



Absence Policy

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Should employees be unwell and unable to come to work, they must comply with the Council's Absence Policy. In this policy, the expressions listed below shall have the meanings respectively assigned in relation thereto:

- the Council - Spilsby Town Council; and
- the Town Clerk - the Proper Officer.

1. Purpose

The purpose of this policy is to ensure that the operational efficiency of the Council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security and support to employees during periods of ill health.

Employees will:

- a. Take responsibility for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work;
- b. Report any health and safety problems that arise which they are unable to resolve themselves;
- c. Carry out their duties in a way that does not affect their own health and safety and that of others and to ensure that PPE is used at the appropriate times; and
- d. Undertake any training and instructions in health and safety related to subject to ensure that they are competent to carry out their duties safely.

2. Absence due to Sickness

- a. If an employee is unable to come to work for any reason, they must, if reasonably possible, contact the Chair or Vice-Chair on the first day of absence and not later than 12:00pm on the working day, giving the reason for absence and its potential duration;
- b. Employees should give an indication of the nature of the illness and a likely return date, if reasonable to do so. The Chair or Vice-Chair will check with the employee to ascertain if there is any information that the Chair or Vice-Chair need to know about the current workload;
- c. The employee must maintain weekly contact with the Chair or Vice-Chair and keep them informed of their progress and the date they expect to return to work;
- d. All periods of absence through sickness must be covered by a sickness self-certification form, included in the appendices of this policy. The completed form should indicate actual days of sickness, including weekends and/or public holidays. For sickness absence of up to 7 working days, employees should complete a self-certification form to be provided to the Chair or Vice-Chair;
- e. Thereafter a Statement of Fitness for Work from a Doctor (or relevant medical establishment) is required to cover every subsequent day. If the absence is likely to be protracted, i.e. more than four weeks continuously, there is a shared responsibility for the Chair or Vice-Chair and the employee to maintain contact at agreed intervals;

- f. If the employee does not contact the Chair or Vice-Chair by the appropriate time, the Chair or Vice-Chair must attempt to contact the employee at home. An employee may not always feel able to discuss their medical problems with the Chair or Vice-Chair. The Chair and Vice-Chair must always be sensitive;
- g. Employees diagnosed with Cancer or with Mental Health issues are encouraged to inform the Chair or Vice-Chair as soon as possible so that reasonable adjustments can be discussed; and
- h. Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct. The Council reserves the right to make welfare visits to the home of employees whilst they are on sick leave.

3. Sick Pay

- a. Sick pay will be paid in accordance with length of service as outlined below and in employees' contract of employment. Statutory Sick Pay (SSP) will be paid where applicable at the current rate for up to 28 weeks;
- b. Occupational sick pay is entirely at the discretion of the Council but will not be unreasonably withheld as long as the employee has complied with the notification requirements and produced necessary medical certificates, including self-certificates;
- c. Employees will receive sick pay when absent from work because of sickness, as follows:
 - i. During the 1st year of service:
one month's full pay and (after completing 4 months' service) 2 months' half pay;
 - ii. During the 2nd year of service:
2 months' full pay and 2 months' half pay;
 - iii. During the 3rd year of service:
4 months' full pay and 4 months' half pay;
 - iv. During the 4th year of service:
5 months' full pay and 5 months' half pay; and
 - v. After 5 years' service:
6 months' full pay and 6 months' half pay.
- d. Where the Council makes full payment in times of illness or injury, this will include entitlement to Statutory Sick Pay (SSP). Where the Council pays half pay, SSP will be added but the total pay will not exceed normal full basic pay. The Council will not normally make payment for more than 6 individual days of absence in any rolling 12-month period; and
- e. Employees will forfeit entitlement to Council sick pay if they fail to comply with notification and certification requirements or their incapacity has been caused by participation in dangerous sports or other incautious activities unrelated to their work with the Council.
- f. Employees could be subject to disciplinary procedures if they make or produce any misleading or untrue documents concerning their fitness for work.

4. Absence due to Disability/ Maternity

- a. Absences relating to the disability of an employee or to pregnancy will be kept separate from sickness absence records; and
- b. Disability: employees and managers are referred to relevant legislation and the Disability Discrimination Act 1995.

5. Long-term and Persistent Absences

- a. Long-term absences are considered as an absence through illness that extends over a prolonged period. Long-term absence may also consist of a series of unconnected short-term illnesses. Cause for concern will be when there are:
 - 10 absences in a 12-week period;
 - 20 days intermittent absence over the past 12 months; and
 - 4 or more weeks continuously off sick.

Where this is the case, the Town Clerk (or, in the case of the Town Clerk, the Chair of the Personnel Working Party or the Chair of the Council) will normally discuss absence levels with the employee;

- b. Where the sickness record shows that there has been a series of short-term absences, from 1 to 5 days, frequent in nature when assessed over a period of 3, 6 and 12 months, the Council will arrange to review the matter under the 'Return to Work Meeting' procedure which will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all;
- c. Where the absence is in excess of 30 days and the nature of the sickness either indicates that there is an underlying problem or is one which suggests it may be long term, the Council will consider the following throughout the process, to the extent that is reasonably practicable:
 - i. The need to make reasonable adjustments and look at alternative work arrangements;
 - ii. The need to initiate support, counselling or rehabilitation; and
 - iii. It is recognised that all long-term sickness cases are different and therefore the reason for the absence will determine the action to be taken.
- d. If the Council considers that a period of absence is long-term, the employee will be told and:
 - i. will be asked to keep regular contact with the Council at mutually agreed intervals; and
 - ii. will be informed if there is any possibility their employment may be at risk.
- e. Where there are incidences of long-term or persistent absence, it may be appropriate to treat these as an issue of capability or conduct. The Council will then:
 - i. investigate the absence through a Return-to-Work interview and seek to obtain medical reports (see below);
 - ii. set time limits on the assessment of the employee and inform them of such;

- iii. with the employee, consider modifications to the job and/or phasing the return to work providing such support as may be appropriate;
- iv. consider whether the illness amounts to a disability. If this is proven to be the case, the Council will refer to its Equal Opportunities Policy and will make such reasonable adjustments as are appropriate; and
- v. where the Council requires medical reports relating to an absence, it will either:
 - request the employee undergoes an independent medical examination with an Occupational Health Service; or
 - obtain a report from the employee's doctor, subject to the employee's agreement.
- f. Should the employee refuse, they should be made aware that the Council can only reach decisions about an employee's future by considering the information available;
- g. The Council will hold all medical reports and related information obtained above as private and confidential; and
- h. Where the absence is found to be a matter of misconduct, the employee will be subject to the Council's Disciplinary Procedure. (See below).

6. Return to Work Interviews

- a. After an absence due to sickness, the employee shall attend a Return-to-Work interview with their line manager to:
 - i. be sure of their fitness to work;
 - ii. agree if modifications are needed to facilitate their return to work;
 - iii. make sure that the required certificates relating to the whole period of absence have been completed/obtained; and
 - iv. discuss any problems that may exist.

7. Monitoring

- a. The Council will monitor and record levels of absence and reasons for absence. This practice will help the Council to identify unsatisfactory work practices and to distinguish between different types of absence; and
- b. All information gathered through absence monitoring under this Policy will be held and treated as confidential.

8. Managing Attendance

The Council will ensure that they have taken into consideration fully the following aspects before coming to a decision on the management of sickness absence:

- a. The nature of the illness;
- b. The likelihood of it recurring or some other illness arising;
- c. The length of the absences and the periods of good health between them;

- d. The need for the work done by the employee;
- e. The impact of the absence on other workers;
- f. The policy and how well it has been carried out, and in particular the need for medical assessment when considering dismissal; and
- g. The extent to which the difficulty of the situation and the position of Spilsby Town Council has been made clear to the employee, so that the employee realises the full implications of action being considered.

In the application of the following procedure, the Council will ensure:

- a. Following each stage, a letter is sent to the employee confirming the key points and actions;
- b. All correspondence is marked 'confidential' when writing to the employee;
- c. Reasonable adjustments have been considered throughout the process;
- d. Where there is a difference of opinion regarding the medical advice received, an independent assessment is sought; and
- e. Advice is sought and other specialist resources are appropriately involved.

9. Disciplinary Procedure

- a. Stage One
 - i. The Council will ensure they are aware of the reason for absence;
 - ii. Maintain regular contact with the employee, including home visits where appropriate; and
 - iii. Try to determine the likelihood of a return to work
- b. Stage Two
 - i. If the reason for absence indicates that a return to work is highly probable - e.g., a broken limb or a minor back injury - the Council will maintain contact and establish a return-to-work date with the employee. It may not be necessary to seek medical advice during the absence;
 - ii. If the reason for absence is unclear as to a likely return to work, medical advice must be sought;
 - iii. The Council will then:
 - Write to the employee to seek written consent for Spilsby Town Council to obtain a medical report from their doctor or alternatively to refer them to an independent Occupational Health Practitioner for a medical examination or report. This will be done in line with the employee's rights under the 'Access to Medical Reports Act 1988'; and
 - Agree to review the progress, either following the receipt of appropriate advice, or earlier, where this is appropriate.
 - iv. The medical advice will indicate whether or not the employee is fit to return to full duties, or alternative duties, and the prospect for the future; and

- v. Where an employee refuses to give their consent as outlined in (a) above, Spilsby Town Council will base their decisions on the facts available.
- c. Stage Three
 - i. The Council will:
 - Obtain all the necessary internal and external advice;
 - Review any medical reports;
 - Look at all available options; and
 - Establish a way forward.
 - ii. At each stage, in conjunction with the employee, and having established the appropriate level of support required, the Council will assist you in making a return to work if feasible.
- d. Stage Four
 - i. If the medical advice indicates the employee is not yet fit enough to return to full duties but could undertake light/alternative duties in the meantime, every effort should be made to accommodate this;
 - ii. If the medical advice indicates that the employee is not able to return to full duties in the future, but could undertake alternative duties, this will be considered but cannot be guaranteed. If this is possible, full discussions will take place with the employee. If this is not possible, the employee will be informed that their employment will be terminated with notice; and
 - iii. If the medical advice indicates that the employee is not able to return to work in the future, including alternative duties, or is unable to return within a time span which is operationally acceptable, provided all aspects, including their needs, have been considered, the employee will be informed that their employment will be terminated with notice.

10. Appeal

- a. An employee who is the subject of disciplinary action will be notified of the right of appeal. Their written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal;
- b. The grounds for appeal include:
 - i. a failure by the Council to follow its sickness policy;
 - ii. the sub-committee's decision was not supported by the evidence;
 - iii. the disciplinary action was too severe in the circumstances of the case; and
 - iv. new evidence has come to light since the disciplinary meeting.
- c. The Appeal will be heard by a panel of three members of the Staff Committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Staff Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chair from one of its members;
- d. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee

will be advised that they may be accompanied by a companion, either a trade union representative or a work colleague;

- e. At the appeal meeting, the Chair will:
 - i. introduce the panel members to the employee;
 - ii. explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee; and
 - iii. explain the action that the appeal panel may take.
- f. The employee (or their companion) will be asked to explain the grounds for appeal;
- g. The Chair will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing;
- h. The appeal panel may decide to uphold the decision of the Staff Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file;
- i. If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved; and
- j. The appeal panel's decision is final.