



HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

DATE: Wednesday, 21 October 2020
TIME: 7.30 pm
VENUE: Meeting will be held in accordance with provisions of SI 2020/392. Link to live stream will be available at <https://www.tendringdc.gov.uk/livemeetings>

MEMBERSHIP:

Councillor Chapman (Chairman)	Councillor Chittock
Councillor Griffiths (Vice-Chairman)	Councillor Clifton
Councillor Amos	Councillor Morrison
Councillor Broderick	Councillor M Stephenson
Councillor Calver	

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For further details and general enquiries about this meeting, contact Keith Durran Email: democraticservices@tendringdc.gov.uk or Telephone on 01255686585.

DATE OF PUBLICATION: Wednesday, 14 October 2020

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 10)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on 24 February 2020.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Apprenticeships and Career Track - Verbal Update

The Committee will receive a verbal update regarding Apprenticeships and Career Track.

6 Report of Corporate Director (Operations & Delivery) - A.1 - Workforce and Contract Documentation Update Report (Pages 11 - 18)

To provide Members of the Human Resources & Council Tax Committee with an update on current staffing statistics and inform them of the recently agreed changes to the Council's Employment Contract Documentation, in line with an update to employment legislation.

7 Report of Corporate Director (Operations & Delivery) - A.2 - Sickness Absence Management Policy & Procedures Review (Pages 19 - 56)

To update Human Resources & Council Tax Committee on the review of the Council's Sickness Absence Management Policy & Procedures in line with identified best practice and the Council's Constitution and the delegated powers within.

8 Report of Corporate Director (Operations & Delivery) - A.3 - The Council's Response to COVID-19 for the Workforce (Pages 57 - 62)

To update Members of the Human Resources and Council Tax Committee on the various initiatives and policy arrangements introduced to support the workforce in response to the Coronavirus (COVID-19) Pandemic.

9 Exclusion of Press and Public

The Committee is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A, as amended, of the Act.”

10 Report of Corporate Director (Operations & Delivery) - B.1 - A Market Forces Report for the Planning Service (Pages 63 - 66)

To put forward proposals for the continuation of the Market Forces Supplement, previously agreed by Human Resources Committee, to support the recruitment and retention of qualified Planning staff pending a full service review (anticipated in the next six months).

Date of the Next Scheduled Meeting

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held on Thursday, 25 February 2021.

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE, HELD ON MONDAY 24 FEBRUARY 2020 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Chittock, Clifton, Fowler, S Honeywood (except Minutes 22 (part) - 24) and M Stephenson
Also Present:	Councillors Amos, P Honeywood (Portfolio Holder for Housing) (except Minutes 22 (part) - 24) and McWilliams (Portfolio Holder for Partnerships)
In Attendance:	Anastasia Simpson (Head of People, Performance and Projects), Carol Magnus (Organisational Development Manager), Katie Wilkins (Human Resources and Business Manager), Richard Bull (Corporate Finance Manager & Deputy Section 151 Officer), Pauline Lifton (HR and Business Advisor) and Katie Sullivan (Committee Services Officer)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Morrison (with Councillor Fowler substituting), Broderick and Calver (with no substitutes).

14. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Human Resources and Council Tax Committee, held on 23 October 2019, be approved as a correct record and be signed by the Chairman.

The Council's Head of People, Performance and Projects (Anastasia Simpson) updated the Committee in regards to the Safeguarding Policy and Procedures item that had been considered at its last meeting (minute 8 referred). The Committee was informed that their request to investigate the appropriateness and practicalities of introducing Disclosure and Barring checks for all Members of Tendring District Council had been looked into by the Standards Committee and it had been decided that the current procedure of not carrying out checks should be maintained. However, if a Councillor should wish to have a Disclosure and Barring check, the costs involved would be covered by the Council. The Committee was also made aware that E-training would be provided for Members in regards to the Council's Safeguarding Policy.

15. DECLARATIONS OF INTEREST

Councillor Griffiths declared that he was a member of the GMB Union.

16. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

17. SENIOR RESTRUCTURING - VERBAL UPDATE

The Committee received a verbal update from the Council's Organisational Development Manager (Carol Magnus) in regards to the processes and timetable for the Senior Restructuring process, following the retirement of the Deputy Chief Executive.

The Committee was informed that a review of the Senior Management structure had been carried out by the Chief Executive (Ian Davidson) and that a formal consultation had taken place. All Heads of Service and Directors had been fully involved in this process and their input into the consultation process had been extremely valuable. The Chief Executive had taken on board their suggestions and as a result had adjusted the Senior Management Structure based on some of the feedback received.

The Committee was further informed that the final agreed structure brought to life the Chief Executive's intention to create a more flexible, integrated and fit for purpose Senior Management Team, whilst also ensuring that there was an appropriate balance between the following areas of priority for the management of the Council:

- Corporate focus and sound governance and finances;
- Community Leadership and Partnership working;
- Effective service delivery;
- Growth, strategic planning and place shaping;
- Garden Communities and Corporate Projects; and
- Improved matrix management across the organisation.

The Organisational Development Manager explained to the Committee that those changes would help ensure maximum efficiency was achieved, and that resources were deployed in the most effective manner to continue to provide an affordable and successful range of services for the District and its residents.

The Organisational Development Manager further explained to the Committee that the approach that was being taken recognised the strength of managerial talent within the Council and was consistent with the Council's "grow your own" philosophy.

The Committee was informed that the final structure had two Corporate Directors and 7 Assistant Directors. Three of those posts (Assistant Director of Governance, Assistant Director of Finance and IT, and Assistant Director of Partnerships) would be part of the Management Team together with the Chief Executive and the Corporate Directors.

The Committee was further informed that the next stage in implementing the new Senior Management Structure, was to appoint the Assistant Director posts and that there had been a strong field of applications for the Assistant Director posts from amongst the Heads of Service. Those Heads of Service who had chosen to remain in their existing roles would play a crucial part in supporting their new Assistant Directors in delivering the function of their directorate.

It was explained to the Committee that, in accordance with the Council's Constitution, all shortlisted candidates would be interviewed by a panel including the Chief Executive, an independent HR Advisor (*Marcia Fuller*), three Elected Members and where applicable, the Corporate Director (Operational Services) Paul Price or the Corporate Director

(Planning and Regeneration Services) Ewan Green. The first interviews had been held and the remaining interviews would take place on 3 and 4 March.

The format for the selection process was as follows:

- All candidates to complete an online Psychometric Test, which in the interest of fairness, had been administered and assessed externally by EELGA.
- A formal Interview.

All candidates would be expected to provide a ten minute presentation, focusing on their changing role from Head of Service to Assistant Director and their vision for their service(s) moving forward. The interview questions would be based on the Universal Competency Framework which they would all be familiar with.

The appointments would be effective from 1 April 2020, which was the implementation date of the new Senior Management Structure. There would also be an away day for the new Assistant Directors with input from the Chief Executive and Corporate Directors in early April to start to embed this new structure.

The Committee noted the foregoing.

18. **REPORT OF THE HEAD OF FINANCE, REVENUES AND BENEFITS & SECTION 151 OFFICER - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2020/21 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES**

Members were reminded of Section 106 of the Local Government Finance Act 1992, which provided that any Member, who was in arrears by at least two months with their Council Tax payments, could not vote on matters concerning either the level of, or administration of, Council Tax. It was important to note that this also covered Council Tax liabilities outside of the District and property which might not be their main residence. If present at the meeting, a Member to whom this provision applied must disclose the fact and could speak on the item, but could not vote. Non-compliance with this section was a criminal offence. Therefore, should this provision apply to any Member, this should be disclosed.

The Committee's confirmation was sought in respect of the final Council Tax amounts for 2020/21 including the precepts issued for 2020/21 by Essex County Council and the Essex Police, Fire and Crime Commissioner.

The Council's Corporate Finance Manager and Deputy Section 151 Officer (Richard Bull) was in attendance and informed Members that, once the precepts had been received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2020/21. The total Council Tax for the year was made up of the District and Parish / Town Council amounts approved by this Council and the corresponding amounts agreed by the major precepting authorities. Legislation required this formal confirmation even though the process was dictated by legislative formulae and there was no actual judgement or choice to be made.

The Committee was aware that the District and Parish/Town Council precepts for 2020/21 had been approved at the meeting of the Council held on 11 February 2020 and were set out in Appendix B to the report. Since that date the precepts from the major precepting authorities for 2020/21 had been received. The table set out below showed the precepts issued for 2020/21 for Essex County Council, Essex Police services and Essex Fire services:-

Precepting Authority	Council Tax Amount (Band D equivalent)	Increase
Essex County Council	£1,321.11	3.99%
Essex Fire Services	£73.89	1.99%
Essex Police Services	£198.63	2.94%

It was reported that, when added to the amounts relating to the District and Parish / Town Council Services, as approved by Council on 11 February 2020, the average Band D Tax totalled £1,808.54 for 2020/21. Appendix A to the report set out the full precept details and Appendix C set out for confirmation the 2020/21 Council Tax amounts including the precepts from the major precepting authorities by property band for the unparished and parished areas of the District.

It was moved by Councillor S A Honeywood, seconded by Councillor Chittock and unanimously:-

RESOLVED that -

- (a) the precepts issued by Essex County Council, Essex Police and Essex Fire for 2020/21, as set out in Appendix A to the report, be noted; and
- (b) the amounts of Council Tax for 2020/21 for each of the categories of dwellings, as shown in Appendix C to the report, be confirmed.

19. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.2 - PAY POLICY STATEMENT 2020/21

There was submitted a report by the Head of People, Performance and Projects (A.2) on the proposed Pay Policy Statement for 2020/2021.

The Committee was reminded that Section 38(1) of the Localism Act 2011 required local authorities to produce a Pay Policy Statement and that those matters which were required to be included in the statutory Pay Policy Statement were as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer;
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition);
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers; and

- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

It was reported that the Pay Policy Statement 2020/21 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aimed to ensure the ability of the Council to recruit talented individuals whilst reassuring the citizens of Tendring that their money was being used efficiently.

It was further reported that a major pay assimilation exercise had been carried out by the Council in 2018/19, in order to move across to the new nationally agreed pay bands for 2019/20, which had resulted in multiple inflationary variations across the pay scale. Changes had included:-

New Pay Spine 1 April 2019

- A bottom rate of £9.00 per hour (£17,364) on new Spinal Column Point (SCP) 1 (equivalent to old SCP's 6 & 7).
- 'Pairing off' old SCP's 6-17 incl. to create new SCP's 1-6 inclusive.
- Equal steps of 2.0% between each new SCP's 1 to 22 inclusive (equivalent to old SCP's 6-28 inclusive.)
- By creating equal steps between those pay points, new SCP's 10, 13, 16, 18 and 21 were generated to which no old SCP's would assimilate.
- On new SCP's 23 and above (equivalent to old SCP's 29 and above), 2.0% increase on 2018 rate.

The Head of People, Performance and Projects provided an overview to the Committee on some key changes.

Members raised questions which were responded to by Officers.

Following discussion, it was **RESOLVED** that this Committee comments to Council that the Pay Policy Statement 2020/21, as set out at Appendix A, should be adopted.

20. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.3 - EMPLOYEE ENGAGEMENT AND HEALTH & WELL-BEING UPDATE REPORT

There was submitted a report by the Head of People, Performance and Projects (A.3) presented by the HR and Business Manager (Katie Wilkins), which provided the Committee with an update on the Council's current activities that related to Employee Engagement and Health and Wellbeing.

The Council's Partnerships Portfolio Holder (Councillor McWilliams) was welcomed to the meeting for this item.

It was reported that there was much evidence to suggest that an 'engaged' workforce described employees who were healthier, happier, more fulfilled or more motivated. Employee engagement was the extent to which employees felt passionate about their

jobs, were committed to the organisation in which they worked and put discretionary effort into their work (CIPD, 2019).

It was further reported that research had revealed that high levels of engagement were clearly linked with higher levels of performance, customer satisfaction, productivity, innovation, staff retention and efficiency.

Members were informed that the Council had regularly undertaken an independent and confidential staff survey, which was partly funded by the Local Government Association to establish current levels of employee engagement. The last reported findings from the survey compiled by Dr Martin Reddington, had demonstrated the following:-

- From an employee perspective, Tendring District Council continued to have a committed workforce, investing time, energies and concentration to get the job done well, and feeling a sense of pride in doing so.
- Reported levels of organisational engagement had increased – this was the sense of loyalty and advocacy that employees felt towards the Council.
- The Council had relied on good will and high levels of motivation and performance from staff, in terms of ‘going the extra mile’ and ‘engagement’ with organisational objectives and values.
- The perception of Tendring District Council as an ‘employer’ continued to improve.

This had been further evidenced from the staff survey which had been conducted as a part of the Investors in People (IiP) Gold Assessment in January 2019. The final Assessment Report had stated:-

“It was apparent from the assessment TDC employees, many of whom are long serving, think TDC is a great place to work.

They have embraced the Investors in People principles and continue to strive for further improvement. This will continue to be achieved by maintaining a culture of openness and trust where staff are regularly asked for opinions, ideas and suggestions for improvement.”

To gain further insight into how staff felt about working for the Council, a TEDD Lite Survey would be undertaken, again managed by Martin Reddington Associates, during February/March 2020.

Members were further informed that the results would help Officers assess progress during 2020/21 and identify and prioritise actions where more improvements could be made. The focus of the survey would be to establish:-

- What was good about working for the Council?
- What was not so good? What could still be improved?
- What made an employee go the extra mile at work?
- What got in the way of them doing a good job?

Understanding the importance of an engaged workforce, and the reported link between this and the health and wellbeing of its employees, the Council was committed to a proactive approach towards workplace health and wellbeing. Good health and wellbeing could be a core enabler of employee engagement and organisational performance (CIPD, 2019).

Research had suggested that adopting a positive culture around employee engagement and wellbeing was likely to contribute to reduced turnover of staff, reduced levels of sickness absence/presenteeism and encouraged the Council to be 'an employer of choice.'

Members raised questions which were responded to by Officers and there was some discussion in regards to the Employee Assistance Programme (EAP) which was available to Officers and Members.

Following discussion it was **RESOLVED** that:

- (a) the contents of the report be noted;
- (b) the Committee recognise and acknowledge the hard work of the Human Resources team and thanks them for their efforts in regards to Employee Engagement and Health and Wellbeing; and
- (c) there should be more engagement with Members about the help that is available to them in regards to Health and Wellbeing.

21. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.4 - STAFFING STATISTICS

There was submitted a report by the Head of People, Performance and Projects (A.4) presented by HR and Business Manager (Katie Wilkins), which provided the Committee with updated and current staffing statistics including:

- (1) Number of Staff Employed – Full-Time and Part-Time;
- (2) Gender Profile;
- (3) Age Profile;
- (4) Disability Profile;
- (5) Ethnicity Profile; and
- (6) Sickness Absence (information was included on the management procedures and preventative action taken together with the sources of support available for staff).

Officers responded to questions raised by Members on various topics.

Following discussion it was **RESOLVED** that the contents of the report be noted.

22. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.5 - THE PARENTAL BEREAVEMENT (LEAVE AND PAY) ACT 2018

There was submitted a report by the Head of People, Performance and Projects (A.5) presented by HR and Business Manager (Katie Wilkins), which provided the Committee with information on the Parental Bereavement (Leave and Pay) Act 2018.

The Council's HR and Business Advisor (Pauline Lifton) attended the meeting for this item as she had worked with the Head of People, Performance and Projects in preparing the report.

The Committee was informed that, as from 6 April 2020, Statutory Parental Bereavement Leave (SPBL) would be available to all employees who were 'bereaved parents' (which meant that they were the primary carer for a child who had died under the age of 18). Two weeks statutory leave would be available for all employees from day one (there was no minimum service needed).

The Committee was further informed that Statutory Parental Bereavement Pay (SPBP) would be available to employees with 26 weeks continuous employment with their employer (at the week before the week in which the child had died; as long as they were still employed by the employer on the day on which their child died) and where their normal weekly earnings in the eight weeks up to the week before the child's death were not less than the lower earnings limit for National Insurance contributions purposes.

It was reported that the entitlement would also be available to adults with parental responsibilities for children, who were not their birth parents, i.e. for adoptive parents, those who were fostering to adopt, legal guardians and most foster parents (except those in short-term fostering arrangements). It also applied to parents who had suffered a stillbirth 24 weeks or more into pregnancy. Where more than one child died, the parent would have a statutory entitlement to leave and pay in respect of each child.

It was further reported that the leave must be taken in units of one week, so it could be taken as a single block of two weeks, or two separate blocks of one week at different times. The leave could be taken at any time up to 56 weeks from the date of the death of the child. Bereavement leave could be taken straight away after the death of the child. If this leave was not taken straight away, then employees would be required to give one weeks' notice to their employer that they would be taking this leave.

Members raised questions which were responded to by Officers.

Following discussion, it was moved by Councillor Griffiths, seconded by Councillor M E Stephenson and **RESOLVED** that:

- (a) the contents of the report be noted as a statutory requirement;
- (b) the People, Performance and Projects Team be requested to update internal policies and procedures to include this statutory entitlement;
- (c) the Committee requested for Officers to provide information on the Council's Case Management processes in regards to parental bereavement and the various Policies in place that would be used to help and support those in such circumstances; and
- (d) two weeks full pay in such circumstances should be adopted.

23. EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Item 12 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

24. EXEMPT MINUTE OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE HELD ON 23 OCTOBER 2019

The exempt minute of the meeting of the Human Resources and Council Tax Committee held on 23 October 2019 was approved as a correct record and signed by the Chairman.

The meeting was declared closed at 8.25 pm

Chairman

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HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

21 OCTOBER 2020

REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY)

A.1 WORKFORCE AND CONTRACT DOCUMENTATION UPDATE REPORT

(Report prepared by Katie Wilkins)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide Members of the Human Resources & Council Tax Committee with an update on current staffing statistics and inform them of the recently agreed changes to the Council's Employment Contract Documentation, in line with an update to employment legislation.

EXECUTIVE SUMMARY

Staffing Statistics

The analysis of workforce data provides Members with statistics relating to the staff employed within the Council and how this compares to the Tendring district and national averages. This is a standard report that is provided to the Human Resources Committee as part of each meeting.

Tendring District Council currently has 484 FTE (full time equivalent) employees. The FTE figure equates to 777 employees in total (including casual workers and Career Track learners) this is made up of 366 full time, and 411 part time staff.

Update to Council's Employment Contract Documentation

As a result of the [Independent Taylor Review of Modern Working Practices](#) in 2017, the Government produced its 'Good Work Plan'. The plan sets out several proposed changes to Employment Legislation intended to improve the rights of both employees and workers. The first of these Employment Legislation changes ([Employment Rights \(Miscellaneous Amendments\) Regulations 2019](#)) came into effect as of 6th April 2020.

From this date, the right to a written statement of terms and conditions of employment extends to casual workers as well as employees. There are also two other important changes (*as outlined in the [Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018](#)*) to written statements as follows:

1. Employees and casual workers must be provided with their written statement on or before their first day of employment (*previously, an employer had two months from the date an employee/casual worker starts work to provide them with a written statement of their terms and conditions*).
2. Written statements must now include the following additional information:
 - How long a job is expected to last (*or end date of a fixed term contract*);
 - How much notice is required;
 - Details of eligibility for sick leave and pay;
 - Details of other types of paid leave (*e.g. maternity/paternity leave*);
 - Duration and conditions of any probationary period;

- Remuneration and benefits (*not just pay*);
- Which specific days of the week the worker is required to work, and whether or not such hours or days may be variable, and if they may be how they vary or how that variation is to be determine; and
- Details of training entitlements, training requirements and details of any training that will not be paid for by the employer.

The Council's Statement(s) of Written Particulars of Employment (*including the Apprenticeship Programme Agreement*) and Agreement for Casual Work have been updated to reflect these legislative requirements.

As outlined in the Council's Constitution, the Corporate Director, Operations & Delivery, in consultation with the Acting Head of People, Performance and Projects has approved these changes for implementation with immediate effect.

RECOMMENDATION(S)

It is recommended:

That the contents of this report be noted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Current staffing statistics demonstrate that Tendring employs above the local average for both disability and ethnicity. Flexible working opportunities have also ensured that the gender balance of the workforce is in line with the district trend. Such positive profiles demonstrate our intention to '*recognise the diversity and equality of individuals*' as detailed in our '*Values*' within the Corporate Plan.

FINANCE, OTHER RESOURCES AND RISK

There are no direct financial implications.

LEGAL

It is good practice for the Council to regularly monitor its workforce, and ensure compliance with both the Employment Legislation and the Equalities Act 2010.

The Constitution provides for agreement of key personnel policies, to the Corporate Director, Operations & Delivery in consultation with the Assistant Director, Partnerships.

OTHER IMPLICATIONS

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

This section of the report concerns the Staffing Statistics element previously referenced.

Human Resources works with a software package called Teamspirit. This database allows us to capture employee's personal data, to enable regular monitoring of the workforce profile. As Teamspirit is also used by the Council's Payroll Services, the information is integrated between both employment and payroll functions. The database monitors the workforce as a whole, capturing data on all 'employees' which includes Career Track Learners and those staff on Casual employment contracts.

Workforce Statistics

The Council's workforce of 777 staff (*of which, 511 are fully contracted staff, 20 are Career Track Learners in full time employment, and 246 staff are employed on a casual basis*). Of those employed, 432 are female (56%) and 345 male (44%), this indicates that the Council's employment practices are supportive of families and work life balance. The latest data published in the Nomis Official Labour Market Statistics 2019/20 report states that 76.4% of the male population and 64.4% of the female population in Tendring are 'Economically Active'.

Of the total 777 staff Tendring currently employs, the gender balance of the 366 members of full time staff is; 183 males (50%) and 183 females (50%) and 162 males (39%) and 249 females (61%) for the remaining 411 part time staff.

Under new legislation that came into effect in April 2017, UK employers with over 250 employees are required to publish their gender pay gap. The gender pay gap is a mathematical indicator of the gender balance within an organisation. It measures the difference between the average earnings of all male and female employees, irrespective of their role or seniority.

The Council's gender pay gap figures have been calculated in line with the regulations set out in the gender pay gap reporting legislation. We are pleased to report that the indicative figures produced for 2019/20 demonstrate that our gender pay gap remains significantly lower than the reported UK average of 17.3%. Given that employers across the country were facing unprecedented uncertainty and pressure, due to the COVID-19 pandemic at the time of statutory reporting (March 2020), the Government has made the decision to suspend enforcement of gender pay gap reporting for 2020.

Indicative Figures for 2019/20 are as follows:-

The male mean* hourly rate is 4.19% (£0.55) higher than the female mean hourly rate.

The male median* hourly rate is 4.30% (£0.47) higher than the female median hourly rate.

**The mean or average is determined by adding all the data points in a population and then dividing the total by the number of points.*

**The median is determined by arranging all of the observations in order, from smallest to largest value, and the median is the middle value.*

The difference in mean hourly rates is primarily a result of the apprentices employed at the organisation. 75% of apprentices are female; this therefore reduces the mean female hourly rate.

The analysis of our gender pay gap figures tells us the following:-

- The ratio of male to female employees within each reporting quartile (of which there are four) is representative of the overall male to female ratio for the organisation.
- There is no material disparity at each pay level within the organisation.

Age Profile

As we are measuring a complete workforce, we are able to see a wider spectrum of ages across the organisation, with the employee age range being from 16 to 82. The highest ratio of staff is falling within the 51 to 60 age bracket and the next highest age range being 21 to 30 years. However, this is closely followed by the age range; 41 to 50 years. This indicates that the Council is retaining staff at all ages.

A summary of the above age profiles, by department, can be found in Appendix C.

Disability Profile

Of the 511 fully contracted staff (*excluding apprentices*), 20 have self-declared that they have a disability.

The Council is one of the only organisations in the Tendring district to be awarded *Disability Confident Leader Status, (*awarded to the authority in 2017*). This requires an employer to be Disability Confident as recognised by their peers, local community and disabled people. As a 'Disability Confident Leader' Tendring has made a commitment to support other employers in the district to become 'Disability Confident'.

**Disability Confident encompasses a number of voluntary commitments to encourage employers to recruit, retain and develop disabled staff, such as offering work experience opportunities and implementing a flexible recruitment process. This replaced the Two Ticks Disability accreditation, which the Council was awarded since 1998.*

Ethnicity Profile

Of those staff who have declared their ethnicity, 8 declared they were of an ethnic origin other than 'White British'. The 2011 Census statistics show that in Tendring 2.4% of residents declared themselves as being from a minority ethnic group. Therefore, the Council fairly represents the community with the diversity within its workforce.

Sickness Absence

The reported absence figure for the Council in 2019/20 was 7.7 days. Long term absence was reported at 5.83 days and short term absence 1.87 days, which shows the rate to be slightly above the reported national level in local government for the same period (*Xpert HR's sickness absence rates and costs survey 2020, details an average number of days' absence per employee, per annum, for local government of 7.4 days*).

The Council's current absence figure of 7.92 days per employee this demonstrates a slight upward trend in staff absence. This figure is broken down into 6.03 days long term and 1.87 days short-term absence.

The Chartered Institute of Personnel and Development (CIPD) recommend that organisations adopt the following approach when effectively managing absence:-

- Identify and tackle the root causes of ill health;
- Build a more robust framework to promote good mental health;
- Strengthen the capability of line managers;
- Ensure a holistic approach: physical, mental, emotional, lifestyle and financial.

Sickness absence continues to be actively managed; the majority of the Council's 4th Tier Managers have undertaken both 'Absence Management' and 'Managing Mental Health' training (*educating our line managers to feel confident and competent to have conversations with staff and signpost to specialist sources of support*). Once the updated Absence Management procedures are agreed, an accompanying, comprehensive training programme will be delivered to those with supervisory/line management responsibilities to effectively embed the new procedures.

The Council also continues to support its employees' general health and well-being, including: offering a fully funded Employee Assistance Programme (*which offers a holistic approach as identified above*), greater flexible working options, Corporate Gym Membership, flu vaccinations and access to an Occupational Health Specialist.

The authority is also committed to promoting the positive mental well-being of its employees and to supporting any employees who may experience mental ill-health. The organisation has worked hard to create a framework to achieve this. Including: working in partnership with a number of 3rd parties (*bulleted below*) to provide staff with a range of resources, training a number of Mental Health First Aider's and Livewell Champions amongst the workforce and raising awareness amongst the general workforce. This work has been underpinned by the signing of the Time to Change Pledge, the scheme recognises those employers who are committed to changing the way we think and act about mental health in the workplace.

- Provide (*a 'Community Interest Company' with a focus on health*);
- Health in Mind (*provides access to a wide range of talking therapy treatments for adults with common mental health problems in and around Colchester and Tendring*);
- Anglia Community Enterprise (ACE) (*NHS Community Health Services, such as health checks, My Weight Matters*);
- Remploy (*funded by the Department for Work and Pensions, available to any employee with a mental health issue which may be affecting their work*);
- Regional Employers (*seeking best practice for managing absence*).

In recent months, due to the current COVID-19 Pandemic, the authority has focussed its efforts on the delivery of an online suite of well-being initiatives for employees, including but not limited to;

- Together@Tendring Publication (*includes healthy eating recipes, articles and tips on moving and exercises at work*).
- Improving Access to Psychological Therapies (IAPT) Webinars (*How to Sleep Better, Relaxation Skills and How to Cope with Stress*).
- Recovery and Resilience E-Learning
- Staff Well-being Survey
- Staff Fitness Classes (various, via Zoom)
- Vine HR - Mindfulness and Wellbeing Remote Workshop(s)
- Promotion of national initiatives (including free classes at leisure centres), World National Suicide Awareness day and Public Health England's 'Every Mind Matters' campaign.
- Online health checks and positive lifestyle support (*e.g. smoking cessation, limiting your alcohol intake*) via Provide.

BACKGROUND PAPERS FOR THE DECISION

Profile of Tendring May 2019/20

Teamspirit report

Nomis Official Labour Market Statistics Report 2019/20

Xpert HR's sickness absence rates and costs survey 2020

CIPD Well-being at Work Report 2019 (Public Sector Summary)

APPENDICES

Appendix A – Staffing Data

Appendix B - A Summary of Highest Ratio Age Profiles by Department

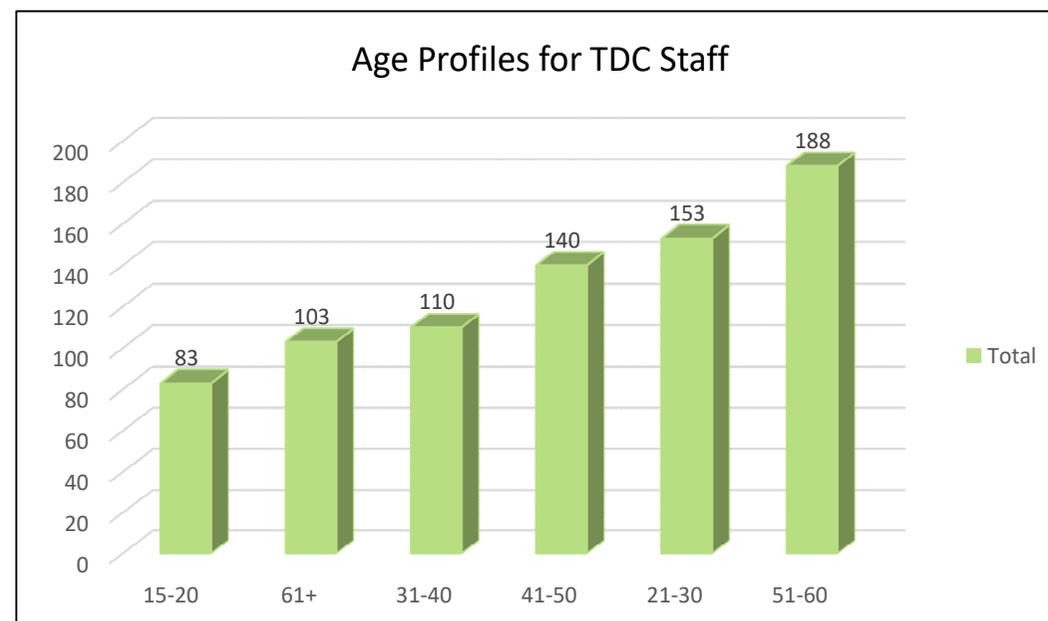
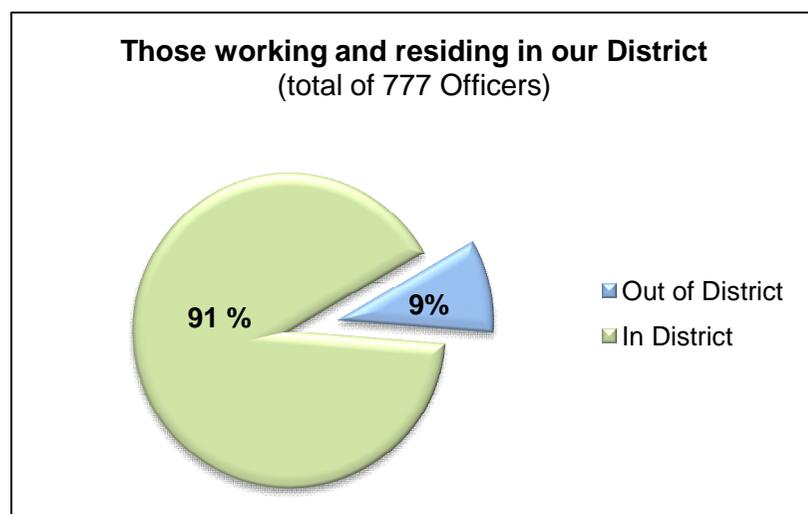
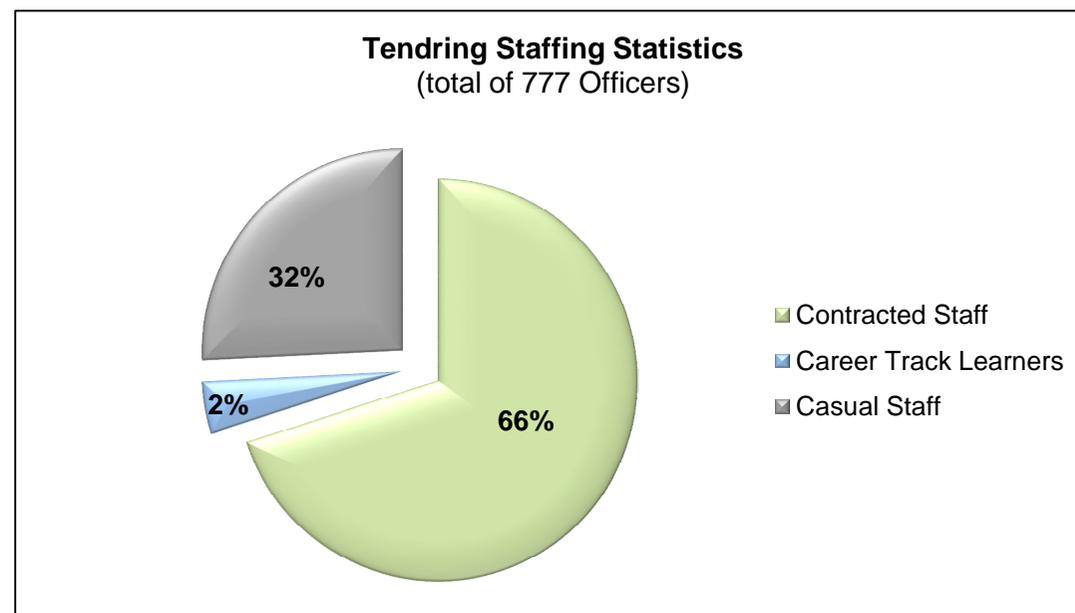
Appendix C – Infogram

Number of Employees (including Career Track Learners)

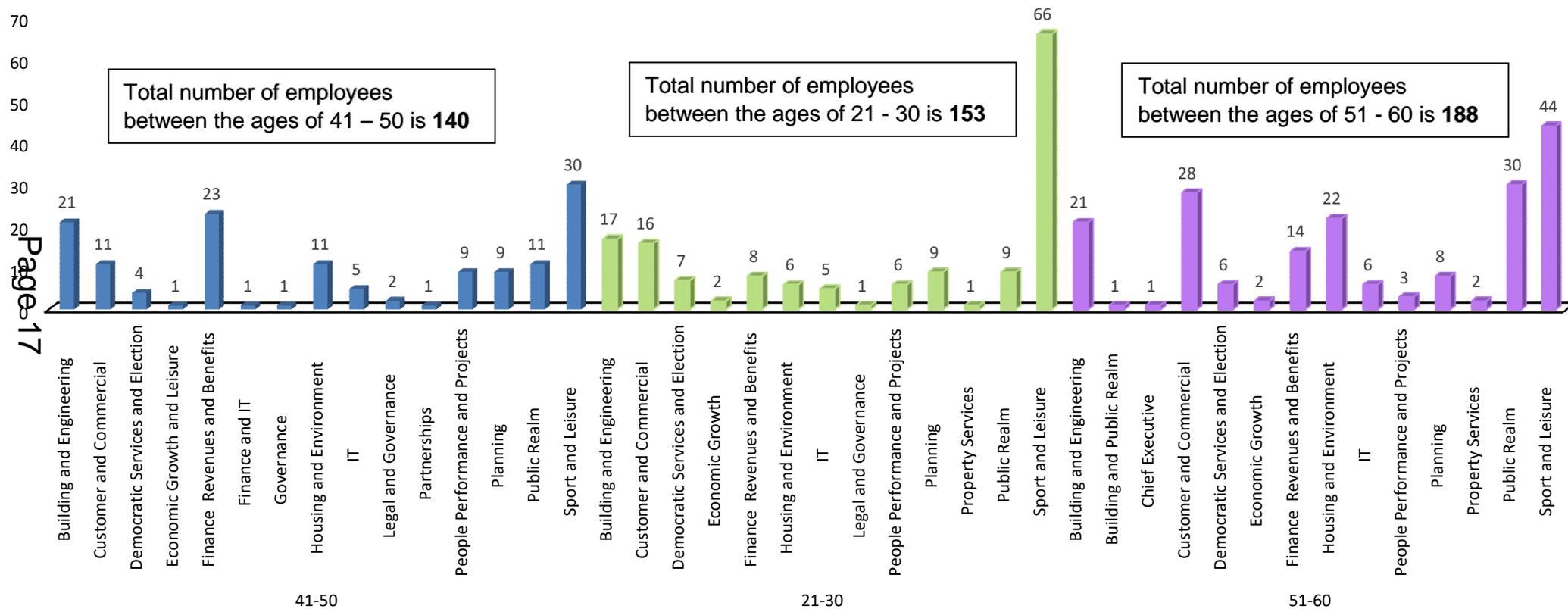
Total workforce	777	
Female	432	56%
Male	345	44%

Full Time	366	
Female	183	50%
Male	183	50%

Part Time	411	
Female	249	61%
Male	162	39%



Highest Ratio Age Profiles (41-50, 21-30, 51-60) for TDC Staff Broken Down by Department



TENDRING DISTRICT COUNCIL STAFFING STATISTICS 2020/21

TENDRING DISTRICT COUNCIL - 777 EMPLOYEES

CAREER TRACK APPRENTICES	FULLY CONTRACTED	CASUAL
20	511	246

GENDER PAY GAP

Lower than national average



WORKFORCE



56% female



44% male

TOP 3 - AGE PROFILES



51-60	—————	188
21-30	—————	153
41-50	—————	140

DISABILITY

20 employees self-declared a disability



ETHNICITY

8 employees of an ethnic group other than 'White British'



SICKNESS ABSENCE

Absences figures 2020/21

6.03 DAYS LONG TERM

1.87 DAYS SHORT TERM



HUMAN RESOURCES & COUNCIL TAX COMMITTEE

21 OCTOBER 2020

REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY)

A.2 SICKNESS ABSENCE MANAGEMENT POLICY & PROCEDURES REVIEW (Prepared by Katie Wilkins & Pauline Lifton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Human Resources & Council Tax Committee on the review of the Council's Sickness Absence Management Policy & Procedures in line with identified best practice and the Council's Constitution and the delegated powers within.

EXECUTIVE SUMMARY

The purpose of the review of the Council's Sickness Absence Management Policy and Procedures is principally to reflect changes of procedure in accordance with ACAS, employment legislation and the TDC Constitution (*regarding delegated powers*).

As outlined in the Workforce Profile Report, the Chartered Institute of Personnel and Development (CIPD) recommend that organisations adopt the following approach when effectively managing sickness absence:-

- Identify and tackle the root causes of ill health;
- Build a more robust framework to promote good mental health;
- Strengthen the capability of line managers;
- Ensure a holistic approach: physical, mental, emotional, lifestyle and financial.

The revised Sickness Absence Management Policy and associated Procedures provide both employees and managers with a robust framework for managing sickness absence.

The Policy sets out:-

- Objectives;
- Responsibilities – both Managers and Employees;
- Types of sickness absence;
- Process for managing sickness absence;
- Outcomes at each stage.

The implementation of the revised Sickness Absence Management Policy and associated Procedures will allow the Council to more effectively manage sickness absence in the workplace, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.

RECOMMENDATION(S)
It is recommended that the Committee notes the contents of the revised Sickness Absence Management Policy and Procedures.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
This updated policy will ensure that the organisation continues to observe recognised best practice and employment legislation as a responsible employer.
FINANCE, OTHER RESOURCES AND RISK
No specific risks have been identified. This is a policy refresh and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.
LEGAL
The Council has a duty to ensure its Sickness Absence Management Policy and Procedures are compliant in accordance with employment law and best practice in line with ACAS guidance.
OTHER IMPLICATIONS
None

PART 3 – SUPPORTING INFORMATION

Sickness Absence Management Policy
The Council’s Sickness Absence Management Policy & Procedures have undergone a complete review.
The amended policy offers a fair and consistent approach to all our employees. It gives clear guidance of what the expectations are of the employee and the manager in relation to sickness absence and detailed guidance on how sickness absence should be managed. Setting out clear time frames on both how short and long term absence should be managed, but also gives flexibility to the management of exceptional cases.
Whilst the policy and procedures have been updated, many principles of the previous policy remain, with the addition of a more structured format to the Sickness Absence Review Meetings and a rolling 12 month monitoring period, following a Sickness Absence Review Meeting or Case Review Hearing.
CONCLUSIONS
The updated Sickness Absence Management Policy & Procedures will ensure that the Council maintains its high standard of employment practices and has a policy that observes best practice and current employment legislation.
APPENDICES
Sickness Absence Management Policy & Procedures – October 2020

ABSENCE MANAGEMENT POLICY

Issued by – Human Resources
Updated – September 2020



TENDRING DISTRICT COUNCIL
Sickness Absence Management Policy & Procedures

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SICKNESS ABSENCE MANAGEMENT POLICY

The Council recognises that employees will from time to time, be unable to come to work because of sickness.

The Council is dedicated to maintaining and promoting the health and wellbeing of all its employees. Whilst the Council has a supportive approach, it has to achieve a balance between the needs of the individual and the needs of the organisation.

This policy provides a fair and consistent framework for supporting employees who are absent due to sickness. It also applies to employees who are at work, but are unable to fulfil their duties and responsibilities in a satisfactory manner and/or fulfil their contracted working hours due to sickness.

The Council is committed to raising awareness and increasing the understanding of mental health conditions, and therefore, has signed up to the “The Time to Change Pledge”. This is a public declaration that Tendring District Council wants to step up to tackle the mental health stigma and discrimination, with the aim to provide employees with easier access to information and support with mental health conditions.

For further information on The Time to Change Pledge, go to: <https://www.time-to-change.org.uk/>

All managers are responsible for implementing this policy to ensure the following policy objectives are met.

POLICY OBJECTIVES

- Employees will be treated fairly, consistently and sensitively during times of sickness and are encouraged to use support mechanisms available to them.
- Managers have a structured framework to assist in managing sickness absence with the aim of supporting employees back to work. This includes conducting return to work interviews after every period of absence, monitoring employee sickness in accordance with set sickness triggers (it is the Councils right to adjust these trigger points annually to reflect sickness absence targets), and referring to Occupational Health (OH), via the Human Resources Team, where appropriate.
- Employees understand their responsibilities and follow sickness reporting arrangements.
- The highest levels of quality and service are maintained to allow the Council to fulfil its obligations to service users.
- Managers will implement reasonable adjustments for employees, where applicable and appropriate, to enable/sustain attendance at work.

- The policy aims to support an employee's return to work. Where employees are absent from work for a considerable amount of time, they will be supported and also made aware that the outcome of this policy could be dismissal.
- Employees who are either underperforming or are no longer able to carry out the duties of their role due to their medical condition(s) they will be managed through the Capability Policy and Procedure.

RESPONSIBILITIES

HR Team

Advising managers and employees in the application of this policy and attending meetings/hearings as required by the policy.

Head of Paid Service

The Chief Executive shall have authority to act in relation to all matters in connection with management of staff including terms and conditions of employment and dismissal in accordance with the Council's Human Resources Policies and Staff Handbook. *(except where Section 4 of the Local Government and Housing Act 1989 applies and it is appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard).*

Officers with Authority to Dismiss

Corporate Directors, Assistant Director (Governance) and Assistant Director (Finance and IT) shall have authority to act in relation to all matters within their areas of responsibility in connection with management of staff including terms and conditions of employment and dismissal in accordance with the Council's Human Resources Policies and Staff Handbook.

Assistant Director (Partnerships)

The officer in this role has delegated authority for the decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers.

Trade Union Representatives

The same standards apply to Trade Union Representatives as to all other employees. However, where application of formal action (this includes Stages 1, 2 and 3) is being considered against a Trade Union Official or Representative, managers must first discuss the case with HR who will then discuss with a Senior Trade Union Representative or full time official. To avoid the action being misconstrued as an attack on the Union itself or on its representation and negotiating role, and is in accordance with the ACAS Code of Practice.

Employee Representatives

Employees have the right to be accompanied at Stage 1, 2 and 3 Absence Management Meetings/Hearings by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.

Advice and Support

Managers should contact the Human Resources Team.

Employees

Employees have a duty under their terms and conditions of employment to be at work and must ensure they adhere to their responsibilities:

1. In order for service delivery to be maintained, it is essential for line managers to know when a member of staff is unable to attend work due to illness. Failure to inform your manager, in accordance with the procedure set out below, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.
2. The employee must telephone their designated manager or another senior manager on the first day of absence, normally as soon as possible after 8:45am or at least 30 minutes before they are due to begin work. Unless local arrangements have been arranged, for example, Careline or Leisure Centre employees.
3. Employees must make personal contact (*not by means of a spouse/family member/friend*) and by telephone (*not by text or e-mail*). A contact number must also be provided in all instances. It is recognised there may be instances where employees are unable to contact line managers personally (e.g. admittance to hospital). In these exceptional circumstances, the individual that contacts the line manager must leave a contact name and number.
4. Employees must provide the following information:
 - Employee (*or person making contact*) must confirm when they became ill;
 - Broad nature of illness (*e.g. migraine, chest infection*);
 - Whether illness is due to an accident or injury at work;
 - Whether employee has, or will be seeking medical attention;
 - The likely date of return (*if known*).
5. Employees unable to speak with their line manager must leave a message and a contact phone number, asking that it is passed on to the line manager as soon as possible. The employee should expect, and be available to receive, a return phone call to discuss the above points.
6. Employees must complete a Self-Certificate for absences up to 7 days and submit this to their line manager on their day of return to work.
7. Employees must obtain a Statement of Fitness Note from a GP or Consultant and submit this to their line manager on the eighth calendar day of absence. Failure to do this, may result in the absence being recorded as unauthorised absence, resulting in loss of pay.
8. Employees must continue to send in Statement of Fitness Notes for the duration of the absence and keep line managers advised of their health and progress towards returning to work. When a Statement of Fitness Note expires, employees not returning to work, must ensure a new Statement of Fitness Note is sent to their line manager immediately, failure to provide this, could result in loss of pay.

9. Employees must ensure medical advice and treatment is received as quickly as possible and must follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
10. Employees are encouraged to attend any OH appointments, as in accordance with their conditions of service. If employees do not attend these appointments or fail to give consent to release the report, any decisions made regarding their absence from work will be made without the benefit of this information.
11. Employees must ensure they are contactable and available to attend absence management meetings and respond in a timely manner to any communications from the Council.
12. Employees must advise their line manager of any changes to contact details occurring during an absence.
13. Employees must advise their line manager of any concerns with their job/work place, which they feel are making them ill or contributing to illness/absence and preventing them from returning to work.
14. It is employees' responsibility to inform their General Practitioner (GP) of the nature of their work before a prescription is issued and then to advise their manager if they are taking medication which may affect their performance or safety in the workplace, including their ability to drive. Prescribed drugs can have side effects that affect an employee's performance at work. This can be of particular concern in safety critical areas, where common side effects like drowsiness, can be potentially fatal.
15. Employees' that do not declare the use of such medication, risk action under the Disciplinary Procedure.
16. Employees wishing to take time off work, who are not sick, must use annual or special leave or other approved leave. All leave of absence must be approved by management. Other types of leave must not be used to avoid sickness absence.
17. Employees may request to take accrued annual leave whilst on long term sickness. Employees are not expected to go away on holiday when absent due to sickness unless this is supported by a GP.
18. Employees wishing to take annual leave must obtain management authorisation and have the appropriate period of annual leave deducted from their entitlement.
19. Employees either at work or absent due to sickness should not undertake activities that could hinder or affect recovery. If it is found that employees are undertaking activities that would prevent recovery this may be managed under the Disciplinary Procedures.
20. Employees are encouraged to take advantage of Council initiatives to promote good health where appropriate.

21. Employees are responsible for managing sickness and taking any appropriate action, as determined by any health professional, to minimise any reoccurrence of the sickness

NB: Failure to follow these reporting procedures may be managed under the Disciplinary Procedures.

Managers

Three levels of management are involved in specific responsibilities within the Absence Management Policy:

- Line Manager – chairs Stage 1 of the Absence Management Procedure.
- Senior Manager (*can be any Senior Manager within the organisation*) – chairs Stage 2 of the Absence Management Procedure
- A Council Officer with “**authority to dismiss**” – Stage 3 – Case Review Hearing

Recording and Monitoring

Management are responsible for managing absence issues sensitively and compassionately, ensuring they follow the procedure contained in this policy and associated documents; including:

1. Ensuring employee sickness absence for every employee is provided to the absence officers, within their service as soon as possible.
2. Absences for dental / medical appointments / maternity leave or parental leave should not be recorded as sickness absence. They should be recorded as authorised absence, medical appointments.
3. Recording and monitoring all activities associated with managing the employee's absences. The Action Log is a form used by managers to record all support and communication, related to the absence, between the employee and themselves in a chronological order.
4. Explaining to employees the Occupational Health (OH) service and via the Human Resources Team, referring employees, if appropriate.
5. Ensuring employees are aware of other supporting policies such as special leave and flexible working.
6. Where absence results from a work related accident or disease, an Accident at Work form must be completed and submitted to the Health & Safety Team and the absence recorded as such.
7. Managers should promote the confidential service of the Employee Assistance Programme & Remploy to all employees when appropriate.
8. Managers must ensure any information associated with the Absence Management Procedure is transferred with the employee should they move positions within the Council.

TRIGGER POINTS

The Council operates the following trigger points:

- 3 or more episodes of absence in a rolling 12 month period and/or
- 10 working days of absence in a rolling 12 month period and/or
- Absences in a short period warranting immediate action, e.g. 3 episodes or 6 working days in 6 months.

A pattern of absence causing concern, e.g. regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays, pay day.

Pro-rata Trigger Points

Trigger points for employees working fewer than 5 days in a week need to pro rata the number of days, as detailed below, but not the number of occasions. This is calculated by $10 / 5 \times$ working days (or average working days).

For example employee working:

- 1 day = trigger point is 2 days absence
- 2 days = trigger point is 4 days absence
- 3 days = trigger point is 6 days absence
- 4 days = trigger point is 8 days absence
- 5 days = trigger point is 10 days absence

The above is applied irrespective of the number of hours worked in a day. For those employees who condense their working weeks, for example: 37 hours over 4 days, then the trigger point would be = 7 days absence.

Where employees do not work the same amount of days each week, managers need to pro-rata the trigger to an average working week. For example: employees who work a 9 day fortnight and work alternative 5 days one week and then 4 days the following, they would apply the average working week, which would be 4.5 days and the trigger point would be = 8 days absence.

For employees on annualised hour's contracts, managers need to apply nominal working week and make adjustments during the year if needed.

ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK

There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job, they should raise this with their manager.

The manager should discuss the matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance from the Council's Health & Safety Team or Occupational Health.

RETURN TO WORK INTERVIEWS

Return to work discussions must be conducted by the line manager of the employee after every episode of sickness absence. The return to work discussion should be recorded on the [Return to Work Form](#) available on PING!. Self-Certificates and GP Statement of Fitness Notes should be sent to the designated absence officer within your service.

The return to work discussion may include:

1. Identifying support mechanisms beneficial following a return to work and any issues which may be affecting the employee's ability to attend work.
2. If necessary the line manager can request for the Health & Safety Team to carry out a risk assessment to assist in identifying any reasonable adjustments that can be made.
3. Monitor absence levels and where an employee's absence(s) reaches the identified trigger points to manage them accordingly.
4. Consider reasonable adjustments for employees (*where applicable*), including discussing with employees advice given on a Statement of Fitness Note, Occupational Health or the Health & Safety Team. When the Equality Act 2010 applies, managers must ensure they investigate any possible reasonable adjustments (*see Supporting Disabled Colleagues section within the further guidance for managers and employees*).
5. Consider phased return to work (*where appropriate*) following long-term sickness absence.
6. Where employees and their GPs consider they are fit to return to work and GP recommends any adjustments which we are not immediately able to accommodate, employees will remain off sick for the period specified on the Statement of Fitness Note or until the adjustments have been made.

PHASED RETURN

Where an employee has been absent for a prolonged period, their Doctor or OH may recommend that they undertake a rehabilitated or phased return to the workplace. This allows them to undertake reduced hours, work or responsibilities, whilst they rebuild their strength and health back up to their standard working practice.

Where this is recommended, the Council will support a full paid phased return for a maximum of 6 weeks, in consultation with Human Resources. This will be assessed

on a case-by-case basis, and only one 6 week phased return will be available to an employee, in any 12 month period.

If an employee requires a second phased return to work in a 12 month period then this would be managed via different routes, which can include the employee using annual leave to supplement the phased return or to have a temporary reduction in hours which will impact their pay. Advice should be taken from Human Resources on a case by case basis.

MEDICAL SUSPENSION

Medical suspension would apply when:

- A manager believes an employee is not fit to attend work but they refuse to go on sick leave
- or
- A GP considers an employee is fit to return to work (*with or without adjustments*) and the manager, in conjunction with HR, believe they are not and therefore require OH advice before allowing the employee to return back to work.

Wherever possible, prior to medical suspension, alternatives such as temporarily adjusting the employee's duties, reducing/changing hours of work, temporary redeployment to another role/location or working from home should be carefully considered using any advice from the GP contained on the Statement of Fitness Note where appropriate.

In such circumstances it would be appropriate to undertake a risk assessment, workplace assessment and/or DSE assessment.

Decisions to medically suspend must be based on sound health and safety justification and managers must be able to demonstrate this through risk assessment. Having considered the employee's views the manager should be able to clearly explain the reasons for their request to medically suspend an employee.

If it is considered there are sufficient grounds to medically suspend, written approval must be given by an officer with "**authority to dismiss**" in consultation with the Assistant Director (Partnerships).

Once the authority has been given, a suspension interview with the employee should be held, as soon as possible after the decision has been made, which should be followed up in writing using the suggested [Medical Suspension Letter](#).

The employee has a right of representation at the suspension interview. However, the unavailability of a representative must not delay convening the suspension interview or the suspension itself. If the need to medically suspend is urgent and it is not possible to convene a face to face meeting, the employee may be informed by telephone of the medical suspension and the discussion must be followed up in writing.

NB: Medical suspension is on contractual pay and does not impact on sick pay. It is also not a period of sickness absence and must not be recorded as such.

REVIEW OF MEDICAL SUSPENSION

A review of medical suspension must take place once the required medical information is provided by OH. If OH advise that the employee is able to return to work, the medical suspension will be lifted.

If the employee is still unable to perform their duties, once the medical suspension is lifted managers will need to clarify if this is due to an underlying medical condition.

If it is not due to a medical condition, managers may decide whether to invoke the Capability Procedure. HR advice should be sought in these cases.

MEDICAL REDEPLOYMENT

This is when an employee has an underlying medical condition and the employee has been deemed “unfit to return” to their substantive post for a prolonged period and/or no reasonable adjustments can be put in place, following medical advice.

The Council can consider the option of medical redeployment to another role, if a suitable role is available within the Council’s current establishment. Advice must be sought from OH regarding whether redeployment should be considered, before any decision can be made.

Redeployment is a positive act, which can enable the Council to maintain the skills and experience of valued employees, as well as meeting its legal obligations.

PROTECTED PAY

If following a medical recommendation, it is agreed with all parties, and the only reason for the redeployment is on the grounds of an underlying medical condition (*this cannot be applied if there are any capability issues not relating to an underlying medical condition*), the Council will pay a protection payment based on the following:

Redeployment to a lower graded post

- All reasonable efforts will be made to re-deploy employees to similarly graded posts.
- However, situations may arise where the only redeployment opportunity, which can be offered, is to a lower graded post. It is in the Council’s interest to encourage employees who have valuable skills, experience and competencies to remain employed.
- The employee will be paid a monthly amount, which will start from the date the employee commences the post for a period of 1 year. This sum will be calculated in accordance with the following formula:

- The difference between the current and the proposed salary will be calculated and divided into 12 equal payments that reduce by 25% every 3 months. This figure will be based on the actual and proposed pay at the time of the transfer. If the employee is due to retire in less than 12 months, the payment will be made pro rata up to the date of retirement.
- In calculating the payment protection, all elements of contractual pay will be included, i.e. basic pay, contractual overtime and any other contractual allowance. Any non-contractual overtime will not be included. Annual leave entitlement will not be protected.
- The monthly payment will be subject to income tax, in the normal manner.
- After redeployment to a lower grade, the employee may request continued priority for vacancies where they meet the competency criteria of the person specification. This will be provided for a period of up to 12 months following the redeployment.

Redeployment to an alternative location

In the event that the employee is redeployed to an alternative location, the Council will not reimburse travel costs.

UNFIT FOR A PROLONGED PERIOD

Advice may be received from OH that the employee is eligible for permanent ill health retirement or alternatively that they are deemed unfit to return to their substantive role for a prolonged period, due to an underlying medical condition and redeployment is not recommended. In these scenarios it may be appropriate to escalate to a Stage 3 Absence Management Hearing, without the need for a Stage 1 or/and Stage 2 meeting taking place.

If OH recommend redeployment, the employee will be offered a formal period of time in line with this policy, to find an alternative role within the Council (*See Medical Redeployment*). It may be appropriate to escalate to a Stage 2 or 3 meeting, without the Stage 1 or 2 meeting taking place. Managers should be aware that an employee who has been found unfit to continue in their substantive post and who fails to secure alternative employment will face dismissal from the Council. A positive approach will be taken to redeploy the employee.

Managers should be aware of the requirements of the Equality Act 2010 and the need to make reasonable adjustments to assist an employee to continue in work. Additionally, under the Disability Confident Scheme, the Council is committed to retaining employees who become disabled.

The above would need to be discussed with a member of the HR Team and an Officer with “**authority to dismiss**”. At the Stage 3 Hearing the Chair will give consideration to dismissing the employee with notice on the grounds of ‘Some Other Substantial Reason’ or ‘Capability’ (*where underlying medical condition is identified*).

ILL HEALTH RETIREMENT

The employee must be a member of the Local Government Pension Scheme (LGPS) scheme and meet the criteria set out in the LGPS Regulations* to be eligible for an assessment of Ill Health Retirement.

The Council's policy is:

1. To apply on a consistent approach based on the requirements of the Local Government Pension Scheme in relation to ill-health retirement issues.
 2. To ensure that all possible alternatives to ill-health retirement are considered, where practicable.
 3. To ensure that employees, whose retirement on grounds of ill-health is a possibility, are fully consulted before any such employer decision is taken, and are made aware of the pension implications of this outcome.
 4. In line with the LGPS Regulations*, before determining whether or not a member is entitled to a Tier 1, Tier 2 or Tier 3 ill health pension, the Council must obtain a certificate from an Independent Registered Medical Practitioner (IRMP) who has not previously advised on, or given an opinion on, or otherwise been involved in the case and who has been authorised by the Pension Fund administering authority. The certificate must show:
 - whether the member, as a result of ill-health or infirmity of mind or body, is permanently incapable of discharging efficiently the duties of the employment the member was engaged in; and
 - whether the member, as a result of ill-health or infirmity of mind or body, is not immediately capable of undertaking any gainful employment; and
 - how long the member is unlikely to be capable of undertaking gainful employment**; and
 - where the member has been working reduced hours and has reduced pay as a consequence of the reduction in working hours, whether that member was in part-time service wholly or partly wholly or partly as a result of the condition that caused or contributed to the member's ill-health retirement.
- **In this instance, "gainful" is defined as "paid employment for not less than 30 hours per week for a period of not less than 12 months".
5. Once the IRMP has made their medical opinion, the certificate will be completed and returned to the Council. When the Council are in receipt of this certificate, it will be considered, along with any other information that is held in relation to the employee.
 6. Based on all the evidence available, the Assistant Director (Partnerships) in consultation with the relevant Corporate Director will make the final decision

in line with the LGPS regulations* as to whether the employee can be awarded the early pension payment on the grounds of ill health.

7. The employee will then receive a written formal notification of the decision:

- Early payment of pension on the grounds of ill health retirement has been granted including what tier has been awarded and the reason for the decision;

Or

- Early payment of pension on the grounds of ill health has not been granted and the reason for the decision.
- In all circumstances the employee will have the right of appeal through the LGPS Regulations* and the formal notification will include details of how the employee can appeal the decision.

8. The employee will be required to attend a Stage 3 Hearing and at that hearing the officer with “**authority to dismiss**” must have determined that the employee was dismissed on the grounds of ill health in line with the LGPS Regulations*, before an ill health retirement assessment is pursued.

*Full details of the LGPS Pension Regulations can be found at:

<https://www.legislation.gov.uk/ukxi/2020/179/made>

TYPES OF SICKNESS ABSENCE

Sickness During the Working Day

Employees who leave work during the working day due to illness:

- Must first report this to their manager
- Will be classed as absent on that day (for sick pay and recording purposes)
- Will be required to self-certify and attend a return to work interview.

Managers should determine what proportion of an employee’s normal working hours have been worked and decide whether a full or half days sickness absence should be recorded.

If the employee has worked approximately half of their working hours, on the first day of their absence, such absences should be recorded as a ½ day on the sickness system and will count towards trigger points.

If the employee has worked a very short period of their normal working day, less than half of their working hours, when they become ill, then the whole day should be recorded on the sickness system and will count towards trigger points.

If the employee becomes ill, having worked most of their normal working day, this should not be recorded as sickness absence. The first recorded day of sickness absence should then be the following day, if they do not return to work.

Medical Appointments

Employees must make medical/dental appointments outside of their normal working hours. Where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments and may be required to make up the time, either by staying late or by using flexi time where this scheme is operated.

Hospital / Consultant / Specialist Clinic appointments are considered authorised absence and time off will be paid. Managers will use their discretion to allow a reasonable amount of time off to attend appointments. Advice should be sought from a member of the HR Team.

Employees must provide managers with proof of their appointment (e.g. *an appointment card or copy of the appointment letter*) when requesting time off to attend hospital appointments.

Time off to accompany dependents is not sickness absence and must be taken as annual leave or flexi time unless management considers there are exceptional circumstances and authorised leave of absence.

Time off for cosmetic surgery must be taken from employees own leave entitlement or flexi time unless the GP confirms the employee is unfit and should refrain from work. If the cosmetic surgery is linked to a disability related condition, please speak to a HR Advisor.

Leave to undertake IVF treatment must be expected to be taken as Special Leave for Family or Personal Reasons.

Planned Operations

Employees absent due to planned operations may reach the Council's trigger points.

Managers should discuss contact arrangements with employees before the start of their planned absence and make them aware that they should still expect the line manager to contact them at an appropriate time to arrange the relevant Stage Meeting. This is likely to take place after one month's continuous absence unless the employee returns to work at an earlier date in which case, if the trigger has been met, the relevant Stage Meeting would take place following their return. Managers will need to use discretion as to the timing of this meeting to ensure employee is well enough to attend.

Managers should use this meeting to discuss with employees how they might best be supported (e.g. *referral to OH, any reasonable adjustments*) to enable them to return to work when they are well enough. An appropriate review period should also be set following this meeting as set out in this procedure.

Pregnancy Related Sickness

Pregnancy related sickness should be recorded on the Staff Absence Database but will not be counted towards the trigger points. Please refer to Maternity Leave Policy as some sickness, near to the due date can result in the Maternity Leave being triggered early.

Terminal Illness

Managers should deal with such situations compassionately taking into account the wishes of the employee and their financial situation as well as the needs of the

organisation. Each case will be considered on its own circumstances and managers must seek advice from HR, who will then liaise with OH and the pensions department (LPGS) to obtain further advice and guidance.

There are occasions when employees with terminal illnesses wish to be dismissed and may be eligible for early release of pension benefits, if they are a member of the Local Government Pension Scheme. Factors to consider include the medical condition and how long the employee is expected to live, as these may be critical in establishing the most beneficial course of action.

In extreme cases employees will be kept on the payroll, even though they have exhausted their sick pay entitlement. This elevates distress by formally dismissing someone who is dying where it is to the employee's advantage to remain in service due to their entitlement to benefits such as death in service.

Accident or Injury at Work

Employees who consider their illness/absence arises from an incident/accident or injury at work must notify their line manager as soon as reasonably practical. The manager is responsible for reporting any work place accidents to the Health & Safety Team using an Accident Report Form as soon as possible.

In addition to the completion of the Accident Report Form, once the employee has been absent from work for 7 days (*including weekends and not including the day of the injury*) then the manager must also inform the Health & Safety Team so that they can report the injury to the Health and Safety Executive (HSE) via the online RIDDOR reporting system.

Employees absent from work due to accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Absence Management Procedure must be followed.

ABSENCE MANAGEMENT POLICY PROCEDURES

ABSENCE MANAGEMENT PROCEDURE – INFORMAL STAGE

Informal Actions

A return to work discussion must take place after every absence to:

- Discuss absences and identify any underlying reasons.
- See what support or assistance can be offered e.g. reasonable adjustments, OH advice, EAP, Remploy etc.
- Advise employee of Absence Management Policy and hitting trigger points.
- Maintain records of all discussions.

Employees on long term absence must maintain contact with the line manager during the absence. The frequency of this communication should be agreed between the employee and line manager. Managers should ensure that:

- This is done in a non-intrusive way.
- Manager sends copies of any key or relevant communications sent to staff, e.g. bulletins (*unless absent employee has requested they do not want to receive these*).
- Ensure employees are made aware they can access the Employee Assistance Programme and other support services.

Record of Meeting

Whilst parts of the absence management process are under a formal stage, in order to minimise unnecessary formality and apprehension, the electronic, audio or video recording by any device of such meetings/hearings will not be permitted. Should an employee think that there are exceptional circumstances where this should be allowed (*for instance, due to a disability*) this should be raised in advance with the person due to conduct the meeting, the chair of the hearing or the relevant member of the HR Team. Due consideration will then be given to the request and the employee will be advised of the outcome of that consideration.

Where the nominated note taker (*at meetings and/or hearings associated with the process*) feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

ABSENCE MANAGEMENT PROCEDURE – FORMAL STAGES

STAGE 1 ABSENCE MANAGEMENT MEETING

Where an employee's absence hits the trigger points, the employee will be requested, in writing, to attend a Stage 1 Meeting with their line manager (see [Stage 1 Guidance Notes for Managers](#)).

Where an employee is absent for one calendar month a Stage 1 Meeting should take place within 14 days of the first month's absence. If the employee returns to work prior to one calendar month the Stage 1 Meeting should be undertaken following their return to work.

Stage 1 Meeting is conducted by the line manager who will require approval from a Senior Manager before escalating to Stage 2.

Management preparation before the Meeting:

- Employee are to be given at least 5 working days' notice, requesting attendance of the employee at the meeting using the [Stage 1 Invite Letter](#).
- Advise the employee they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- Prior to meeting, management should ensure the employee receives a copy of this policy, full list of their absences, copies of any return to work discussions, any relevant supervision or any previous meeting notes, reasonable adjustment request form and any advice from OH or Health & Safety, where this has been requested.

NB: A member of the HR Team may also be in attendance (*in exceptional circumstances*).

What needs to be discussed during the meeting:

1. Refer to list of absences, with reasons and advise the employee that the level of absences have reached a trigger point.
2. Discuss the level of absences and explore areas possibly associated with the absences e.g. are absences caused by a disability or personal, family or work related problems. Where appropriate reference should be made to other supporting policies such as Special Leave, Flexi-Time or Flexible Working.
3. Establish whether there is any underlying cause for the absences and what, if any, action/support is required. Discuss any reasonable adjustments, if applicable, refer to the Supporting Disabled Colleagues section within the further guidance for managers and employees.
4. Management can request via a member of the Human Resources Team advice from OH on fitness to undertake duties, reasonable adjustments and/or advice on ongoing health. A referral to OH does not always need to be carried

out at Stage 1. It is for management to determine whether it is appropriate or not taking into account all the circumstances of the absence.

5. If a referral is made the manager may arrange a separate meeting to discuss the OH report if it is not received in time for the Stage Meeting. If the manager has tried to obtain OH advice but the employee fails to attend or refuses to give consent to release the report, any decisions made at the absence management meetings will be made without the benefit of this information.
6. Management may also request advice from the Health & Safety Team and request for a Risk Assessment to be carried out to identify any reasonable adjustments or equipment that may be available to assist the employee.
7. Advise that if an employee has had considerable time off work, this could result in the employee's pay reducing to half or nil pay.

Outcome of the Meeting:

Explain Absence Management Policy and Procedures and possible actions from the meeting. These could be:

- Reasonable adjustments considered.
- OH referral carried out.
- Redeployment investigated (*if appropriate due to an underlying medical condition and it has been recommended by OH*).

Set a review period for 1-2 months, or in exceptional circumstances this can be extended to a maximum of 2 months. For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Employees at work when Stage 1 Meeting takes place will have a new trigger set for the length of the review period. Trigger will be pro rota'd to length of the review period, e.g. this could be no absences for a 2 month review. If the employee's absence levels continue to be a concern, prior to the review period ending, the end of the review period will be brought forward.

Employees should be made aware that if their attendance does not improve, they will be invited to a Stage 2 Meeting (*with a Senior Manager*), and if after Stage 2 there is still no improvement in the sickness absences, a Stage 3 Hearing will be arranged and a possible outcome of this could be dismissal.

The outcomes of the Stage 1 Meeting will be confirmed at the meeting and also confirmed in writing to the employee (See Stage 1 Outcome [Letter](#)).

STAGE 1 – ABSENCE MANAGEMENT REVIEW

Refer to [Review Checklist](#) (*unless requested, this does not require a face to face meeting*).

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The line manager will record and gather the following information:

- Attendance during the review period (*including the last 12 months*), including sickness reasons.
- Return to work interview records.
- If applicable review latest OH report.
- Reasonable adjustment request form.
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 1 Meeting.

At the end of the review period a discussion with the employee regarding their health takes place. The discussion is to gain information from the employee regarding his/her health and attendance, e.g. any improvement(s), anticipated return to work.

NB: If the employee requests they would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied. However, the Council wishes to ensure employees feel supported and comfortable with the process.

If the employee's representative is unable to attend the date provided, the meeting may be postponed. If so, it will be rearranged within 5 working days or as soon as is practicable, to avoid delaying the process.

Advise the employee that they are at the end of the review period and a decision will be made on whether they will be escalated to Stage 2, and this will be communicated to them as soon as possible.

Possible Outcomes of Stage 1 Review

Once management has completed the Review Checklist they will discuss the information gathered and review with a Senior Manager. Outcomes of the review are as follows:

Escalate to Stage 2 Meeting

Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 2. Senior management approval will be obtained.

Extension of Review Period

Further time is required so an extension of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 2 months, (see [Extension of Review Letter](#))). Senior Manager approval is required.

12 Month 'Live' Period

If the employee's absences have improved to the expected level:

- Manager will need to encourage the employee to sustain this.
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.

If the employee has further absences within this 12 month period and, on a 12 month rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Senior Manager. The Senior Manager would then determine whether the employee's circumstances are progressed to a Stage 2 Meeting or if a further review period is to be identified.

STAGE 2 – ABSENCE MANAGEMENT MEETING

Following on from Stage 1 Review, if the employee's attendance has not improved to an acceptable level they will be requested, in writing, to attend a Stage 2 Meeting (see [Stage 2 Guidance Notes for Managers](#)).

The Stage 2 Meeting is conducted by the Senior Manager, who will require an officer with "**authority to dismiss**" approval before escalating to Stage 3.

Management preparation before the Meeting:

- Giving at least 5 working days' notice, request attendance of the employee at the meeting using the [Stage 2 Invite Letter](#).
- Advise the employee that they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- Prior to meeting, management should ensure the employee receives a copy of this policy, full list of their absences, copies of any return to work discussions, previous Stage 1 Meeting invite and outcome letters, Stage 1 Review Checklist, any relevant supervision or reasonable adjustment request form, 121 records and any advice from OH or Health & Safety, where this has been requested.
- If a referral to OH has not taken place yet, then management are advised to complete a management referral at this time in order to seek medical advice regarding the employee absences. OH referral should not delay the Stage 2 Meeting; a separate meeting with the employee can be held to discuss the OH report when received.

NB: HR Advisor should also be in attendance.

What needs to be discussed during the Meeting:

1. Refer to the topics that were discussed at the Stage 1 meeting and update on any changes in circumstances or conditions and agree if any further advice or guidance needs to be requested from OH, GP or Health & Safety.
2. Management should discuss any progress, improvements or deterioration in the employee's health and explore any reasons why they have not improved. Management are required to demonstrate what action and discussions have taken place with the employee.
3. If the manager is in receipt of an OH Report since the Stage 1 Meeting, discuss its contents and any recommendations.
4. If any Health & Safety Risk Assessments have been carried out, discuss the outcome and any recommendations.

Outcome of the Meeting

Explain Absence Management Policy and Procedure and possible actions from the meeting. These could be:

- Reasonable adjustments considered.
- OH referral carried out, if not already undertaken.
- Redeployment investigated (*if appropriate due to an underlying medical condition and it has been recommended by OH*).
- If the employee feels they will soon be ready to return to work, it may be necessary to consider a phased return.

Set a review period for 1-2 months, or in exceptional circumstances this can be extended to a maximum of 2 months. For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Employees at work when Stage 2 Meeting takes place will have a new trigger set for the length of the review period. Trigger will be pro rata'd to length of review period, e.g. this could be no absences for a 2 month review. If the employee's absence levels continue to be a concern prior to the review period ending the end of the review period will be brought forward.

Employees should be made aware that if their attendance does not improve, they will be invited to a Stage 3 Hearing and a possible outcome of this could be dismissal. The manager should explain that the aim of this policy is to help employees return to work and it is hoped dismissal will not be the outcome.

The outcomes of Stage 2 Meeting will be confirmed at the meeting and also confirmed in writing to the employee (See Stage 2 Outcome Letter).

STAGE 2 – ABSENCE MANAGEMENT REVIEW

Refer to Review Checklist (*unless requested this does not require a face to face meeting*).

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The line manager and/or Senior Manager will record and gather the following information:

- Attendance during the review period (*including the last 12 months*), including sickness reasons.
- Return to work interview records.
- If applicable review latest OH report & Health & Safety Risk Assessments.
- Supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form.
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 2 Meeting.

At the end of the review period a discussion with the employee regarding their health takes place. This can be either face to face or via telephone (*please ensure that it is a convenient and appropriate place for the employee to take the call and have such discussion*). The discussion is to gain information from the employee regarding his/her health and attendance, e.g. any improvement(s), anticipated return to work.

NB: If the employee requests they would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied, however, the Council wishes to ensure employees feel supported and comfortable with the process.

If the employee's representative is unable to attend the date provided, the meeting may be postponed. If so it will be rearranged within 5 working days or as soon as is practicable, to avoid delaying the process

Advise the employee that they are at the end of the review period and a decision will be made on whether they are escalated to Stage 3 and this will be communicated to them as soon as possible.

Outcomes of Stage 2 Review

Once management has completed the Review Checklist they will discuss the information gathered and review with an officer with **“authority to dismiss”**. Outcomes of the review are as follows:

Escalate to Stage 3 Hearing

Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 3. Stage 3 Chair approval will be obtained.

Extension of Review period

Further time is required so an extension of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 2 months, see [Extension of Review Letter](#)). Stage 3 Chair approval is required.

12 Months 'Live' Period

If the employee's absences have improved to the expected level:

- Manager will need to encourage the employee to sustain this
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.
- If the employee has further absences within this 12 month period and, on a 12 month rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Stage 3 chair, for the chair to determine whether the employees circumstances are progressed to a Stage 3 Hearing or a further review period is to be identified.

STAGE 3 – CASE HEARING

Following a Stage 2 Review, if the employee's attendance has not improved to a satisfactory level, they will be requested in writing, to attend a Stage 3 Absence Management Hearing with their Senior Manager and an officer with **“authority to dismiss”** (*Chair*). See [Stage 3 Guidance Notes for Managers](#).

An officer with **“authority to dismiss”** is the Chair and decision maker at the hearing.

Management preparation before the Hearing:

- Giving at least 10 working days' notice, request attendance of the employee to the hearing and issues a letter to confirm this ([Stage 3 Invite Letter](#)), advising the employee they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- 7 working days prior to the hearing, management should provide the employee and the Stage 3 attendees with a full list of their absences, copies of any return to work discussions, any relevant supervision notes, reasonable adjustment request form, Stage 1 and 2 meeting invite and outcome letters, Stage 1 and Stage 2 Review Checklists and any advice from OH.

- Management should advise the employee if they wish to provide any additional documentation which is not included within the pack, it should be received no less than 5 working days prior to the hearing in order to avoid unnecessary delays.
- Management must ensure that they have obtained recent OH advice. If the manager has tried to obtain OH advice but the employee fails to attend without good or acceptable reason or refuses to give consent for the report to be released then management will go ahead with the meeting without the OH advice.
- Ensure the employee has previously been advised that a possible outcome of a Stage 3 Hearing is dismissal, on the grounds of either 'Some Other Substantial Reason' or 'Capability' (*if underlying medical condition*).

NB: HR Representative will also be in attendance at the hearing.

What needs to be discussed during the Hearing:

1. Refer to the list of absences, with reasons and advise the employee that their level of attendance has reached a trigger point.
2. Discuss the level of absences and explore areas possibly associated with the absences e.g. are absences caused by a disability or personal, family or work related problems? Where appropriate reference should be made to other supporting policies such as the Leave Policy, or Flexible Working Policy.
3. Discuss any progress, improvements or deterioration in the employee's health and explore reasons as to why attendance has not improved. Management will be required to demonstrate what action and discussion has taken place with the employee.

The Chair will consider the below questions:

1. Are the absences caused by a disability or personal, family or work related problem?
2. Where appropriate has the relevant supporting policies been utilised such as Leave Policy, or Flexible Working Policy.
3. Does the OH advice indicate the employee is likely to return to work in the near future?
4. Has the employee's absences changed from short term to long term or vice versa?
5. Has reasonable time been given to consider the employee's absence and to seek further OH advice if required?
6. Are Management satisfied that advice/reasonable adjustments have been considered/made and given an opportunity to have an impact on the employee's level of attendance, bearing in mind the length of absence, impact on the service area and the position the employee holds?

7. Where there is an underlying medical condition and the OH report refers to suitability for alternative employment, has the option of redeployment been considered/offered/discussed with the employee? (See *Medical Redeployment*).
8. Where appropriate, the Chair can suggest other options or reasonable adjustments to try and improve the employee's attendance, including: the need for further involvement of OH. Refer to Supporting Disabled Colleagues section within the further guidance for managers and employees.
9. Refer to the OH advice received, particularly in relation to any adjustments, changes in hours or duties, or specialist equipment which have been recommended and establish whether they have been put in place.
10. The option of Ill Health Retirement may apply to employees who have been on long term sickness absence and it is considered unlikely they will be able to return to work and are a member of the Local Government Pension Scheme;
11. The Chair will need to make them aware that permanent ill health retirement could be considered. Management should seek advice from their HR Advisor for further information on this.
12. Consideration on whether there is the need to re-refer the employee to OH for further advice on fitness to undertake duties, any reasonable adjustments or advice regarding ongoing health. The Chair will need to advise the employee that they will arrange a separate meeting to discuss the OH report once it is received.
13. If a further referral is made, the manager may arrange a separate meeting to discuss the OH report once it is received. If the manager has tried to obtain OH advice but the employee fails to attend these appointments or refuses to give consent to release the report, any decisions made at the absence management meetings will be made without the benefit of this information.

Adjournment at the Hearing

An adjournment at a Stage 3 Case Hearing should take place to allow consideration regarding the employee's attendance and medical condition in relation to the outcomes of the hearing. The employee will be notified within 3 working days of the outcome.

OUTCOME OF HEARING

Dismissal with contractual notice

If the Chair decides to dismiss the employee on the grounds of 'Some Other Substantial Reason' or 'Capability' (*if underlying medical condition*), they will outline the reasons why and provide information on the employee's notice period.

If applicable, redeployment opportunities will continue to be considered during the employee's notice period.

If the employee has been granted Ill Health Retirement under the Local Government Pension Scheme, in addition to the [Stage 3 Outcome Letter](#) a separate formal decision notification will be sent to confirm the outcome of relevant tier 1, 2 or 3. (See *Ill Health Retirement*).

Set Review Period

Further time is required so a review period of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (*in exceptional circumstances to a maximum of 2 months*). As part of this review they can consider the following outcomes:

- Reasonable adjustments considered.
- OH referral carried out.
- Redeployment investigated (*if appropriate due to an underlying medical condition and recommended by OH*).
- For employees who are absent from work then return to work prior to the end of the review period, the review period will end and the review discussion should take place.
- For employees that are at work when the Stage 3 Hearing takes place a new trigger will be set for the length of the review period. This will be pro rata'd down to the length of the review period, e.g. this could be no absences for a 2 month review.

If the employee's absence levels continue to be a concern prior to the review period ending, the end of the review period will be brought forward.

The Chair will need to be satisfied that the employee is fully aware of the Absence Management Policy and Procedure. The employee should be made aware that if their attendance does not improve, they will return to a Stage 3 Hearing and a possible outcome of this meeting could be dismissal.

The outcome of the Stage 3 Hearing will be confirmed at the hearing and also confirmed in writing to the employee (see [Stage 3 Outcome Letter](#)).

NB: Chair should discuss pay status if the employee has had a considerable amount of time off work, i.e. when the employees pay reduces to half/nil sick pay.

STAGE 3 – ABSENCE MANAGEMENT REVIEW

Refer to [Review Checklist](#) (does not require a face to face meeting)

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The purpose of the Stage 3 Review is for the Senior Manager to gather the following

information for the Chair to make a decision as to how to progress a case:

- Attendance during the review period (*including the last 12 months*), including sickness reasons.
- Return to work interview records.
- If applicable review latest OH report.
- Review any supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form.
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 3 Hearing.

At the end of the review period, a discussion with the employee should take place (*either face to face or via telephone, please ensure that it is a convenient and appropriate place for the employee to take the call*) to gain information from them regarding any improvement in the employee's health and attendance.

NB: If the employee requests a face to face review meeting and would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied, however, the Council wishes to ensure employees feel supported and comfortable with the process.

If the employee requests a face to face review meeting with a representative but they are unable to attend on the date provided, the meeting maybe postponed and if so will be rearranged within 5 working days or as soon as is practicable. This is in order to avoid delaying the process.

If a face to face review takes place the Senior Manager will use the Review Checklist to gather the information. The manager will share the Review Checklist with the employee.

Management will need to make the employee aware that they are at the end of the review period and a decision will be made whether to conduct a further Stage 3 Hearing.

OUTCOMES OF STAGE 3 REVIEW

Conduct a further Stage 3 Hearing

Where employees have not reached the attendance expected or have not returned to work during the review period, a further Stage 3 Hearing will be arranged. Where possible, it will be the Chair of the original Stage 3 Hearing.

Extension of Review Period

Further time is required so an extension of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances up to a maximum of 2 months, see ([Extension of Review Letter](#))). Stage 3 Hearing Chair will make this decision.

12 Month 'Live' Period

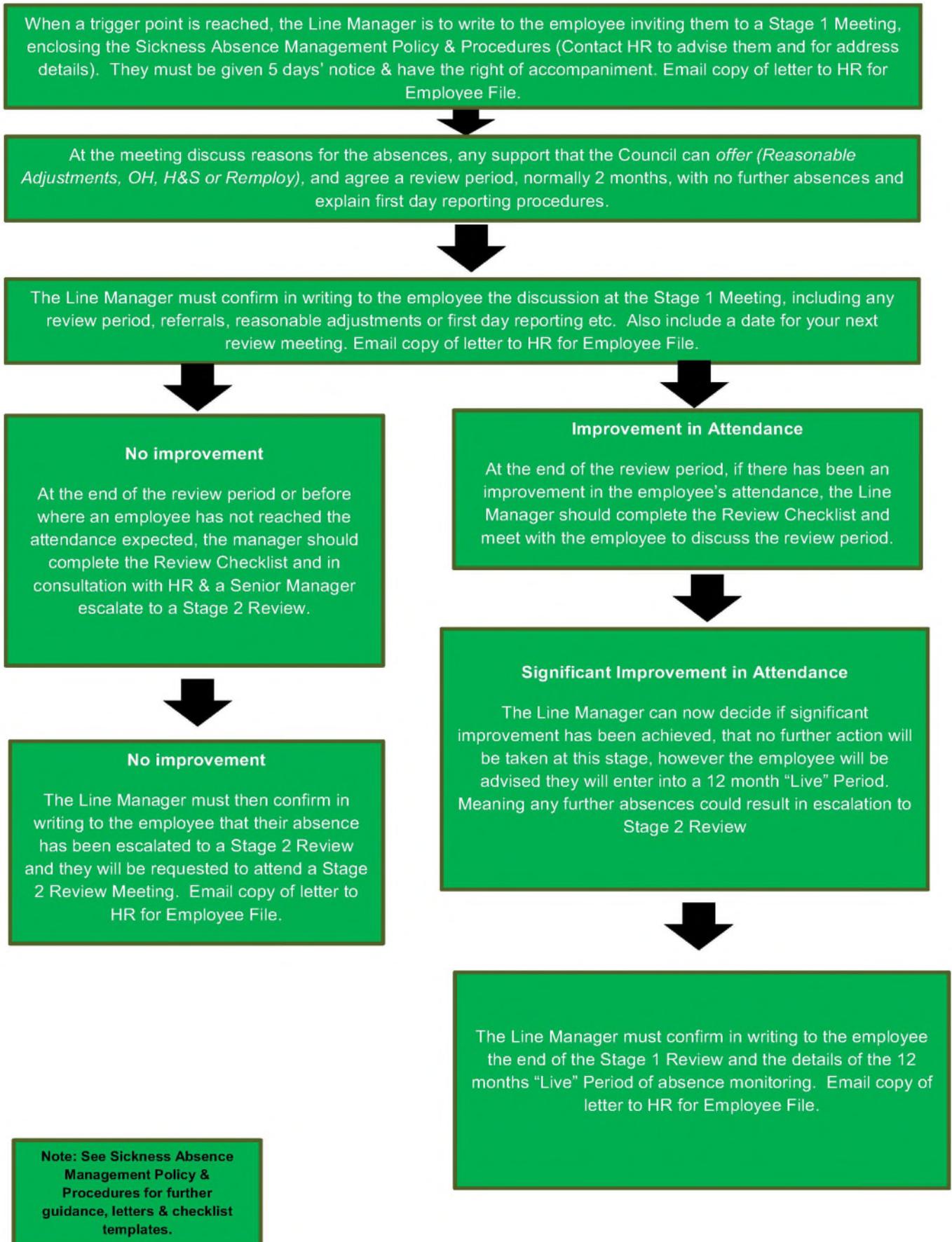
If the employee's absences have improved to the expected level:

- Manager will need to encourage the employee to sustain this.
- Employee enters a 12 month 'live' monitoring period, commencing when the review period ended.
- If the employee has further absences within this 12 months period and, on a 12 month rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Chair, for the Chair to determine whether the employee's circumstances are progressed to convene a further Stage 3 Hearing.

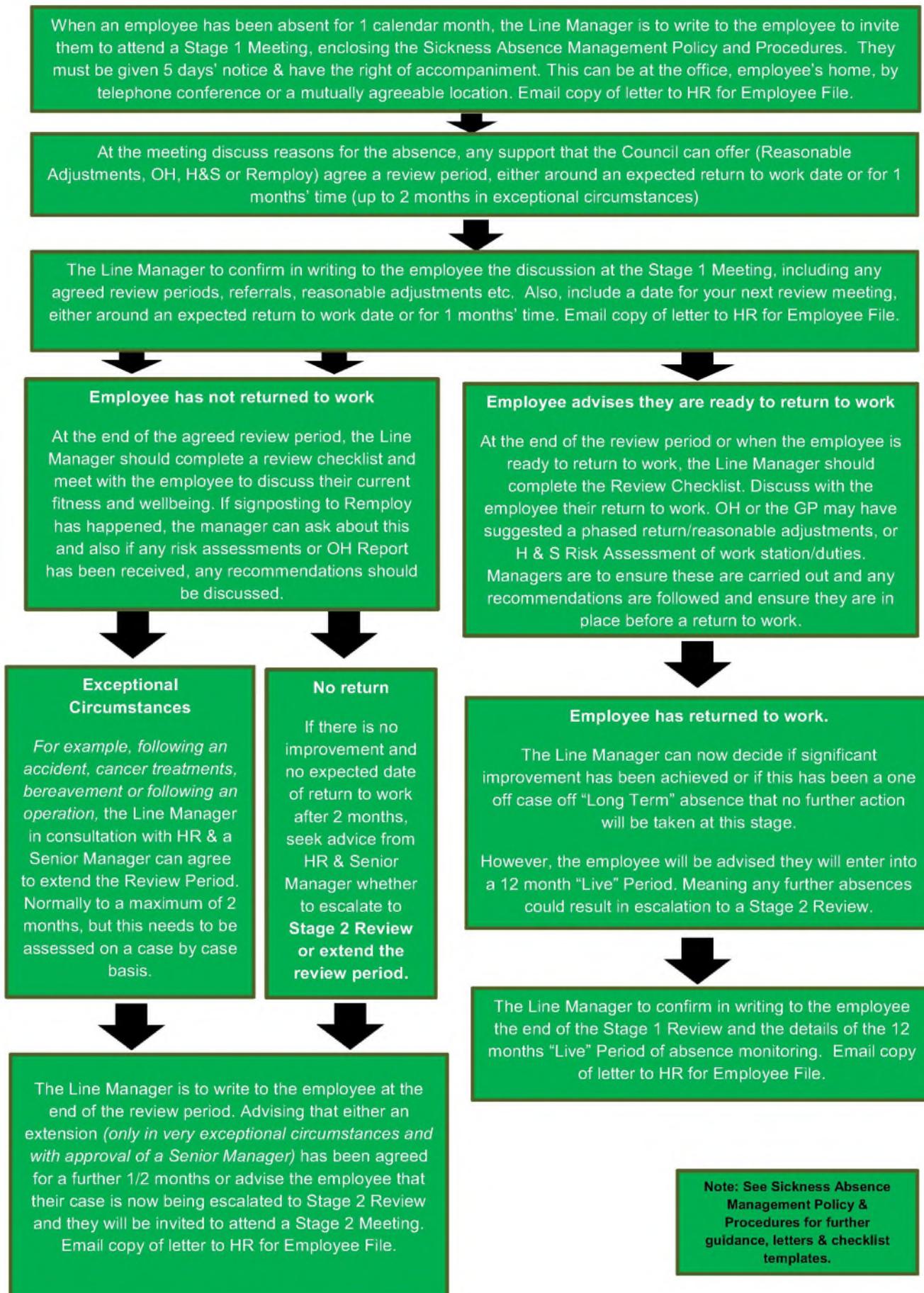
APPEAL

If at the Stage 3 Case Hearing the employee is dismissed the employee has the right to appeal against their dismissal under this procedure and the [Appeals Policy](#) will apply. If the employee wishes to appeal they must do so in writing, outlining their grounds of appeal within 10 working days of the date on which the decision is confirmed in writing.

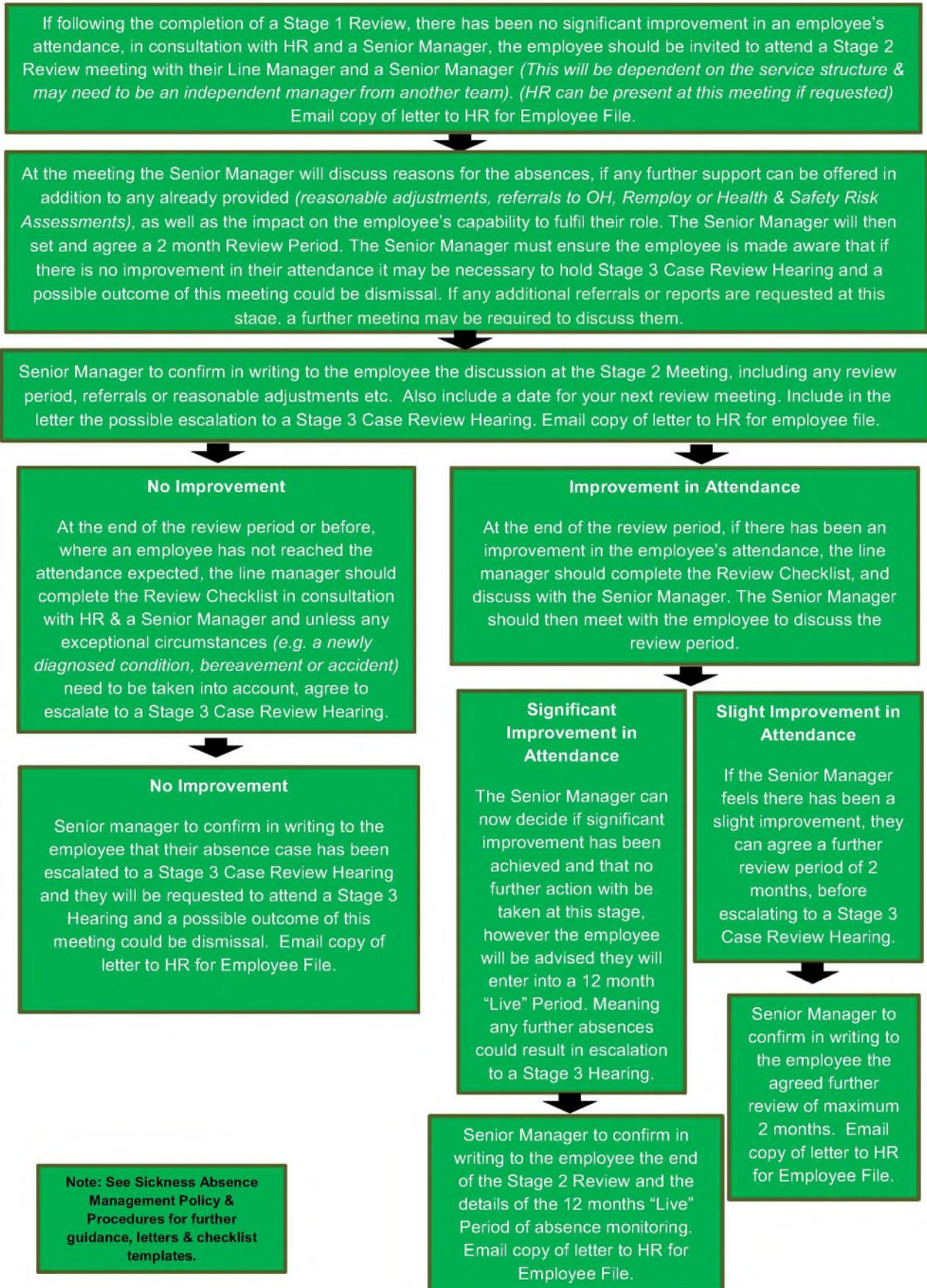
APPENDIX 1 – STAGE 1 REVIEW FLOWCHART (SHORT TERM)



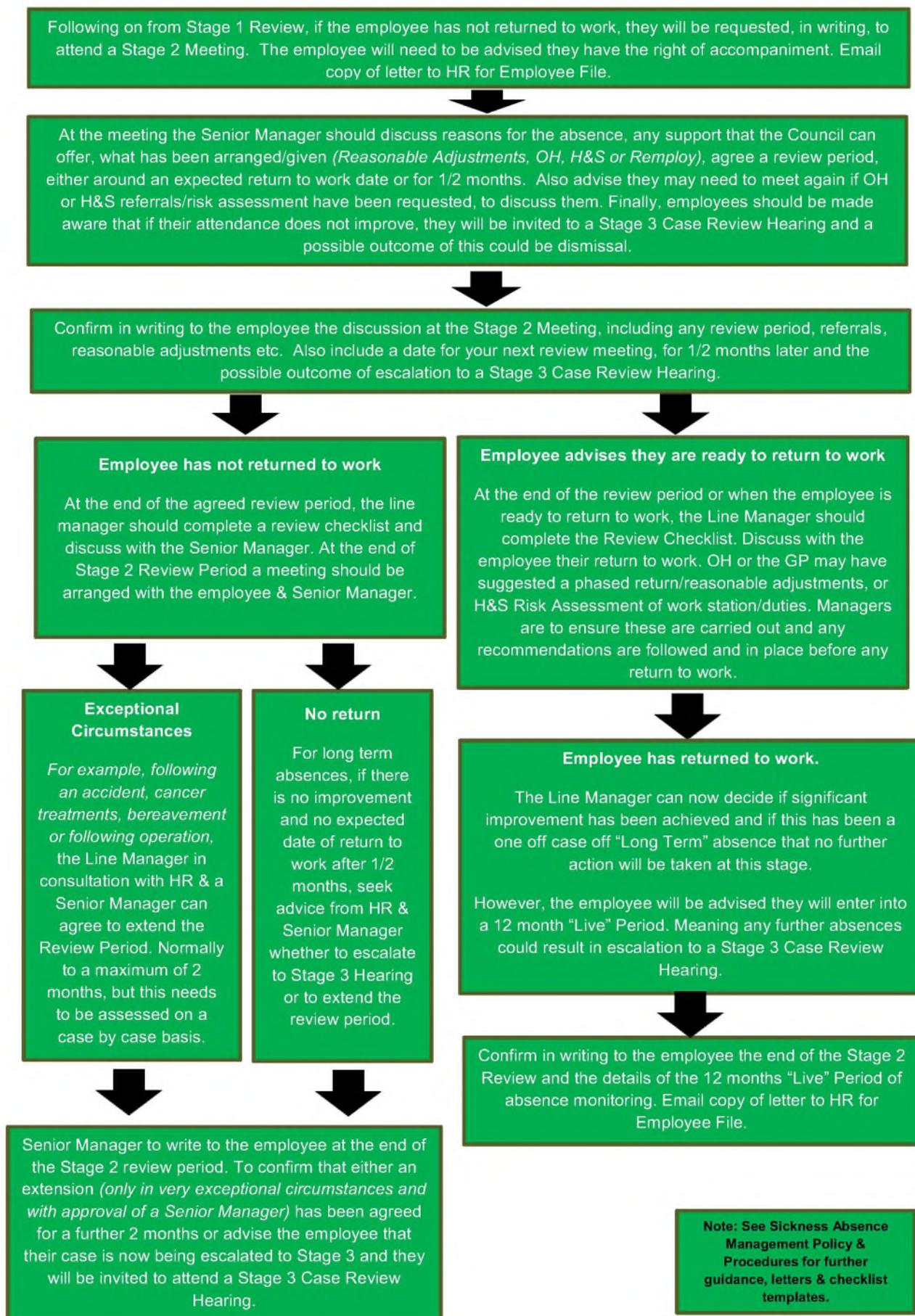
APPENDIX 2 – STAGE 1 REVIEW FLOWCHART (LONG TERM)



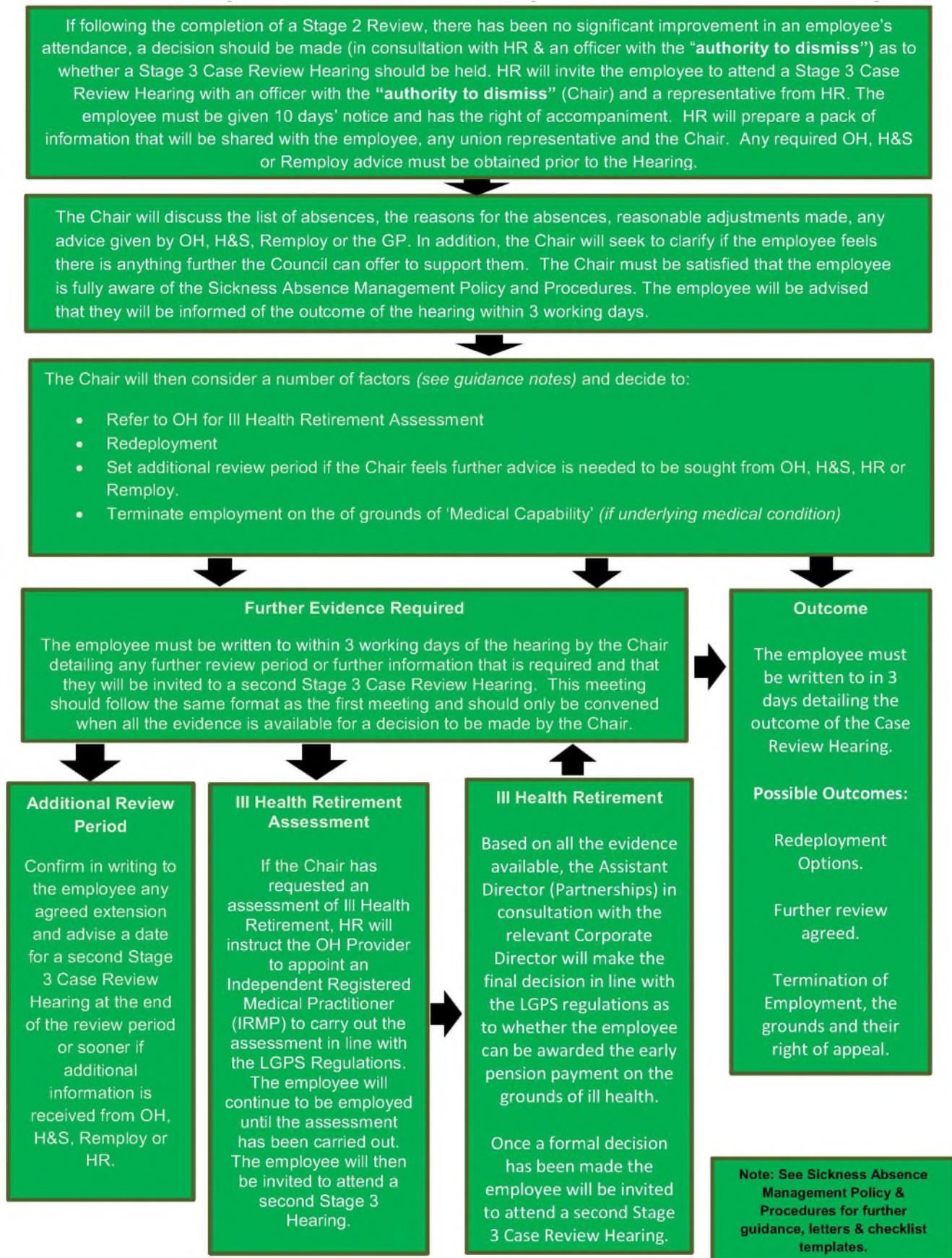
APPENDIX 3 – STAGE 2 REVIEW FLOWCHART (SHORT TERM)



APPENDIX 4 – STAGE 2 REVIEW FLOWCHART (LONG TERM)



APPENDIX 5 – STAGE 3 REVIEW FLOWCHART



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HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

21 OCTOBER 2020

REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY)

A.3 THE COUNCIL'S RESPONSE TO COVID-19 FOR THE WORKFORCE

(Report prepared by Katie Wilkins)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Members of the Human Resources and Council Tax Committee on the various initiatives and policy arrangements introduced to support the workforce in response to the Coronavirus (COVID-19) Pandemic.

EXECUTIVE SUMMARY

In response to the COVID-19 Pandemic and resulting containment measures, the Council has been required to move at pace to make significant changes to the way it operates to ensure the delivery of essential services.

In March 2020, the Council initiated its GOLD and SILVER command arrangements in line with protocols for the command and control of emergencies under the Civil Contingencies Act 2004 and other associated legislation. This two-tier command and control structure developed robust plans and processes in line with Government guidance, to protect the most vulnerable residents and ensured that our response aligned with national requirements.

The Council's strategic response continues to be led by the Chief Executive at GOLD level, with senior officers (Corporate Directors and Assistant Directors) taking responsibility for specific elements of our response.

The tactical SILVER group focuses on the delivery of three key functions:

- Response & Recovery
- Welfare
- Information & Support

Human Resources colleagues led the Welfare Cell at both the strategic (GOLD) and tactical (SILVER) levels throughout the height of the Pandemic and continue to do so. The primary role of the Welfare Cell is to ensure staff welfare is protected throughout our response.

Throughout these exceptional circumstances, the Council has worked hard to maintain communication to ensure that staff are informed and key advice is provided to keep them and our residents safe.

Working with Union colleagues, key policies and procedures have been updated in line with Government guidance and measures have been put in place to ensure staff safety and well-being. This includes ensuring sufficient levels of Personal Protective Equipment (PPE), appropriate risk assessments for safe working, a suite of online well-being initiatives and a timetable of online fitness classes (via Zoom), delivered by the Council's Fitness Instructors, to support both physical and mental well-being.

Managers continue to be supported with key people related issues; attendance at work, pay, time off work to care for dependents, enhanced flexible working arrangements and the significant shift to managing remote teams.

As the Council prepares to reopen its buildings, albeit on a revised and reduced basis, a working party has been brought together to lead on these preparations, with their agenda informed by the findings of the recent staff survey.

RECOMMENDATION(S)

It is recommended:

That the contents of this report be noted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's vision, as outlined in the Corporate Plan 2020/24 is to '*put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others*'. The authority's efforts during COVID-19 have realised these aspirations throughout all levels of the organisation.

FINANCE, OTHER RESOURCES AND RISK

There are no direct financial implications.

LEGAL

The Council must ensure compliance with Employment Legislation, the Equalities Act 2010, the newly introduced Coronavirus Act 2020 and Working Time (Coronavirus) (Amendment) Regulations 2020.

The Council has a legal duty of care to employees to ensure their health and safety at work, as set out in the Health and Safety at Work Act 1974, and the Management of Health and Safety at Work Regulations 1999 and other related legislation.

The Constitution provides for agreement of key personnel policies, to the Corporate Director, Operations & Delivery in consultation with the Assistant Director, Partnerships.

OTHER IMPLICATIONS

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

At the start of the Pandemic, the Council had a number of key factors to consider:

- How to maintain service delivery with the majority of staff working remotely;
- How to ensure those staff continuing to work on site and out in the community did so in a COVID-19 secure environment; and
- How to continue to deliver our Careline and repairs services whilst ensuring the safety of our staff visiting the homes of our residents.

Personal Protective Equipment (PPE)

At the height of the Pandemic, there were huge challenges regarding the sourcing of PPE. Despite national shortages, Tendring has always maintained a six-month supply of PPE, which continues to ensure the safety of our workforce.

Community Hub

A significant number of residents relied on Council services for basic essentials such as food and medicines. The Council supported those most vulnerable by establishing two COVID-19 'Community Hubs'. These operated six days a week with a total of 36 Council staff redeployed to deliver this function. The Community Hub setup worked effectively at the height of the Pandemic and the Council has now been able to revert to ad hoc working in line with demand.

HR System Implementation

New Human Resources systems were quickly designed and implemented with the purpose of identifying the status of the full workforce. The status of staff ranged from those available to work (either in their current role or redeployed), symptomatic, self-isolating or unwell. Those who were symptomatic, or in symptomatic households were supported with testing arrangements.

This, along with the significant shift to remote working for the majority of the workforce, has not been without challenge, and IT colleagues have been fundamental in the development and delivery of the new remote working IT infrastructure.

The redeployment database, set up to monitor those staff who were redeployed in any capacity during COVID-19, reports that a total of 134 staff were redeployed from their substantive roles to support the authority's response to COVID-19.

Staff Policy and Pay Scheme

Staff guidance was developed in order to support managers (*in consultation with Human Resources colleagues*) to manage the more complex issues around attendance at work, pay, time off work to care for dependents, enhanced flexible working arrangements and the shift to remote teams.

The Council implemented a pay scheme to support staff in service closed areas (*permanent and casual*) and those self-isolating (*unable to work*) where redeployment was not possible. This sought to adopt the main principles of the Government's furlough scheme, whilst also taking into consideration the more specific challenges faced at a local level.

In a bid to minimise financial hardship for affected staff and ensure that the key skills of the workforce were retained, the Strategic Management Team agreed that 100% of historic average earnings would be applied rather than the recommended 80% (as in the Furlough scheme). The Council and the Senior Management Team have been praised by those impacted, for their support in difficult times.

Working Arrangements, Staff Engagement and Staff Survey

Government guidance remains that all employees who can work from home should continue to do so. It is therefore anticipated that in the short to medium term the majority of staff will continue to work from home.

In order to improve the sustainability of our remote working arrangements a staff survey was undertaken by Human Resources to gain further insight into the experiences and challenges of staff working from home, as well as those staff who have continued to work within the district and on site throughout the Pandemic. This has enabled the organisation to identify areas of concern and implement the necessary support.

Following over 300 responses, headlines from the staff survey are as follows:

- 75% of respondents agree they have achieved the correct balance between work and home life, with 50% of respondents reporting a better work/life balance;
- 72% of respondents agree their role makes a difference to local residents;
- 75% of respondents get a sense of personal fulfilment from their job;
- 84% of respondents feel proud to work for the Council;

- 40% of respondents feel more productive working at home;
- 90% of respondents reported that the Council has kept them well informed during the Coronavirus Pandemic;
- 80% of respondents feel supported by their line manager; and
- Almost 60% would like to maintain their current working arrangements indefinitely.

In addition, the following priorities have been identified by staff completing the survey:

- Prioritise return to the workplace for those who will benefit most (when it is safe to do so);
- Prioritise continued working from home for those most ready and able to continue;
- Balance preferences with organisational needs;
- Provide support for those who are most in need; and
- Identify what lessons we can learn for the future

In addition to the staff survey, the Human Resources team have (*working with a number of third parties*), developed a suite of well-being initiatives for staff (*as outlined in the Workforce Update Report*). All Staff emails, FAQ's, Vlogs and the regular 'Together@TDC' newsletter (*developed by staff with the aspiration of keeping everyone connected whilst working remotely*) has ensured regular communication is maintained with staff on both COVID-19 and non COVID-19 related matters.

A Reception(s) and Office Working Group has been established to review all risk assessments and prepare for a return to office use (*albeit on a revised and reduced basis*) with the anonymised findings from the survey informing this process.

APPENDICES

Appendix A - Staff Survey Infogram

COVID-19 STAFFING SURVEY HEADLINE RESULTS

Over 300 Responses



have achieved the correct balance between work and home life



reporting a better work/life balance



72% agree their role makes a difference to local residents



THREE-QUARTERS get a sense of personal fulfillment from their job



84% PROUD to work for the Council.



feel more productive working at home



90% reported that the Council has kept them well informed during the COVID-19 Pandemic



4/5 feel supported by their line manager



ALMOST THREE-FIFTHS would like to maintain their current working arrangements indefinitely

Tendring
District Council



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By virtue of paragraph(s) 2, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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