

# Notice of Meeting

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## Personnel Committee

**Wednesday, 7th March, 2018 at 11.30 am**  
in Members' Board Room Council Offices  
Market Street Newbury

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Date of despatch of Agenda: Tuesday, 27 February 2018

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser / Janet Giddings on (01635) 519045/519422

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**To:** Councillors Pamela Bale (Chairman), Dennis Benneyworth, Richard Crumly (Vice-Chairman), Carol Jackson-Doerge and Mollie Lock

**Substitutes:** Councillors Lee Dillon, Billy Drummond and Gordon Lundie

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# Agenda

## Part I

Page No.

1. **Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 10  
To approve as a correct record the Minutes of the meeting of the Committee held on 12 February 2018.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Revised Sickness Absence Procedure PC3396** 11 - 48  
*Purpose: To seek approval from Personnel Committee to amend the Sickness Absence – Reporting and Management: Policy, Procedure and Guidance to improve the management of long term sickness absence and reduce the risk of claims at Employment Tribunal.*

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### PERSONNEL COMMITTEE

#### MINUTES OF THE MEETING HELD ON MONDAY, 12 FEBRUARY 2018

**Councillors Present:** Pamela Bale (Chairman), Paul Bryant (Substitute) (In place of Dennis Benneyworth), Richard Crumly (Vice-Chairman) and Mollie Lock

**Also Present:** Robert O'Reilly (Head of Human Resources), Katie Penlington (Human Resources Officer), Rebecca Bird (HR Officer) and Stephen Chard (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth and Councillor Carol Jackson-Doerge

#### PART I

##### 3. Minutes

The Minutes of the meetings held on 8 February 2017 and 9 May 2017 were approved as true and correct records and signed by the Chairman.

##### 4. Declarations of Interest

There were no declarations of interest received.

##### 5. Statutory Pay Policy 2018 (C3278)

The Committee considered a report (Agenda Item 4) concerning the Council's Statutory Pay Policy Statement 2018.

Robert O'Reilly explained that Section 38 of the Localism Act required local authorities to publish an annual pay policy statement. The statement was required to set out policies in relation to:

- (1) Remuneration of its chief officers.
- (2) The remuneration of its lowest paid employees (and the Council's definition and reasons for defining it).
- (3) The relationship between the remuneration of its chief officers and those who were not chief officers.

The Pay Policy Statement was required to be published from 1 April 2018 and would be presented for approval at the Full Council meeting on 1 March 2018.

Robert O'Reilly referred Members to the text highlighted in red italics in both the covering report and the draft Statement. This related to the pay award and the relevant text/figures would be confirmed once the pay award, to be implemented post April 2018, had been agreed. Robert O'Reilly clarified that a 2% pay award had been recommended for staff on spinal column point (SCP) 20 and above. Staff beneath that SCP were recommended to receive a higher percentage increase. However, this proposal had yet to be accepted by trade unions and there had been some debate among unions, including Unison, over not accepting this proposal and taking industrial action.

## PERSONNEL COMMITTEE - 12 FEBRUARY 2018 - MINUTES

Robert O'Reilly also highlighted that the 2018 Statement had been updated to reflect the increase to the Living Wage by the Living Wage Foundation to £8.75 per hour. The Council paid a living wage supplement to corporate employees who would otherwise be paid less than this hourly rate.

The proposal for a 2% pay award for 2018/19 was also proposed for 2019/20. A restructure was also planned of the pay structure for lower grades for implementation from 2019/20 and alongside this it was likely that the Living Wage would increase to £9 per hour. Therefore, additional and more complicated work would need to be undertaken in producing the 2019 Statement.

Robert O'Reilly's final point, in presenting this report, was that since the 2017 Pay Policy Statement was approved, the Executive had given approval to make a targeted recruitment payment in aiding recruitment to the Head of Children and Family Services. This was approved in order for the Council to be competitive in recruiting to this very important post. Although the need to make this payment had not transpired in successfully recruiting to the position, the 2018 Pay Policy Statement retained the power to make this targeted recruitment payment in recruiting to the Head of Children and Family Services in future.

Councillor Richard Crumly voiced concern at having an automatic agreement to make the targeted recruitment payment. He felt that any variation to the set pay scales should only be agreed by the Executive, particularly when the Council's finances including salary budgets were strained. Robert O'Reilly clarified that this targeted recruitment payment only related to the Head of Children and Family Services, and reiterated that the Executive had already given approval to make this payment if necessary when recruiting to this post. Councillor Mollie Lock agreed that it was important for the Council to be competitive when recruiting to this important senior role.

If it was the case that Executive approval would have to be sought to make the targeted recruitment payment when recruiting to the Head of Children and Family Services again in the future, Robert O'Reilly confirmed that it would take a minimum of six weeks to gain Executive approval before recruitment could commence which would clearly lengthen the recruitment process.

A strong field of candidates had been attracted to the Head of Children and Family Services position and this was aided by the total salary on offer inclusive of the targeted recruitment payment. Councillor Crumly accepted the payment was just for recruitment to the Head of Children and Family Services, but remained concerned should this payment become a 'standing order' and stated the need for any potential increase to this payment to be carefully considered.

Councillor Crumly queried the Council's expenditure on salaries in the current financial year and how this compared with the forecast for 2018/19. Robert O'Reilly agreed to provide this information outside of the meeting, it could however be the case that the information was already available in the Revenue Budget papers circulated for the Executive meeting on 19 February 2018.

Councillor Paul Bryant referred to the red text/figures which remained to be confirmed. He was concerned at the impact should a pay award in excess of 2% be agreed and felt that any potential pay increase beyond the 2% should at least be capped, although he queried whether it was possible to not approve the Pay Policy Statement until the pay offer had been agreed. Robert O'Reilly stated that the Localism Act required the Pay Policy Statement to be published by 1 April each year. He also added the fact that the Pay Policy Statement had been approved in advance of the pay award being agreed on many previous occasions.

## PERSONNEL COMMITTEE - 12 FEBRUARY 2018 - MINUTES

Councillor Bryant queried whether there was scope for the Personnel Committee to revisit the Pay Policy Statement should the pay award exceed 2%. Robert O'Reilly suggested that the Committee could recommend approval of the document to Full Council on 1 March 2018 on the understanding that the pay award would not exceed 2%. However, if this was to transpire, then the Pay Policy Statement could return to Personnel Committee and Council in order to be re-determined. Councillor Bryant accepted this approach. Robert O'Reilly also explained that should the pay award be considered unaffordable then this would also need to be a matter for Personnel Committee and Full Council.

Councillor Crumly queried the level of weight to be given to union comments in setting this document/the pay award. Robert O'Reilly explained that some local authorities were Green Book employers and this meant that any nationally agreed pay awards were automatically implemented as per the terms and conditions set by the National Employers for Local Government. However around a third of local authorities were not Green Book employers and this included West Berkshire Council. To date, the Council had always mirrored the national pay award, but retained the ability to deviate from that approach by being external to the Green Book. Councillor Bryant felt it was important to retain this flexibility. Robert O'Reilly agreed and stated that he felt the Council had the appropriate level of flexibility.

In noting the Council was not a Green Book employer, Councillor Crumly asked what liaison was required with trade unions. Robert O'Reilly explained that the Council was required to consult trade unions but there was not a need for trade union approval of a policy etc. This would be required if the Council became a Green Book employer.

Councillor Crumly then asked whether there would still be the prospect of strike action if the Council followed the Green Book. Robert O'Reilly confirmed that trade unions could still take strike action to obtain an improved national position for all regardless of whether they were Green Book employers or not.

Councillor Pamela Bale proposed that the Pay Policy Statement 2018 be recommended for approval by Full Council, subject to appropriate references being made in the documentation in the event that the pay award exceeded 2%.

Councillor Bale also reiterated the point that the pay scale structure needed to be simplified, this was also commented on at the Personnel Committee held a year ago. Robert O'Reilly reaffirmed that amendments to the local structure would be considered for the 2019 Pay Policy Statement alongside national changes.

**RESOLVED** to recommend to Full Council, at its meeting on 1 March 2018, that the Pay Policy Statement 2018 be approved for publication in accordance with s38 of the Localism Act 2011, subject to appropriate references being made in the documentation in the event that the pay award exceeded 2%.

### 6. **Buying Additional Leave (PC3410)**

The Committee considered a report (Agenda Item 5) which sought to explore whether the Council should do more to encourage employees to buy additional leave (excluding schools).

Robert O'Reilly explained that this item had been presented to Committee following a request by Councillor Lee Dillon. The ability to buy additional leave was not something that had been raised by employees either directly or via the 'Let's Chat' workshops. He also highlighted that local government employees enjoyed more annual leave than those working in the private sector. Staff could also take time off in lieu and unpaid leave was already available to employees in particular circumstances.

## PERSONNEL COMMITTEE - 12 FEBRUARY 2018 - MINUTES

A concern arising from employees buying additional leave was the increased workload impact this would have on other members of staff. Robert O'Reilly gave the Officer view that the potential to buy additional leave should not be advertised with the option of taking unpaid leave already available.

Councillor Paul Bryant sought to understand whether a saving could be made if employees bought additional leave or would any saving need to be used to offset the cost of overtime being paid to cover workload requirements. Robert O'Reilly explained that no corporate savings could be assumed from this approach and agreed that costs could be incurred from paying overtime, i.e. to a part time employee increasing their hours to cover the workload. Overtime was paid at time and a third.

Councillor Bryant felt it was questionable whether more should be done to 'encourage' staff to buy additional leave (in line with the view of the Head of Human Resources). He felt that staff could take unpaid leave if necessary. Councillor Pamela Bale added that unpaid leave had to be an exception rather than the rule. The ability to buy additional leave was a further exception. She added her concern at the impact on existing staff who would need to cover any outstanding workload.

Councillor Mollie Lock then sought to clarify Councillor Dillon's viewpoint on this matter. His view was that, potentially, a member of staff could, at the start of the leave year (which mirrored the financial year), make a request to buy additional leave. The salary deduction could then be spread over the course of the year. If the request was made without this level of notice then the cost would need to be met within that month's pay.

Councillor Lock fully understood Councillor Dillon's suggestion, but gave her view that this approach could over complicate matters and it was more straightforward for unpaid leave to be deducted from the relevant month's pay.

Councillor Richard Crumly noted from paragraph 5.2 of the report that the Council used the deduction rate of 1/365 of annual salary for each day of unpaid leave. He queried why this was the case as this methodology included weekends. Robert O'Reilly explained that this approach was in line with case law and followed the 1870 Apportionment Act. Robert O'Reilly agreed to provide the case law information to Councillor Crumly. He accepted that the 1/365 model meant staff would pay less for additional leave than would be the case with weekends excluded, but this was also the method used to pay staff who left the authority for any untaken annual leave – i.e. lower cost at that stage.

Councillor Bryant queried what form publicity of this option would take and whether staff would need to apply for additional leave by completing a form. Robert O'Reilly confirmed this would be the case if Personnel Committee approved doing more to encourage employees. However, the Officer recommendation was to take no further action in terms of encouraging staff to buy additional leave. The Council's website already outlined the options available to staff.

Councillor Crumly returned to the point that local government employees enjoyed more annual leave than those working in the private sector. He queried what happened in the event that staff did not take all their annual leave. Robert O'Reilly confirmed that staff could carry over a maximum of five days into the new leave year. He added that the taking of annual leave was always at the line manager's discretion.

In closing and summarising the Committee's debate and position on this matter, Councillor Bale stated that while the Committee noted the proposal, it took the decision to not do anything further to encourage employees to buy additional leave. This was enforced by the existing ability to take unpaid leave in exceptional circumstances.

**RESOLVED** that nothing further would be done to encourage employees to buy additional leave.

**PERSONNEL COMMITTEE - 12 FEBRUARY 2018 - MINUTES**

**7. Date of Next Meeting**

The Committee noted the next meeting was scheduled for Monday 26 March 2018 at 10am. There was however potential for this date to be brought forward and this would be confirmed.

*(Post meeting note: the date of the next meeting had been brought forward to Wednesday 7 March 2018 at 11.30am).*

*(The meeting commenced at 2.00pm and closed at 2.40pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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## Revised Sickness Absence Procedure

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<b>Committee considering report:</b>	Personnel Committee on 7 March 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	22 February 2018
<b>Report Author:</b>	Rebecca Bird
<b>Forward Plan Ref:</b>	PC3396

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### 1. Purpose of the Report

- 1.1 To seek approval from Personnel Committee to amend the Sickness Absence – Reporting and Management: Policy, Procedure and Guidance to improve the management of long term sickness absence and reduce the risk of claims at Employment Tribunal.

### 2. Recommendation

- 2.1 Personnel Committee is asked to approve the revised Sickness Absence – Reporting and Management: Policy, Procedure and Guidance.

### 3. Implications

- 3.1 **Financial:** The revised procedure includes the use of settlement agreements as an option but this would be cost neutral to the Council because sums will be equivalent to costs of notice and remaining sick pay in cases of long term absence.
- 3.2 **Policy:** This is a proposed revision to current policy.
- 3.3 **Personnel:** Trade Unions have already been consulted on the draft procedure. The intention is that the new procedure will be effective for new absence cases from 1<sup>st</sup> April 2018.
- 3.4 **Legal:** None
- 3.5 **Risk Management:** Risk of claims at ET will be reduced.
- 3.6 **Property:** None
- 3.7 **Other:** None

### 4. Other options considered

- 4.1 Not applicable.

## Executive Summary

### 5. Introduction / Background

- 5.1 The purpose of this report is to seek approval to amend the Sickness Absence – Reporting and Management: Policy, Procedure and Guidance, to improve management of sickness.
- 5.2 HR are acting on legal advice that the Council is currently at risk of tribunal claims when dismissing staff because of absence. One of these risks that staff with long term absence may be considered disabled under the Equality Act 2010.
- 5.3 Other proposed changes have arisen from legal advice and feedback from managers on a case that the Council lost at Employment Tribunal.

### 6. Proposal

- 6.1 The key changes to the policy are:
  - (1) Inclusion of settlement agreements as an option for resolution of formal cases. The aim is to increase the range of options open to managers and Heads of Service and to provide a compassionate and pragmatic alternative to dismissal on grounds of capability, which would also eliminate risk of disability discrimination claims. In cases of long-term absence, this may be where the timescale for a successful return to work is unknown and the employee has already been absent for more than six months, or has exhausted their entitlement to full sick pay. The terms of any settlement agreement will not exceed any remaining entitlement to sick pay and notice. The Head of Service will agree the terms of any settlement agreement and will agree to fund the legal fees of the employee (maximum of £350 plus VAT).
  - (2) The term “Decision Hearing” will be used for the final stage of the procedure which may lead to dismissal. These were previously called “Dismissal Hearings” which implies pre-judgement of a case.
  - (3) More information and guidance about disability and responsibilities to make reasonable adjustments. Feedback from managers was that there wasn’t sufficient information available in the procedure about these topics and their responsibilities.
  - (4) More detail about Ill Health Retirement and entitlements. HR have received legal advice which states that an Ill Health Retirement is a dismissal in law because it is a decision made by the Council, therefore staff are entitled to paid notice. The proposed amendments clarify that entitlement and describe a process for decision-making which wasn’t clear previously.

### 7. Conclusion

It is proposed that the revised procedure should be implemented for new cases from 1<sup>st</sup> April 2018.

Personnel Committee is asked to approve the changes to the procedure.

**8. Appendices**

- 8.1 Appendix A - Draft Sickness Absence – Reporting and Management: Policy, Procedure and Guidance.
- 8.2 Appendix B – Equalities Impact Assessment

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# DRAFT Sickness Absence – Reporting and Management Policy, Procedure and Guidance

## Document Control

<b>Document Ref:</b>	HRMSA1	<b>Date Created:</b>	March 2013
<b>Version:</b>	1.5	<b>Date Modified:</b>	January 2018
<b>Revision due</b>			
<b>Author:</b>	Katie Penlington	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>	Human Resources		
<b>Equality Impact Assessment: (EIA)</b>	Date undertaken:	26-10-12	
	Issues (if any):	Areas of concern addressed	

<b>Chief Executive</b>	Sign & Date:	Approved 5 <sup>th</sup> February 2013
<b>Corporate Director (Community Services)</b>	Sign & Date:	5 <sup>th</sup> February 2013
<b>Corporate Director (Children &amp; Young People)</b>	Sign & Date:	5 <sup>th</sup> February 2013
<b>Corporate Director (Environment)</b>	Sign & Date:	5 <sup>th</sup> February 2013

## Change History

Version	Date	Description	Publicised
		This document replaces the Management of Sickness Absence Policy (version 1) and Procedure (version 4), and the Sickness Absence Reporting Procedure (version3) and associated guidance and advice for managers and employees.	
1	March 2013	Sickness Absence – Reporting and Management; policy, procedure and guidance – review led to new version of the procedure	April 2013 Reporter
1.2	March 2013	Removed need for manager to send a copy of fit notes to HR	
1.3	December 2013	Replace 'stress aid memoire' with 'stress return to work interview'.	
1.4	February 2017	Amended references to counselling	
1.5	January 2018	Amended sections on ill-health retirement, hearings and added information on protected conversations and settlement	



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## 1. Purpose

The purpose of this policy is to support the effective reporting, recording and management of sickness absence to reduce its impact on service delivery and provide appropriate support to employees. It aims to encourage employees to achieve and maintain acceptable levels of attendance and is designed to ensure fairness and consistency in the management of concerns about attendance.

The Chief Executive and Corporate Board have approved Sickness Absence Reporting and Management; Policy, Procedure and Guidance.

## 2. Applicability

This Policy applies to all non-school based employees working for the Council, including those working from home or at non-Council locations with the following exceptions, for whom it applies with moderations:

- The Chief Executive, the Section 151 Officer and the Monitoring Officer; where sickness absence issues need to be managed in respect of these employees statutory regulations will be followed (contact the Head of HR for more information)
- Employees within their probationary period; concerns about sickness absence will be handled using the probationary procedure.

This document applies to absence due to an employee's personal sickness or injury. It does not apply to absences connected to the illness or injury of relatives or hospital, dentist or GP appointments, medical screening or treatment for IVF (For details of these and other types of absence and how to record them see the Additional Leave Procedure)

This Policy has had consultation with Heads of Service, managers and Trade Unions and has been approved by the Chief Executive.

## 3. Policy

West Berkshire Council is committed to supporting the health, safety and welfare of its employees.

The Council accepts that employees will sometimes be unable to attend work due to personal illness or injury. Such absence has an impact on the Council's ability to deliver service and on the workload of other employees that needs to be minimised.

The Council will:

- Record and monitor sickness absence and take action to tackle absence problems
- Encourage and support employees in maintaining and improving good attendance levels
- Treat employees fairly and with respect, and maintain appropriate confidentiality.
- Make reasonable adjustments in accordance with the Equality Act to enable employees with disabilities to maintain good attendance levels
- Offer a range of options, adopting a compassionate approach, where employees' poor health results in unacceptable long term absence or inability to maintain acceptable attendance.



## 4. Roles and Responsibilities

The overall responsibility for the management of sickness absence within West Berkshire Council rests with the Chief Executive.

Heads of Service are responsible for ensuring that their service complies with this policy, procedure and guidance in respect of reporting, recording and managing cases of absence that are of concern and for ensuring systems are in place for securely retaining sickness documentation within the service .

Managers are responsible for:

- Day-to-day management of sickness absence within their teams in line with this policy, procedure and guidance
- Making sure all employees reporting to them are aware of this policy, procedure and guidance
- Ensuring that sickness absence is recorded accurately and inputted into Myview for payroll processing
- Conducting return to work interviews with employees after each period of sickness absence
- Handling absence problems promptly and sensitively
- Conducting informal and formal meetings with employees with absence problems
- Maintaining appropriate contact with employees who are absent from work
- Retaining documentation within the service for the period specified in this procedure

Employees are responsible for:

- Familiarising themselves with and adhering to this policy and procedure
- Attending work regularly in accordance with their contract
- Following the procedure for reporting absence due to personal sickness or injury and complying with the procedure for managing sickness absence.
- Attend meetings with their manager and Occupational Health to discuss their absence as required
- Telling their manager if their health is being negatively affected by any work related factors or if they have concerns about returning to work after a period of sickness absence
- Telling their manager if they are taking prescribed or non-prescribed medication that may affect their safety or their ability to do their job.

Human Resources is responsible for:

- Providing managers with regular reports on levels of sickness absence
- Providing support and advice to managers in improving attendance at service or individual level
- Referring employees for confidential counselling or occupational health advice following discussion with the manager

## 5. Disability

5.1 The Council is aware that sickness absence may result from a disability. At each stage of the procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work, especially for those employees with a known disability.

- 5.2 If an employee considers that they are affected by a disability or any medical condition which impacts on their ability to undertake their work, they should inform their line manager.

**Above is the Policy of the Council, below is the procedure and guidance for reporting and managing absence due to personal sickness or injury.**

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## **Procedure for reporting absence due to personal sickness or injury**

### **6. Reporting absence due to personal illness or injury**

- 6.1 Employees should use this procedure for all periods of absence due to personal sickness or injury. Failure to do so may result in action being taken under the Council's disciplinary procedure.
- 6.2 Local arrangements for reporting sickness absence may vary according to the need to provide cover for the work done by the employee. Where local arrangements exist line managers must make their staff aware of them and staff should comply with them.
- 6.3 An employee who is unable to attend work must notify his/her line manager as soon as possible and normally no later than the time that he/she usually starts work.
- 6.4 The employee should speak to his/her line manager in person. Where the line manager is unavailable the employee should leave a contact number so that the manager can call him/her back. In exceptional circumstances, where the employee is unable to report his/her absence in person, he /she should normally arrange for someone to do this on his/her behalf.
- 6.5 The line manager should be told the reason for absence and an estimate of how long the employee is likely to be absent from work. The line manager will complete the top section of the self certificate form and store it securely to be completed when the employee returns at the return to work interview.
- 6.6 Where absence continues the employee should also contact their manager on the 4th and 8th day of absence to give an update on their health (Part time workers who do not work the same number of days as full time workers should contact their manager at least once per week during the first two weeks of absence), and then at intervals agreed between the employee and manager. (See 30 below for guidance).
- 6.7 Where the employee fails, without prior agreement, to report his/her absence in line with this procedure or local arrangements, the manager should contact the employee.
- 6.8 On return to work the manager must hold a return to work interview (also see section 7 below) with the employee to check that the employee is fit to return and to complete the rest of the self certificate form for all absences. The self certificate must be stored securely by the service for three years after the end of the tax year to which they relate.
- 6.9 All absences of more than seven calendar days (including weekends and days not normally worked by the employee) must also be covered by a 'statement of fitness to work' from the employee's GP or hospital certificate (where the employee has been an in-patient). The employee must obtain these statements/certificates and forward the originals to the line manager. The manager will make a copy of each statement/certificate received. This copy should be signed and dated by the manager to confirm that he/she has seen the original.

The copy must be stored securely by the service for three years after the end of the tax year to which they relate. The original certificate should be returned to the employee.

- 6.10 The statement/certificate should state the period of time that it covers. If the employee remains unwell he/she should obtain further statements/certificates to cover the duration of the absence.
- 6.11 The employee does not need a certificate from a doctor to say that he/she is fit to return to work. However, if the manager has concerns about an employee's fitness to return to work he/she should follow section 8.5 below. This is especially important where the fitness of the employee is safety critical (e.g. where he/she operates potentially hazardous equipment, drives or climbs ladders at work) or where the employee works alone or works with children/vulnerable adults.
- 6.12 The employee should inform their line manager of any concerns about returning to work, for example where the employee is taking medication that he/she feels may affect his/her work, or feels he/she may have difficulty completing some aspects of his/her work. Where possible the employee should raise these concerns before returning to work.
- 6.13 If an employee is sick whilst on annual leave (excluding public holidays, locally agreed days and term time only contracts) he/she can obtain a statement of fitness to work that states that he/she is unfit to work and will then be considered as being sick. Annual leave will be re-credited from the date that the statement was signed. The employee should also inform his/her line manager that he/she is unwell as soon as possible.
- 6.14 If an employee becomes unwell during the working day and needs to leave before his/her normal finish time he/she should inform his/her line manager. The employee should be recorded on the self certification form as being absent from work from the time that he/she leaves work.
- 6.15 The line manager will ensure that all periods of sickness absence are accurately recorded on MyView. Details of how to do this can be found in appendix two.
- 6.16 When entering the sickness absence onto MyView, the MyView confirmation number and date of entry should be recorded on the self certificate and the copy of the 'statement of fitness to work' or hospital certificate.
- 6.17 Where sickness absence is due to a disability as defined by the Equality Act, is directly attributed to an accident at work, or due to pregnancy the manager should seek advice from Human Resources about how this should be managed.
- 6.18 If employees have any queries about how to report sickness absence they should raise them with their line manager.

## **7. Entitlement to sick pay**

Details of employees' entitlement to sick pay are stated in their contracts of employment and can be found in appendix one.

## **8. Return to work interview**

8.1 After each period of sickness absence the line manager will meet the employee to complete a return to work interview. This will normally be held on the day that the employee returns to work. The purpose of this meeting is to support the employee's return to work and confirm the employee's reason for, and duration of, absence. The manager and employee should discuss:

- the employee's reason for, and duration of, absence.
- the employee's current state of health to check that he/she is fit to return to work

- whether the employee is taking any medication that may affect his/her ability to work or affect safety
- any reasonable adjustments or assistance needed to enable the employee to successfully and safely return to work
- any problems that the employee may have at or outside of work that may be affecting his/her health or attendance
- where appropriate, any concerns that the manager may have about the employee's level of attendance or patterns of absence that appear to be emerging
- any work issues that have occurred during the employee's absence that he/she needs to be aware of
- any other concerns that the manager or employee may have

8.2 The manager will ensure that the entire duration of absence is covered by a self certificate, and where required statements of fitness to work and/or hospital certificates.

8.3 The manager and employee will complete the remaining sections of the self certification form and record key points of the return to work interview on the [return to work form](#). The employee can request a copy of these forms if he/she would like. The self certification and return to work form should be stored securely within the service for a period of three years after the end of the tax year to which they relate.

8.4 In some circumstances, for example, where the employee works remotely from the manager, the return to work interview may be completed by telephone and the employee asked to sign the self certificate at their next one to one supervision meeting. If the employee has been on long term sickness absence, has been absent due to work related stress or if the manager has concerns about the employee returning to work, the meeting should be held face to face.

8.5 Where the manager is concerned that the employee may not be fit to return to work (see 5.12 above) he/she should discuss this with the employee and complete a risk assessment. The manager may ask HR to refer the employee to occupational health. Alternatively HR may advise the employee to obtain a private certificate from his/her GP. The employee's service will need to pay for the certificate. The employee will remain on sick leave whilst such medical advice is sought.

8.6 If it is believed that occupational stress was, or contributed to, the reason for sickness absence, the manager should use the [stress return to work interview](#) to guide the discussion with the employee. The manager should discuss with the employee whether he/she would benefit from a referral to occupational health. The manager should contact HR where a referral and/or further advice is required. The completed stress return to work interview form should be filed securely within the service with the other sickness documentation for a period of three years after the end of the tax year to which they relate.

# Procedure for managing sickness absence

## 9. Overview of procedure for managing sickness absence

9.1 The procedure for managing concerns about an employee's attendance consists of the following stages:

- Informal meeting(s)
- First formal stage
- Second formal stage
- Decision Hearing

Depending upon the circumstances of the case it may be appropriate to adjourn a meeting pending further information or action or to hold more than one meeting at any stage.

9.2 An employee has the right to appeal against a warning issued at the first formal meeting and/or the decision to dismiss.

9.3 Concern about an employee's attendance may be triggered by one or more of the following:

- Three or more sickness/injury absences in a rolling three month period
- Unacceptable patterns of absence; for example a pattern of calling in sick the day before or after a weekend or bank holiday, or before or after annual leave.
- A period of long term absence of more than 28 calendar days (long term sickness absence) where the return to work date has not been specified or is of concern to the line manager

Where concerns about an employee's attendance occur that do not fit into one of the above triggers, the manager may still take action under the procedure.

9.4 The employee may be referred to occupational health and/or asked to obtain advice or information from his/her GP, specialist or consultant at any stage of the procedure. Further information about seeking medical advice can be found at 20 below.

9.5 The employee will normally be given 10 working days written notice of formal meetings and decision hearings and will have the right to be accompanied by a trade union representative or work colleague. This timescale can be altered by mutual consent.

9.6 The employee will be informed in writing of the outcome of all formal meetings and hearings under the procedure, normally within 5 working days of a decision being made.

9.7 Guidance on arranging and holding formal meetings and decision hearings under this procedure can be found in section 25 of the guidance below.

9.8 Those authorised to act under this procedure are as follows:

<b>Action concerning</b>	<b>Informal handling</b>	<b>First and second formal stages</b>	<b>Appeal against action at first formal stage</b>	<b>Decision Hearing</b>	<b>Appeal</b>
Corporate Director	Chief Executive	Chief Executive	A Member	Panel of three members not previously involved in the case	Panel of three members not previously involved in the case
Head of Service	The Corporate Director	The Corporate Director	A Corporate Director not previously involved in the case	The Chief Executive or a Corporate Director not previously involved in the case	Panel of three members
All employees except those listed above	The Line Manager	The Line Manager, or where not appropriate another Officer at the level of the Line Manager or above, authorised by the Head of Service	The Head of Service	The Head of Service unless involved in a appeal against action at the first formal stage, in which case another Head of Service authorised by the Corporate Director	A panel of a Head of Service not previously involved in the case, a Corporate Director, and a Member

## 10. Disability, making reasonable adjustments and redeployment

10.1 The Council must comply with the requirements of the Equality Act. This includes making reasonable adjustments to enable disabled (as defined by the Act) employees to improve their attendance levels and/or successfully return to work.

10.2 The Council may also consider making reasonable adjustments on a temporary or permanent basis for employees who are not disabled.

10.3 Where an employee is unable to return to his/her role following long term sickness absence but could return to another role, or where the manager believes that an employee could achieve an acceptable level of attendance in another role, redeployment opportunities will be sought.

10.4 Reasonable adjustments and/or redeployment may be considered at any stage of the procedure as appropriate to the individual case. More information can be found in section 21 of the guidance below.

## 11. Informal meeting(s)

11.1 An informal meeting between the manager and employee will normally be held where one of the trigger points has been reached.

11.2 The meeting will discuss the reasons for absence, the prognosis (if known), and reasonable ways of supporting the employee in reducing his/her sickness absence and/or making a successful return to work, and where appropriate to set targets for improved attendance.

11.3 If an informal meeting is not held when a trigger point is first reached it does not preclude the manager convening one at a later date if he/she has concerns about the continued level of sickness absence. If necessary, more than one meeting may be held at this stage.

## 12. First formal stage

12.1 **In cases of frequent short term absence** or unacceptable patterns of absence a first formal meeting will be arranged where an informal approach has not improved attendance to a satisfactory level.

12.2 The meeting will review the reasons for and details of the employee's absence, any medical information and advice available and whether there is any support that could help the employee achieve an acceptable level of attendance. It may be necessary to adjourn the meeting in order to obtain further information or advice. Targets for expected attendance and any requirements for reporting or certificating absence will be set.

12.3 Unless the manager considers it appropriate to continue with informal handling, a warning will be issued that the employee's continued employment will be at risk if he/she does not meet the level of attendance expected/targets for attendance within a specified timescale, and maintain an acceptable level of attendance. The warning will be issued in writing, normally within 10 working days of the decision and will be effective for one year.

12.4 Where an employee has a higher than acceptable level of absence before the end of the specified timescale a second formal stage meeting may be held before the end of the timescale.

12.5 **In cases of long term sickness absence** a first formal meeting will normally be arranged where the employee does not return to work within a reasonable period, or where medical advice indicates that he/she will be permanently unfit to return to work in their role, or is permanently unable to do work of any kind.

12.6 The meeting will review the reasons for and details of the employee's absence, any medical information and advice available and whether there is any support that could help the employee make a successful return to work.

12.7 Where appropriate a warning will be issued that the employee's continued employment will be at risk if he/she does not make a successful return to work within a specified period.

12.8 **In all cases** the line manager will meet informally with the employee at the end of the period specified in the warning to review whether or not there are still concerns about the employee's attendance and/or return to work. Where concerns remain a meeting will be arranged at the second formal stage.

## 13. Second formal stage

13.1 **In cases of short term absence or unacceptable patterns of absence** a second formal stage meeting will be held where attendance has not improved to a satisfactory standard within the timescale specified at the first formal meeting, or where it becomes a cause for concern again whilst the warning is still effective.

13.2 **In cases of long term sickness absence** a second formal stage meeting will be held where the employee does not make a successful return to work within the timescale set out at the first formal warning.

13.3 Where medical advice states that the employee will not be able to work again in any capacity, and there are no reasonable adjustments that would enable him/her to do so, the employee may request in writing that the second formal stage is omitted and that a Decision hearing be convened.

13.4 In all cases the meeting will review the case so far and look at whether there are any further options for reasonably supporting the employee in reaching an acceptable level of attendance or making a successful return to work.

13.5 At the second formal stage meeting, having considered the facts of the case and the employee's views, the manager may decide it is appropriate to convene a decision hearing, or may decide upon alternative action.

## 14. Decision Hearing

14.1 The decision hearing will consider whether there are any other options to consider or whether to terminate employment.

14.2 The chair of the hearing may decide to dismiss the employee, with appropriate notice, on grounds of capability, or may recommend alternative action in the light of evidence presented at the hearing.

## 15. Appeals

15.1 The employee may appeal against a decision to dismiss, or a decision at the first formal stage to issue a warning.

15.2 The appeal must be made in writing within five working days of receipt of written notification of the decision, addressed to the Head of Human Resources, and state the grounds for the appeal.

15.3 The appeal will review the earlier decision, taking into account the grounds of the appeal. The appeal can overturn the earlier decision, confirm it or recommend alternative action. The appeal decision is final within the Council.

## 16. Alternatives to Dismissal

16.1 The Head of Service may, at any stage in the procedure, initiate a protected conversation with an employee in order to offer a settlement agreement. Where the employee is a member of a trade union, this would be initiated through the representative and the Head of Service will be supported by Human Resources.

16.2 If a settlement agreement is not reached, this process does not prevent the Head of Service from chairing a decision hearing.

16.3 The purpose of any protected conversation will be to offer a compassionate and pragmatic alternative to dismissal on grounds of capability. In cases of long-term absence, this may be where the timescale for a successful return to work is unknown and the employee has already been absent for more than six months, or has exhausted their entitlement to full sick pay.

16.4 The Head of Service will agree the terms of any settlement agreement and will agree to fund the legal fees of the employee (maximum of £350 plus VAT).



16.5 The terms of any settlement agreement will not exceed any remaining entitlement to sick pay and notice.

## Guidance

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The following section provides guidance on managing absence. It is broken down into three main sections:

**Guidance for managing all types of sickness absence** – this guidance should be followed for cases of short term sickness and cases of long term absence

**Additional guidance for managing short term sickness absence**

**Additional guidance for managing long term sickness absence**

**Note:** where an employee has a mixture of short and long term sickness absence the guidance in all three sections should be used.

Managers can obtain further advice from Human Resources.

## Guidance for managing all types of sickness absence

### 17. Consistency of approach

17.1 Each case should be treated on its merits, but managers should apply the same standards to all employees. It is important that some employees are not singled out for formal action whilst the absence of others is ignored.

17.2 Managers should handle sickness absence with empathy and respect for the employee. The aim is to support employees where possible, whilst maintaining the interests of the service.

### 18. Inputting sickness absence data onto MyView

18.1 The process for inputting sickness onto 'my view' can be found in appendix two.

### 19. Seeking medical advice and occupational health referrals

19.1 Managers may wish to seek advice from the Council's external occupational health provider, a GP, a consultant or specialist in order to:

- To assess whether there may be an underlying cause for short term absence
- Gain a better understanding of the employee's condition and prognosis
- Seek advice on how to support the employee in improving attendance or making a successful return to work
- Making reasonable adjustments for disabled employees
- Seek advice relating to redeployment

19.2 When to refer an employee to occupational health will depend upon the circumstances of the case – for example an employee who is absent due to stress/depression/mental health may benefit from an early referral to gain advice about reasonable adjustments that can be made to

help the employee return to work, whereas it may be more appropriate to refer an employee who is recovering from an operation to occupational health towards the end of the 'normal' recovery time. Further advice can be sought from HR.

19.3 Managers should contact Human Resources when they wish to refer an employee.

19.4 The manager and employee will complete an occupational health referral online, which will be shared with our occupational health provider. The employee will be informed of the date, time and location of the appointment. The employee must inform his/her manager as soon as possible if they are unable to attend the appointment and contact the occupational health provided to re-arrange the appointment.

19.5 Referrals to occupational health should be seen as a positive way of supporting the employee's recovery and return to work, or in improving attendance. Some employees may feel concerned about being referred. Managers should explain that a referral is a supportive measure as occupational health can provide specialist advice about support the employee will need when he/she returns to work or that can help the employee achieve an acceptable level of attendance.

19.6 It may be appropriate to adjourn a meeting whilst seeking medical advice, reconvening the meeting to discuss the report.

19.7 Seeking medical advice may not provide all the answers and managers may need to weigh up this information and the needs of the service.

## **20. Counselling referrals**

20.1 Where the manager believes that the employee may benefit from independent confidential counselling the manager should discuss this with HR and then complete a counselling referral form. The costs of the counselling must be met by the service.

20.2 The counsellor will contact the employee directly to arrange the sessions.

## **21. Work related stress**

21.1 Where it is known or suspected that the employee's absence may be due to, or partially due to, work place stress the manager should also refer to the [Stress Management Policy](#).

## **22. Monitoring employees who are pregnant, disabled or who have had an accident at work**

22.1 Where an employee with a disability is expected (following medical advice) to have a higher level of absence than an employee without a disability, the trigger point for the employee will be adjusted to allow for this. Managers should seek advice from HR.

22.2 The Equality Act protects pregnant women from unfavourable treatment in employment on grounds of pregnancy or maternity. Managers must not take pregnancy related absence into account when managing attendance. Where an employee has pregnancy related illness after the beginning of the fourth week before the expected week of child birth, maternity leave automatically begins the day after the first day of her absence. Managers should seek further advice from HR.

22.3 When an employee has been absent from work due to industrial disease, accident or an assault arising out of, or in the course of employment with the Council their absence from a work related incident will be recorded separately and therefore not taken into account when looking at triggers when managing attendance. Please refer to paragraph 2.2 of the Sickness Pay Scheme for information related to sick pay in relation to an accident at work.

## 23.Redeployment

23.1 In cases of long term sickness absence where the employee will not be able to return to his/her own role within a reasonable time but redeployment to a suitable alternative role would enable him/her to return to work, the manager should discuss this with him/her.

23.2 In cases of short term sickness absence, where the manager considers that redeployment could help the employee to reach and maintain satisfactory levels of attendance he/she will discuss this with the employee.

23.3 In considering redeployment the manager and employee should discuss:

- The current impact of the employee's ill health or injury on his/her abilities
- The future prognosis
- The employee's skills
- Experience gained both inside and outside of work
- Types of work that may be suitable

23.4 The manager should explain to the employee that there is no requirement to create a post for the him/her, but that he/she will be entitled to prior consideration for any vacancies that arise.

23.5 The manager should specify the period that redeployment will be sought for; normally between eight weeks and three months.

23.6 The manager should inform HR so that the employee's employment can be recorded as being at risk and so that he/she can be considered for vacancies before they are advertised internally or externally.

23.7 Where the employee is interested in a vacancy he/she should apply using a recruitment summary form (available from HR) and meet with the recruiting manager before the vacancy is advertised.

23.8 The recruiting manager will assess the employee's skills, knowledge and experience in relation to the requirements of the vacancy. Where the employee has a condition that falls under the definition of a disability within the Equality Act, the recruiting manager will take steps to make reasonable adjustments to enable the employee to undertake the vacant role.

23.9 The employee and recruiting manager may decide upon a trial period to assess the suitability of a role. Please contact HR where this is being considered.

23.10 Information relating to the employee's health is classified as 'sensitive' under data protection regulations. The employee's manager should take account of this if approached for a reference by a recruiting manager (This also applies to references requested by external employers). The line manager should make sure that the information provided is factual and he/she may wish to discuss the reference with the employee and explain why he/she is/is not able to support the employee's application. Further advice can be sought from HR.

23.11 Where redeployment is not found within the specified period, or where the employee is not willing to consider redeployment, a decision hearing may be arranged.

23.12 Where an employee has applied for a vacancy within the specified period, but a decision has not been made about his/her suitability, a decision hearing will not be held until the decision has been made.

23.13 Where no redeployment is found, the Council may initiate a protected conversation with an employee.

## **24. Convening formal meetings and decision hearings**

24.1 No formal action will be taken against a trade union representative until, having consulted the employee, the circumstances of the case have been notified to a regional officer of the trade union concerned.

24.2 Where the employee or his/her representative is known to have a disability or language issues these should be reasonably addressed so that formal proceedings can take place fairly.

24.3 The employee must be informed in writing of:

- The reasons for holding the meeting (e.g. the specific problem with the employee's attendance/continued absence) and in the case of a decision hearing the reasons for considering Decision
- The date, time and location of the meeting/hearing
- The name of the person chairing the meeting/hearing
- The right to be accompanied by a trade union representative or work colleague

24.4 In the case of a decision hearing the employee will be provided with copies of documents that management will refer to at the hearing, and the names of any witnesses that they will call with the letter. The letter will also inform him/her of:

- The requirement to provide the manager/chair hearing the case with a copy of the documents that he/she will be relying on and the names of any witnesses that he/she will be calling at the hearing at least five working days before the hearing.
- The possibility that the hearing could result in his/her employment being terminated.

24.5 If the employee or their representative is unable to attend on the proposed date, the employee can suggest another date so long as it is reasonable and no more than 5 working days after the date originally proposed. An extension to this limit can be made by mutual agreement.

24.6 If an employee, or their representative, is unable to attend a hearing for reasons that were unforeseen when the hearing was arranged then another hearing will be arranged. If the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the employee's absence.

## **25. Process at decision hearings**

25.1 The manager who has handled earlier stages of the procedure will attend the decision hearing to present the management case.

25.2 At the hearing options already explored and/or tested will be reviewed and any remaining options (if any) will be considered.

25.3 The management side and the employee will be given the opportunity to state their case, call witnesses and ask questions.

25.4 The hearing will normally be adjourned whilst the Chair/panel hearing the case reaches a decision.

25.5 If the Chair believes that there are no reasonable alternatives, he/she may dismiss the employee, with due notice, on grounds of capability. In reaching this decision any mitigating factors and the likelihood of the situation improving in the future will be considered.

25.6 The employee will be notified in writing of the outcome, normally within five working days.

## **26. Appeal hearings**

26.1 This section refers to appeals against formal warnings, and against dismissal on the grounds of capability, under this procedure.

26.2 The appeal should be heard as soon as possible and not normally later than six weeks after it was received.

26.3 Both parties must indicate at least five working days in advance of the appeal hearing which, if any, witnesses they wish to call and provide copies of any documents that will be relied upon at the hearing. In exceptional circumstances an alternative timescale may be agreed.

26.4 The manager/Chair who issued the warning at the first formal stage OR dismissed the employee at the decision hearing will attend the appeal to present evidence. He/she may be supported by a representative of HR.

26.5 At the appeal the employee will be asked to explain his/her grounds for appeal and present evidence. The presenting manager will have the opportunity to respond. Where witnesses are called both sides will have an opportunity to question them.

26.6 The Chair, panel members and the representative from HR may ask questions throughout the appeal hearing.

26.7 If an employee, or their representative, is unable to attend an appeal hearing for reasons that were unforeseen when the hearing was arranged, the hearing will be postponed and another date will be arranged. If the employee is unable to attend a second time, the appeal hearing will normally convene, as arranged, and a decision taken in the employee's absence. If the employee notifies in advance that they do not wish to attend the appeal hearing, they will be invited to submit a written statement which will be considered by the appeal chair/ panel.

26.8 The appeal chair/ panel has the power to reinstate the individual whilst recommending further options for management of the sickness absence, or to uphold the dismissal decision.

26.9 The employee will be notified in writing of the outcome, normally within five working days.

## **27. Written Records**

Managers should keep written records of all stages of the procedure that they handle. These should be sent to HR. Records should be treated as confidential as appropriate and kept in accordance with the Data Protection Act.

## **28. The employee's representative**

28.1 The employee is entitled to be accompanied at all formal meetings/hearings by a trade union representative or work colleague. In exceptional circumstances the employee may be allowed to be accompanied by an alternative representative. Managers should contact HR if the employee requests an alternative representative.

28.2 The employee's representative may confer with the employee during formal meetings, hearings and appeals, explain the employee's case, ask questions, sum up and respond to views expressed at the hearing so long as the employee is happy for him/her to do so. Unless there are exceptional circumstances and the chair of the meeting/hearing/appeal permits it, the representative may not answer questions on the employee's behalf. The employee's trade union representative may also support the employee in seeking a settlement agreement at any stage in the process.

## **Additional guidance on handling short term sickness absence**

### **29. Informal handling of short term sickness absence**

29.1 Managers should normally hold an informal meeting with an employee when they have reached one of the trigger points listed in section 8.3 of the procedure. However, there may be cases where the manager does not consider this necessary or appropriate, for example where the employee has a high level of sickness absence caused by a known underlying cause and where the level of absence is expected to return to a satisfactory level within an acceptable timescale. The manager should record the reasons for not holding an informal meeting.

29.2 Informal handling of sickness absence issues should be positive and supportive, with the aim of finding ways to support the employee in improving his/her attendance to an acceptable level.

29.3 In preparation for holding a meeting the manager should review any information that he/she already has about the employee's absences, without prejudging the situation. This will help identify any potential areas to explore with the employee. The manager should consider:

- Information on any self certificates or doctor's statements – are the reasons the same or could they be linked?
- The proportion of absence covered by a statement of fitness to work
- Any further information given at return to work interviews
- Any other evidence about possible underlying causes for the absence
- Are any patterns of absence emerging?
- Is the employee taking their annual leave entitlement?

29.4 Meetings should be held in private and the employee should be encouraged to talk openly about his/her absence.

29.5 The manager should raise his/her concerns about the employee's absence levels and/or patterns of absence.

29.6 The employee should be asked to explain the reasons for his/her unacceptable absence and explore whether there could be any underlying health issues, work place or external factors that are contributing to the his/her absence. The manager may decide to adjourn the meeting to investigate these further.

29.7 Where the manager suspects that periods of absence may have been caused by family or similar factors, rather than genuine personal sickness/injury he/she may decide it is appropriate to declare an 'amnesty' on previous incidents so as to encourage the employee to talk about the reasons for his/her absence without fear of disciplinary action. Having discussed the issues the manager should restate the boundaries of the sick pay scheme and make it clear that future abuse of the scheme would lead to disciplinary action.

29.8 Where the absence is due to domestic abuse the manager should refer to the Council's [Domestic Abuse \(Staff\) Policy](#).

29.9 The employee should be asked to suggest ways that he/she can improve his/her attendance and any reasonable support that the Council could provide to help him/her improve attendance.

29.10 The manager should be supportive in identifying reasonable ways of assisting the employee in improving his/her attendance. This may include considering:

- Providing medical/other support e.g. seeking advice from occupational health about whether there could be an underlying health problem. Occupational health may recommend confidential counselling (which would be funded by the service).
- Encouraging and supporting changes in lifestyle e.g. support in giving up smoking

- Supporting the employee finding external sources of support (e.g. help groups), where appropriate
- Practical support to assist attendance e.g. change of hours, flexible working, support with resolving domestic or travel to work issues
- Addressing work related issues e.g. equipment, workload, work processes
- Reviewing the nature and level of the employee's role

29.11 Whilst being reasonable in providing support to the employee, the manager should also consider the operational needs of the service so that service delivery does not suffer.

29.12 The manager should also explain the impact the employee's absence is having and employee's responsibility for attending work, and set targets and timescales for improved attendance and where appropriate to the case expectations for reporting and certificating absence.

29.13 The manager may decide to ask the employee to supply statements of fitness to work from a GP for each period of absence or where absence may be falling into an unacceptable pattern e.g. for absences immediately before or after annual leave. Permission from the Head of Service should be sought before requiring this as the employee will be entitled to reclaim charges for statements from the service budget. The manager should inform the employee of how he/she can claim this.

29.14 The manager should explain how the employee's attendance levels will be reviewed and that if the specified improvement is not made that formal action may be taken under the procedure.

29.15 Following informal meetings the manager should:

- Investigate and, where reasonable, take action to resolve any work place factors identified
- Implement support measures and actions agreed in the meeting e.g. asking HR to refer the employee to occupational health
- Make a file note of actions and targets set and provide a copy of the file note to the employee. A copy should also be sent to HR to be placed on the employee's file.
- Where the manager decides no further action is required following the informal meeting, he/she should keep a note of the reasons for this
- Continue to review attendance and the support measures.

### **30. Formal handling of short term sickness absence**

30.1 Formal meetings should consider:

- Informal and formal action taken so far and whether any targets set have been met within the specified timescales and sustained
- Any new medical advice or information received since the last meeting
- Whether medical advice indicates that the employee has an underlying health issue or disability
- The effectiveness of any support put in place
- Whether redeployment should be considered.

30.2 The employee should be asked to comment on these points.

30.3 The manager may wish to adjourn the meeting to consider the employee's response and reach a decision.

30.4 The manager holding a first formal meeting may decide that:

- No further action is required

- The matter should continue to be handled informally. The manager should inform the employee of reason(s) for this decision, targets for attendance required, timescales and any support that will be put in place to help the employee to achieve targets set. The employee should be informed that formal action may be taken in future if these targets are not met and an acceptable level of attendance maintained. The manager should keep notes of the key points of the meeting and should give a copy of these to the employee.
- Issue a warning specifying targets, timescales and support (if appropriate) for achieving an acceptable level of attendance. The employee should be warned that his/her employment may be at risk if he/she does not reach the targets set and maintain a satisfactory standard of attendance. The warning will be provided in writing and be effective for 12 months.

30.5 Where a warning is issued the manager will meet informally with the employee during the specified period in order to discuss progress..

30.6 At the end of the specified period the manager will meet informally with the employees. Where targets have been achieved and sustained improvement is expected the employee should be informed of this. The employee should be informed that he/she is expected to maintain a satisfactory standard of attendance and that the warning issued at stage one will remain effective for the remainder of the 12 months from the date of the first formal stage meeting and that if the employee's attendance becomes of concern within that period a second formal stage meeting will be convened.

30.7 Where targets have not been reached the manager should inform the employee that a second formal stage meeting will be arranged.

### **31. Second formal stage meeting – short term sickness**

31.1 At the second formal stage meeting the manager will consider the facts of the case and, having listened to the employee's comments, will decide on whether a decision hearing should be arranged or to take another course of action

31.2 Where the manager believes that there is good reason to extend the timescales for achieving the targets, he/she may do so, and adjourn the second formal stage meeting until the end of the extended time.

31.3 With advice from HR and approval from the relevant Head of Service, the manager may choose to initiate a protected conversation with an employee as an alternative to convening a decision meeting.

## **Additional guidance on handling long term sickness absence**

### **32. Keeping in touch during long term sickness absence**

32.1 Research shows that employees are more likely to make a successful return to work if long term sickness absence is dealt with promptly. (Chartered Institute of Personnel and Development 2006).

32.2 It is important to keep in regular contact with the employee so the manager can stay informed about his/her progress and so that the employee feels in touch with the workplace and valued. Lack of contact can make it harder for the employee to return to work. The manager should agree with the employee how, and how frequently you will keep in contact. This will depend upon the nature of the employee's condition. The manager can seek further advice from HR.



32.3 Contact needs to be sensitive so the employee does not feel pressurised into returning to work before/he she is fit to do so.

32.4 Depending upon the reason for absence, contact early on may simply be to find out how the employee is and to show concern about him/her. As appropriate the manager may also need to discuss his/her prognosis, when he/she is likely to be able to return to work, and whether there is anything the manager can do to support his/her return to work.

32.5 An employee can only be visited at home with his/her consent, and he/she may wish to have a trade union representative or work colleague present. As with any visit to someone's home the manager should take steps to ensure his/her own safety. You can seek further advice from HR.

32.6 The manager should keep notes of when he/she contacts the employee and key points that discussed.

### **33. Informal handling of long term sickness absence**

33.1 When handling long term sickness absence managers should be sensitive to the employee and his/her condition and to the needs of the service. Managers should consider:

- Whether it is clear when the employee is likely to return to work
- Whether there is a clear prognosis (managers can seek advice from HR about referring the employee to occupational health or seeking a report from the employee's GP or consultant).
- Whether there are there any supportive steps that the manager can take to enable the employee to return to work

33.2 The manager will normally hold an informal meeting with the employee when the employee has been absent for a period of 28 calendar days. However there may be cases where the manager does not consider it appropriate to hold a meeting at that stage, for example where the employee is recovering from an operation and the normal recovery time is longer than 28 days and the employee is expected to return within a reasonable timescale. The manager should record the reasons for a decision to delay the informal meeting and should continue to keep in touch with the employee.

33.3 The manager should keep the employee's case under review and seek further medical advice as necessary.

33.4 Where the employee's continuing absence becomes of concern to the manager he/she should discuss this with the employee and explain where it becomes necessary to convene a formal meeting under the procedure.

33.5 Where the employee appears to have made a snap decision to resign the manager should seek advice from HR before accepting the resignation.

### **34. Supporting a return to work**

34.1 The manager should consider medical advice and ask the employee what support he/she feels he needs to help him/her return to work.

34.2 Making reasonable adjustments on a temporary or permanent basis may enable an employee to return to work earlier. Managers must comply with the requirements of the Equality Act. Reasonable adjustments must be made to support employees with disabilities (as defined by the Equality Act), including seeking redeployment where appropriate.

34.3 Examples of adjustments include:

- Providing a phased return – this could be on a part time or incremental basis

- Modifying an employee's work activities, equipment or location on a temporary or permanent basis
- Providing special equipment e.g. modified IT equipment or reference material
- Modifying work patterns or management systems to reduce pressure and give the employee more control
- Providing refresher training or buddy/mentor until the employee regains confidence at work
- Providing more supervision
- Altering working times
- Working at home
- Providing alternative parking
- Modifying access to the workplace
- Reallocating work amongst the team
- Allowing time off for further medical appointments

34.4 Once appropriate measures have been identified the manager should draw up a return to work plan. A return to work plan should not normally exceed 4 weeks although it might be extended to six weeks in exceptional circumstances (e.g. a disability or serious medical condition), and will normally be on full pay from the first return date, even where hours are reduced. The plan should include:

- The date the employee will return to work
- The goal for the plan e.g. supporting the employee in making a successful return to full time work after a gradual return to work.
- The time period of the return to work plan
- What impact it will have on the employee's terms and conditions
- When the plan will be reviewed
- Signatures of the employee and manager

34.5 The manager will need to keep the plan under regular review. The frequency of this will depend upon the circumstances of the case but should be sufficient to ensure that the plan is supporting the employee and to review his/her progress.

34.6 Where appropriate the manager should complete a risk assessment, for example to assess any adjustments, the effects of any medication, and any implications for equipment made or lone working.

34.7 The manager should also consider how to update the employee about what has happened during their absence e.g. changes in practices and procedures, training, new equipment.

## **35. Formal handling of long term sickness absence**

35.1 At each stage of the formal process the manager should:

- review the case to date
- consider the implications of any new medical information received and the need to seek further medical advice
- review any support and/or reasonable adjustments that can be made to enable the employee to return to work
- consider the likelihood of the employee making a successful return to work within a reasonable period
- consider the effect of the employee's continuing absence upon service delivery
- consider the appropriateness of seeking redeployment
- consider the employee's views

35.2 With advice from HR and approval from the relevant Head of Service, the manager may choose to initiate a protected conversation with an employee as an alternative to convening a decision meeting. This may be particularly relevant where an employee has exhausted their entitlement to full sick pay and there is little prospect of a return to work in the foreseeable future.

### **36. Annual leave and long term sickness absence**

36.1 Employees accrue and can request to take statutory annual leave<sup>1</sup> whilst on long term sickness absence.

36.2 Employees whose employment terminates after a period of long term sickness absence will be paid in lieu of the statutory leave that they would otherwise have carried forward.

36.3 Further details can be found in the Council's [annual leave procedure](#).

### **37. Ill health retirement**

37.1 In some circumstances an employee who is a member of the local government pension scheme (LGPS), may meet the criteria for ill-health retirement. The employee must have two years' membership of LGPS or qualifying service under another pension scheme. Where an employee who is a member of LGPS chooses to be considered for Ill-Health Retirement, the Council will arrange for them to be assessed by an Independent Registered Medical Practitioner (IRMP). The IRMP is likely to be employed by the Occupational Health Provider contracted by the Council, but should not have had previous involvement in their case.

37.2 The employee will be asked to complete and sign a consent form (see appendix 3) to ensure that they fully understand the process and the implications of the conclusions of the IRMP. Where the IRMP decides that ill-health retirement at any level, applies to the individual, the Council will then need to consider the termination of their employment.

37.3 There are three tiers of Ill Health Retirement.

#### **37.3.1 TIER 1**

This is when the Independent Registered Medical Practitioner (IRMP) has certified that the employee is permanently incapable of discharging efficiently the duties of their current job because of ill health or infirmity of body or mind and there is no reasonable prospect of being capable of undertaking any gainful employment before normal retirement age. Permanently incapable means that the employee will more likely than not be incapable until at the earliest aged 65. The definition of gainful employment is defined by Regulation 20(14) of the Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations 2007 as "paid employment for not less than 30 hours in each week for a period of not less than 12 months.

In accordance with the LGPS Regulations, a Tier 1 determination means that the employee would receive pension benefits equal to their accrued rights, with full enhancement of their prospective service to normal retirement age

#### **37.3.2 TIER 2**

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<sup>1</sup> This means 5.6 weeks statutory annual leave under the UK Working Time Directive.

This is when the Independent Registered Medical Practitioner (IRMP) has certified that the employee is permanently incapable of discharging efficiently the duties of their current job because of ill health or infirmity of body or mind.

It is also the Practitioner's opinion that whilst the employee is incapable of undertaking gainful employment within 3 years, they would be likely to undertake gainful employment before reaching their normal retirement age.

In accordance with the LGPS regulations, a Tier 2 determination means that the employee would receive pension benefits equal to their accrued rights, with an enhancement of 25% of their prospective service to normal retirement age

### 37.3.3 TIER 3

This is where the Independent Registered Medical Practitioner (IRMP) has certified that the employee is permanently incapable of discharging efficiently the duties of their current job because of ill health or infirmity of body or mind but that they would be capable of undertaking other employment within a period of 3 years.

In accordance with the LGPS regulations, a Tier 3 determination means that the employee would receive the following pension benefits:-

- payments of their accrued pension benefits, without enhancement
- pension benefits would be payable for a period of 3 years
- there will be a review of their situation after 18 months

If the employee finds gainful employment after their employment ends with the Council, they are required to notify the Council immediately, providing details such as pay and working hours etc. The Council will then consider the details regarding the employment and if this is deemed to be gainful employment according to the Regulations stipulated above, pension payments are stopped.

- 37.4 The employee should be offered the opportunity to appeal against the medical decision. Human Resources will arrange for an Independent Medical examination. The Independent Medical Examiner should not have been treating the employee previously.
- 37.5 Where the IRMP determines that an employee does meet the criteria for ill-health retirement under any tier, the employee will be informed and a decision hearing will be convened to determine whether the employment should be terminated on grounds of ill-health. The decision hearing will be chaired by the Head of Service with advice from the Head of Human Resources. The employee will be invited but is not under any obligation to attend if they do not wish to, or are not fit to attend.
- 37.6 The effective date of termination will then be the date notice expires. The reason for dismissal is that the employee is incapable of attending work for health reasons and has been declared unfit for employment (either permanently or currently). Where an employee would be better off taking their pension earlier, they can decide to forgo their notice payment.
- 37.7 Any termination of employment on health grounds is a dismissal on grounds of health capability and the dismissed employee must be offered the right of appeal.
- 37.8 Members of Teachers' Pensions may also be entitled to be considered for ill-health retirement. HR can provide further information about this process.

## Appendix one

### Sick pay entitlements

Employees are entitled to receive sick pay in accordance with West Berkshire Council's terms and conditions of employment. The entitlement is summarised below:

During 1st year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and 5th year of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

Entitlement is calculated on a rolling year basis.

## Appendix two

### Inputting sickness in MyView

A Manager (or delegated employee on behalf of the manager) can input a sickness notification in MyView for payroll processing. Until Payroll has processed the sickness notification, the sickness notification can be maintained and amended by the manager or delegated employee.

To access the MyView sickness module

**As a Manager** - Log into MyView, in the “MY PEOPLE” tab, click in the select box to the right of the employee’s name and click in the “Create Sickness Record” link in the left toolbar. To view the employee’s sickness absence history, click in the select box to the right of the employee’s name and click in the “Absence History” link. **As a delegated employee** - Log into MyView, click on the Delegated Responsibilities link, then click on the sickness notifications link in the Responsibilities box to display the list of employees for whom you are responsible for inputting sickness. Click on the employee’s name to display the Sickness module and enter the sickness notification.

Inputting a sickness record in MyView

Note for staff entering sickness via a delegation rule - select [**Notify Sickness**] at the bottom of the screen.

Select the Type “**Sickness**” and enter the sickness details specified on the self certification form, doctor certificate or hospital certificate.

Use the drop down boxes to select the **Sickness Reason, Sickness Category and Certificate Type**.

**Note:** If any of the sickness categories are missing from MyView, please email the MyView mailbox on [MyView@westberks.gov.uk](mailto:MyView@westberks.gov.uk).

Select the duration “**Single Day**” or “**More Than One Day**” radio button.

If the sickness absence is for a “**Single Day**”, enter the date of absence, (this cannot be a future date), and select the Full Day, AM Only or PM Only radio button.

If the sickness absence is for “**More Than One Day**”, enter the **From Date**, and select the **Full Day or PM Only** radio button.

Please now enter the **To Date** (this must not be a future date) and select the **Full Day or AM only** radio button.

**Note:** The “To Date” is the last day the employee was absence from work due to their sickness absence.

**Note:** If the employee is absent and is contracted to work mornings only, this is to be input as a full day. The AM and PM only facility is only to be used for full time employees who are sick for half the day.

Enter the **Return To Work Interview Date**.

Click on **Submit**. (If you only click on SAVE, the changes will not be processed by Payroll).

A dialog is displayed asking if you are sure you want to submit this sickness notification. Click **OK** to submit the form.

A Confirmation Message and sickness notification number is displayed confirming that the sickness notification has been submitted.

**Add** this notification number on the self certification form, Doctor Certificate or Hospital certificate and add the date input.

To enter another sickness record for the same employee, click on “continue” and the “Notify sickness” link at the bottom of the screen.

To enter sickness details for another employee, click on the “Dashboard” link if entering sickness via a delegation rule or click on “Team Selector” link and follow procedure above.

To exit, click on any other link or “sign out”.

**Note:** All absences of more than seven calendar days (including weekends and days not normally worked by the employee) must **also** be covered by a ‘statement of fitness to work’ from the employee’s GP or hospital certificate (where the employee has been an in-patient). The employee must obtain these statements/certificates and forward the originals to the line manager. The manager will make a copy of each statement/certificate received. This copy should be signed and dated by the manager to confirm that he/she has seen the original. The copy must be stored securely by the service for three years after the end of the tax year to which they relate. The original certificate should be returned to the employee

**Note:** When Payroll processes the sickness, the form is removed from the Sickness Awaiting Payroll Processing section and is displayed in the Sickness History section in the MyView Sickness Notification module.

**Note:** Payroll generally processed the sickness around the 16<sup>th</sup> of the month. If sickness is entered after this date, it will be processed in the following month.

#### Inputting a continuous period of sickness

If you are entering a continuous period of sickness, relating to more than one sickness notification, please ensure the start date of the second entry is the date following the end date of the first entry (i.e. first notification is entered for the period 15/06/12 to 16/07/12 and the second notification is entered for the period 17/07/12 to 16/08/12).

**Note:** The “To Date” is the last day the employee was absence from work due to their sickness absence. This must not be entered as a future date.

**Note:** When continuous periods of sickness are entered into MyView, you can add a reason into each sickness notification. However, when Payroll process the continuous sickness the pay system can only process the first sickness reason notified for the continuous period. This reason is then used for reporting purpose. If this reason needs changing to represent the main reason for the sickness absence, please email Payrollchanges.

**Note:** Payroll generally process the sickness for the current month (around the 16<sup>th</sup>). If you have an employee who is absent for an additional continuous period, and this is not entered into MyView prior to the 16<sup>th</sup>, please email Payroll who can decide if they will need to process this continuous absence in the current month’s pay run.

#### Inputting a sickness notification when end date is not known

Follow guidance above but leave the end date blank. Ensuring you **submit** the sickness form for payroll processing.

When the end date is known, locate the same sickness form:

As a manager, go into the “MY PEOPLE” tab, click in the select box to the right of the employee’s name and click in the “Absence History” link in the left toolbar. As a delegated person, please access the form via the delegated responsibility link.

In the “Sickness awaiting payroll processing” click into the required sickness form.

Enter the end date and click **[Save]**. This end date will then be processed by Payroll. No new form number will appear.

If Payroll have already processed the sickness for the current month (around the 16<sup>th</sup>), the sickness with no end date will be processed up to the month end date i.e. 31<sup>st</sup> July 2012.

If the employee returned on 21<sup>st</sup> July 2012, please delete the sickness form with no end date in the payroll pending section starting 1<sup>st</sup> August 2012 and email Payroll to amend the end date of the sickness end date to 20<sup>th</sup> July 2012.

#### Deleting a sickness form

A sickness form can be deleted if it is in the “sickness awaiting payroll processing” box.

To delete the sickness form:

As a manager, go into the “MY PEOPLE” tab, click in the select box to the right of the employee’s name and click in the “Absence History” link in the left toolbar. As a delegated person, please access the form via the delegated responsibility link.

In the “Sickness awaiting payroll processing” click into the required sickness form.

Click **[Delete]** to delete the sickness form.

A dialog is displayed asking if you are sure you want to withdraw this sickness notification.

Click **OK** to delete the form.

A Confirmation Message is displayed confirming that the sickness notification has been deleted, including a sickness notification number.

Click **[continue]** to return to the Sickness Notifications or another link to exit.

When Payroll processes the sickness, the form is removed from the Sickness Awaiting Payroll Processing section and is displayed in the Sickness History section in the MyView Sickness Notification module. Once the sickness is processed by Payroll, only Payroll can amend the sickness details.

If you have any amendments, please email [payrollchanges@westberks.gov.uk](mailto:payrollchanges@westberks.gov.uk).

#### Amending a sickness form



A sickness form can be amended if it is in the “**sickness awaiting payroll processing**” box.  
To amend the sickness form:

As a manager, go into the “MY PEOPLE” tab, click in the select box to the right of the employee’s name and click in the “Absence History” link in the left toolbar. As a delegated person, please access the form via the delegated responsibility link.

In the “Sickness awaiting payroll processing” click into the required sickness form.

Click on the required sickness form.

Click **[Edit]**, amend the sickness form and **save**.

A Confirmation Message is displayed confirming that the sickness notification has been deleted, including a sickness notification number.

Click **[continue]** to return to the Sickness Notifications or another link to exit.

**Note:** When Payroll processes the sickness, the form is removed from the Sickness Awaiting Payroll Processing section and is displayed in the Sickness History section in the MyView Sickness Notification module. Once the sickness is processed by Payroll, only Payroll can amend the sickness details.

If you have any amendments, please email [payrollchanges@westberks.gov.uk](mailto:payrollchanges@westberks.gov.uk)

For further guidance on viewing staff sickness in MyView or setting up delegation rules, please refer to the MyView guidance notes on the intranet, or email [Myview@westberks.gov.uk](mailto:Myview@westberks.gov.uk)

## Appendix Three

### Consent form for Consideration for Ill-Health Retirement under LGPS

Before we can arrange an assessment by an IRMP for Ill-health Retirement, you must sign and date this form to demonstrate that you fully understand the implications of your assessment.

- I wish to be assessed by an Independent Registered Medical Practitioner (IRMP) for Ill-Health Retirement.
- I have read the guidance about the benefits available to me under the LGPS Ill-health retirement scheme, and understand the tiers of assessment.
- I understand that it is my responsibility to seek information about my pension entitlements directly from Berkshire Pensions.
- I understand that, if the IRMP assesses that I do fulfil the criteria for tier 1, tier 2 or tier 3, the Council will convene a decision hearing to decide whether my employment will be terminated with due paid notice. The decision meeting will normally act on the recommendation of the IRMP if he/she declares you are unfit for work, and will issue notice to termination of employment due to ill-health capability. However, this is subject to any representations made by the employee and his/her representative.
- I have informed my line manager that I wish to be assessed for ill-health retirement.
- I understand that, if I do not agree with the assessment of the IRMP I can appeal their decision and also appeal against the decision to terminate my employment.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	We are seeking approval from Personnel Committee for amendments to the Sickness Absence – Reporting and Management: Policy, Procedure and Guidance.
<b>Summary of relevant legislation:</b>	The Equality Act 2010 protects those with protected characteristics from unlawful discrimination. In this case, disability is the key characteristic.
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No.
<b>Name of assessor:</b>	Rebecca Bird
<b>Date of assessment:</b>	22/1/18

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To manage sickness absence effectively and fairly.
<b>Objectives:</b>	To reduce risk of tribunal claims against the Council. To offer compassionate and pragmatic alternatives to dismissal in cases of long term absence.
<b>Outcomes:</b>	Improved policy, procedure and guidance which will result in better management of sickness absence.
<b>Benefits:</b>	The Council – better resolution of absences cases. Employees – fair resolution with more options available.

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	N/A	
Disability	To better protect disabled employees against discrimination during the management of sickness absence.	Increased guidance on disability and reasonable adjustments in the procedure. More options for resolution of difficult cases.
<b>Further Comments relating to the item:</b>		
<b>3 Result</b>		
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>		<b>No</b>
<b>Please provide an explanation for your answer:</b>		
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>		<b>No</b>
<b>Please provide an explanation for your answer: The aim is to provide improved guidance for management of staff sickness.</b>		

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

**Name: Rebecca Bird**

**Date: 22/1/18**

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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