P. or consultant to establish further information about an employee's health and how the Council can support their attendance.

4.4 When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy-related absence.

4.5 The Council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

4.6 The Council will consider any alternative employment options before making any decision about ending employment. Employees will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction.

4.7 The monitoring of absence operates on a rolling 52-week period. Where it appears that there is no acceptable reason for an absence or if the correct absence notification procedure has not been followed, the matter would be treated as a conduct issue and dealt with under the disciplinary procedure.

5.0 Long-term Absence

5.1 As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks.

5.2 All cases of long-term absence will be treated sympathetically, and every assistance will be given to the employee to return to work. The Clerk (or Chair of the Employment Committee) will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their medical condition. In cases where the return date is less certain this will take the form of consultation and will include:

- discussions at the start of the absence and periodically throughout
- obtaining better information on an employee's health and likely prognosis
- where appropriate alerting an employee to the fact that your absence is becoming a problem
- allowing the employee the opportunity to explain their opinion of the condition and giving consideration to that opinion

5.3 Where ill-health means that an employee is unlikely to return to work for a long period of time, and a condition or disability has been confirmed by a medical professional, the Council may need to consider bringing an employment to an end. In these circumstances, the council will:

- review the employee's absence record to assess whether or not it is sufficient to justify dismissal
- consult with the employee
- obtain up-to-date medical advice
- advise the employee in writing as soon as it is established that termination of employment has become a possibility
- discuss whether the employee may be able to access benefits from the Local Government Pension Scheme (where appropriate)
 - meet with the employee to discuss the options and consider their views on continuing employment before any decisions are made, allowing them to be accompanied by a work colleague or trade union representative
- review if there are any alternative jobs that the employee could do prior to taking any decision on whether or not to dismiss
- allow a right of appeal against any decision to dismiss on grounds of long-term ill health
- following this meeting, inform you of the final decision

5.4 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 4 weeks may, depending on the nature of the absence in question, be referred to an Occupational Health Physician. Where the Occupational Health Physician makes a recommendation, which may affect the employee's continued employment, the Clerk (or Chair of the Employment Committee) will arrange to meet with them 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 would be positively encouraged.

5.5 Where a return to work following a period of prolonged absence may be facilitated by temporary redeployment or phased re-introduction, i.e., job sharing or part-time working, an employee can be advised that the Clerk (or Chair of the Employment Committee) will discuss these options with them, and if appropriate ensure that support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period of time and will be subject to joint review. In certain cases, the Occupational Health Physician may find that an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, 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 location poses problems with attendance.

6.0 Sickness Absence

6.1 If employees are 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. This form can be completed online by visiting www.gov.uk and searching 'SC2 form'. Hard copies can be obtained from the office.

6.2 If employees are away for more than seven days (including weekends and other nonworking days), they must send in a 'fit to work' statement from their doctor and continue to do so as each new certificate is issued. This certificate gives details as to whether they are too ill to work or

whether they are 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 a condition and helpful tick boxes to suggest common ways to help a return to work.

7.0 Medical appointments

7.1 The Council recognises that employees will, from time to time, need to attend medical appointments. Employees are asked to arrange medical appointments in their own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the Council. The Council will allow reasonable time off work with pay for such appointments.

8.0 Statutory Sick Pay

8.1 If employees are ill and unable to attend work, they may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after four Qualifying Days absence from work. The Qualifying Days are the normal working days that are cited in an employee's contract. Tax and National Insurance will be deducted from SSP and if an employee earns below the lower earnings limit, they will not qualify for SSP.

8.2 Council's Sick Pay (Occupational Sick Pay). It is the Council's policy to pay employees their normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence of up to 26 weeks and half pay for a further 26 weeks. Occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include an employee's entitlement to SSP. Payment is conditional upon employees complying with the Council's procedure for notifying managers of the absence, attending an interview with a manager on request to discuss the absence, and completing a self-certification form on return to work or providing a fit-note when requested. Employees may also be asked to attend an interview/examination with a nominated doctor at the request of the Council.

8.3 Employees may not be paid occupational sick pay where:

- they have failed to comply with the Council's sickness absence notification and evidence requirements
- they unreasonably refuse to attend a sickness absence meeting with the Council on request
- they are unable to work because they have hurt themselves in dangerous sports / activities or any other occupation
- they have misled the council about their fitness to work

9.0 Medical advice

9.1 The Council may want to obtain advice on an employee's fitness for work from occupational health advisers or medical practitioners. 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 may be likely to be fully fit to resume their normal duties

- to understand what alternative duties an employee might be fit to undertake if they are unfit to resume their 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 ambiguous 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 an employee has returned to work
- to discuss any adjustments that could be made to accommodate a disability, if an employee is disabled

9.2 The Council will pay the cost of the report and employees will have the right to see it. The Council will also be provided with a copy of the report and once they have seen it, will want to meet an employee to discuss the findings and consider options available. If an employee chooses not to consent to an Occupational Health referral, any decisions in relation to their employment may be made without the benefit of access to medical reports.

10.0 Absence as a result of disability

10.1 Where an employee experiences sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

11.0 Absence due to personal, domestic, or family matters

11.1 Where an employee reveals that their absence has been a consequence of personal, domestic or family matters, the Clerk (or Chair of Employment Committee) will endeavour to discuss with them any relevant details which they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reassured that such matters will be treated confidentially, and that in seeking to assist the Council needs to be aware of any issues or problems.

11.2 Should an employee wish to discuss matters with someone other than the Clerk, the Chair of the Employment Committee or the Mayor can be contacted for a confidential interview. Once the problem has been clearly identified, appropriate assistance can be provided for the employee. It is not possible, in a guidance document such as this, to cover all circumstances, but special leave, temporary adjustments in working arrangements or referral to specialist agencies are available options.

11.3 If absence is required for the care of a child, spouse or dependent relative, the employee will be offered alternative options including:

- a change in working hours or arrangements
- time-off in lieu of holiday entitlement
- making up time if a part-time role
- time off as unpaid leave

12.0 Absence due to alcohol / drug dependency

12.1 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 a relevant service or through resources of their own choosing.

12.2 If necessary, employees will be granted, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the sick pay scheme, with the monitoring of progress by the Occupational Health Service.

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

12.4 If there are any welfare 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 an Occupational Health service.

13.0 Return to work meetings

13.1 On the first day back at work after a period of sickness absence the Clerk or Chair of the Employment Committee will meet informally with employees. (If this is not possible on a first day back, the meeting will take place as soon as possible) A return to work discussion should take place regardless of the length of absence or reason.

13.2 The return-to-work meeting will take place in a private place, and all discussions should be private and confidential. It could be a quick "hello are you feeling better" or a more detailed private formal meeting.

13.3 The meeting would take a proactive approach to returning to work, and in managing and monitoring absence and attendance. It provides the opportunity to identify any problem areas and offer support where appropriate, and would normally include:

- a welcome back to work
- a discussion about the reasons for absence, in a supportive way in order to understand whether the Council can take any steps to help the employee's attendance
- explain the absence recording and monitoring arrangements
- establish if medical advice has been sought (if appropriate)
- ensure the self-certification form has been completed or a fit note from the doctor has been provided
- a discussion on absence over the last 52 weeks, the impact on pay and any next steps
- a handover of work where appropriate.

13.4 Return to work meetings will be documented and will include a return to work plan and / or phased return arrangements as required in line with Green Book policy'

14. Absence Monitoring

14.1 Monitoring is an important part of absence management. In order for reports to be issued to employers, it is important that all absence from the workplace is reported. All signed absence forms should therefore be returned as soon as possible after the employee's return to work interview has been conducted.

14.2 The Clerk (or Chair of the Employment Committee) 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.

14.3 The Clerk (or Chair of the Employment Committee) will ensure that at all times comprehensive records for each employee in relation to contact during and immediately following periods of absence are maintained. 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 their records on request.

14.4 Although there will be informal return to work interviews after all periods of absence, after 3 episodes of absence or a total of 10 days short term sickness absence within any period of 6 months, a more formal review of attendance and reasons for absence will be investigated. (This represents a 3% absence tolerance). This will ensure equity and fairness for all employees.

14.5 The Clerk or Chair of the Employment Committee will arrange to meet with any employee whose absence matches or exceeds the above criteria. During the interview, The Clerk will draw the employee's attention to their poor attendance record, and the problems that their absences are causing for the Council and other employees.

14.6 Where no underlying medical condition is disclosed, the employee must be advised that their attendance record will be monitored (over a period not less than 3 months) and that significant improvement will be required.

14.7 In addition, employees must be warned that if no such improvement is forthcoming, serious consideration will be given to reviewing their employment situation. This must be confirmed in writing.

14.8 Return to work interviews must continue to be carried out following any absences which occur during this monitoring period. These interviews provide the opportunity to remind the employee of the Council's concerns.

14.9 If, after the period of monitoring has elapsed, no significant improvement in attendance has been effected, a further interview must be arranged. At this interview, the employee must 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 Clerk (or Chair of the Employment Committee) 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 effected. Employees have the right to be accompanied to this meeting by a trade union representative or a work colleague in line with the Council Disciplinary Policy.

14.10 Employees whose levels of attendance improve satisfactorily during periods of informal and/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 and/or the initiation of formal action.

15.0 Data protection

15.1 The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how an employee's data is used and the basis for processing their data is provided in our employee privacy notice.

15.2 When relying on legitimate interests as the legal ground for processing employee data, employees can object to the processing. This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: December 2020
Approving committee: Employment
Date of committee meeting: 18th January 2021
Policy effective from: 1st February 2021
Date for next review: November 2021

16. Notes

16.1 Green Book Terms - If the council adopts Green Book terms and conditions of employment, employees are entitled to receive sick pay for the following periods:

- During 1st year of service 1 month's full pay. 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 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

The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

16.2 Periods of full pay will include SSP. In periods of half pay, employees receive half pay in addition to SSP provided the total does not exceed normal pay.

If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended.

The legal requirement is to pay Statutory Sick Pay (subject to eligibility) and anything additional is for the council to decide. Any additional sick pay is known as 'occupational sick pay' (OSP). The council will need to commit to paying any OSP it decides to offer and take into account the cost of National Insurance and the cost of any temporary staff required to cover the absence. It would be unusual to bring an employment contract to an end before the occupational sick pay expires.

If a member of staff already has a paid sick leave entitlement, you cannot unilaterally change their entitlement.

Councils can change the policy for all new staff joining after a defined date provided this is consistently applied.

16.3 Return to work meetings should ideally take place following every absence, with notes taken, agreed and stored on file. They are especially important if the absence has been caused by, or related to incidents at work. Having a written record of a return to work meeting may help the council defend later claims or allegations. Sometimes it is not practical to have return to work interviews after every absence so councils may decide to do so only after 2 absences in a 2-month period, or where the absence is work-related.

16.4 Medical appointments - There is no legal requirement to pay time off for medical appointments, except antenatal appointments. Please see the Maternity and Parental leave policies for details. A council may decide that staff should make up the time (if possible) or take it without pay. If a council decides to offer payment for medical appointments, it is sensible to put some limit on this.

16.5 Medical advice - Health information is personal sensitive information under Data Protection legislation and particular care must be taken when processing medical information. The Information

Commissioner website (<https://ico.org.uk>) contains guidance. An Occupational Health report can comment on an individual's health in relation to the employee's role. It will be important to provide the OH physician or nurse a referral form with full details of the employee's job, the concerns you have about their health in relation to their work and be specific about the questions you need answering.

Any report should then be discussed with the employee before the council decides on any follow up actions. If the report makes recommendations, these must be carefully considered and discussed with the employee.

16.6 Health and wellbeing - All employers have duty to provide a safe place of work which includes the physical environment as well as mental health. There are a range of initiatives that can promote health and wellbeing (see Fit for Work: <https://fitforwork.org>). Also, the Health and Safety Executive has useful information on their website including a stress risk assessment (www.hse.gov.uk/stress/risk-assessment.htm).