



Ventnor
Town Council

Created date –December 2023

Sickness Absence Policy

Review date – December 2024



1. Introduction

This policy applies to sickness and other unplanned absences.

Ventnor Town Council is committed to providing effective, good-quality services and to optimising the contribution of our employees. The Council is concerned for the wellbeing of staff and seeks to maintain a safe working environment. We recognise that there will be times when employees are unable to work for medical reasons. In return, we expect all employees to take reasonable care of their own health, seek medical help when appropriate, and to attend work when fit to do so.

The Council also recognises that there are occasions when an employee will need support and guidance to help with their reasons for absence. We need to ensure that our services are not affected by absence and will therefore manage absences to ensure the fair and consistent treatment of all employees.

2. Scope

This policy applies to all employees and refers to sickness absence that may or may not be paid. Sickness can be defined as the incapacity to carry out your duties and responsibilities because of your own illness or accident. This policy does not apply to councillors, consultants, contractors or volunteers.

3. Principles

Our policy and procedures provide a fair and consistent framework for handling staff absences, and will be managed:

- to ensure that all employees appreciate the effect of sickness and unplanned absence on the Council, in terms of efficiency and on the workload of colleagues;
- to ensure that all employees are aware of their sick pay entitlements;
- recognising that all employees have a responsibility to attend work and to keep unplanned absence to a minimum;
- with the Clerk and the HR Committee responsible for monitoring staff absence levels, including providing welfare support, with the Clerk as the first and key point of contact for attendance issues;
- to encourage open and honest communication between councillors, employees and the Council, whilst maintaining the confidentiality of all sensitive data;
- to support and encourage people with any disabilities, to comply with the requirements of the Equality Act 2010 and for all employees and councillors to have a working knowledge of this law.



4. Reporting Sickness

The procedure for reporting sickness is that the employee must notify their line manager or the Clerk by telephone that they are absent due to sickness and unable to get to work. This should normally be on the morning of the first working day of absence, and email or text messaging should only be used if telephoning has failed to make contact. If a message is left or sent, the manager or Clerk is entitled to contact the employee at home to discuss the circumstances.

When contacting the Council, employees should explain:

- when they became ill, and the broad nature of the illness;
- if the illness is due to an accident or injury at work;
- whether they will be seeking medical attention;
- the likely date of return (if known), and how they can be contacted meanwhile;
- the details of any urgent work that needs to be handed over.

The employee should report sickness themselves, unless this is impossible, in which case someone should contact the Council on their behalf.

The line manager or Clerk will record the absence in the employee's personnel file. Records retained will be treated with sensitivity and confidentiality, and in accordance with the provisions of our Data Protection Policy and the law. The employee is entitled to access their records on request.

For reporting, and throughout this policy, the role of line manager for the Town Clerk will be exercised by the Chair of HR Committee, acting on behalf of the Committee (the Committee must meet to take any decisions that are required).

5. Certification

On return from sickness absence of up to seven calendar days (including intervening weekends or other non-working days), the employee must complete a self-certification form as soon as practically possible, giving the specific health reason(s) for their absence, which will be signed by their manager.

If the sickness lasts for more than seven days, a certificate (or fit note) advising that the employee is not fit for work, completed by a qualified medical practitioner, must be provided no later than the eighth day of absence. If subsequent certificates are required, these should be with continuous dates and forwarded no later than the previous one expired; otherwise sick pay may be affected.

If the fit note advises that the employee 'may be fit for work', a meeting between the line manager or Clerk and the employee will be held, to discuss what adjustments or support might be needed to help the employee return to work.



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An employee who goes into hospital should submit a doctor's statement on discharge.

Where a medical practitioner charges for certification (for example if it is requested by the Council for a short absence), the Council will meet the cost.

Where incapacity arises from a voluntary action (such as cosmetic surgery or dentistry, or organ donation), then sick leave and pay will be entirely at the Council's discretion; annual leave may be more appropriate. Employees are advised to discuss such circumstances, in confidence, with the Town Clerk (or Chair of the HR Committee) in advance.

6. During Sick Absence

During sick absence, the employee is expected to remain living at home, if not receiving hospital or other residential treatment. If for any reason the employee is not staying at home, they should explain the circumstances to their line manager and provide address and telephone details for how they can be contacted.

The employee must not work (paid or voluntarily) for any other organisation, unless that activity could be considered therapeutic in relation to their condition (e.g. sometimes recommended in relation to mental health reasons for absence).

7. Non-reporting of Sickness Absence

If an employee is absent and fails to report and/or certify it, the Clerk will be responsible for contacting them at home, both to check on their wellbeing and to remind them of the absence reporting requirements.

Unreported or uncertified absence of more than three days could result in disciplinary action and/or loss of sick pay.

8. Maintaining Contact

When an employee is absent due to sickness it is important that regular contact (between the Council and employee, or someone on their behalf) is maintained to ensure that the employee does not feel isolated, vulnerable or out of touch, and so that any issues arising can be dealt with and the Council is able to plan ahead.

The employee should give an indication of any urgent work that needs to be covered. The Council should be told if the reason for absence changes or is expected to last longer than originally thought. During a short absence, the employee should advise the Council as soon as their likely return date is known. During an extended absence, the Council will make contact with the employee at least weekly. The line manager or Clerk may contact the employee by telephone to request information to ensure that service delivery is maintained.

In cases of long-term sickness absence, review meetings will be arranged to visit the employee at home, or at another location if agreed with the employee.



In exceptional circumstances it may be necessary for the Clerk to make an unannounced visit to an absent employee; this would only occur in situations where the Council needs to authenticate a claim for absence, or confirm the whereabouts of the employee, or after other attempts at contact have failed.

9. Return-to-Work Interviews

Best practice is that return-to-work interviews are a crucial part of supporting employees back to work and dealing with repeat absences.

The line manager will arrange a return-to-work interview with an employee who has been absent for two days or more, to investigate what support they might need and whether the health problem is likely to recur. The interview provides an opportunity for the manager to check that the employee is fit enough to return, that the absence is properly certified, and for the employee to voice any concerns that they may have, and also to ensure that the employee is aware of any work-related matters that have occurred during their absence. The meeting will also consider any wider concerns about the employee's pattern of attendance.

The interview should take place as soon as possible after return, normally on the first day back at work.

If the employee appears to have an ongoing health problem, the Council may ask for their permission to obtain a medical report from their GP or specialist, or to arrange a consultation with an Occupational Health Consultant (see section 11).

If an employee is absent with a contagious condition, they should not physically return to work and should be encouraged to work from home if they feel well enough. They should return to work when the risk of spreading infection is minimal.

10. Irregular Attendance

The Council must balance the sensitive management of genuine individual sickness against the need to be publicly accountable for our costs and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short-term sickness.

In addition to the normal return-to-work interviews, the Council will institute a more formal review of attendance records and reasons for absence with an employee if, within a twelve-month period, there has been either:

- (a) four or more episodes of sickness absence, or
- (b) a total of ten or more days' of short-term sickness absence.

In such a case, the line manager will arrange an Absence Review Meeting with the employee. During this meeting, the manager should draw the employee's



attention to their attendance record and the problems that their absences are causing.

Where no underlying chronic medical condition is disclosed, the employee will be advised that their attendance record will be monitored (for no less than three months) and that significant improvement is 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.

While monitoring attendance in this way, the Council may require all future absences to be medically certified, including short ones (with any costs reimbursed by the Council on production of an invoice). Return-to-work interviews will continue following any absences during this monitoring period.

If no significant improvement in attendance is demonstrated, a further Absence Review Meeting will be arranged. If at this meeting a medical condition (or other problem of which the manager is unaware) is disclosed, a medical or other appropriate referral should be arranged. Where no underlying chronic medical condition exists, the employee should be told that their attendance record will be subject to a further period of monitoring (of no less than three months) and that their employment may be terminated if the required improvement is not achieved.

Employees have the right to be accompanied at Absence Review Meetings by a trade union representative or a work colleague.

Employees whose levels of attendance improve satisfactorily during periods of monitoring will be reminded that they will be expected to maintain these levels of attendance.

Where an employee's attendance has not improved to the required level, an Attendance Hearing will be arranged, under the same procedure and subject to the same range of potential outcomes (including dismissal), and the same right of appeal, as for a Disciplinary Hearing under the Council's Disciplinary Procedure.

11. Long-term Sick Absence

Long-term absences will be treated sympathetically and every assistance will be given to the employee to return to work. Managers will remain in contact with any employee who is long-term sick, as set out in section 8 above.

The Council may require an employee who is unable to work for an extended period, or whose health is a cause for ongoing concern, to submit to examination by a medical practitioner nominated by the Council, or by an occupational health doctor. The intention is to help resolve a situation where an employee's health might be affecting their fitness to carry out their job, or their job may be adversely affecting their health in some way. In such cases, the provisions of the Access to Medical Reports Act 1988 will apply. Any costs so incurred will be met by the Council. The employee will be asked to give their consent to this examination;



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failure to agree may, as an attempt to frustrate the Council's investigation, result in the withdrawal of the Statutory Sick Pay element of sick pay, as allowed under HMRC Rules.

Where an occupational health physician makes a recommendation that might affect the employee's continued employment, the line manager will hold an Absence Review Meeting with the employee to discuss the options.

Where a return to work following prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. job sharing, limited responsibilities or part-time working) an employee can discuss these options with their manager and, if appropriate, the Council will endeavour to provide such support, for a defined period and subject to joint review. If someone is unable to return to their job but able to do other work, the Council will consider any scope for permanent redeployment.

During long-term sick absence, the reductions in pay (to half, statutory or nil pay) as sick pay entitlements are exhausted will apply to all employees regardless of cause of absence. If there are exceptional circumstances that might justify an exception, these must be presented to and agreed by the HR Committee.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Clerk will arrange a Final Absence Review meeting, which may lead to an Attendance Hearing as described in section 10 above. If an employee is considered permanently unfit for work, or is declared medically unfit for their work and suitable alternative employment cannot be found, or if the Council can no longer tolerate the high level of absence, or if the process finds that an employee has wilfully abused the sickness absence policy or absented themselves without permission, this may lead to dismissal.

Before deciding to terminate an employee's contract on grounds of ill health, the Council will take into account any representations from the employee (including any additional medical information), their length of service, the employee's health situation, whether it is possible to hold the job open for longer, the effect of past and future absences on the Council, the availability of suitable alternative work or working hours, any other reasonable adjustments that could reasonably be expected to be made, and any potential impact of the Equality Act 2010 on their case.

12. Sickness and holiday

If an employee becomes sick or injured while on annual leave, such that they would be unfit for work, they may ask to treat the period of incapacity as sick leave and reclaim the annual leave. They must notify their manager or Clerk on the first day of such incapacity, and the usual requirements for medical certification continue to apply, even when abroad.



If on sick leave, an employee may choose to cancel any pre-arranged annual leave, notifying the line manager as soon as possible. If this creates a balance of holiday that cannot be taken before the end of the holiday year, the employee may carry it forward into the following holiday year, when it must be taken, or lost.

13. Disability

The definition of disability under the Equality Act 2010 is “if you have a physical or mental impairment, which has a substantial long-term impact on your day-to-day activities”. Any employee who considers they are affected by a disability, or any medical condition which affects the ability to work, should inform their manager.

If an employee has become disabled, the Council will consider all reasonable adjustments that could be made to where and how the employee works, in order to enable them to continue doing so. The Council would need a report from the GP (with employee consent) to confirm that these adjustments are necessary.

The DWP Access to Work scheme can help with funding for practical support if someone has a disability, health or mental health condition.

14. Withholding Sick Pay

If the Council has legitimate doubts about whether or not an employee is genuinely off work due to sickness, a decision may be taken to suspend or stop Sick Pay altogether. Reasons that could give rise to such doubts include:

- an employee refusing to consent to either attending a medical examination or allowing the Council to contact their doctor for a medical report;
- evidence of the employee working elsewhere whilst on sick leave;
- evidence that the employee is not unable to work.

Should an employee have their Sick Pay suspended or stopped, they are entitled to ask HMRC for a formal decision regarding the Council's actions.

15. Grounds for Disciplinary Action

The following will be addressed as potential misconduct or gross misconduct through the Council's formal disciplinary procedure:

- providing false or misleading information regarding sick leave;
- unauthorised absence;
- unacceptable levels of absence for reasons not associated with a chronic health problem, and which are higher than the average number of sick days for other staff.

16. Alcohol or Drug Dependency



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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 occupational health or other support identified by the Council, 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 sick pay scheme.

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.

17. 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 line 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 help them if it is not aware of the problem.

If an employee wishes to discuss matters with someone other than the line manager, the Town Clerk and thereafter the Chair of the HR 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.