



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# JOINT EMPLOYEE COUNCIL

## AGENDA

Meeting to be held in the  
Ceres Suite,  
Worksop Town Hall, S80 2AH  
on 15<sup>th</sup> January 2015  
at 1.30 pm

**(Please note time and venue)**

**Please turn mobile telephones to silent during meetings.  
In case of emergency, Members/officers can be contacted  
on the Council's mobile telephone: 07702 670209.**

**In accordance with Regulation 4(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, audio/visual recording and photography at Council meetings is permitted in accordance with the Council's protocol 'Filming of Public Meetings'.**

# JOINT EMPLOYEE COUNCIL

**Membership** 2014/15

**Councillors** I. J. Campbell, C. Entwistle, S. A. Greaves, S. May  
and J. B Rickells

**Substitute Members:** In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

**Quorum:** 2 Members

## **Lead Officer for this Meeting**

Mr. L. Hull - Ext. 4136

## **Administrator for this Meeting**

Cara Crossland - Ext. 3254

## **JOINT EMPLOYEE COUNCIL**

**Thursday, 15<sup>th</sup> January 2014**

### **AGENDA**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS \*  
(Members' and Officers' attention is drawn to the attached notes and form)
  - (a) Members
  - (b) Officers
3. MINUTES OF MEETING HELD ON 16<sup>TH</sup> OCTOBER 2014 \* (pages 7 - 10)
4. MINUTES FOR ACTION \* (page 11 - 12)
5. OUTSTANDING MINUTES LIST \* (page 13)

### **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

#### **Key Decisions**

None

#### **Other Decisions**

6. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES\*
  - (a) Smoke Free Environment Policy (pages 15 - 24)
  - (b) Sickness Absence Figures (pages 25 - 28)
  - (c) Managing Attendance Policy and Procedure Review (pages 29 - 52)

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

### **SECTION B - ITEMS FOR DISCUSSION IN PRIVATE**

#### **Key Decisions**

None

#### **Other Decisions**

7. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES \*
  - (a) Car Allowances, Mileage Payments and Staff Car Parking (pages 53 - 62)
  - (b) Review of Agency Workers and Workforce Data (pages 63 - 70)
8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

\* Report attached

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NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
  2. Copies can be requested by contacting us on 01909 533249 or by email:  
[cara.crossland@bassetlaw.gov.uk](mailto:cara.crossland@bassetlaw.gov.uk)
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## DECLARATION OF INTERESTS

### **HOW TO USE THIS FORM**

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests	)	Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below)
	)	
	)	
Non Pecuniary Interests	)	

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

#### **Disclosable Pecuniary Interests**

May relate to employment, office, trade, profession or vocation carried on for profit or gain  
May relate to sponsorship  
May relate to contracts  
May relate to interests in land  
May relate to licences to occupy land  
May relate to corporate tenancies  
May relate to securities

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- withdraw from the room  
- not seek improperly to influence a decision on the matter

#### **Non Pecuniary Interests**

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council  
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25  
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

**DRAFT**

**JOINT EMPLOYEE COUNCIL**

**Minutes of the meeting held on Wednesday, 16<sup>th</sup> October 2014 at Worksop Town Hall**

**Present:**

Employer's Representatives:

Councillor S Greaves (Chair)  
Councillors C Entwistle and J B Rickells.

Employee Representatives:

K Circuit, R Parr, P Rodgers and T Walstow.

Officers in attendance: C Crossland, M Hill (Agenda Item No. 6(a) only), L Hull and N Taylor (Agenda Item. No 7(a) only).

**ACTION BY:**

(Meeting commenced at 1.35pm.)

(The Chairman welcomed all to the meeting, read out the Fire Evacuation Procedure, and also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; no members of the public were present.)

**12. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor S May and employee representative A Dainty.

**13. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

(a) Members

There were no declarations of interest by Members.

(b) Officers

There were no declarations of interest by officers.

**14. MINUTES OF MEETING HELD ON 16<sup>TH</sup> JULY 2014**

**RESOLVED** that the Minutes of the meeting held on 16th July 2014 be approved.

**15. MINUTES FOR ACTION**

**RESOLVED** that the Minutes for Action be received.

**16. OUTSTANDING MINUTES LIST**

In relation to Outstanding Minute No. 8(a), Queen's Buildings Project, Members were advised that the Director of Corporate Services would be providing an update at a future meeting.

**RESOLVED** that the Outstanding Minutes List be received.

## **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

### **Key Decisions**

None.

### **Other Decisions**

#### **17. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES**

##### **(a) Salary Sacrifice Schemes**

Members were presented with a proposed Salary Sacrifice Scheme for Council employees. There are currently three schemes that are free of charge to the Council that the awarded company will administer – cycle to work, mobile phones and computers/tablets.

The Scheme works by the employee sacrificing an element of gross pay therefore the employee and Council can make savings by the fact that their National Insurance and tax calculations are reduced.

Management Team have given approval for the usage of the scheme subject to the matter being noted by the Joint Employee Council.

Members/ employee representatives asked questions regarding the impact on pension contributions and the possibility of a bicycle shelter depending on the take up of the scheme.

**RESOLVED** that the usage of the salary sacrifice schemes be noted.

##### **(b) Employee Code of Conduct**

Members were presented with the proposed revised Employee Code of Conduct having now completed Trade Union consultations. A draft was presented to the Joint Employee Council on 16<sup>th</sup> July 2014 for comment. A summary of the amendments and updates to the document was given.

**RESOLVED** that the Employee Code of Conduct be recommended to Cabinet for approval and implementation.

##### **(c) Job Share Scheme**

Members were presented with a revised Job Share Scheme having now completed Trade Union consultations. A draft was presented to the Joint Employee Council on 16<sup>th</sup> July 2014 for comment. A summary of the amendments and updates to the document was given.

**RESOLVED** that the Job Share Scheme be recommended to Cabinet for adoption.

##### **(d) Smoke Free Environment Policy**

Members were presented with a draft revised Smoke Free Environment Policy, which is subject to completion of consultation. A summary of the proposed changes was outlined in the report.

The Council introduced its original Policy in June 2007 and the document has not been formally updated or reviewed since. With the recent introduction of electronic cigarettes it



was seen as timely to review and update the existing policy. The review has included research into e-cigarettes and benchmarking to see what approach has been taken by other councils.

An employee representative raised concerns that employees using e-cigarettes would be subject to the same disciplinary procedure as normal cigarettes. He raised concerns that he didn't want employees who were trying to give up smoking to be discouraged. In response to issues raised Members were advised that the Policy is still undergoing consultation.

**RESOLVED** that:

1. The draft Smoke Free Environment Policy be noted.
2. A final draft be submitted back to the next meeting of the Joint Employee Council, following completion of consultation, prior to cabinet approval.

(e) Annual Employee Award Scheme

Members were presented with the nominations received and awards decided upon by the Assessment Panel for the 2014 Annual Awards. A summary of comments received in terms of each nomination was given. An appropriate awards celebration will be or organised and nominees will be invited to attend. The Head of Human Resources commented on the quality of the nominations and the outstanding work of employees.

The Chairman welcomed the report and the awards celebration. He commented on the good work of Council employees and the recognition they should receive.

**RESOLVED** that the progress in terms of successful implementation of the Scheme be noted and the final annual award outcomes for 2014 be approved.

## 18. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agree that the following items of business involve the likely disclosure of exempt information as defined in Paragraph 4, and, therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item 7(a) – Car Allowances, Mileage Payments and Staff Car Parking – Paragraph 4

Agenda Item 7(b) - Review of Agency Workers and Workforce Data– Paragraph 4

Agenda Item No.7(c) – Sickness Absence Monitoring – Paragraph 4

## SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

### Key Decisions

None.

### Other Decisions

## 19. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) Car Allowances, Mileage Payments and Staff Car Parking

Members were presented with a report to update them on progress in respect of negotiations with staff on proposed changes to car allowances, mileage payment and staff car parking.

**RESOLVED** that:

1. The outcomes of the consultation be noted.
2. A further report be submitted to the next Joint Employee Council reporting the outcome of negotiations on these issues.

(b) Review of Agency Workers and Workforce Data

The Joint Employee Council were updated on the use of agency workers for the period 1<sup>st</sup> April 2014 to 30<sup>th</sup> June 2014. Also appended to the report was the number of temporary staff with flexible working arrangements, the number of staff previously employed by the Council and the number of consultants for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2014.

**RESOLVED** that the report be noted and option 1 be approved, to seek to reduce the incidence of agency working by requiring managers to complete the quarterly monitoring form.

(c) Sickness Absence Monitoring

Members were updated on the employee sickness absence information for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2014.

Employee representatives asked questions regarding the current positions of some vacant posts and work undertaken by consultants.

**RESOLVED** that the contents of the report be noted.

20. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

(a) Blood Donation

An employee representative raised an issue that there may be discrepancies in relation to time deducted/ not deducted by managers for an employee donating blood during working hours. It was believed by some members that it had been agreed previously at the Joint Employee Council that employees would not have time deducted for giving blood.

**RESOLVED** that the Head of Human Resources look into the policy and whether it needs to be reviewed.

As there was no other urgent business to discuss, the Chairman thanked everyone for their attendance and closed the meeting.

(Meeting closed at 2.50 pm.)



(b) Review of Agency Workers and Workforce Data

**RESOLVED** that the report be noted and option 1 be approved, to seek to reduce the incidence of agency working by requiring managers to complete the quarterly monitoring form.

**HHR**

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20. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

(a) Blood Donation

**RESOLVED** that the Head of Human Resources look into the policy and whether it needs to be reviewed.

**HHR**

**JOINT EMPLOYEE COUNCIL****Thursday, 15<sup>th</sup> January 2014****OUTSTANDING MINUTES LIST****Members please note that the updated positions are shown in bold type following each item.***(CE = Chief Executive, DCS = Director of Corporate Services, HHR = Head of Human Resources)*

<b><u>Min. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>	<b><u>Decision</u></b>	<b><u>Officer Responsible</u></b>
8(a)	16.07.14	Queen's Buildings Project	<b>RESOLVED</b> that the scope and rationale of the Queen's Buildings Project, as outlined within the report, be noted and an update be presented to the Joint Employee Council in six months on progress made. <b>Update to be presented to the April meeting.</b>	DCS
17(d)	16.10.14	Smoke Free Environment Policy	2. A final draft be submitted back to the next meeting of the Joint Employee Council, following completion of consultation, prior to cabinet approval. <b>See Agenda Item No. 6(a)</b>	HHR
19(a)	16.10.14	Car Allowances, Mileage Payments and Staff Car Parking	2. A further report be submitted to the next Joint Employee Council reporting the outcome of negotiations on these issues. <b>See Agenda Item No. 7(a)</b>	HHR



**BASSETLAW DISTRICT COUNCIL**

**JOINT EMPLOYEE COUNCIL**

**15 January 2015**

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL  
DEVELOPMENT**

**Smoke Free Environment Policy**

Cabinet: Policy  
Contact: Len Hull  
Ext: 4136

**1. Public Interest Test**

1.1 The author of this report has determined that this report is not confidential.

**2. Purpose of the Report**

2.1 To present to the Joint Employee Council a final proposed revised Smoke Free Environment Policy (following presentation of a draft to Joint Employee Council on 16th October 2014) having now completed the Trade Union consultations.

**3. Background and Discussion**

3.1 The Council introduced its original Smoke Free Environment Policy in June 2007 and this document had not been formally reviewed or updated since.

3.2 This Policy was developed and introduced predominantly in response to The Health Act 2006, which made virtually all (substantially) enclosed public and work places, including vehicles, smoke free. In addition, of relevance and pre-dating that, the Council has a general requirement under the Health and Safety at Work Act (1974) to take reasonable measures to protect the health and safety of employees and members of the public visiting Council premises.

3.3 Benchmarking shows that the Council's original policy and approach to the related issues was developed much in line with that of other local authorities at that time.

3.4 More recently, with the introduction and growing use and awareness of a range of electronic, or e cigarettes in the community a number of local authorities have made the decision to review and update their existing policies. The aim being to incorporate and make clear for staff their policy position in terms of use of e cigarettes within the workplace.

- 3.5 Bassetlaw Council's responding review and many of the proposed amendments were arrived at with significant and welcomed input from the Trade Union side. The review also included research into e cigarettes, review of relevant related guidance produced by organisation Ash (action on smoking and health), Chartered Institute of Environmental Health and benchmarking into the policy approaches being taken by a number of other Councils in regard to incorporating the use of e cigarettes into existing policy frameworks.
- 3.6 The draft updated policy document was presented to the Joint Employee Council for comment and information at its 16 October 2014 meeting and it was noted at that time that consultations with the trade unions were on-going. These consultations have since been concluded. No further amendments to the draft were required.

### **Summary of final changes to the Smoke Free Environment Policy**

- 3.7 The final proposed Policy (see Appendix 1) includes the following changes:
- Overall amendments to the document format and style, including clearer headings and use of plain English to modernise the document and improve user friendliness (moving over to the new approved style for employment policies and procedures)
  - Streamlining and bringing up to date the previous general (and lengthy) background section which was included within the policy document
  - Incorporation of a new, additional section clarifying what e cigarettes are, the Council's policy position on their usage within the workplace (i.e. that these are prohibited in line with the restrictions that apply to usage of standard/normal cigarettes) and the rationale for this policy position
  - Removal of the historical, outdated reference to a temporary 3 month phasing in period and arrangements regarding smoking breaks during that initial period following introduction of the policy in 2007.
  - Updating of the 'support and assistance for smokers' section to reflect the current facilities and contacts available (for example, a change of NHS tel. number and their introduction of a live web chat support option for individuals seeking support to quit smoking).

## **4. Implications**

### a) Financial – Ref: 15/448

The changes proposed do not entail any financial implications.

### b) Legal – Ref: 13/01/15

The updated document complies with the current related legislative requirements.

### c) Human Resources.

The Human Resource implementations are as detailed throughout this report.



d) Community Safety, Equalities, Environmental.

The Policy is to be applied fairly and equally to all staff. The Policy is a Health and Safety related measure, offering protections to both staff and the local Community.

## **5. Options, Risks and Reasons for Recommendations**

5.1 The options are:

- a) To continue with the existing Smoke Free Environment Policy, or
- b) To support introduction of the updated document.

5.2 Option b) is recommended, as the amendments are considered to update and improve the existing document, particularly in terms of clarifying the Councils position for staff and managers on the use of e cigarettes.

## **6. Conclusions**

6.1 The revised Policy is more up to date and robust and therefore should be positively supported by all parties involved.

## **7. Recommendations**

7.1 That the Joint Employee Council notes the completion of consultation and refers the Policy to Cabinet for approval and implementation.

**Background Papers**

**Location**





**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

**BASSETLAW DISTRICT COUNCIL**

# **SMOKE FREE ENVIRONMENT**

**POLICY**

**HUMAN RESOURCES**



'Go-Live' Date: XX/XX/2015



## What is this Policy about?

This policy is about smoking at work.

Bassetlaw District Council recognises the rights of all staff to work in a smoke free environment and has operated a policy of no smoking within its buildings and vehicles for many years. The Council is committed to promoting the good health of its employees and the provision of a safe working environment.

The Health and Safety at Work Act (1974) requires that the Council takes reasonable measures to protect the health and safety of employees and members of the public visiting Council premises. The Health Act 2006 makes virtually all (substantially) enclosed public and work places, including vehicles, smoke-free.

The Council is committed to protecting all employees from the well-known harmful effects of second hand smoke and ensuring that everyone is aware of their rights and responsibilities in relation to the smoke free regulations.

## Who does it apply to?

This Policy applies to all employees and elected members. Where the General Policy mentions staff or employees, for the purpose of that section of the Policy this will apply to workers engaged through an agency, employment organisation, or by a contractor or other organisation, and volunteers.

## What are the objectives of this Policy?

The key objectives of this policy are as follows:

- To contribute to a healthy and safe environment for the Council's employees.
- To ensure that staff, elected members, service users and visitors to Bassetlaw District Council's premises benefit from a smoke-free environment.
- To protect employees from the hazards of second-hand smoke inhalation whilst at work.
- To heighten staff awareness of the health risks associated with smoking.
- To provide opportunities, assistance and support to those employees who wish to give up or cut down smoking.

## The Policy

### General:

1. Under this Policy, all employees are prohibited from:
  - Smoking during their working hours
  - Smoking on any part of the Council's premises and grounds, including car parks that service Council buildings
  - Smoking in Council vehicles, whether owned, leased or hired by the Council
  - Smoking around entrances to Council premises
2. The Council acknowledges that some employees may wish to make use of electronic cigarettes (e-cigarettes) at the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Although they fall outside of the scope of smoke-free legislation the Council prohibits the use of e-cigarettes in the workplace, as it does standard cigarettes, based on the following rationale:
  - Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance and/or potential health risk to other employees
  - Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police and creating an impression for other employees, customers or visitors that it is acceptable to smoke within Council premises etc.
3. Smoking in private vehicles during work time is strongly discouraged. Employees are required not to smoke if there are one or more passengers in the car.
4. Smoking breaks are not permitted. Appropriate support and assistance will be given to employees who currently smoke, to help them stop smoking.
5. Smoking shelters will not be provided on Council premises.
6. No sales of tobacco products will be allowed on any Council premises, including the provision of vending machines.
7. Staff members are expected to inform service users and visitors of the Policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.
8. This Policy is intended to benefit all staff, elected members, service users and visitors, and all staff are responsible for its continued implementation.
9. Managers in each work location must play their part in promoting the Policy. If the manager identifies that an employee genuinely needs assistance in adhering to the Policy they can draw their attention to the available support and assistance outlined below.

### **Third Party Premises:**

Employees required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for the premises of the Council's Smoke Free Environment Policy when arranging a visit. Although the Council has a duty of care to protect its employees, it cannot control the smoke free environment policy on other premises. Employees and/or managers should aim for the people visited to arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, the visited should be asked to refrain from smoking for the duration of the visit. Any employee has the right to terminate a visit/interview if in his/her opinion he/she is being adversely affected by second-hand smoke.

### **Support and Assistance for Smokers:**

The Council recognises that many smokers want to quit, and that nicotine is a highly addictive substance, therefore staff may need support to stop smoking. The Council is committed to encouraging staff to stop smoking, and the best way that we can do this as an employer is to have in place restrictions on smoking during working hours. In addition, a range of support options is available for employees who would like help to stop smoking. In particular, the Council will:

- provide counselling and support for employees experiencing difficulties in giving up smoking, as requested;
- publicise the availability of further advice and support through this Policy and periodically through other communication processes.

Further advice and support on stopping smoking can be obtained from:

- National Health Service – google 'smoke free nhs' (various support is available via their website, including for example, a live web chat option. [www.gosmokefree.co.uk](http://www.gosmokefree.co.uk))
- NHS Smoking Helpline : Tel. 0300 123 1044

### **Enforcement:**

Breaches of this Policy may be considered as misconduct under the Council's Disciplinary Procedure.

**Does this Policy link closely with other BDC documents?**

Disciplinary Policy & Procedure

**Need more information or support?**

Relevant documents, advice and guidance:

**For Managers and Employees:** In addition to the sources of support and advice within the above policy you may wish to contact Human Resources for further related guidance, advice and information.

**The 'small print' .....**

**Legal and General points:**

- Nothing in this policy will override related prevailing legislation and/or regulations,
- This Policy is written in compliance with current relevant legislation/regulations
- This Policy updates the earlier version of the Smoke Free Environment Policy.
- This Policy will be periodically monitored and reviewed and may be subject to future amendments.

**Document control information:**

Version number: 1.1 of 1

(Original version 1 approved by Cabinet and Special JEC, 11 June and 19 June 2007).

Author: Sheryl French, Human Resources

1.1. Approved by Cabinet: On: XX/XX/2015  
1.1. Implementation 'Go-live' Date: XX/XX/2015





**BASSETLAW DISTRICT COUNCIL**

**JOINT EMPLOYEE COUNCIL**

**15<sup>th</sup> JANUARY 2015**

**REPORT OF THE HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT**

**Sickness Absence Figures**

Cabinet: Policy  
Contact: Len Hull  
Ext. 4136

**1. Public Interest Test**

1.1 The author of this report has determined that this report is not confidential.

**2. Purpose of the Report**

2.1 To present to the Joint Employee Council sickness absence data relating to the Council's workforce for information and discussion.

**3. Background and Discussion**

3.1 Attached at Appendix A, is a breakdown by Directorate of the Council's performance in terms of days lost due to sickness for the first 6 months of the year i.e. 1<sup>st</sup> April to 30<sup>th</sup> September, 2014. These figures show an overall annualised average rate of sickness per employee of 10.86 days per employee for this period, against a target of 8.00 days per year. This represents a significant increase when compared to the annual figures for 2013/14 of 7.5 days per employee per year, against a target of 7.51 days.

3.2 The top ten reasons for absence which accounts for 68.7 % of all absences are provided in the table below:

DAYS LOST DUE TO SICKNESS ABSENCE BY REASON – 1/4/14 TO 30/9/14

Absence Reason	Days Lost	% of Total Days Lost
Mental Health – Anxiety/Stress	239	12.08%
Musculoskeletal - Back	201.5	10.19%
Accidents and/or injury	195	9.86%
Cardiovascular	140	7.08%
Eye Problem	132	6.67%
Surgery - General	130	6.57%

Musculoskeletal - Sciatica	121	6.12%
Surgery – General	72	3.64%
Neurological Disorder	70	3.54%
Surgery - Orthopaedic	60	3.03%

3.3 The data reveals that mental health – anxiety/stress continue to be the biggest reason for employee absence, the number of days lost as a result of it has remained as last year.

3.4 The largest increase in terms of the reasons for employee absence appears to be back-related problems, and this should therefore focus our attention in terms of reducing employee absence from work.

3.5 Comparative data between 2013 and 2014 in respect of the percentage of absence being due to long-term absences or short-term, is as follows:-

2013	2014
Long Term Days 48% of days lost.	Long Term Days 56% of days lost.
Short term Days 52% of days lost.	Short Term Days 44% of days lost.

3.6 The figures reveal that throughout this year there has been a sharp increase in the number of long-term cases, which have had to be managed, and these now account for 56% of absences. In total, at present there are 12 long-term sickness cases which are currently being managed and this is considered to be the major factor which has added to the increase in the sickness figures this year.

3.7 As a consequence of the above, the following actions are being pursued to improve attendance at work:-

- A review of each individual long-term case has been undertaken to examine and initiate specific actions which may support the employees illness and their return back to work.
- A joint review with Unison of the Councils Managing Attendance Procedure, to provide better support to both managers and employees in dealing with absence issues.
- Further analysis of reasons behind musculo-skeletal absence, so that preventable measures may be put in place.
- A briefing to managers on mental health issues, and consideration of further support mechanisms.

These measures will be added to existing interventions which already exist such as:

- Appointment of Firstcare Day One Absence Management Service.
- Appointment of Medigold Occupational Health
- Availability of free confidential counselling service
- Gold standard for Wellbeing at Work
- Promotion of national health campaigns
- Promotion of local wellbeing opportunities
- Manual handling training
- Workstation assessments

#### **4. Implications**

a) Financial – 15/392

The report and recommendations do not invoke any direct financial implications.

b) Legal – Ref: 20/01/15

There are no legal implications arising from this report.

c) Human Resources

The Human Resource implementation are as detailed throughout this report.

#### **5. Options, Risks and Reasons for Recommendations**

5.1 The options are:

- a) To note and support the data and initiatives outlined in the report.
- b) To consider alternative options to improve the sickness absence from work.

5.2 Option a) is recommended, as the amendments proposed are designed to improve the health & well-being of staff.

#### **6. Conclusions**

6.1 The data contained in this report have indicated the areas to focus on, in improving the sickness absence figures of the Council, and these are now being addressed.

#### **7. Recommendations**

7.1 That the Joint Employee Council note and comment as appropriate on the data and actions included in this report.

7.2 That the sickness absence of employees continues to be monitored and further reports on progress submitted to the Joint Employee Council.

#### **Background Papers**

#### **Location**

## BASSETLAW DISTRICT COUNCIL

## RECORD OF NON ATTENDANCE WITHIN THYE COUNCIL

APRIL – SEPTEMBER 2014

Service	FTEs as at 1 April 2014	Cumulative Sickness Hours	% Sickness Rate (% of working days lost due to sickness)	Days Sick Per FTE (annualised figure)	Target 2014/15
Chief Executive	4.86	0.00	0.0%	0.00	6.00
Human Resources	5.00	584.60	12.1%	31.48	6.00
Total	9.86	584.60	6.1%	15.96	6.00
Directorate of Corporate Resources					
Corporate Services	61.82	1,738.14	2.9%	7.68	6.00
Finance & Property	76.23	2,636.40	3.6%	9.34	7.20
Total	138.05	4,374.54	3.3%	8.60	6.66
Directorate of Neighbourhoods & Regeneration					
Neighbourhoods	136.25	7,011.84	5.3%	13.96	9.00
Regeneration	72.95	2,337.27	3.3%	8.66	8.00
Total	209.20	9,349.11	4.6%	12.11	8.59
Council Total	357.11	14,308.25	4.2%	10.86	8.00

The "Days Sick Per FTE" uses the total sickness hours for the year to date, and assume an equivalent of absence over the rest of the "% Sickness Rate" is the number of hours of sickness as a percentage of the number of available working hours.

**BASSETLAW DISTRICT COUNCIL**

**JOINT EMPLOYEE COUNCIL**

**15 January 2015**

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL  
DEVELOPMENT**

**Managing Attendance Policy and Procedure Review**

Cabinet: Policy  
Contact: Len Hull  
Ext: 4136

**1. Public Interest Test**

1.1 The author of this report has determined that this report is not confidential.

**2. Purpose of the Report**

2.1 To present to the Joint Employee Council a draft revised Managing Attendance Policy and Procedure, which is subject to completion of ongoing Trade Union consultations.

**3. Background and Discussion**

3.1 The Managing Attendance Policy and Procedure is regarded one of the Council's key employment policies and procedures. Its primary aim is to provide a clear and robust process for managers and employees to follow, in terms of reporting, recording and effectively managing and dealing with all sickness absence matters arising.

3.2 The Council's existing Managing Attendance Policy and Procedure was approved by Cabinet 2 December 2002. As this document has not therefore been reviewed for some time it was considered desirable that it be reviewed and updated, particularly as a number of internal and external changes have occurred which impact on the required contents of this Policy and Procedure moving forward. Additionally, over more recent months sickness absence within the Council has overall been steadily rising, which was a further 'driver' to prioritise completion of this policy review.

3.3 The review has included consultations with line managers across the organisation, HR practitioners of the policy and trade union representatives; benchmarking against a range of other organisations policies, procedures and practices and research and identification of internal and external changes since 2002, including review against the most current legislative and best practice requirements and guidance, including key case law, which collectively shaping the way in which employers should now manage aspects of sickness absence. Finally, the review included a rewrite to improve its format, style, clarity and user-friendliness.

3.4 Key issues arising from early consultations and the above review finding were:

- The written documentation was notably out of date and no longer fully or accurately reflective of current practice and requirements (for example, removal of National Sickness BVPI Performance Indicators; change over to the Council's current third party partner in the process 'First Care', the Doctor's 'Fit Note' which differs from the old 'Sick Note' regime)
- Consultation revealed confusion over applying the sickness 'trigger points' in practice (with suggestion that these might be usefully streamlined and better clarified); the need to incorporate information on how various aspects of annual leave should be managed in relation to sickness absence (particularly in light of and to reflect recent key case law relating to this); the need to review and be clearer on how to manage absence issues entailing a combination of 'long term' and 'short term' absences (with suggestion that it be considered whether one procedure and opposed to two separate arms to the procedure might be clearer and work more effectively); the need to ensure managers are directed to seek appropriate professional HR advice on fairly, lawfully and effectively managing particular types of sickness absence, (including disability, maternity and industrial injury related absences)

3.5 The draft document, as appended, has been developed to bring it up to date, improve clarity and address the improvement areas identified within the overall review. As consultations progressed during drafting the need for a flexible yet robust policy and procedure, to enable appropriate responses to a wide range of sickness cases and scenarios arising became evident, and so this has been a key feature of development of the contents of the new draft document. Consultations with the trade unions on this draft are currently on-going.

#### 4. **Implications**

a) Financial – Ref: 15/234

The changes proposed do not entail any financial implications.

b) Legal – Ref: 12/01/15

The document has been usefully updated to reflect key, current related legislative requirements.

c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

d) Community Safety, Equalities, Environmental.

The Policy and Procedure is to be applied fairly and equally to all staff. Additionally the changes proposed within this draft include ensuring professional HR advice is sought in terms of key equality issues relating to disability and maternity related sickness.

**5. Options, Risks and Reasons for Recommendations**

5.1 The options are:

- a) To continue with the existing Managing Attendance Policy and Procedure, or
- b) To support introduction of the revised updated document, with any further amendments, as arising from completion of the ongoing consultations.

5.2 Option b) is recommended, as the amendments proposed in this revised draft are considered to significantly improve the existing document.

**6. Conclusions**

6.1 The revised Policy and Procedure is more up to date, robust and user friendly and therefore should be positively supported by all parties involved, following completion of consultations.

**7. Recommendations**

7.1 That the Joint Employee Council note and comment as appropriate on the (Appended) draft Managing Attendance Policy and Procedure.

7.2 That a final draft be submitted back to the next meeting of the Joint Employee Council, following completion of consultations, prior to Cabinet approval and implementation.

**Background Papers**

**Location**





**WORKING DRAFT:**

**Subject to TU Consultation**

**MANAGING ATTENDANCE  
POLICY AND PROCEDURE**

## OUR POLICY

### 1. What is this policy about?

This document explains how cases of employee sickness absence should be reported and managed. It relates to physical or mental health problems which lead to non-attendance at work or which affect an employee's ability to carry out their duties at work.

Note: It does not deal with cases of unauthorised absence, which are regarded disciplinary matters. Similarly, there are a whole range of other types of absence, which are dealt with under separate policies and procedure (for example, annual leave, time off for public duties, maternity leave etc.).

### 2. Who does it apply to?

It applies to all Bassetlaw Council employees. It does not apply to casual workers.

Note: for staff employed on JNC Chief Officer Terms and Conditions of Employment, reference should also be made to the related JNC provisions, to ensure these are appropriately incorporated.

### 3. What are the policy intentions?

It is our intention to deal with sickness absence in a way which:

- Respects **privacy** and **confidentiality**, working within **data protection** requirements, and related legislation (e.g. Access to Medical Reports Act)
- Ensures **fairness, consistency** and **equality of treatment**, whilst recognising employees have different needs and requirements
- **Promotes** and pro-actively supports **health, safety** and **well-being** across the workforce, so preventing and reducing occurrence of sickness
- **Focuses** on encouraging and maximising good attendance by looking for **solutions to underlying problems**,

- Is appropriately **sensitive** towards and **supportive** and **enabling** in terms of **genuine sickness absence** and ill health (**whilst appropriately robust** in dealing with unjustified and/or high incidences of sickness absence and/or failure to follow, or abuse of, the sickness procedure)
- **Recognises** and **values good attendance** levels, in working towards targets for low levels of sickness absence
- Recognises that **managers** have a **key role to play** in terms of effective day to day management and monitoring of attendance, with appropriate advice, support and training
- The Council will consider '**phased return to work**' arrangements in appropriate cases (for example, to aid return to work following long term sickness and/or in cases of disability, as a reasonable adjustment). The premise of a phased return being that professional medical opinion advises the employee is well enough to carry out some work and is likely, within a reasonable time period, to recover sufficiently to return to his or her previous role. Any such arrangement should be formally agreed, documented, monitored and reviewed, in line with advice from Human Resources. (To support and facilitate phased returns to work in the short term an allowance of **up to X** days (pro rata for part-time staff) may be granted towards covering the normal contractual working days not being worked, capped at no more than 50% of the total cover required).
- **Sickness absences arising due to accident, injury or assault at work**, may, where deemed appropriate (by management and HR), be 'set aside', in terms of considering issue of a 'warning' under this procedure, where as a result of this absence a 'trigger point' has been hit (providing correct workplace accident reporting has taken place, and any investigation of the circumstances, and medical advice attest the absence is due to this).
- **Sickness absence due to accident where costs are recoverable from a third party** for example, resulting from a traffic accident, the Council may, at its discretion, require the employee to reasonably seek to recover costs and reimburse the Council for the costs it has incurred where these can be recovered from that third party.
- **Requests for extension to normal sick pay**, as the Council provides a generous sick pay scheme generally periods of sick pay will not normally be extended beyond the applicable normal contractual entitlement, however, in extreme and exceptional circumstances this may be considered, via and with formal approval from Human Resources.

#### 4. What are employees expected to do?

- Attend **work unless genuinely unfit** to do so and not abuse this procedure or sick pay scheme
- **Raise concerns** early with their Line Manager **if** they believe the job or **work** environment is **contributing towards illness**
- **Report sickness** absences **promptly**, via 'First Care' in line with the Procedure
- Ensure appropriate **sickness certifications**, based upon the duration of absence, are **submitted** in line with the Procedure.
- **Maintain** appropriate, timely **contact** with both '**First Care**' and their **Line Manager**, communicating key updates as the absence progresses.
- **Co-operate** with the **Occupational Health** services and other organisations engaged by the Council to provide support and assistance in regards to sickness.
- **Ensure** that **medical advice and treatment**, where appropriate is **sought** and **acted upon** as **quickly** as possible, to facilitate a return to work.
- **Make efforts to ensure** that GP/Specialist/Consultant **information** is **supplied** in a timely manner to the **Council's Medical Advisor**, as appropriate.

#### 5. What support services are in place to help managers and employees?

The following are available:

- **Occupational Health Services** – to provide professional medical advice and guidance, in respect of cases arising under this Policy
- **Counselling Service**- to provide a confidential service to employees to discuss concerns which are impacting on health, whether work related or personal.
- **Human Resources**- to corporately co-ordinate and manage the policy and procedure, including related third party providers, systems and data and provision of practical and professional advice, support and guidance.

# OUR PROCEDURE

## 1. Reporting absence

### **Day One....**

The employee must telephone 'First Care' on the first day of absence, as early as possible and within one hour of their normal start time. They will be required to provide details of the absence, including the nature of the illness or injury and anticipated length of absence. They will also be required to re contact First Care in terms of the anticipated return date, either to confirm they will be returning on the original anticipated date, or to update on progress.

If the employee believes that their absence may have been caused by something that happened at work (e.g. workplace accident or assault) they must also raise this with their Manager at the earliest possible opportunity and an Accident Report Form be completed,.

Note: if an employee is at work and needs to leave due to sickness part way through the working day, they should firstly discuss this with their manager (or, if they are not available, the most relevant alternative available manager)

Note: It is recognised that in extreme and exceptional circumstances (only) the employee may not be able to report sick directly themselves. In such a case arrangements must be made for someone else to report on their behalf and the employee must make direct contact as soon as is possible thereafter.

Note: *A failure to report sickness absence will be regarded as unauthorised absence and may lead to loss of pay and/or disciplinary action.*

### **Day Eight.....**

If the employee's absence lasts more than seven consecutive days (regardless of whether or not these are working days) they must consult a Doctor and obtain a Fit Note, which must be forwarded immediately to the Line Manager. The statement must cover the employee's absence from the eighth consecutive day onwards.

## **Thereafter....**

Where there is continuing sickness absence beyond expiry of the above initial 'Fit Note' the employee must submit timely, concurrent Fit Notes to cover the whole period of absence.

Where the period of absence exceeds 14 days the employee must submit to the line manager upon their return to work, a Fit Note to resume work from their doctor

Note: In certain circumstances the Council reserves the right to insist an employee return to the Doctors to be confirmed fit to return to work, regardless of any earlier Fit Note stating the employee does not need to return to the Doctor to be signed off.

Note: Exceptionally, if the employee's line manager is concerned at the frequency of an employee's absence, or their account of their reasons for absence, as part of the formal absence procedure the employee may be expressly required to submit Doctors Fit Notes, rather than self- certifications, from day one. In such cases the Council will meet the cost of any fee charged.

## **2. Maintaining contact during sickness absence**

When an employee is absent due to sickness reasonable and appropriate contact should be maintained between the manager and employee, both parties have a responsibility here.

If an employee is absent from work for more than 28 calendar days, the line manager should normally arrange to see the employee within 14 days of reaching the 28 calendar days absence. However, dependent upon the circumstances of the particular case it may be deemed appropriate to arrange to see the employee sooner, or indeed later, as appropriate. A Human Resources Advisor should normally accompany the manager on this visit. This meeting will normally take place at the employee's home though this may be elsewhere at the request of the individual. If absence becomes long-term, regular contact must be maintained.

An employee who is absent from work due to sickness and who has agreed to meet with their Line Manager at home or at the workplace will be offered the opportunity to be accompanied (by a friend, relative, colleague or a Trade Union representative).

## **3. Certifying and Recording Absence**

Every absence has to be correctly certified to ensure prompt and correct payment of sick pay and to ensure records are maintained.

Note: *A failure to comply may result in loss of pay or sick pay and/or disciplinary action. Misleading or false statements may also lead to disciplinary action.*

Submission of timely Self Certifications and/or Fit Notes is the employee's responsibility and managers should pro-actively monitor compliance and consult Human Resources, should issues arise.

### **Self-Certification....**

A 'Self Certificate' needs to be completed by the employee and returned to the Line Manager, as soon as reasonably possible. A Self-Certificate need to be completed for any sickness absences of up to and including 7 consecutive/calendar days (i.e. not just working days).

### **Fit Note....**

A Doctors' Fit Note will need to be obtained by the employee and submitted to the Line Manager to cover from day eight of any consecutive sickness absence.

On this the Doctor will advise either:

a) Not fit for work

i.e. the employee has a health condition that prevents them from working for the stated period of time.

They will need to see the Doctor again *if* they continue to be unfit for work *or* the Doctor advised that they will need to assess their fitness for work again at the end of the period

*or,*

b) May be fit for work taking account of the following advice

i.e. the employee's condition does not necessarily stop them from returning to work. Typical suggestions which the Doctor (GP) may make under this are:

-A phased return to work

-Altering Hours

-Amended Duties; and/or

-Workplace adaptations

Within this the GP may make suggestions about how the Council can support the employee to be enabled fit to return. The Manager, in consultation with Human Resources will consider and aim to utilise this information to, wherever reasonably practicable, identify, minimise or remove barriers that may be preventing the employee from returning to work.

Note: The GP's suggestions are not binding and if unable to reasonably accommodate them the employee may be classed as 'unfit to work' either

until such time as required adjustments can be made or their GP provides updated information which changes this position. However, the Council is still required to consider its obligations under the Equalities Act 2012, in terms of disability and reasonable adjustment and will do so. Managers should consult HR for further advice.

Note: The line manager must ensure all original self-certifications and/or GP Fit Notes received are promptly forwarded to Payroll, with a copy to Human Resources and that related records for which they are responsible are updated.

#### **4. The Return to Work interview**

Following *any* instance or period of sickness the Line Manager should arrange to privately and confidentially meet with the employee to carry out a 'Return to Work Interview'. Ideally this will take place on the first day of return, or at least within three days.

The aims are to:

- Welcome the employee back and show concern for their health and wellbeing
- Establish cause(s) of absence
- Discuss general attendance performance and the nature and frequency of the illness(s), including highlighting any hitting (or closeness to hitting) of 'trigger points', as appropriate
- Provide an opportunity to discuss any issues or underlying causes of non-attendance, whether attributable to the work environment or external factors
- Review the likelihood of recurrence
- Establish whether medical advice is required from Occupational Health
- Provide an opportunity to discuss the workplace arrangements that were required to cover the employee's duties during the period of non-attendance
- Establish the fitness of the employee to return to work

The focus is to welcome the employee back and resolve potential problems early.

These interviews operate independently of the formal absence review meetings.

A record of the meeting should be made on the Council's 'Return to Work' form and promptly following the meeting the manager must update the First Care System Record. A copy of the Return to Work Form must be forwarded to HR and a copy given to the employee.



## 5. Trigger points

### What are the 'trigger points'?

#### SHORT TERM:

- **3 separate periods of absence** in the **last rolling 12 months**, or
- a total of **8 days absence** in the **last rolling 12 months**, or
- regular **patterns of absence** which give **rise for concern**

Note: 'Short term absence' is when an employee is frequently absent as a result of a number of minor ailments and/or as the result of a recurring health problem.

#### LONG TERM:

- One absence of over **28 calendar days** duration

Note: '**Rolling**' means the actual last/prior 12 month period. It is an ongoing, continuous rolling period (i.e. it does *not* get 'reset' and/or start afresh because, for example, it is the year end, or following a trigger point discussion, formal review meeting and/ or issue of warning).

### What does hitting one of these 'trigger' points mean?

It is a **trigger to hold a constructive conversation and review** of the absence details with the employee - informally, or formally, as appropriate to the case and its development. If formally (under Stages in 6. below), the **outcome may** be the issue of **formal stage warning**, or ultimately, dismissal, **but** importantly this is **not always or necessarily** the outcome. (It may, for example, be that the outcome of a review, following a trigger being hit, is some form of additional support and/or alternative action(s), aimed at improving future attendance levels - e.g. identification of a reasonable adjustment, relating to a disability.)

### How will I know a trigger has been hit?

'First care' automated systems will notify the relevant Line Manager (and Human Resources) when a trigger is hit. The Manager should review this information, consult Human Resources and contact the employee, under the procedure, informing them that a trigger has been hit.

## **Informal Review Meeting**

Typically when a trigger has been hit, the formal review procedure should be followed as set out below. In exceptional circumstances where a 'trigger' is hit the manager may deem it appropriate to adjust this approach and have a more informal meeting, without invoking the formal staged procedure. It is difficult to prescribe the circumstances where this approach would be reasonable and more appropriate, as the whole circumstances and factors of the individual case would need to be considered. Managers are required to contact Human Resources for guidance and to ensure fairness and consistency before potentially applying this approach. Key notes from and a record of such a meeting will need to be made by the manager.

## **6. FORMAL REVIEW PROCEDURE**

### **FORMAL REVIEW MEETING(S):**

A 'formal review meeting' will normally be appropriate when a trigger has been hit and an initial informal approach has not delivered required improvements in attendance, or is not deemed appropriate, and where:

- a) no formal review action has been previously taken; or,
- b) action *has* been taken under a previous 'Formal Review Meeting' (within the last 12 months and/or within the duration of a 'Formal Review Monitoring Period'), but no 'Formal Warning' was issued; and this has not delivered the required improvement in attendance

\*1 A 'Formal Warning' arising out of a 'Formal Review Meeting' will normally remain 'live' for 12 Months.

The manager will write to the employee, with their sickness record, requesting attendance at a 'Formal Review Meeting'. The letter will set out the right to representation, if so wished, and will give a minimum of 5 working days' notice.

At the meeting the absence(s) will be discussed, with the aim of identifying any underlying reasons and to establish if any further assistance or support can reasonably be offered (taking into account and reviewing any previous actions, under any previous informal and/or formal review meetings, as appropriate to the case).

Key notes of the meeting will be kept, including any individual actions/outcomes. The employee will be advised of the next stage in the process and the key outcomes of the meeting confirmed in writing.

Appropriate actions/outcomes will be dependent upon the whole circumstances of the case (including whether 'long term' and/or 'short term' attendance issues exist; the indicated likelihood of satisfactory improvement in attendance within a reasonable timescale; the nature of sickness; sickness history, any previous actions and/or interventions implemented, and any extenuating circumstances and/or special considerations – e.g. if disability, maternity or workplace/industrial injury related sickness).

Early advice should be sought from Human Resources, who may in certain circumstances also attend the review meeting.

**Potential Options:** referral to Occupational Health; workplace assessments and adaptations; agreement on other enabling, supportive actions (e.g. potentially Flexible Working, Counselling); a Case Conference (see 7. Below); Redeployment; Ill Health Retirement; issue of a 'Formal Warning'.

Additionally, normally following a formal meeting a 'Formal Review Monitoring Period' should be set and communicated (see Section 8. below for details).

**Note:** Where the 'Long Term' absence trigger has been hit to trigger this review meeting further particular consideration should be given to the following:

The Review Meeting may be at the employee's home (if appropriate and mutually agreed) and will normally include an Occupational Health referral.

Home visits may be desirable and/or needed, involving the line manager and/or HR Representative, during the absence. This is separate to and/or additional to any 'Formal Review Meeting'. The employee may wish to also have a friend, relative and/or TU representative at such home visits.

**IMPORTANT NOTE:**

At least one 'Formal Review Meeting' must have occurred, the outcome(s) of which must have included issue of a 'Formal Warning', which is still 'live' and/or subject to a 'Formal Review Monitoring Period' for a case to be progressed on to a 'Case Review Hearing'.

**CASE REVIEW HEARING:**

A final stage 'Case Review Hearing' will normally be appropriate where:

- a) action has been previously taken under a 'Formal Review Meeting' and a 'Formal Warning' *has* been issued which is still 'live' and/or subject to a 'formal review monitoring period', and this has *not* delivered the required improvements in attendance (see 'triggers' and 'formal review monitoring period') and/or

- b) action has previously been taken under a 'Case Review Hearing', other than dismissal, within the last 18 months (and/or within the 'formal review monitoring period').

The Director (or their nominated Head of Service) will write to the employee, with their sickness record, requesting attendance at a formal, final stage 'Case Review Hearing'. The letter will set out the right to representation and will give a minimum of 5 working days' notice. A copy of Management's Case and supporting documents will also be provided to the Employee in advance of the hearing and the employee will be similarly invited to submit any written case and supporting documents which they wish to have considered as part of the hearing. These should be co-ordinated and exchanged via Human Resources.

The Case Review Hearing will comprise a small Panel, normally a Director (or their nominated Head of Service) as Chair and a HR Advisor. The Panel may also include one other senior officer/manager if appropriate.

At The Hearing the Manager will present a review of the absence(s) history, summarising the related background and supporting evidence. The employee will be given the opportunity to respond and/or offer mitigation. The Panel will consider any case for dismissal, on grounds of inability to maintain acceptable levels of attendance, in addition to any relevant, reasonable alternative actions not yet exhausted.

Key notes and papers of the meeting will be kept, including any actions and/or outcomes. The employee will be advised of the outcomes(s).

- if the decision is to dismiss the employee will be dismissed with notice and this confirmed in writing, including right of appeal
- if the decision is action(s) other than dismissal these will again be confirmed in writing.

Appropriate actions/outcomes will be dependent upon the whole circumstances of the case (including whether 'long term' and/or 'short term' attendance issues exist; the indicated likelihood of satisfactory improvement in attendance within a reasonable timescale; review of actions/interventions taken to date; the nature of sickness, sickness history and any extenuating circumstances and/or special considerations- e.g. if disability or maternity related sickness or workplace/industrial injury related sickness).

**Potential Options:** further referral to Occupational Health; workplace assessments and adaptations; agreement on other enabling, supportive actions (e.g. potentially Flexible Working, Counselling etc. ); a Case Conference (see 7. Below) redeployment; Ill Health Retirement.

Additionally, normally following a formal case review hearing a 'formal monitoring period' should be set and communicated (see Section 8. below for details).

**Note:** At this stage there is no 'Formal Warning', as the equivalent formal action at this stage is Dismissal. Where the outcome is other than dismissal the 'formal review monitoring period' would normally be set for a period of 18 months.

## 7. Case Conference

It may be deemed helpful and appropriate, during any of the formal review stages, particularly in terms of long term sickness absence and disability, to also hold a 'Case Conference' involving a third party. This would entail the bringing together of relevant parties including Management, HR and Employee, along with any appropriate agreed third parties, e.g. perhaps a Disability Advisor. The aim would be to discuss barriers preventing a return to work and/or to good attendance levels, with a view to identifying an agreed action plan. This would be regarded a problem solving aide, independent from and not regarded as a Formal Review Meeting or Hearing.

## 8. Sickness Monitoring and 'Formal Review Monitoring Periods'

Generally, all Line managers are required to monitor sickness absence levels across all staff within their team(s) and to take appropriate action, in line with the Procedure, when 'trigger points' are hit.

Additionally, once an employee's absence levels are being formally managed under the review stages (1, 2, or 3) of the procedure, there will normally be a need to set a 'formal monitoring review period', with specified expected levels of attendance improvement, during which further occurring absences *during that period* will be carefully monitored.

In terms of short term absences then it may be appropriate to consider any further occurring period of absence *pro rata* to the normal *12 month* rolling period 'trigger points'- for example, during a 6 month set formal monitoring period *more than 1* (as 1.5 absences is the 6 month pro rata amount ) separate periods of absence, or, a total of a further *4 days or more* absence may trigger a further formal review meeting, or, continuing patterns of absence giving rise for concern (either at the same stage, or the next stage, as detailed above under each stages guidance).

In terms of long term absence, a further separate long term absence, following a return to work and/or prolonged continuing/ongoing long term sickness absence, which is problematic and/or of concern, following the undertaking of action(s) under a Stage review, may trigger a further formal review meeting (either at the same stage, or the next stage, as detailed above under each stages guidance).

Importantly, conversely, where attendance levels have improved and are satisfactory during the set 'formal review monitoring periods' and/or the period of any warning issued remaining 'live' the employee will normally 'fall out' of the formal review procedure at that stage. (i.e. any future, subsequent issues of the employee hitting a normal (12 month rolling period) trigger point would trigger action at the stage 1 level.

## **9. Appeals against Dismissal**

Where decisions are made to terminate employment under this procedure the employee has the right of appeal.

In order to exercise this right, the employee must write to the Head of Human Resources within five working days of receipt of the written notice of termination of employment. In their letter, the employee must state the grounds of their appeal.

The Council will arrange for the appeal to be held as soon as reasonably possible following receipt of the employee's letter of appeal.

The appeal will be heard by the Council's Appeal Sub-Committee and will follow the appeals procedure.

## **10. Special Cases and Considerations**

### **A) Sickness absence and annual leave**

#### **Sickness during annual leave:**

Where an employee falls sick during a period of annual leave, the Council will allow the employee to transfer to sick leave and will grant the same number of replacement statutory annual leave days as the number of days lost due to sickness or injury, provided that the total leave taken year to date, including that which the employee wishes to transfer to sick leave, does not exceed the EU statutory provisions of 20 days. This provision is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner. If the employee is overseas at the time he/she falls ill, evidence must still be produced by way of either a medical certificate or proof of a claim on an insurance certificate for medical treatment received at the overseas location;

- The employee must contact their line manager (by telephone if possible) as soon as he/she knows that there will be a period of incapacity during a holiday;
- The employee must submit a written request no later than 10 days after returning to work setting out how much of the leave period was affected by sickness and the amount of leave that the employee wishes to take at another time;
- The dates of any replacement holiday can be determined by the employee's manager.

**Accrual of annual leave during sickness:**

- An employee who is absent on sick leave will continue to accrue his/her full statutory holiday entitlement. However, contractual entitlement will not accrue during **all** periods of paid or unpaid sick leave that year, once an employee has been absent for the equivalent of four weeks during the leave year (pro-rata part-time staff). This means that, when an employee returns to work, his/her annual leave entitlement will be recalculated.

For example: a full-time employee has 38 days total leave entitlement, and is off sick several times during the leave year, amounting to 6 months absence in total. Leave will be calculated as follows:

6 months statutory and contractual leave accrued =  $38 / 12 * 6 = 19$  days

6 months statutory leave only accrued =  $20 / 12 * 6 = 14$  days

Revised total leave entitlement for the year = 33 days.

Each year's leave entitlement will be calculated separately, without reference to absence during the previous annual leave year.

**Taking annual leave during sickness:**

- An employee may apply to take his/her accrued holiday entitlement while off sick. The holiday dates must be approved in accordance with this policy.

**Carry forward of Leave Due to Sickness:**

- It is recognised that staff who have been off sick for a prolonged period may have more than five days leave remaining, and be unable to take all of their outstanding leave entitlement prior to the end of the leave year, due to their sickness absence. In these circumstances, any remaining statutory entitlement can be carried forward to the following leave year, However, as much leave as possible must be taken in the year in which the leave is accrued. Any additional contractual leave will be lost.
- In such circumstances, the dates when the carried forward holiday can be taken may be determined by the employee's manager. In some circumstances it may be beneficial to set the dates to facilitate a phased return to work as part of a rehabilitation programme.

## **B) Disciplinary Issues**

The Council's Disciplinary procedure will be invoked in cases where:

- Medical evidence indicates that there is no medical reason for absence;
- There is direct evidence that an employee is claiming to be ill when they are not, or undertaking activities, which are clearly inconsistent with their stated illness;
- Fraudulent claims for sick pay are made;
- There is a failure to notify or provide appropriate certification in line with the Council's notification procedure.

## **C) Disability and Sickness**

If an employee is absent with sickness which is disability related, and/or a 'trigger' has been hit, due to one or more periods of sickness absence relating to disability, advice should be sought from Human Resources. Human Resources will advise further in terms of handling this supportively, in line with equalities legislation, considering 'reasonable adjustments' as appropriate to the particular case and circumstances

## **D) Alcohol, Drug and Substance Abuse Related Sickness/Illness**

Where monitoring sickness absence reveals a problem relating to misuse of drugs or alcohol, the Council's Alcohol and Substance Abuse at Work policy should be referred to and further advice promptly sought from Human Resources. Where there are specific cases of concern arising the Council may need to consider arranging alcohol and/or drug testing.

## **E) Stress Related Illness**

Stress related absence should be dealt with taking account of the Council's Stress Management Policy. Managers should be careful to adopt a sensitive approach to this type of illness and further advice should be sought from Human Resources in terms of managing stress, as appropriate to the particular case.

## **F) Pregnancy and Maternity Related Sickness**

If an employee is absent with sickness which is maternity related, the Line Manager should still monitor the absence using these procedures. If the level of absence hits a trigger or becomes long term, the Line Manager must consult with Human Resources with regard to the best means of managing the non-attendance, ensuring specific requirements in relation to equalities and maternity related legislation and best practice are adhered to.



## **G) Terminal Illness**

An employee who is diagnosed as terminally ill is exempt from the full normal procedures for dealing with long-term or frequent short-term sickness as detailed in these procedures. If such an employee's level of absence as a result of terminal illness breaches the trigger points and/or becomes long term, the Line Manager must consult with Human Resources with regard to the best and most supportive means of managing the non-attendance.

## **H) Work Related Ill Health/Industrial Injury Absence**

If an employee, or manager, believes that ill health or injury has been caused by work, the employee should complete the Council's Accident Report form as soon as possible. If an employee has not completed an Accident Report form and subsequently believes that their ill health or injury is caused by work, they should report this in writing to their manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury.

Where an Accident Report form has been completed, or where an employee subsequently claims that their ill health or injury is caused by work, the situation should be thoroughly investigated. This should be carried out in consultation with and in line with advice from Health and Safety, Human Resources and Legal, as appropriate

## **I) Ill Health not leading to sickness absence**

There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job they should raise this with their line manager, the line manager should discuss this matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances it may be helpful to seek advice and guidance from the Human Resources Section and/or the Council's Occupational Health Service. Managers and employees should be aware of their duty of care as detailed by the relevant Health and Safety legislation.

### Does this policy and procedure link closely with any others?

Depending on the particular situation a matter being dealt with under this policy and procedure may give rise for the need to link into any of the following policies and procedures:

- Early Retirement ( **III Health LGPS specific guidance on making III Health Retirement decisions must also be adhered to**)
- Work Life Balance related (e.g. Flexible Retirement, Flexible Working, Career Break etc.)
- Stress Management (re: stress related sickness absence- additional considerations)
- Capability (re: sickness absence related to job capability issues)
- Disciplinary (re: unauthorised absence or misuse of sickness absence provisions)
- Redeployment (re: to enable a return to work)
- Alcohol & Drugs Misuse Policy (re: sickness deemed to be linked to this)
- Redundancy (re: sickness absence as factor in redundancy selection criteria)

### Need more information or support?

Relevant additional guidance and template documents:

**For Managers:** Various supporting templates, proformas and guidance exist - contact HR

**For Employees:** Contact HR

Training::

**For Managers:** Managing Attendance - contact Human Resources for details

**For Employees:**

Professional support/advice:

**For Managers:** Contact HR Team initially and for information on third party support and professional advice (e.g. medical, counselling)

**For Employees:** Contact HR and/or your TU Representative

### The 'small print'.....

Legal and General points:

- This policy and procedure is written in compliance with relevant legislation/regulations
- This policy and procedure over rides any earlier dates versions, in respect of dealing with new cases/issues arising post-implementation date.

- Sickness cases already being dealt with under an older version, which commenced prior to implementation date of this document, will transfer over to be dealt with/concluded under this updated policy and procedure.

-This policy and procedure is regarded as a *non-contractual* document.

-This policy and procedure will be periodically monitored and reviewed and may be subject to future amendments.

**Document control information:**

Version number: 2

Author: Sheryl French

Approved by:            On:

Implementation 'Go-live' Date:

