**Absence from work (covering annual leave, emergency leave and sickness absence)**

**1.Annual leave entitlement**

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time employee is in addition to 8 Bank holidays. Part time employees receive a pro-rated entitlement according to their hours of work (see interaction between Bank Holidays with part-time working below).

**Working part-time**

If your entitlement to Bank Holidays exceeds the number days that fall on your normal working days (typically because you don’t work on Mondays) you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days, (typically because your normal working days include Mondays) then you can make up the difference by using your leave entitlement. With agreement from the Clerk (or the Council in the case of the Clerk), you may be able to work additional hours to make up the deficit or take unpaid leave.

**Leave year**

The leave year runs from [1st April to 31st March]. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the council.

**Carrying over leave**

You can carry over up to a maximum of 5 days holiday from one ‘leave year’ into the following ‘leave year’

**Requesting leave**

You should request leave from the Clerk (or the Council in the case of the Clerk), with as much notice as possible. This will allow the council to plan workloads. Before granting leave we will consider;

* The team’s workload,
* The need for office or team cover, and,
* Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

The council will balance your needs against the needs of other staff before agreeing to leave. If you take leave without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

**Sickness during leave**

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk (or the Council in the case of the Clerk), on the first day of sickness and keep the council up to date during the period of sickness.

**Payment of annual leave**

The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

**Payment in lieu**

If you leave during the course of a leave year, and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

This is a non-contractual procedure which will be reviewed from time to time.

**2. Emergency leave**

**Purpose and scope**

All employees with dependants can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not intended to be used to allow carers to look after dependants on an ongoing basis (although time off may be available under other policies).

**Taking emergency leave**

Dependents include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependants. It is impossible to provide a complete list of circumstances that are covered under the policy; however, the most common circumstances are as follows: -

* to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
* to make arrangements for the provision of care for a dependant who is ill or injured,
* as a result of the death of a dependant,
* because of the unexpected disruption or termination of arrangements for the care of a dependant, or
* to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school

As soon as is reasonably practicable in the circumstances, contact the Clerk (or Chair of the Council) by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Clerk (or Chair of the Council) is unavailable you must contact another councillor instead.

If you need to stay and care for a dependant on an ongoing basis you can agree with the Clerk (or Chair of the Council) to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child.

This is a non-contractual procedure which will be reviewed from time to time.

**3. Sickness absence**

**What to do if you are unwell**

If you are away from work because of sickness you must:

* Telephone your line manager before your contractual (or normal start time for work) on the first day of absence providing details and how long you expect to be off. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the Council is notified. You must then telephone again each day (unless otherwise agreed with your line manager).
* If you are away for seven days or less (including weekends and other non-working days), you must complete a self-certification form and provide it to the council when you are back at work.
* If you are away for more than seven days (including weekends and other non-working days), you must send in a ‘fit to work’ statement from your doctor and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the doctor to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work.
* All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

**Return-to-work meetings**

On the first day back at work after a period of sickness absence your manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential. The meeting would normally include

* a welcome back to work;
* outline the purpose of the return-to-work meeting; which is to manage and monitor absence and attendance to identify any problem areas and offer support where appropriate;
* a discussion about the reasons for absence, in a supportive way and to understand whether the council can take any steps to help the employee’s attendance;
* explain that the absence will be recorded;
* establish if medical advice has been sought (if appropriate);
* ensure the self-certification form has been completed or a fit note from the doctor has been provided;
* a discussion on absence over the last 52 weeks, the impact on pay and any next steps; and
* a handover of work where appropriate.

**Medical appointments**

The council recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the council. The council will allow reasonable time off work with pay for such appointments.

**Statutory Sick Pay**

If you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after 4 Qualifying Days absence from work. The Qualifying Days are your normal working days that are in your contract. Tax and National Insurance will be deducted from SSP and if you earn below the lower earnings limit, you will not qualify for SSP.

**Council’s Sick Pay (Occupational Sick Pay)**

It is the Council's policy to pay you your normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence as specified in your contract of employment. This occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include your entitlement to SSP.

Payment is, however, conditional upon you complying with the council’s procedure for notifying your manager of the absence, attending an interview with your manager on request to discuss the absence, and completing a self-certification form on return to work or providing a fit-note when requested. We may also ask you to attend an interview/examination with a nominated doctor at the request of the Council.

We may not pay you council or occupational sick pay where:

* you have failed to comply with the Council's sickness absence notification and evidence requirements;
* you unreasonably refuse to attend a sickness absence meeting with the Council on request;
* you are unable to work because you hurt yourself in dangerous sports / activities or any other occupation you have;
* you have misled the council about your fitness to work;
* you have resigned; or
* where disciplinary proceedings are pending against you.

**Medical advice**

The Council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

* to seek a medical report on your illness or injury;
* to establish when you might be able to return to work;
* to understand when you are likely to be fully fit to resume your normal duties;
* to understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties;
* to understand when you are likely to be fit to undertake any alternative duties;
* to ask for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition;
* to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work;
* to understand the likely recurrence of the illness or injury once you have returned to work; and
* to discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. The Council will also be provided with a copy of the report and once we have seen it, we will want to meet you to discuss the findings and consider options available to you.

If you choose not to consent to an Occupational Health referral, any decisions in relation to your employment may be made without the benefit of access to medical reports.

**Persistent short-term absence**

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. We understand most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on your colleagues and councillors.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process. If we do so, we will meet with you to set attendance targets. Following a review meeting we may issue a formal warning if those targets are not met. You will be given written notice in advance of any formal meeting and you can be accompanied by a work colleague or trade union representative. You may appeal against a formal warning. If your absence remains unacceptable after a second formal warning, the council may bring your employment to an end following consultation with you.

If frequent absence is due to an underlying long-term health condition then we will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or consultant to establish further information about your health and how the council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the council will not consider any pregnancy related absence. The council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

The council will consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

**Long-term absence**

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for the Council to maintain contact with you. In cases where the return date is less certain this will take the form of consultation and will include:

* Discussions at the start of the absence and periodically throughout
* Obtaining better information on your health and likely prognosis, ideally through an Occupational Health Physician
* Where appropriate alerting you to the fact that your absence is becoming a problem, and
* Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion

Where ill-health means that you are unlikely to return to work for a long period of time, the council may need to consider bringing your employment to an end. In these circumstances, the council will:

* Review your absence record to assess whether or not it is sufficient to justify dismissal
* Consult with you
* Obtain up-to-date medical advice
* Advise you in writing as soon as it is established that termination of employment has become a possibility
* Meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative
* Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss
* Allow a right of appeal against any decision to dismiss you on grounds of long-term ill health
* Following this meeting, inform you of the final decision

**Absence as a result of disability**

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

**Maternity/paternity/adoption/parental & dependents leave**

The Council will adhere to the current NALC policies and statutory pay & leave as prevailing at the relevant time.

**Data protection**

The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: November 2020  
Approving committee:   
Date of committee meeting:  
Policy effective from: 1/12/20  
Date reviewed: 20/12/22