



TODMORDEN TOWN COUNCIL

# Todmorden Town Council

## Managing Absence

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# 1 Introduction

Todmorden Town Council needs a healthy and safe workforce and acknowledges its duty to provide support and assistance to employees who are unable to attend for work because of sickness or injury.

High levels of sickness absence have a detrimental impact on:

- Delivering change
- Delivering high-quality services
- The morale of colleagues having to cover long term absence
- Costs where necessary to cover through overtime cost and or agency cover.

Key to ensuring effective absence management is a proactive response to absence through:

- early intervention as appropriate
- timely and appropriate information on which to base decision making
- attention is given to the welfare of the absentee and their colleagues
- promotion of health awareness

Todmorden Town Council employees are expected to achieve high standards of service and to enable this to have high levels of attendance. Employees who are however unwell, will be treated with dignity and sensitivity and given guidance on how non-attendance at work will be managed and the procedures they should follow.

Whilst employees are not expected to attend work when they are too ill to do so, Todmorden Town Council does expect good attendance at work and, where it feels absence levels are unacceptable, will take appropriate steps to resolve this.

# 2 Aims of the Policy

Todmorden Town Council through the Town Clerk will manage attendance by:

- treating employees sensitively and fairly during any period of sickness absence,
- ensuring consistency inaction of the procedure whilst understanding all absences will be individual in nature,
- communicating to employees their responsibilities in complying with the absence procedures and their contribution to the delivery of Council services,
- providing reliable, accurate, up to date and accessible absence information; differentiating between disability and non-disability related absences and promote the proactive use of appropriate reasonable adjustments in these circumstances.

## 3 Responsibilities

Line Managers are responsible for implementing the procedures and communicating the details of this and related policies to their staff and are expected to be supportive and maintain regular contact with employees absent from work for longer periods.

Employees are responsible for following the procedures related to this policy and have an obligation under the Health and Safety at Work Act 1974 to look after themselves and their colleagues and co-operate with management in all aspects of health, safety and welfare at work.

Where it is felt appropriate, the Council may seek to involve Occupational Health Specialists where absence is longer than four weeks.

### 3.1 Non-illness related absences

There may be occasions when employees require time away from work for personal reasons.

Employees will be entitled to short periods of immediate leave to deal with family emergencies such as when a dependant falls ill, dies, is injured etc. Such leave is generally expected to last no more than one to five days and at the Councils discretion be taken as either compassionate leave (Paid or Unpaid) or annual leave.

If an employee thinks they will need more time off work to deal with this matter, they should discuss this as soon as possible with their Line Manager. Such time off work will be unpaid if Time Off in Lieu if sufficient TOIL credit is available to be used.

Whilst the Council will seek to be sympathetic to such requests, operational cover of an urgent requirement may lead to such requests being denied.

## 4 Procedure

### 4.1. Notification and Communication

An employee must telephone their manager or a designated person on the **first** day of absence by 9am and thereafter in line with their contract of employment.

If an employee is unable to telephone in person, he/she should arrange for someone to ring on his or her behalf with the relevant information.

Employees must inform their manager of the reason for their absence, the length of time they expect to be off work and any work commitments that may need rearranging.

Employees, who need to leave work or become unwell during their working day and feel unable to continue with their duties, should notify their manager that they are leaving their place of work.

If an absence is related to a violent incident or accident at work, this must be reported to the Town Clerk.

If the employee does not make contact and their absence is unexplained, the Manager will take all reasonable steps to contact the employee, e.g. telephone call, or via an unannounced home visit.

Line Managers should record the contact on a Sickness Absence form which is to be retained in the employee's file.

## 4.2. Certification

On return to work, the employee must supply us with:

- A completed self-certification form if the absence lasts less than seven consecutive days.
- A medical certificate signed by a qualified doctor which explains the entire absence if the absence continues for seven or more consecutive days (including weekends and holidays).

## 4.3 Pay during an absence

Employees will be paid for the first 4 weeks of sickness in any rolling 12-month period. Thereafter, an employee will receive Statutory Sick Pay.

For statutory sick pay purposes, an employee's qualifying days are your normal working days. The first three qualifying days are waiting days for which SSP is not payable.

## 4.4 Unauthorised absence

Failure to adhere to notify the Line Manager of absence will entitle the Town Council to treat the period of absence as unauthorised, and the employee will therefore not be paid for such absence. If the manager is not notified within three working days of the first day of absence then the absence will be classed as unauthorised.

## 4.5 Medical disclosures

The Town Council may require employees to undergo a medical examination by a medical practitioner nominated by it at any stage of employment. The cost of any such examination will be met by the Town Council, and the employee will be expected to co-operate in the disclosure of all results and reports to the Town Council. The Town Council will only request such an examination where reasonable to do so.

There may also be occasions where the Town Council considers it necessary to request a medical report on an employee's health from their GP or consultant. Where a **medical report is necessary, the employee will be informed of their rights under the** Access to Medical Reports Act 1988 and asked to give written consent for the Town Council to contact the employee's GP or consultant to obtain a medical report.

## 4.6 Persistent Short-Term Absence

Employees should be aware that persistent short-term absenteeism or long-term absenteeism may lead to disciplinary action and may result in the termination of their employment.

## 4.7. Absence due to a disability

Should an employee have or develop a condition that could be described as a disability, they have a duty to inform their employer so that Todmorden Town Council may undertake any reasonable adjustment that is necessary. Such information will be treated in strictest confidence and employees will not be subjected to any form of discrimination because of such a disclosure.

## 4.8 Return to Work

Following **every** absence, the employee's direct manager must arrange to see the employee privately, at the first opportunity, but no later than the **third day** of their return to work for a Return-to-Work Discussion. The length and depth of the discussion should be appropriate for the absence.

The purpose of the Return-to-Work Discussion is to welcome the employee back to work, to give the manager the opportunity of demonstrating their interest in the health and welfare of the employee and to clarify the following:

- the reason for absence,
- that the employee is now well enough to return to work,
- confirmation of ongoing arrangements based on a doctor's may be fit for work advice,
- that all appropriate documentation is completed including any relating to accidents at work or notifiable work-related disease,
- whether there is a recurring problem or any issues causing the employee concern or if Occupational Health advice is required,
- whether the absence is related to a disability,
- an update on work issues that have arisen during their absence,
- to provide an opportunity to remind the employee of correct procedures where these have not been followed.

The Self-Certification form and Return to Work Discussion notes should be completed and returned to the Town Clerk for payroll purposes and personal file records. A copy should be given to the employee highlighting any outcomes from the meeting.

## 4.9. Absence Levels Causing Concern

Many absences are short-term, and employees soon return to work. However, persistent sickness absence is disruptive and impacts upon team morale and individual colleagues.

Managers will regularly monitor and review the attendance of their staff and will be given access to absence records, statistics and reports to assist them in this process. Where an employee's attendance record is causing concern, any discussion and investigation will be conducted in a tactful and sensitive manner.

A **Sickness Absence Review** (SAR1) will be held by the employee's line manager within 10 days where:

- the manager has concerns regarding the employee's welfare or ability to undertake their normal duties.

Line Managers will notify the Town Clerk on the day of the SAR that this has been completed with a summary of the outcome and the date to review the matter again should attendance not improve.

The following types of absence can be excluded from the SAR review:

- pre-authorised hospital stays/operations including short periods of recuperation, e.g. pre-op medication, day surgery,
- industrial injury-providing an accident form has been completed and returned to the manager,
- all pregnancy-related illness.

It is emphasised that any change or removal of these absence elements from the absence review does not presuppose that these matters may not be considered (other than those that are pregnancy related) when considering an employee's overall attendance record and may still be referred to and considered as part of an overall assessment of attendance levels.

The purpose of the Meeting is to:

- review the circumstances surrounding the employee's absences and discuss any concerns relating to their absence,
- assess positively whether there is underlying health or disability, or a work or non-work-related problem which needs to be resolved,
- decide if a referral to the Occupational Health Therapist would be beneficial at which stage the Town Clerk must be notified,
- establish if any other assistance is required, e.g. specialist counselling; or alternative support mechanisms such as reasonable adjustments, a review of working hours, special leave or other issues related to family,
- encourage the employee to contact his or her own doctor, if appropriate, for further advice; and agree on appropriate action and follow updates.

All employees will be given a minimum of five working days written notice of the requirement to attend a Sickness Absence Review, unless an earlier date is arranged by agreement, and will be entitled to be accompanied by an advisor or colleague.

If it is clear that the absence is due to non-medical circumstances, the manager should consider any appropriate support mechanism in consultation with the Town Clerk.

Any change to normal working practice should be documented, and a timescale agreed for review.

The employee should be informed that any further absence might be considered under the Disciplinary Procedure if their absence continues to be related to non-medical circumstances. A date for a review meeting will be set at **one month**.

Where there is no persistent or recurring medical condition and no work, or non-work issues are identified, agreed standards of attendance will be set, and timescales for improvement agreed.

A date for a review meeting will be set at **one month**.

### **Sickness Absence Review Meeting 2 (SAR2)**

- A. If there has been an improvement in sickness levels, i.e. there has been no further sickness absence, this should be acknowledged, and the employee will be taken out of the review procedure and returned to normal attendance monitoring.

- B. If there are subsequent attendance issues and absence continues to be an issue the line manager will inform the employee that the matter will now proceed to **Formal Review**.

The employee should be informed of the Council's concerns and that if there is no improvement at the next review, the matter will move to a **Formal Attendance Review**, to be considered by a designated manager

#### **4.10. Formal Attendance Review**

If there has been no satisfactory improvement in the employee's attendance after the 2nd Review, a Formal Attendance Review will be arranged.

This is action under the Council's Disciplinary Procedure.

Any line manager contemplating a FAR should refer to the Town Clerk for guidance who may seek advice from the Council's HR advisor if felt appropriate.

The purpose of the FAR will be to consider the employee's attendance record and review the action taken and support given to date. If there is no acceptable explanation for the lack of improvement the employee will be issued with a first formal warning.

The employee will be advised their attendance will be kept under review. If there is no significant improvement, further warnings may be issued which could lead to the termination of their employment.

#### **4.11. Long-Term Absence**

When an employee is continuously absent for **20 working days** or more (or the equivalent of four weeks pro-rata), this will be categorised as long-term sickness absence.

During periods of long-term sickness absence, it is the responsibility of the appropriate line manager to effectively monitor and manage the absence. Part of this responsibility includes identifying important milestones during the absence.

These include:

- meeting with the employee on a monthly basis,
- meeting with the employee when entitlement to full occupational sick pay is exhausted,
- exploring regularly the possibility of a return to work. Options include a phased return, recuperative duties etc.,
- if no return to work is likely within three months, consider the appropriate point at which notice of dismissal on the grounds of capability should be issued.

When a manager becomes aware, an employee is likely to be absent for at least 20 working days a meeting will be arranged either at the employee's home or at work at a time to suit the employee and with their agreement.

This will take place **in the fourth week of absence**. The meeting will be primarily to:

- discuss the employee's welfare,
- identify areas where support may be needed,

- determine whether other actions should be taken (e.g. phased return to work) and
- discuss any work-related issues.

Arrangements for the meeting will be confirmed in writing, and the employee advised that they may have an advisor, relative or colleague present

#### **4.12. Return to work after a long-term absence**

Return to work after a long-term absence might be achieved without recourse to temporary or permanent adjustment to duties or working arrangements. However, making adjustments could bring about an earlier return to work and are likely to be supported by a “May be fit for work” statement. The aim of a supported return to work is to ensure improvement in attendance is sustained.

Issues to consider include the following:

- **Phased return to work and recuperative duties**

A phased return to work can be achieved in a number of ways. Options include a reduction in the number of days worked per week, working half days or shortening the working day. Recuperative duties are also designed to assist an employee to return to work and ultimately return to full duties following a period of absence due to sickness or injury. Such duties are temporary in nature with a defined end date.

The phased return must be effectively managed and will normally be for a maximum 4-week period. The details will be agreed with the employee and confirmed in writing.

Examples could include:

- fewer hours of work,
- a reduction in the volume of the normal duties and responsibilities,
- temporary alternative duties having undertaken an appropriate risk assessment,
- home working,
- assistance with transport to and from work,
- provision of equipment to allow an individual to remain in or return to work.

If the health of the employee, who has returned to work, gives cause for concern, either from a Health and Safety aspect or in relation to the welfare of the employee, the manager will raise the issue with the Town Clerk. This will also apply where the employee has not been subject to a medical examination.

- **Use of accrued annual leave**

Employees are entitled to carry forward up to 5 days accrued leave from the most recent leave year if they are unable to take the leave due to long term sickness. Employees should be encouraged to use any current or carry over leave to continue to facilitate their wellbeing on their return to work.

- **Reasonable adjustments**

If the management report recommends that the employee is unfit to continue with their present duties, consideration will be given to how the employee may return to work. The first consideration is whether any reasonable adjustments should be made in accordance with the requirements of the Equality Act 2010.

- **Medical redeployment to an alternative post**

If the medical advice suggests that an employee is unfit to return to their present duties with reasonable adjustments, Todmorden Town Council will seek to identify comparable employment for the employee but where no such opportunity exists, absence review procedures will continue.

#### **4.13. No Return to Work - Managing Health Review**

If long-term absence continues beyond three months and no return to work is predictable, a **Managing Health Review** will be undertaken. An employee's absence should not go beyond four months without such a review. Managers may bring forward this review in appropriate cases.

A Managing Health Review may also be held where there is continuing and regular poor attendance that relates to a disability or underlying condition.

The Managing Health Review should be undertaken, and a report prepared for the Town Clerk. The outcome of this review could be:

- a decision that no further action is taken and to review again in one month,
- that further information/advice is required from Occupational Health on whether the employee could be issued with a permanent ill health certificate,
- whether further information/discussions should take place to establish if there are any further actions or reasonable adjustments Todmorden Town Council could take to assist the employee to return to work; or
- whether a capability hearing should be held to review the continued employment of the employee on the grounds of capability.

The employee will be advised of the Managing Health Review and of the agreed outcome.

#### **4.14 Medical Capability and Dismissal**

If the employee remains absent from work and the illness is not of a permanent ill health nature, other options around a return to work must be considered.

These options must include adjustments to duties if appropriate and consideration of redeployment if the employee cannot return to their substantive post.

If a return to work in any circumstances is not possible, dismissal on the grounds of capability will be the outcome with notice as per their contract of employment

#### **4.15 Employees who have not been certified as fit to return to work**

If an employee is adamant that they are fit to return to work yet, their GP refuses to certify this fact, it may be beneficial for both the Council and the employee to seek a view from an Occupational Health Advisor.

If their advice is that it may be beneficial for the employee to return to work, then it may be helpful for the employee to provide this information to the GP along with details of any actions the Council and the employee will take to enable the return to be successful.

## **4.16 Refusal to participate**

There may be occasions when an employee refuses to participate in Council procedures. This may be by refusing to attend an appointment or refusing to give consent for Occupational Health to seek information from their GP or specialist.

Todmorden Town Council may still seek advice and may have to make decisions about the continuation of an employee's employment situation on the basis of the available information.

If an employee does not respond to reasonable verbal or written requests to attend, then a final attempt should be made to make contact. This should be in writing and sent by recorded delivery.

## **4.17 Sickness Absence and Annual Leave**

If an employee falls sick during annual leave, he/she will need a doctor's note straight away in order for sick leave to be covered from that date, and normal notification arrangements apply.

Whilst an employee is on sick leave, it may be appropriate or even beneficial for them to go on holiday. This is something that may be considered by the individual employee and their own GP.

Employees are entitled to take accrued leave of up to 10 statutory days whilst on sick leave.

They need to put requests in writing and have it confirmed with their line manager.

Long term absence will be treated as one continuous absence if interrupted by a period of accrued leave that has been approved. Arrangements should be made to make contact upon their return or maintain regular contact if the absence is for a prolonged period.

An employee returning to work from long term sick leave prior to the end of the leave year must be encouraged and enabled to take any remaining contractual leave entitlement as a holiday. This is subject to the employee being able to take the remaining leave within the year in which they return.

Employees are entitled to carry forward up to 10 days of accrued leave from the most recent leave year if they are unable to take the leave due to long term sickness. Employees should be encouraged to use such carry over to facilitate their continued wellbeing following their return to work.

## **4.18 Special Considerations**

### **Cosmetic Surgery (Elective/Reconstructive)**

In most cases where an employee elects to undergo cosmetic surgery, no Occupational Sick Pay will be payable. However, Occupational Sick Pay may be payable in cases where written confirmation is received from the employee's medical practitioner that the surgery is essential for the physical and/or mental wellbeing of the individual.

Where an employee is undergoing cosmetic surgery for the purposes of reconstruction (for example following a previous illness, accident or defect of birth), Occupational Sick Pay may be payable.

Whilst no Occupational sick pay is normally payable for elective cosmetic surgery, it may be paid if an employee develops serious complications following surgery necessitating hospital treatment.

### Organ/Bone Marrow Donation/Fertility treatment

Occupational Sick Pay may be payable in cases where an employee donates an organ or bone marrow and may be payable if an employee attends for fertility treatment. However the Council reserves the right to review such cases after ten days absence and cease payment of Occupational Sick Pay.

### Dangerous sports

The Council reserves the right to suspend Occupational sick pay if the employee regularly participates in a professional or dangerous sport likely to result in a higher level of sickness absence from work (and therefore incur excessive cost to the Council). Under such circumstances, employees are advised to take out insurance to cover loss of earnings arising from such an event.

### Suspension On Ill-Health Grounds

Although in the circumstances described in above, it is likely the line manager would ask the employee to leave work and seek advice from their GP, if the employee refuses and the line manager felt that the health, safety or welfare of the employee or others may be at risk, they are able to take emergency action and suspend the employee on medical grounds. In these circumstances, a line manager must contact Town Clerk for advice on the procedure to follow

## 5. Types Leave

Type of leave	Description	Pay/time off
Annual leave	A set amount of time an employee is legally entitled to leave work.	As per individual employees contract
Bank Holidays	A day off denoted by a holiday (whether on the day or carried over from the weekend).	as government agreed.
Sick leave	Leave that is taken when an employee falls ill, whether for a day, weeks, or months depending on the severity of the illness.	<ul style="list-style-type: none"> <li>Sick Pay with full pay - 4 weeks within a rolling 12-month period.</li> <li>Statutory Sick Pay - 28 weeks in any qualifying year</li> </ul>
Bereavement leave for a dependant	Leave for an employee to accommodate the loss of a family member (or other emergencies/life changes).	5 days full pay then 9 days (Including non-working days) unpaid or TOIL/Annual leave if accrued – Full time equivalent. This leave must be taken with 56 days of the loss of the family member however exceptional circumstances will be consider.
Compassionate leave for a dependant	Leave for an employee to accommodate a dependent* requirement	3 days either paid/unpaid at the Councils discretion
Statutory Parental Bereavement Pay	Leave for a parent who has ;- <ul style="list-style-type: none"> <li>had a child who has died under 18 years old</li> </ul>	Statutory Parental Bereavement Pay for an eligible employee is either £156.66 a week or 90% of

	<ul style="list-style-type: none"> <li>had a stillbirth after 24 weeks of pregnancy</li> </ul>	their average weekly earnings (whichever is lower). Tax and National Insurance need to be deducted.
Time off in Lieu (TOIL)	Giving people time off for extra work that they've done (above their contracted hours).	As accrued and agreed by line manager
Parental Leave	Parental leave, which is unpaid, is a legal entitlement for both men and women who are the parents of children up to the age of 18	Usually unpaid leave but TOIL/ Annual leave if accrued can be used
Maternity/ Paternity Leave	Leave that occurs when a family has a new born child (leave taken either before or after the birth, or both).	As per maternity/paternity Policy This leave must be taken with 56 days of the birth of the child however exceptional circumstances will be consider.
Garden Leave	Leave taken when an employee quits and their employer doesn't want them to return to work during their notice period	Case by case consideration

\*Dependant refers to usually your child (biological/adopted/step) but can also be a spouse, partner, parent, grandchild, or anyone else who depends on you for their care.

\*\*Todmorden Town Council classes a parent as those who have parental/guardian responsibility for a biological, adopted or step child.