



SICKNESS ABSENCE AND LEAVE POLICY

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This Sickness Absence and Leave Policy was adopted by the Council at its meeting held on 26th May 2026. It operates alongside the National Joint Council (NJC) for Local Government Services National Agreement on Pay and Conditions of Service (the Green Book), and follows changes to legislation.

Sickness Absence and Leave Policy

1. Policy Statement

Ashington Town Council (the Council) recognises that the health and wellbeing of its employees is fundamental to the effective delivery of services to the community. The Council is committed to managing sickness absence in a fair, consistent, and supportive manner that balances the needs of the individual with the operational requirements of a small team.

The Council aims to support employees to return to work at the earliest appropriate opportunity following illness or injury, to reduce the impact of absence on service delivery, and to treat all employees with dignity, respect, and confidentiality throughout any absence management process.

This policy applies equally to all forms of leave including annual leave, family leave, bereavement leave, and other statutory and discretionary leave entitlements. The Council will exercise its management functions in this area in a way that is compassionate, legally compliant, and consistent with the Green Book national agreement.

2. Scope and Application

This policy applies to all employees of Ashington Town Council, including full-time, part-time, fixed-term, and casual employees. It applies from the first day of employment.

It does not apply to self-employed contractors or volunteer. Elected councillors are not employees and are not covered by this policy.

The Executive Officer (Town Clerk and Responsible Financial Officer) is responsible for day-to-day management of absence and for ensuring this policy is applied consistently. The Personnel Committee has oversight of absence management and receives reports on absence patterns as part of its HR governance function. The Council may seek support and guidance from NEREO (North East Regional Employers' Organisation) at any stage of absence management, including complex or sensitive cases.

3. Legal Framework

This policy is informed by and must be read alongside the following legislation and agreements:

- **Employment Rights Act 1996** — provides the statutory framework for sick pay, family leave, and employment protection
- **Employment Rights Act 2025** — introduces significant reforms implemented in phases from December 2025. Key changes already in force from 6 April 2026 include: Statutory Sick Pay (SSP) payable from the first day of absence with no waiting days; removal of the lower earnings limit for SSP entitlement; paternity leave and unpaid parental leave as day-one rights; new Bereaved Partner's Paternity Leave of up to 52 weeks; and a statutory duty on employers to keep holiday and leave records for six years. Further significant changes are anticipated in 2027
- **NJC Green Book (National Agreement on Pay and Conditions of Service)** — sets out the contractual framework for sick pay entitlements (Part 2, Section 14), annual leave (Part 2, Section 16), and other leave provisions
- **Equality Act 2010** — requires the Council to consider reasonable adjustments for disabled employees and to avoid treating absences related to disability less favourably

- **Data Protection Act 2018 and Data (Use and Access) Act 2025** — health information is special category data requiring appropriate safeguards throughout the management of sickness absence
- **ACAS Code of Practice on Disciplinary and Grievance Procedures** — governs the conduct of any formal absence management process that may result in capability proceedings

Where there is any conflict between this policy and statutory rights, statutory rights will prevail. Where the Green Book provides greater entitlement than the statutory minimum, the Green Book provision applies. This policy will be updated as further provisions of the Employment Rights Act 2025 come into force.

4. Responsibilities

The Council

The Council is responsible for ensuring this policy is adopted and reviewed, that adequate resources are in place to support absence management, and that the Personnel Committee receives appropriate reports on absence trends and outcomes.

The Executive Officer

The Executive Officer is responsible for:

- Day-to-day management of all employee absences
- Applying this policy consistently and sensitively across the staff team
- Maintaining accurate absence records and holiday leave records, retained for a minimum of six years in accordance with the Employment Rights Act 2025
- Conducting or arranging return to work interviews following every episode of sickness absence
- Liaising with NEREO for HR guidance on complex, sensitive, or formal absence management cases
- Reporting absence patterns and significant cases to the Personnel Committee

Employees

Employees are responsible for:

- Following the notification procedure at the earliest opportunity on the first day of absence
- Providing appropriate medical certification as required
- Participating constructively in return to work interviews and absence management meetings
- Engaging with occupational health referrals when requested by the Council
- Maintaining contact with the Council during extended periods of absence, as agreed with the Executive Officer

5. Notification and Reporting Procedure

An employee who is unable to attend work due to sickness must notify the Executive Officer (or, in the Executive Officer's absence, the Deputy Town Clerk) as early as possible and no later than 30 minutes after the normal start time on the first day of absence. Notification should be made by telephone where possible; text or email is only acceptable if telephoning is not practicable.

The employee should provide an indication of the reason for absence and an expected return date where possible. Continuing absence must be reported on each subsequent day unless a fit note has been provided covering a longer period.

6. Medical Certification

For absences of seven calendar days or fewer, the employee must complete a self-certification form on their return to work. For absences exceeding seven calendar days, a fit note (Statement of Fitness for Work) from a GP or other authorised medical practitioner must be provided. Fit notes must be submitted promptly and should cover the full period of absence.

Where a fit note indicates that an employee "may be fit for work" subject to adjustments, the Executive Officer will discuss the indicated adjustments with the employee and, where reasonably practicable, seek to implement them. If the adjustments cannot be accommodated, the employee will be treated as absent for SSP and contractual sick pay purposes.

7. Contractual Sick Pay (Green Book)

Employees are entitled to contractual sick pay in accordance with the NJC Green Book (Part 2, Section 14). The current entitlement based on continuous service is as follows:

- **During the first year of service:** 1 month full pay and 2 months half pay
- **During the second year:** 2 months full pay and 2 months half pay
- **During the third year:** 4 months full pay and 4 months half pay
- **During the fourth and fifth years:** 5 months full pay and 5 months half pay
- **After five years' service:** 6 months full pay and 6 months half pay

These entitlements are calculated on a rolling 12-month basis. Contractual sick pay will only be paid where the employee has complied with this policy's notification and certification requirements. Periods of absence not covered by appropriate certification will not attract contractual sick pay and may be recorded as unauthorised absence.

Where an employee is in receipt of half pay, this will be supplemented by Statutory Sick Pay where the employee is eligible and where the combined total does not exceed normal full pay. Any occupational pension benefit during sickness absence will be dealt with in accordance with Local Government Pension Scheme (LGPS) regulations.

8. Statutory Sick Pay

With effect from 6 April 2026, Statutory Sick Pay (SSP) is payable from the first day of sickness absence. The previous three waiting days are abolished. SSP is now payable to all eligible employees, including those earning below the former lower earnings limit, at a rate of the lower of the statutory flat weekly rate (£123.25 from April 2026) or 80% of average weekly earnings for those on lower pay. The current weekly SSP rate will be updated in April each year in accordance with government regulations.

Because the Council's contractual sick pay scheme under the Green Book is significantly more generous than SSP in most cases, SSP will primarily be relevant during any initial period before the contractual scheme provides entitlement, and at the point where contractual entitlement has been exhausted. Where contractual sick pay is in payment and equals or exceeds the SSP rate, SSP is satisfied by the contractual payment.

9. Return to Work Interviews

A return to work interview will be held following every episode of sickness absence, regardless of duration. The interview will be conducted by the Executive Officer, or by the Deputy Town Clerk where the Executive Officer is the absent employee. Interviews will normally take place on the employee's first day back at work.

The purpose of the return to work interview is to:

- Welcome the employee back and confirm they are fit to return
- Update the absence record and complete any outstanding certification paperwork
- Identify whether the absence may be related to a workplace issue, disability, or personal circumstance that the Council should be aware of
- Consider whether any reasonable adjustments or phased return arrangements would be appropriate
- Discuss absence patterns where these are a concern and advise the employee of any trigger points that may apply

Return to work interviews are a supportive tool, not a disciplinary process. A record of the interview will be kept on the employee's personnel file. Employees have the right to be accompanied by a workplace colleague or trade union representative at any return to work meeting that may lead to formal action.

10. Managing Short-Term Absence

The Council uses absence trigger points to identify patterns of short-term sickness absence that may warrant management intervention. The Bradford Factor is one tool that may be used informally to identify patterns, but the Council will exercise reasonable management judgement rather than applying trigger points rigidly.

The following informal trigger points will prompt an absence review discussion:

- Three or more separate episodes of sickness absence in a rolling 12-month period
- Ten or more working days lost to sickness in a rolling 12-month period
- A noticeable pattern of absence (for example, recurring Mondays or Fridays, or absences immediately before or after bank holidays or annual leave)

Where a trigger point is reached, the Executive Officer will meet with the employee to discuss the absences, identify any underlying causes, and agree any support measures or expectations going forward. Where underlying health conditions are identified, the Council will consider occupational health referral and any reasonable adjustments required under the Equality Act 2010.

If informal management does not lead to improvement, the Council may progress to the formal capability discussions with NEREO support as appropriate. From January 2027, employees will acquire unfair dismissal protection after six months' service under the Employment Rights Act 2025; the Council will ensure its absence management procedures are fully compliant with this reduced qualifying period.

11. Managing Long-Term Absence

An absence of four or more continuous weeks will be treated as long-term absence. The Executive Officer will maintain reasonable and sensitive contact with an employee on long-term absence, normally by phone or in writing, at a frequency agreed with the employee. Contact should be supportive rather than pressuring in nature.

For long-term absence the Council will, in most cases, arrange an occupational health referral (see Section 12). The Council will consider all available options before contemplating dismissal on grounds of capability, including:

- Reasonable adjustments to the role or working environment
- A phased return to work programme
- Redeployment to an alternative role where available and appropriate
- Access to any ill-health retirement provisions under the LGPS, where applicable

Where there is no reasonable prospect of return within a reasonable timescale and all options have been exhausted, the Council may consider dismissal on grounds of capability. This process will always be carried out in accordance with the ACAS Code of Practice, with NEREO guidance, and with full regard to the Equality Act 2010. Any formal process will be overseen by the Personnel Committee.

12. Occupational Health Referrals

The Council reserves the right to refer an employee to an occupational health (OH) practitioner at any stage where it reasonably considers that a health assessment would assist in understanding the employee's fitness, prognosis, or required adjustments. An occupational health referral is a management tool; it is not a disciplinary measure and does not indicate a lack of trust in the employee.

Circumstances in which the Council may arrange an occupational health referral include:

- Long-term sickness absence of four or more continuous weeks
- A pattern of frequent short-term absences where an underlying condition is suspected
- Where fitness to carry out a role safely is in question, for example in roles involving lone working, driving, or physical tasks
- Where a disability or long-term health condition may exist and the Council needs to assess what reasonable adjustments may be required under the Equality Act 2010
- Prior to commencing any formal capability process

Consent and Engagement

The Executive Officer will explain the purpose of any referral to the employee before it is made and will provide the employee with a copy of the referral letter. The employee's consent is required before an occupational health practitioner can share their full medical history, but consent to the referral itself and the principle of an assessment is expected as part of the employee's contractual obligation to cooperate with reasonable management requests.

Where an employee unreasonably refuses to engage with an occupational health referral, the Council may be required to make decisions about their employment based on the information available. This will be done in consultation with NEREO and in accordance with ACAS guidance. Unreasonable refusal to attend an occupational health appointment may in itself be treated as a conduct matter.

Use of Occupational Health Advice

Occupational health advice is advisory only; the Council retains the management decision-making responsibility. The Council will have regard to occupational health recommendations but is not bound to follow them in every circumstance. Where the Council departs from OH advice, reasons will be documented and the employee will be informed. The NEREO HR advisory service will be consulted in any case where the Council is uncertain how to proceed following receipt of an OH report.

13. Annual Leave

Annual leave entitlement is set by the Green Book (Part 2, Section 16) and is as follows:

- **Basic entitlement:** 23 days per year (rising to 26 days after five years' continuous service)

The Council offers basic entitlement of 26 days from day 1.

- **Additional days:** Two extra statutory days plus all public holidays

The leave year runs from 1 April to 31 March. Leave must be taken in the year in which it accrues. Carrying forward of leave is not normally permitted except in exceptional circumstances approved by the Executive Officer, and subject to a maximum of 5 days. Where leave cannot be taken due to sickness absence, statutory provisions on leave accrual and carry-over will apply.

All annual leave must be requested in advance using the Council's leave request procedure and approved by the Executive Officer before it is taken. In managing requests the Executive Officer will have regard to service continuity requirements and the needs of all staff, and will act fairly and consistently.

Holiday Pay Record-Keeping

From 6 April 2026, the Employment Rights Act 2025 requires all employers to keep adequate records of annual leave taken and holiday pay paid for every employee. These records must be retained for a minimum of six years. The Council will maintain these records as part of its payroll and HR administration. Failure to maintain adequate records is a criminal offence. Records will include the amount of leave taken, any payments in lieu of untaken leave, and how holiday pay was calculated.

Sickness During Annual Leave

Where an employee falls sick during a period of annual leave they may, subject to notifying the Council and providing appropriate certification, reclaim that period of annual leave and take it at a

later date. Notification must be given in accordance with the sickness absence notification procedure in Section 5 of this policy.

14. Family Leave

The Council is committed to supporting employees through family-related events. The following provisions apply, informed by statute and the Green Book:

Maternity Leave

Employees are entitled to up to 52 weeks' maternity leave in accordance with statutory provisions. Statutory Maternity Pay (SMP) is payable at £194.32 per week (from April 2026) or 90% of average weekly earnings if lower, for up to 39 weeks, subject to qualifying service. The Council will consider enhanced maternity pay provisions in line with the Green Book where applicable.

Paternity Leave

From 6 April 2026, paternity leave is a day-one right under the Employment Rights Act 2025. Employees are entitled to up to two weeks' paternity leave from the first day of employment with no qualifying service period. Statutory Paternity Pay (SPP) at £194.32 per week (from April 2026) continues to require 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth; the leave entitlement itself does not. Employees may also take paternity leave after shared parental leave has been taken.

Unpaid Parental Leave

From 6 April 2026, unpaid parental leave (up to 18 weeks per child, until the child reaches age 18) is also a day-one right, removing the previous one-year qualifying service requirement. The standard notice requirements and maximum four-week annual limit per child continue to apply unless varied by agreement.

Bereaved Partner's Paternity Leave

From 6 April 2026, the Bereaved Partner's Paternity Leave Regulations 2026 give employees the right to take up to 52 weeks of unpaid leave where their child's primary carer (the mother or primary adopter) dies within the first year of the child's life. This is a day-one right and must be taken within 52 weeks of the child's birth or adoption. The Council will handle any such request with the utmost sensitivity and will ensure the employee is signposted to appropriate support.

Adoption and Shared Parental Leave

Employees are entitled to statutory adoption leave and shared parental leave in accordance with the relevant regulations. The Council will provide information and guidance to employees seeking to take these forms of leave and will process requests in accordance with statutory timescales.

15. Special and Discretionary Leave

The Council recognises that employees may from time to time need to take leave for reasons other than sickness or the statutory family leave categories. The following provisions apply:

Emergency Dependant Leave

Employees have a statutory right to a reasonable amount of unpaid time off to deal with emergencies involving dependants. This includes dealing with unexpected illness or injury of a dependant, the breakdown of care arrangements, or incidents involving a dependent child at school. Where the situation is ongoing, other forms of leave or flexible working arrangements should be considered.

Jury Service and Public Duties

Employees are entitled to time off for jury service and for the performance of certain public duties in accordance with Section 50 of the Employment Rights Act 1996. The Council will not pay an employee their full salary during jury service beyond what is required by statute, but will top up any court payments to the employee's normal pay for the first two weeks, or as agreed by the Council. Employees are expected to return to work on any day when they are released from jury service at a time that makes attendance practicable.

Medical and Dental Appointments

Where practicable, employees should arrange routine medical and dental appointments outside working hours. Where this is not possible, paid time off may be granted at the discretion of the Executive Officer. Time off for antenatal appointments is a statutory right and will always be granted with pay.

Other Discretionary Leave

Requests for other forms of leave (for example, for personal reasons, study, or voluntary work) will be considered sympathetically by the Executive Officer. Any such leave may be granted with or without pay at the discretion of the Executive Officer and, for periods exceeding one week, by the Personnel Committee. The Council will apply its discretion consistently and will not discriminate on the basis of any protected characteristic.

16. Bereavement Leave

The Council will act with compassion in all cases of bereavement. The Green Book provides for a reasonable period of paid leave on the death of a close relative or partner; the Council applies this discretion generously, recognising the personal circumstances of individual employees.

As a guide, the following paid leave will normally be granted, subject to individual circumstances:

- **Death of a partner, spouse, civil partner, parent, or child:** up to five working days
- **Death of a sibling, grandparent, or parent-in-law:** up to three working days
- **Other close relative or close friend:** up to one working day, at the discretion of the Executive Officer

A new statutory right to unpaid bereavement leave for a wider category of relatives will be introduced under the Employment Rights Act 2025, with secondary legislation setting out the detail expected later in 2026. This policy will be updated when the secondary legislation is in force. In the interim, the Council will apply its discretionary provisions generously and will not act less generously than the forthcoming statutory minimum.

The Parental Bereavement Leave provisions under the Employment Rights Act 1996 (as amended) provide for two weeks' statutory paid leave for parents following the death of a child under the age of 18, or a stillbirth after 24 weeks' pregnancy. The Council will administer this entitlement in full and will consider whether additional discretionary paid leave is appropriate given the circumstances.

17. Exit Information and Leavers' Feedback

Where an employee leaves the Council's employment through resignation, the Executive Officer will consider whether an exit conversation or written questionnaire would assist the Council in understanding the reasons for departure and identifying any matters that may require management

attention. Where exit feedback is obtained, it will be considered by the Executive Officer and any relevant themes reported to the Personnel Committee in anonymised form.

18. Support and Confidentiality

All sickness absence information is treated as confidential. Health information is special category personal data under the Data Protection Act 2018 and the Data (Use and Access) Act 2025 and will only be accessed and processed by those with a genuine need to do so in their management capacity. It will not be disclosed to other employees, councillors, or third parties without the employee's consent, except where disclosure is required by law or is necessary for the operation of the payroll.

The Council is committed to supporting the mental health and wellbeing of its employees. Where an employee is experiencing difficulties that may be affecting their attendance or performance, the Executive Officer will discuss what support is available, including signposting to the employee assistance provisions, NHS services, or other community resources. Seeking support will never be used against an employee in any disciplinary or capability process.

Employees who feel that a colleague's health needs are not being appropriately supported, or who themselves are experiencing difficulties, are encouraged to speak in confidence with the Executive Officer or, where that is not appropriate, with the Chair of the Personnel Committee.

19. Monitoring and Review

The Executive Officer shall be responsible for reviewing this policy annually to ensure that it meets legal requirements, reflects best practice, and remains appropriate for a council of ATC's size and staffing profile.

Any proposed amendments to this policy shall be reported to and approved by the Council.

The annual review will:

- Consider changes in legislation or case law, in particular the phased implementation of the Employment Rights Act 2025 through 2026 and 2027
- Incorporate any updated NJC Green Book provisions following pay and conditions negotiations
- Incorporate lessons learned from HR cases handled during the preceding year, including any NEREO recommendations
- Consider feedback from employees and councillors on the operation of this policy
- Review absence data and patterns to identify any systemic issues requiring action
- Make recommendations for improvement where needed, including to related HR policies