

Ponthir Community Council

Sickness and Absence Policy

1	General principles of agreement	2
2	Reporting procedure	3
3	Classification of sickness absence	4
4	Handling of long term sickness	5
5	Return to work	6
6	Maintenance and use of records.....	7
7	Disciplinary and termination action	7
8	Pay during sickness absence	8
9	Consultation and monitoring	Error! Bookmark not defined.

SICKNESS ABSENCE AGREEMENT BETWEEN Ponthir Community Council and Clerk.

1 General principles of agreement

- 1.1 Both Ponthir Community Council and the Clerk recognise the crucial role of sickness absence procedures as part of a wider organisational policy to establish a healthy workplace.
- 1.2 This agreement aims to take a supportive approach to sickness absence by tackling the underlying causes of sickness and helping employees during and after a period of sick leave.
- 1.3 The parties recognise that such an approach has a positive effect on the standard of service provided by the organisation through the benefits to workforce morale and retention of staff.
- 1.4 The agreement seeks to balance the need to maintain exacting standards of service with a consistent, sensitive approach to absence management that is based on a starting assumption of trust between managers and staff.
- 1.5 The parties recognise the critical role of training in carrying this agreement through into practice, particularly regarding line managers.
- 1.6 **Ponthir Community Council** accepts that workers may wish to be accompanied by a trade union rep to any meeting concerning sickness absence that is held as part of the procedures defined in this agreement.
- 1.7 The agreement applies to all staff who are employed at Ponthir Community Council regardless of their type of contract.
- 1.8 The parties recognise that where an employee is disabled there may be a need for adjustments to the procedures outlined in this agreement.

2 Reporting procedure

- 2.1 On the first day of sickness absence employees should contact their manager as soon as possible, and ideally prior to their start time, to advise them that they will not be attending work, along with the reasons and duration. The regularity of updates thereafter will be subject to agreement between manager and employee.
- 2.2 When a worker has been off for more than seven consecutive days (including non-working days) the worker will provide a doctor's "fit note."
- 2.3 If the fit note states that the worker may be fit for work, the manager will enter into discussions with the employee concerning any doctor's recommendations for a phased return to work, altered hours, amended duties or workplace adaptations. Return will depend on prior agreement and implementation of any such recommendation. If it is not possible for the manager to provide the required support, the statement will be regarded as if the doctor had advised "not fit for work."

3 Classification of sickness absence

3.1 Members of Council will establish as early as possible whether unfitness to attend work falls within the following categories, which are not counted as sickness:

- Disability related absence, including mental health problems.
- Work related injury or illness.
- Pregnancy related absence.
- Menopause related absence.

Procedures for absence based on these issues are dealt with under the separate organisational policies on disability leave, health and safety, maternity leave, and menopause related absence.

3.2 Care shall also be taken that other forms of absence are not recorded as sickness, such as:

- Caring for sick family and relatives.
- Family and emotional problems.
- Any pre-agreed periods of absence to receive medical treatment.

Procedures for absence based on these issues are dealt with under the separate organisational policies on special leave.

3.3 If a worker becomes sick while on annual leave, if established reporting procedures have been observed, the annual leave will be reinstated.

[This is a legal requirement for annual leave that forms part of the 28-day entitlement under the Working Time Directive, however, try to negotiate for it to apply to all leave]

3.4 Where a worker is on long term sick leave, they will continue to accrue annual leave and will be entitled to take holiday as long as it is reported as annual leave and the holiday is not of a sort that could be considered to hinder recovery.

3.5 Given the compressed timeframe for taking annual leave that can result from an extended period of sickness absence, a flexible approach will be taken to allowing the carry-over of more than the usual permitted level of annual leave to the following leave year.

4 Handling of long-term sickness

- 4.1 Long term sickness refers to any period of absence that has lasted or is anticipated to last 28 days or more.
- 4.2 The Members and Clerk will agree the regularity of contact and preferred form of contact during absence. Home visits will only take place with the express consent of the employee.
- 4.3 Discussions between Members and the Clerk will focus on:
 - Any further health assessment other than that undergone for the doctor's fit note, which may be of assistance in recovery and return to work.
 - Phased return to work, altered hours, amended duties or workplace adaptations or redeployment which may assist the worker to return to work without bringing about a recurrence of the sickness experienced by the employee.
- 4.4 Where the Clerk is uncomfortable discussing their health issues with Members, an HR contact at Torfaen CBC will be provided to enable the discussion to take place with an appropriate alternative figure.
- 4.5 During absence, an assessment will be made of cover arrangements to ensure that they do not place an undue burden on staff and consideration will be given to the temporary employment of additional staff.
- 4.6 At no point will the Clerk be placed under pressure to return before they are sufficiently well, and additional medical assessments will only be requested when they are likely to provide added information.

5 Return to work.

- 5.1 An informal return to work discussion will take place following any period of absence. A more formal return to work meeting will take place following absence in excess of 14 days or persistent short-term absence (defined as three absences in a three-month period or seven in a 12-month period).
- 5.2 The depth with which issues are covered will vary according to whether an informal discussion or formal meeting applies, but the purpose of any return-to-work engagement by managers will be to:
- Welcome the Clerk back.
 - Check that they are well enough to work.
 - Update workers on any important news while they were off.
 - Identify any further information not already known that might impact on the employee's future attendance, including whether the employee may be disabled.
 - Discuss whether any further health assessments can assist the worker in maintaining their health.
 - Discuss options, on a temporary or permanent basis, for phased return, altered hours, amended duties, workplace adaptations or redeployment which may assist the worker to maintain their health.
 - Offer the Clerk an alternative HR contact if for any reason they are uncomfortable discussing their health issues with Members.
- 5.3 Consideration will be given to holding a return-to-work meeting before the actual return to the workplace in the case of long-term absence. This meeting may take place by phone, at a neutral venue or at the Clerk's home, subject to the agreement of both parties.
- 5.4 If the meeting is held at the workplace, it will take place in a private room appropriate for discussion of confidential issues.
- 5.5 If a member believes that the Clerk has come to work when they are not sufficiently well, a discussion will be held with the Clerk with a view to agreeing whether there are grounds for absence or an adjustment such as working from home.
- 5.6 Member's will consider that the Clerk may feel very anxious about returning to work after a lengthy period of absence and worried about how they will be perceived and treated by Members. This may be a particular concern if the Clerk's absence was the result of a mental illness. In such cases, Member's will take positive steps to make the Clerk feel at home and facilitate their reintegration into the workplace.

6 Maintenance and use of records

- 6.1 Communication between Members and the Clerk regarding the cause of sickness absence will be treated as confidential.
- 6.2 Information will not be disclosed by the Member's to a third party without the consent of the Clerk, except where failure to do so would be contrary to the public interest, or a breach of health and safety or other legal obligations.
- 6.3 The Clerk's written consent will be obtained for a member to see any medical report. A worker's right to see a copy of any report before it goes to a member and comment on the content will be respected, as will a worker's right to request an alternative view from their GP or a specialist.
- 6.4 All records will be retained and processed in accordance with the General Data Protection Regulations classification of health records as special category personal data. Any failure to comply with the regulations in handling of staff medical records will be treated as a serious disciplinary matter.
- 6.5 Statutory Sick Pay records will be kept in accordance with Regulation 97 of the Income Tax (Pay as You Earn) Regulations 2003.
- 6.6 Sickness absence records will be used to comply with the duty to risk assess any hazards in the workplace, in accordance with the Management of Health and Safety at Work Regulations (1999), as well as more broadly to inform policy through general trends without identifying specific individuals.

7 Disciplinary and termination action

- 7.1 Properly reported sickness absence where the Clerk is ill will never, on any grounds, be subject to disciplinary procedures. Disciplinary procedures will only be applied whether absence is unauthorised, or where there are reasonable grounds for believing that the Clerk's prior claim(s) of absence are not accurate.
- 7.2 Where the Clerk's level of sickness absence is believed to be of sufficient level to impact on their capability to do the job. Every effort will be made to assist a worker to achieve the health necessary for a reasonable level of attendance.
- 7.3 Where a worker has a terminal illness, employment will not be terminated under any circumstances unless it is agreed that the most financially advantageous arrangement for the worker would be termination of employment with a lump sum payment rather than ill health retirement.

8 Pay during sickness absence.

- 8.1 Workers shall be entitled to payment under the Torfaen CBC sick pay scheme from the first day of sickness.

Note on disability references.

The various references in this model document to disabled workers may not be necessary if the employer accepts that all disability related absence should be covered by the organisation's disability leave policy and the contents of that policy are sufficiently strong. However, the sickness and disability leave agreements should be read in conjunction to check that they provide the protections specified in this document.

Version 1 June 2025