



## ANDOVER TOWN COUNCIL SICKNESS AND ABSENCE MANAGEMENT POLICY – 2019 (March 2019)

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**The General Data Protection Regulation (GDPR) standardizes data protection law across all 28 EU countries and imposes strict new rules on controlling and processing personally identifiable information (PII). It also extends the protection of personal data and data protection rights by giving control back to EU residents. GDPR replaces the 1995 EU Data Protection Directive and goes into force on May 25, 2018. It also supersedes the 1998 UK Data Protection Act.**

### GDPR PRIVACY STATEMENT

(General Data Protection Regulations)

This is a privacy statement of Andover Town Council. Our registered office address is 68b High Street, Andover, Hampshire, SP10 1NG.

#### INTRODUCTION

- This is a statement to inform you of our policy about all the information we record about you. It sets out the conditions under which we may process any information that we collect from you or that you provide to us. Any information that identifies you (“Personal Information”) is used to provide you with the services you require.
- We regret that if there are one or more points below that you are not happy with us holding, we have to hold this under General Data Protection Regulations (GDPR) law.
- We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our websites, customers and clients are entitled to know that their personal data will not be used for any purpose other than the lawful basis upon which it was provided for.
- We undertake to preserve the confidentiality of all information that you provide to Andover Town Council.
- Our policy complies with UK law accordingly implemented including that required by the GDPR.

- The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now by requesting that you read the information provided at [www.knowyourprivacyrights.org](http://www.knowyourprivacyrights.org).
- Except as set out in our GDPR policies (which can be found at [www.andover-tc.gov.uk](http://www.andover-tc.gov.uk)) we do not share, sell or disclose any personal data to any other organisation or third party.

#### THE BASIS ON WHICH WE PROCESS INFORMATION ABOUT YOU

The law requires us to determine under which of the six defined basis, we process different categories of your personal information. If a basis on which we process your personal information is no longer relevant, your personal information will be destroyed.

If the basis changes then as required by law, we will notify you of the change and of any new basis under which your personal data is being held.

#### ALLOTMENTS

Data is held on an internal Town Council database/software system and is used to send you Newsletters, Yearly Invoices, Receipts, Follow-Up letters and Terminations if necessary.

Tenancy Agreements are held for 1 year after the expiry of the agreement under the GDPR guidelines (subject to change).

#### EMAILS & WEBSITES

If you contact the Town Council via email or our website, your personal data i.e. email address, will be kept for the time it takes to answer your enquiry, unless another lawful reason becomes apparent, which we will notify you of, after which time it will be destroyed.

For details of our full Privacy Policy, please refer to [www.andover-tc.gov.uk](http://www.andover-tc.gov.uk). Alternatively, you may write to us at Andover Town Council, 68b High Street, Andover, Hampshire, SP10 1NG and we will send you a hard copy.

#### POLICY

Andover Town Council (ATC) aims to secure the attendance of all its employees throughout the working week in order to maintain high levels of customer care, service provision, safety and security. Good levels of attendance are a critical success factor for ATC. Levels of attendance can be improved by both preventative measures such as health and well-being initiatives, together with the implementation of fair and consistent systems of monitoring and dealing promptly with cases where absence has reached unacceptable levels. Failure to take this seriously affects the Council's overall level of efficiency and imposes additional workload on other colleagues.

ATC will support staff who suffers ill health by:

- the provision of Occupational Health Services
- allowing reasonable time for recovery
- making reasonable adjustments to work/duties either on a temporary or permanent basis to allow individuals to continue working where possible
- consideration of flexible working and/or homeworking

ATC has an obligation to consider the effects of persistent absence on the organisation and frequent or long term absence due to ill health may, after due consideration, lead to dismissal.

## 1. PRINCIPLES

- All employees must follow the 'Sickness & Absence Management Policy'.
- Failure to comply with the policy could result in action being taken in accordance with ATC's Disciplinary Policy and/or sickness benefits being stopped or suspended.
- Employees whose absence gives continuing cause for concern may be dealt with under ATC's Disciplinary Policy or Capability Policy (depending on the circumstances).
- ATC has the right to ask any employee to attend a medical examination by an independent occupational health adviser and/or doctor. (Failure to comply may result in decisions being made about an individual's future without the benefit of an expert's view.)
- ATC has the right to request a medical certificate to cover any period of absence due to sickness, regardless of the procedure detailed below. Reasonable reimbursement of costs associated with the provision of medical certificates will be considered.
- ATC complies with the access to Medical Reports Act 1988.

## 2. RESPONSIBILITIES

### 2.1 Responsibilities of Individuals

- To ensure that they take measures to maintain regular attendance at work and keep absence to a minimum. This involves maintaining reasonable health standards and taking reasonable precautions against illness and accidents.
- To follow the procedures relating to reporting absence from work as described in this policy.
- To make arrangements with the Town Clerk in cases where they are aware in advance of any personal need to take time off, e.g. scheduled operation.
- To ensure that outside appointments (e.g. doctors, dentists) wherever possible, do not restrict their availability to attend work at the expected time (see Section 3.15 for further information).

### 2.2 Responsibilities of Occupational Health Advisors

- To provide the Town Clerk with medical advice and guidance on individual cases in a proactive and constructive way. See Section 3.8 for further information on the role of Occupational Health.

### 2.3 Responsibilities of the Town Clerk

- To ensure Human Resources policies and procedures relating to sickness absence are in place for staff.
- To provide regular reporting to the Staffing Sub-Committee and Council on levels of sickness absence.
- To provide advice to managers on the procedure.
- To ensure that all sickness returns are completed accurately, referring to the Council's sickness categories and kept confidentially, with access only available to the line manager.
- To ensure that all sickness returns are reported to the Staffing Sub-Committee as needed and at least annually at the end of the financial year.

## 3. SICKNESS PROCEDURE

### 3.1 Notification of Sickness Absence

As soon as you know that you will be unable to attend work, you must notify the Town Clerk, in the case of the Town Clerk, he/she must notify the Chairman of the Staffing Sub-Committee and the Chairman of the Council. In most circumstances it will be possible to do this within one hour of your normal starting time, normally by telephone.

It is not acceptable to send a text message, e-mail or to telephone a work colleague.

If it is impossible for you to telephone personally, then someone else may do so on your behalf. However, you should make direct contact with the Town Clerk at the earliest opportunity.

When telephoning, you must provide the necessary information to enable a certification form to be filled in. You must give the reason for your absence; 'sick' or 'not well' is not a sufficient description.

Failure to do so will instigate action, which could result in your pay being stopped/ suspended.

You should state whether or not you intend to visit your doctor and when you anticipate that you will return to work.

If your sickness continues, you should ensure that you keep the Town Clerk fully informed of your progress and likely return date.

### 3.2 Certification of Sickness Absence

For absences up to seven calendar days inclusive, staff must, on their return to work, complete the Sickness Self Certificate and Return to Work form.

The Council reserves the right to require an individual to provide a doctor's certificate to substantiate the reasons for their absence.

For absences of eight successive calendar days or more you must complete a Sickness Self Certificate and Return to Work form, to cover the entire period of absence, as well as providing a signed medical certificate to explain your absence.

Medical certificates are supplied by GPs for periods exceeding seven days (including weekends) and act as the authorisation for the payment of Statutory Sick Pay (SSP) and contractual pay, if appropriate.

The responsibility for submitting self and/or medical certificates on time and ensuring they are received without delay rests with the employee. Failure to do so may result in sickness payments being stopped or suspended.

On the expiry of the first medical certificate, if you do not return to work, you must obtain and provide further certificates to cover your absence. You must see your doctor before the expiry of the earlier certificate so that continuous cover is provided. It is also your responsibility to keep your line manager or the Town Clerk fully informed of your progress and likely return date to work.

Absences not covered by the above will be deemed to be unauthorised and may lead to disciplinary action being taken and loss of pay.

### 3.3 Return to work

When you know when you will be returning to work, you should notify the Town Clerk immediately, giving as much notice as possible.

You may be required to attend a medical with an independent occupational health doctor/advisor, prior to your return to work. This will depend on the nature of your job, the nature of your illness and the length of your absence. See also section 3.8.

On returning to work you must report to the Town Clerk. Arrangements will be made for you to have a discussion about your absence with the Town Clerk and for you to complete and sign the Sickness Self Certificate and Return to Work form. This must be completed for any period of sickness, even if you have a medical certificate. You must also ensure you complete your annual leave/sickness card.

### 3.4 The Return to Work Discussion

The return to work discussion is an essential part of the procedure for managing absence and should be conducted in a constructive, supportive manner and in private. It is important to separate out issues that will need to be addressed in a formal meeting.

A return to work discussion will be carried out by your line manager or the Town Clerk following each absence from work due to sickness absence.

If you have concerns with your line manager undertaking your return to work discussion you should raise this, together with your reasons, to the Town Clerk. The 'sickness self certificate and return to work form' should be completed at this discussion.

The discussion will be informal until the amount of absence meets the Council's trigger points and gives cause for serious concern about your welfare and/or ability to do your job.

The same procedure should be adopted for staff that are based at home and will normally be conducted over the telephone unless the manager believes it is necessary to meet with them.

Where individuals are returning from short term absence, the manager should use the return to work discussion to:

- assess the individual's fitness to resume full normal working duties, making temporary adjustments where necessary
- update on any changes that may affect them individually
- complete a Sickness Self Certificate and Return to Work form
- review the individual's absence against the set standard
- refer to Occupational Health if appropriate
- outline the standards and a period of review
- set a formal meeting to discuss the attendance under this procedure if the individual's attendance is unsatisfactory and/or meets or exceeds the trigger points.
- decide whether the absence needs to be dealt with more formally in line with the Capability or Disciplinary procedure.

### 3.5 Absence Criteria

For the effective management of absence under this procedure the Town Clerk will need to address those staff whose attendance records are at unacceptable levels.

In defining an individual record as unacceptable, the following factors should be taken into consideration

- The level of absence - defined as a third absence due to sickness within a rolling six months or five absences within a rolling twelve month period counting uncertified, self certified and GP certified absence.
- The pattern of absence – whether there are any 'patterns' e.g. Monday/Friday or attaching absence to holiday periods.
- The reasons for absence – any underlying condition, which is being or can be treated or is there a wide variety of minor ailments causing the individual to be absent.
- The historical pattern of absence – if the individual is habitually absent, or if a 'bad patch' has arisen following a considerable period of exemplary attendance.
- The length of service – is the individual still under probation?
- Disability Discrimination Act – is the absence in relation to a long-standing condition/disability? (see section 3.10).

### 3.6 Trigger Points

The Staffing Sub-Committee will receive a breakdown of each individual's absence record that has met or exceeded the trigger points, as necessary, from the Town Clerk. The five trigger points are as follows:

- three or more occasions in a rolling six month period
- five or more occasions of sickness in a rolling 12 month period
- long-term sickness (sickness lasting for 10 days or more)
- sickness related to stress
- sickness related to depression

Whilst the latter three points should be treated as indicators for early intervention, an individual's absence record will warrant further investigation by the Town Clerk, which may include reasonable adjustments through discussion with the Town Clerk and/or the Town Councils Occupational Health Advisors.

Where the individual has met the first two formal trigger points, (three or more occasions in a rolling six month period or five or more occasions in a rolling 12 month period) this will lead to a formal meeting being conducted and the reasons for absence (see section 3.5) should also be taken into consideration. Any formal meetings are conducted by the Town Clerk and are attended by the Staffing Sub-Committee Chairman, the employee, and their representative, if they wish to exercise this option.

At the conclusion of the formal meeting the employee will be advised on the action required to be taken, now or in the future, with regard to their absence. Options at this stage include, but are not limited to, the following:

- referral to Occupational Health
- change in requirements for the provision of medical certificates
- outlining standards (procedural or absence) and periods of review
- flexible working arrangements or redeployment opportunities
- Reasonable Adjustments to be considered
- implementation of the disciplinary procedure
- implementation of the capability procedure

### 3.7 Long Term Sickness

ATC views sickness absence of four weeks or more as long term. In these cases the following will apply in addition to the procedure detailed above, but taking into account the nature of the reason for absence.

- The Town Clerk and the Chairman of the Staffing Sub-Committee will contact/visit the employee by appointment, whichever is more appropriate, within the first three weeks of absence.
- If after six weeks' absence the employee has not advised the Town Clerk of a return to work date, the Town Clerk will accompany the Staffing Sub-Committee Chairman to the employee's home, by appointment, to discuss the continued absence and review the situation.
- The Town Clerk and the Chairman of the Staffing Sub-Committee Chairman will periodically review the absence and maintain regular contact with the individual.
- Referral of the employee to Occupational Health at an early stage in order to provide further support and advice in supporting the employee back to work.
- Length of service determines the entitlement to ATC sick pay scheme. The Town Clerk will notify the employee in writing prior to a reduction in and expiry of this entitlement.
- The individual's situation will be reviewed on an ongoing basis with the employee and their manager and a decision made about their employment with the Council and implemented not later than the expiry of sick pay. This will be in accordance with the Council's Capability Procedure. Please refer to the Council's Capability Procedure for further details.

#### 3.7.1 Return to Work Discussion

Where individuals are returning from an extended period of absence they are required to inform the Town Clerk as early as possible of their expected date of return, no later than one working day before their return.

If appropriate, it may be necessary to ask staff to see Occupational Health prior to their return to work or as soon as possible on their return, or to obtain a medical certificate to confirm that they are fit to return to work.

When holding a return to work discussion for staff returning from long term sickness, the same points as described in section 3.4 will apply, however, during the return to work discussion; particular consideration should be given as to whether the individual is sufficiently fit to resume the full range of normal duties. If there is a concern that the individual may not be fit to return then there are two options:

- send the individual home and require them to consult their GP again, ensuring that their GP understands the rigours of their role. A further GP Certificate will be required
- make temporary adjustments or adaptations to the work/duties so that the individual is allowed to remain at work whilst regaining full fitness. The individual should be referred to Occupational Health in the normal manner, who will advise on whether the adjustments should continue, be modified or discontinued

## 3.8 OCCUPATIONAL HEALTH

### 3.8.1 What is Occupational Health?

Occupational Health is mainly concerned with ensuring that individuals are fit and healthy and their health is not adversely affected by their job or vice versa.

Occupational Health (OH) professionals will be working with staff and managers to improve the health and well-being of staff at work. This will be achieved through a combination of:

- improving the work organisation and the working environment
- promoting active participation of staff in health activities
- encouraging personal development
- assessment of fitness to work in line with the Pensions Regulations
- return to work programmes designed to assist employees to return to their normal duties

### 3.8.2 Confidentiality

Medical information held and known by the OH professional is privileged and confidential. When information is to be supplied to the Staffing Sub-Committee the employee's consent will be obtained. An exception to this rule would only arise if the OH professional believed that keeping the information confidential would pose a serious risk to the individual or other people, but this intention would be discussed with the individual at the time.

### 3.8.3 Occupational Health Reports

A report will be compiled for the Staffing Sub-Committee and Town Clerk as a result of a referral visit and will be based upon the medical evidence available to OH. This will indicate: the likely effect of the medical condition on their ability to undertake duties; whether their medical condition is likely to fall under the Disability Discrimination Act (DDA); whether they are able to maintain the safety of themselves and others who may be affected by what they do; whether they are able to provide regular and efficient service; and whether there are any recommended adjustments that can be made to enable them to undertake their job. This information takes precedent over a GP's medical certificate, where applicable, the OH Adviser will discuss this with the GP.

## 3.9 Sick Pay

This scheme is intended to supplement Statutory Sick Pay and Employment & Support Allowances so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault. All ATC staff are employed under the terms of the National Joint Council Green Book and staff qualifying under the provisions of this scheme shall receive an allowance in accordance with the following scale:  
During first year of service One month's full pay and (after four months of service) two months' half pay  
During second year of service two months' full pay and two months' half pay  
During third year of service four months' full pay and four months' half pay  
During fourth and fifth years of service five months' full pay and five months' half pay  
After five years' service Six months' full pay, six months' half pay.

ATC shall have the discretion to extend the period of sick pay in exceptional cases.  
For full conditions of the Sickness Payment Scheme please contact the Town Clerk.

### 3.10 Disability Discrimination Act (DDA)

The Disability Discrimination Act 2005 makes it unlawful for ATC to treat a disabled person less favourably for a reason relating to their disability, without a justifiable reason. The Council is required to make reasonable adjustments to working conditions or the workplace where that would help accommodate a particular disabled person. Disability is defined under the Act as a physical or mental impairment, which has a substantial and long term effect on a person's ability to carry out normal day to day activities. Further details can be found in the Capability Procedure.

### 3.11 Sickness while on annual leave

If you are sick while on annual leave, annual leave may be reinstated with the Town Clerk's approval, subject to providing appropriate satisfactory medical evidence in the form of a medical certificate from a GP or hospital only and normal reporting procedure applying.

A decision will not be made until the Town Clerk and the Chairman of the Staffing Sub-Committee are satisfied that it was genuine sickness absence and it impeded your ability to continue with your holiday.  
**(Please note that the self certification procedure does not apply to illness during annual leave)**

### 3.12 Absence Without Leave (AWOL)

Absence without leave will not be tolerated in any circumstances. Where an employee has been absent from work and the Town Clerk is unable to accept the reasons given, or there were no reasons given, then the absence will be defined as AWOL and will be regarded as a disciplinary matter. This leave will be unpaid.

### 3.13 Grievances

If you are aggrieved about the way in which any aspect of this policy and procedure has been applied to you, then you should raise the issue with the Town Clerk informally. If you are dissatisfied with the response, then you should refer to the Chairman of the Staffing Sub-Committee.

### 3.14 Other Types of Absence

Other types of approved absence include authorised holiday, statutory leave e.g. Maternity Leave, Paternity Leave, Jury Service, Compassionate Leave.

Where an individual has a genuine need to take Dependant Care Leave they are entitled to take a reasonable amount of unpaid time off to deal with sudden or unexpected emergencies and to make longer term



arrangements in the event of such emergencies. This must be discussed with the Town Clerk as soon as possible, who will look at a range of options to try and accommodate longer term arrangements such as a reduction in hours, unpaid leave, Compassionate Leave etc. In these circumstances, the Sickness and Absence Policy will not be applicable.

#### 4. Document Information

Title:	Sickness and Absence Policy
Status:	2 <sup>nd</sup> Draft
Version:	14 March 2019
Consultation:	Policy & Resources Committee
Approved by:	Council
Approval Date:	14 March 2019
Review Frequency:	Every three years or if change occurs
Next Review:	March 2022

#### 5. Document Control

Date	Version	Description	Sections Affected	Approved by
May 2012	1	1 <sup>st</sup> Draft	All	Policy & Resources Committee
Mar 2019	2	2 <sup>nd</sup> Draft	All	Council

*Disclaimer:*

*A printed version may not be the current version.*

*A current version may be obtained in the required format from the Town Clerk's Office at Andover Town Council.*