

Heighington Parish Council

ABSENCE POLICY

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1 Purpose & scope

- 1.1 The purpose of this policy is to ensure that the operational efficiency of the council can be maintained whilst employees are absent from work. It also seeks to provide guidance, security and support to employees during periods of ill health.
- 1.2 The Council aims to be a good employer and its approach to sickness management will reflect this. The council is fully committed to a healthy and safe environment that leads to the achievement and maintenance of high attendance levels.
- 1.3 This policy applies to all permanent employees of Heighington Parish Council.
- 1.4 This policy covers:
 - sickness absence
 - care and compassionate leave
 - bereavement leave
 - other authorised absences

2 Absence procedure

- 2.1 Employees who are unable to attend work through sickness, accident or personal circumstances must notify the clerk of the reason for their absence as soon as possible but no later than 10.00am on the working day on which the absence first occurs.
- 2.2 If the clerk is unavailable then employees should contact the RFO or General Assistant as available, who will notify the chairman of the council. Any urgent matters for attention should be passed on. If possible, you should give an indication of how long you expect to be absent so that arrangements can be made for cover if required.
- 2.3 If the clerk is unable to attend work, they should contact the chairman of the council and the RFO.
- 2.4 If the absence is for a period of less than 7 days, employees can self-certify their absence. For periods over 7 days a medical Statement of Fitness for Work (fit note) from a GP (or relevant medical establishment) is required.
- 2.5 It is the responsibility of each employee to keep the clerk (or the chairman of the council) advised of the circumstances that are preventing them from attending work, of their likely return date, action being taken to mitigate the effect of the illness (e.g. GP / medical appointments) and contact details in case of work-related queries.
- 2.6 Employees who are absent from work due to reasons other than sickness / accident are required, wherever possible, to obtain prior permission from the clerk or the chairman of the council. Where appropriate, the Employment Committee will consider each case of absenteeism on its merits and written evidence may be required.

- 2.7 Where the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery or organ donation, then sickness absence leave and pay will be entirely at the council's discretion and employees are strongly advised to discuss such circumstances, in confidence, with the clerk (or the chairman of the council) in advance of such a procedure.
- 2.8 Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct.
- 2.9 The council reserves the right to make welfare visits to the home of employees whilst they are on sick leave.
- 2.10 Staff members will undertake a "return to work" meeting with the clerk (or the chairman of the council) on their day of returning to work after any period of absence. This practice is to ensure that staff members are fit to work; agree a phased return to work (where appropriate); receive work related updates and prioritise workload. In the case of the clerk, they will meet with the chairman of the council at the earliest opportunity.

3 Sickness Payments and Statutory Sick Pay (SSP)

- 3.1 Sick pay will be paid in accordance with your length of service as outlined in your contract of employment. Statutory Sick Pay will be paid where applicable at the current rate.

4 Long term or frequent short-term sickness absence

4.1 Purpose of procedure

- 4.1.1 This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. Discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all.
- 4.1.2 The procedure is non-contractual and does not form part of the terms and conditions of employment with the council. The procedure may be amended from time to time.

4.2 Principles of procedure

- a. Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the council and the impact of the absence on others.
- b. The clerk (or, in the case of the clerk, the chairman of the council) will maintain periodic contact during the period of sickness absence.
- c. A full review, normally including medical reports, may be undertaken in each case.

- d. All periods of sickness absence (after the first seven days self-certification period) must be certificated by a medical practitioner ("fit note") and in some cases the council may request certification for periods of absence of less than seven days. In the event this incurs a fee to the medical practitioner issuing the certificate, the council may consider payment of that fee.
- e. The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.
- f. The employee will be advised if their employment may be at risk (where appropriate).
- g. Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.
- h. Where possible, appropriate assistance will be provided to help the employee to return to work.
- i. In cases of long-term ill health, the Council will, where possible, hold employment open for up to two years.
- j. In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the council will take into account:
 - any representations from employees, including additional medical information
 - the employee's length of service
 - the employee's most recent health situation and the likelihood of an improvement in attendance
 - whether it is possible to hold the job open for longer and the effect of past and future absences on the council
 - the availability of suitable alternative work or working hours
 - any other reasonable adjustments which could be reasonably expected to facilitate the return
 - the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken
- k. The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.
- l. At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.
- m. Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to stage 3 of the procedure, but not before the employee's sick pay has expired.
- n. Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the disciplinary procedure.

4.3 Informal Meeting

4.3.1 Absence levels will generally start to be of concern to the clerk (or, in the case of the clerk, the chairman of the council) at the following trigger points:

- 10 absences in a 12- week period
- 20 days intermittent absence over the past 12 months
- 4 or more weeks continuously off sick

4.3.2 Where this is the case, the clerk (or, in the case of the clerk, the chairman of the council) will discuss absence levels with the employee.

4.3.3 The aim will be to encourage the employee to understand the clerk's concerns and to agree ways, if possible, of improving the situation.

4.3.4 If the employee has been off sick continuously, or it there appears to be an underlying health problem, the council shall have the right at any time to require the employee to submit to examination by an independent medical practitioner selected by the council, to obtain a confidential report on the employee's condition and to discuss with the practitioner the findings of the examination and the prognosis of the likely recovery and or fitness to resume work and any recommended treatment.

4.4 First Formal Meeting (stage one)

4.4.1 A first formal meeting will be arranged where:

- in the case of long-term sickness absence, there is no clear date of return
- in the case of frequent short-term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting

4.4.2 The clerk to the council (in consultation with the chairman of the council) will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. They will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state their point of view.

4.4.3 Medical reports may be reviewed to assess whether there is any underlying health problem. Alternatively, permission to access medical records may be sought at this meeting.

4.4.4 There will be a discussion on ways to assist the employee to return to work, where appropriate. Unless there is a clear date for return, the clerk (in consultation with the chairman of the council) should advise the employee that employment cannot be held open indefinitely and will state that there will normally be two further meetings, after which the employee's contract may need to be terminated on

grounds of capability. The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

4.5 Second Formal Meeting (stage two)

4.5.1 The employee will be informed in advance of the meeting in writing and advised that they may be accompanied by a colleague or trade union representative.

4.5.2 At the meeting the employee's absence will be reviewed. An up-to-date medical report will normally be sought prior to the second formal meeting and discussed at the meeting.

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

4.6 Third formal meeting (stage three)

4.6.1 The employee will be informed of the meeting in writing and advised of their right to be accompanied by a colleague or trade union representative.

4.6.2 The meeting will be held with the Employment Committee.

4.6.3 A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state his / her point of view, which will be fully considered.

4.6.4 Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for his or her views. The report will be discussed at the meeting.

4.6.5 Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought. If absence levels have not reduced at this stage and if the Employment Committee believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, a recommendation will be made to Full Council to terminate the employee's contract on the grounds of capability.

4.6.6 Before taking this step, the Employment Committee must consider again, and discuss with the employee, whether any reasonable adjustments might be made to enable the employee to return to work.

4.6.7 If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of their contract, the date on which the contract will terminate, and details of the right of appeal.

4.7 Appeal

4.7.1 If the employee wishes to appeal against the decision to terminate employment, they should write to the clerk (or, in the case of the clerk, the chairman of the council) giving reasons for the appeal.

4.7.2 Appeals must be made within ten working days of the date of the letter confirming termination of employment.

4.7.3 The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay. The employee will be given the opportunity to state their point of view at the meeting. The termination date of employment may be delayed in order for the appeal hearing to take place.

4.7.4 The council's decision will be final.

5 Retirement or dismissal on health grounds

5.1 Having received the advice of occupational health that the employee is unfit to fulfil the duties of the post and is not likely to return to work, the council will consider ill-health retirement. It is important to emphasise that the decision to pursue this course of action rests with the council and not occupational health.

5.2 When it is clear that the individual will not be able to undertake the contracted duties, occupational health will confirm the advice by letter to the clerk. This should initiate, where appropriate, investigations of options such as redeployment, rehabilitation or retraining, before a final decision is made to terminate the employment.

5.3 The onus is on the council throughout this process to keep the employee fully informed.

5.4 The pension provider may require a certificate of permanent incapacity to enable payment to be made. The "incapacity" in this respect relates to the duties of the contracted employment and "permanent" means until their normal retirement age.

5.5 At this point the clerk should attempt to meet the employee to discuss detail of and to issue notice of termination of contract. Although the term "retirement" is used and most cases have the agreement of the employee, it amounts to a dismissal and therefore the employee has the right to appeal against the decision.

5.6 In some cases, the occupational health physician may be unable to justify ill health retirement, or the employee may not give their consent. In these circumstances it is still

possible to terminate the employee's contract on the basis of dismissal due to the employee's capability. The fact that the occupational health physician fails to agree does not preclude dismissal, but crucially to the employee means that immediate pension benefits will not be available.

6 Care and compassionate leave

6.1 All employees may be granted, at the discretion of the clerk (or at the discretion of the Employment Committee in the case of the clerk), a maximum of up to 5 days' paid leave in any one 12-month period (from the first entitlement being taken) as compassionate leave in the following circumstances:

- a serious illness either of a near relative or of any other relative who is living in the same household as the employee where, in either case, there is no other person to look after that relative
- any acute domestic distress, subject to agreement that the circumstances justify the absence

7 Bereavement leave

7.1 All employees may be granted, at the discretion of the clerk (or at the discretion of the Employment Committee in the case of the clerk), a maximum of up to 5 days' paid leave as bereavement leave in the following circumstances:

- the death of a close relative – this includes spouse, partner, children, parents, stepchildren, grandparents, siblings, legal guardian and in-laws
- the death of any other relative who, until the death, was living with or being cared for in the same household as the employee

7.2 The council would sympathetically consider a request for additional time off if necessary.

8 Parental Bereavement Leave and Pay

8.1 There is a statutory right to parental bereavement leave and statutory parental bereavement pay, which were introduced with effect on 6 April 2020.

8.2 Employees are entitled to parental bereavement leave in addition to maternity leave following the death of a child under the age of 18, or stillbirth (after 24 weeks of pregnancy) and, the employee or their partner:

- is the child's parent or foster-parent
- has had the child placed with them for adoption (whether by a UK adoption agency or from overseas)
- is their intended parent under a surrogacy arrangement

- is the natural parent of a child who has since been adopted by someone else, and there is a court order allowing them or their partner to have contact with the child
- looks after the child in their own home, other than as a paid carer, and have done so for at least four weeks (a parent “in fact”)

8.3 Any period of parental bereavement leave will be paid at full pay, regardless of any entitlement to statutory parental bereavement pay. Full pay will include any entitlement to statutory parental bereavement pay for that week.

8.4 If an employee is taking another type of parental leave (for example, maternity or paternity leave) when the child dies or stillbirth happens, any parental bereavement leave must start after the other period of leave has ended but does not have to be taken immediately after. This applies even if the leave is for another child.

8.5 If the parental bereavement leave is interrupted by the start of another type of parental leave, the remaining parental bereavement leave may be taken after the other leave has ended, provided this is within 56 weeks of the date of death or stillbirth.

9 Extreme weather conditions

9.1 Employees are encouraged to take a common sense approach to travelling in adverse weather conditions. If you are unable to reach your place of work, you should contact the clerk (or chair in the case of the clerk) before 9.00am and at the discretion of the clerk (chair) you will be required to either:

- take the day using flexi
- take the day as annual leave
- take the day as unpaid leave
- work from home as long as appropriate arrangements for home-working are already in place and this will fulfill the requirements of the employee’s workload

10 Leave for extraneous duties

10.1 Jury service and attendance at court

10.1.1 An employee receiving a summons to serve on a jury must report the fact to the clerk, who will grant them leave of absence unless exemption is secured.

10.1.2 An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled under the Juror's Allowance Regulations currently in force.

10.1.3 They should forward the form issued by the Court's officer, together with a note of the period of the jury service, to the Exchequer Services for completion as to loss of earnings.

10.1.4 After the completion of the jury service, employees should notify the clerk of the period of absence and the amount paid by the Court in respect of loss of earnings. The Council will then deduct from the employee's full pay an amount equal to the allowance received. Out of pocket expenses which may be payable by the court should not be included in the figure notified.

10.1.5 Similarly, when an employee is required to attend Court following a subpoena or as a witness on behalf of another party where loss of earnings can be claimed from public funds, the claim should be made from the Court and the Exchequer Services section notified as set out above.

10.2 Service in Non-Regular Forces

10.2.1 Volunteer members of the Non-Regular Forces who attend Summer Camp will be granted 2 weeks leave with pay, additional to their normal leave entitlement.

10.2.2 Employees requiring extended leave over 3 weeks, should agree such leave with the clerk, subject to their having the right to appeal to the chairman of the council, should no agreement be reached with the clerk.

11 Responsibilities & review

11.1 The Employment Committee is responsible for the review of this policy every two years or in response to changes in relevant legislation.

12 Related legislation, policies & guidance

12.1 This policy is not a substitute for legislation, regulations and codes of practice but defines how the council will apply the relevant legislation. Related legislation, policies and guidance is listed below:

- Disability Discrimination Act 1995
- Employment Relations act 1999
- Employment Rights Act 1996
- Maternity and Parental Leave Regulations 1999
- Parental Bereavement Leave and Pay Act 2018