



25th February 2015

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Union/Employee Consultation Committee of Bolsover District Council to be held in Chamber Suites 1 & 2, The Arc, Clowne, on Thursday 12th March 2015 at 1100 hours.

For the convenience of both sides rooms are available for a pre-meeting prior to the Union/Employee Consultation Committee.

Council Side - Chamber Suites 1 & 2 @ 1000 hours
Unions - Chamber Suites 3 @ 1000 hours

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully

Assistant Director of Governance and Monitoring Officer

To: Chair and Members of the Union Employee Consultation Committee

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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



UNION / EMPLOYEE CONSULTATION COMMITTEE

AGENDA

Thursday 12th March 2015 at 1100 hours in Chamber Suites 1 and 2,
The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interest in respect of:- a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and, if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on 9 th October 2014.	3 to 10
5.	Equality Monitoring Report July to September 2014 and October to December 2014.	11 to 20
6.	Sickness Absence/Occupational Health Statistics October to December 2014.	21 to 24
7.	Draft Policy on Social Networking.	25 to 29
8.	Review of Disciplinary Policy.	30 to 77
9.	Review of Sickness Absence Management Policy.	78 to 122
10.	Annual Leavers Breakdown Report for 2013/14.	123 to 125

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne, on Thursday 9th October 2014 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors, V.P. Mills, K. Reid, A.M. Syrett, A.F. Tomlinson and E. Watts

Unison Representatives:-

L. Cheong, K. Shillitto and J. Wilmot.

Unite Representatives:-

None attended.

Officers:-

A. Grundy (Assistant Director Human Resources), T. Morrell (Senior HR Advisor), S. Brunt (Assistant Director - Streetscene) and A. Bluff (Governance Officer).

Councillor E. Watts in the Chair

0419. APOLOGIES

Apologies for absence were received on behalf of Councillor Mrs P.M. Bowmer, J. Clayton (Unison) and W. Edge (Unison).

0420. URGENT ITEMS OF BUSINESS

Further to a query raised by the Chair, Unison representatives confirmed that proposed strike action would still be going ahead on 14th October 2014.

0421. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0422. APPOINTMENT OF VICE CHAIR

Moved by J. Wilmot, seconded by K. Shillitto

RESOLVED that J. Clayton be elected as Vice Chair for the ensuing year.

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0423. MINUTES – 9TH JUNE 2014

Moved by Councillor E. Watts, seconded by K. Shillitto

RESOLVED that subject to the inclusion of Councillor Syrett's apologies, the Minutes of a Union/Employee Consultation Committee held on 9th June 2014 be approved as a true record.

0424. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS APRIL 2014 TO JUNE 2014

Committee considered a report of the Assistant Director Human Resources in relation to sickness absence/occupational health statistics for the period April 2014 to June 2014.

The target for sickness absence for the April to June quarter was 2.12 days per FTE with the outturn for the quarter being 1.86 days per FTE; this compared to the same period in 2013 of 2.40 days per FTE.

A breakdown of the figures by department and by long term/short term sickness absence was attached to the report for Committee's information along with a breakdown of the reasons for all long terms sickness absence.

The outcome of occupational health referrals for the quarter was;

Rehabilitated 13,
Continuing 1 (expected to return to work October 2014).

The top three causes of sickness absence for the quarter were;

Musc/Skeletal 214.5 days lost,
Stress 158 days lost and
Heart/circulation 101 days lost.

Three employees had undergone counselling during the quarter. No routine health surveillance clinics had been held during the quarter.

The Assistant Director Human Resources noted that sickness absence due to stress was in relation to employee's personal stress and not work related stress.

A Unison representative raised a query in relation to stress awareness training sessions. The Assistant Director Human Resources replied that there had been little take up for the stress awareness training sessions and some sessions had had to be cancelled, although further training sessions would be arranged for future dates to keep on top of the situation.

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The Assistant Director Human Resources also noted that the Institute of Personnel and Development had recently produced annual sickness information which showed that nationally sickness levels of absence were down but stress absence had increased. As an employer, the Council already offered support to staff and there was also a need for mental related illness to be treated as urgently as other illnesses.

A short discussion took place.

Unison representatives were asked to encourage their members to attend the stress awareness training sessions when dates were confirmed.

Moved by J. Wilmot, seconded by Councillor E. Watts
RESOLVED that the report be noted.

0425. EQUALITY MONITORING – JANUARY 2014 TO MARCH 2014 and EQUALITY MONITORING – APRIL 2014 TO JUNE 2014

Committee considered two reports in relation to equality monitoring for the periods January 2014 to March 2014 and April 2014 to June 2014 respectively.

A Unison representative stated that it was encouraging to see that more applications from ethnic minorities were being received in relation to vacancies.

Moved by Councillor E. Watts, seconded by K. Shillitto
RESOLVED that the reports be noted.

0426. REVIEW OF STAFF ACCESS TO LEISURE FACILITIES

Committee considered a report in relation to staff access to leisure facilities operated by the Council and proposals that all Council employees and Councillors were charged at a discounted rate of 50% of the total cost of a monthly membership or pay as you go.

The scheme would hopefully encourage employees and Members to participate in sport activities which also supported the achievement of corporate health and wellbeing objectives. The proposed arrangements would also meet HMRC requirements.

A short discussion took place.

Moved by Councillor E. Watts, seconded by Councillor A.M. Syrett
RECOMMENDED that Council approve the proposal that Bolsover District Council employees and Councillors are charged at a discounted rate of 50% of the

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total cost of a monthly membership or pay as you go activities to access Leisure facilities operated by Bolsover District Council.

(Assistant Director Human Resources/Governance Manager)

0427. REVIEW OF DISCIPLINARY POLICY

Committee's consideration was sought in relation to a new draft Disciplinary Policy.

A review of the Disciplinary Policy had been undertaken due to a variety of documents being in existence which covered the disciplinary process. These had now been produced into a draft single document.

Several of the existing documents covered advice and guidance and it was proposed to combine these into a separate procedural document for managers which would not form part of the Policy.

Unison raised concern that they had not had sight of the separate procedural document and requested a decision on the Policy be deferred to allow Unison time to consider the procedural document in conjunction with the Policy.

A lengthy discussion took place around the presumption in favour of dismissal contained within the draft Policy. It was agreed that the Guidance may have an impact on this issue and it could be looked at as part of consideration of the procedural document.

A Unison representative made reference to a tribunal case in 2013 and would circulate details of the case to Human Resources.

Moved by Councillor E. Watts, seconded by J. Wilmot

RESOLVED that the report be deferred to the next meeting of UECC to enable Unison time to consider the managerial procedure document.

(Assistant Director Human Resources/Governance Manager)

0428. REVIEW OF SICKNESS ABSENCE MANAGEMENT POLICY

Committee's consideration was sought in relation to a review of the Sickness Absence Management Policy.

To assist managers in effectively managing sickness absence and to facilitate consistency of approach, the Sickness Absence Management Policies and Procedures of both Bolsover and North East Derbyshire District Council's had been reviewed and brought together into one document. A copy of the draft Policy was attached as an Appendix to the report.

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Several of the existing documents covered advice and guidance at both Councils and it was proposed to combine these into a separate procedural document for managers which would not form part of the Policy.

The adoption of a Policy that was applicable to both Councils would provide an overall framework for managing sickness absence and facilitate consistency and understanding of the processes being followed by both employees and managers. Human Resources would continue to support and advise with all aspects of the process.

Unison raised concern that they had not had sight of the separate procedural document and requested a decision on the Policy be deferred to allow Unison time to consider the procedural document in conjunction with the Policy.

A discussion took place.

Moved by Councillor E. Watts, seconded by J. Wilmot

RESOLVED that the report be deferred to the next meeting of UECC to enable Unison time to consider the managerial procedure document.

(Assistant Director Human Resources/Governance Manager)

0429. DRAFT FLEXIBLE WORKING

Committee's consideration was sought in relation to a minor variation to the existing document, '*Work-Life Balance - Quick Guide for Managers and Employees*', to reflect a recent change in the legislation relating to flexible working.

Committee's consideration was also sought as to whether to recommend adoption of a separate policy relating to the statutory aspects of flexible working.

The latest change to the legislation simply extended the right to request flexible working to all employees. This legislation was primarily aimed at employers who did not already have family friendly policies and there was considerable overlap between the provisions of the legislation and the work-life balance policies currently in place at the Council. In fact, the Council had for some years extended access to its work-life balance policies to all employees.

All policies and procedures at the Council relating to flexible working options were currently contained in two documents;

- '*Work-life Balance Flexible Working Options – Guidance for Managers and Employees*', and
- '*Work-Life Balance - Quick Guide for Managers and Employees*'.

The first of these documents made no direct reference to the legislation and therefore it was not proposed to make any changes at this stage. The second did make specific reference to the legislation within appendix 1 of the document, '*Work-*

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Life Balance – Questions and Answers and an extract attached at Appendix 1 to the report showed the existing wording of the relevant section with the proposed new wording to reflect the changes.

It may be helpful for employees to be aware which elements of the policies represented a statutory entitlement and what the related conditions were, and attached at Appendix 2 the report was a draft stand-alone Policy on Flexible Working for Committee's consideration.

A Unison representative suggested that in the second sentence of the proposed paragraph, 'Do I have the right to apply to work flexibly?', the word 'seriously' be changed to '**reasonably**'.

A discussion took place.

Moved by Councillor E. Watts, seconded by K. Shillitto

RESOLVED that (1) the recent change in the legislation relating to Flexible working be noted,

RECOMMENDED that (1) Council approve the minor variation to the wording in the existing document, '*Work-Life Balance - Quick Guide for Managers and Employees*', to reflect the change in the legislation,

(2) that subject to the amendment of the word "seriously" to "reasonably" Council approve the adoption of a separate policy relating to the statutory aspects of flexible working.

(Assistant Director Human Resources/Governance Manager)

0430. DRAFT APPRAISAL POLICY

Committee's consideration was sought on the adoption of a single policy for Appraisal for use at both Bolsover (BDC) and North East Derbyshire District Councils (NEDDC) with recommendation to Council. The draft Policy and associated forms were attached to the report.

As services continued to work closer together under the Strategic Alliance and with joint senior managers in post working to common or similar service plans, a consistent approach to appraisals at both Councils would be more efficient and less confusing.

Both BDC and NEDDC used appraisal schemes; Bolsover's being the Appraisal Scheme and NEDDC's being the EDPR scheme.

Both schemes assessed the work undertaken by the employee/manager, set objectives for the employee/manager for the forthcoming months and highlighted any learning and development requirements. Both schemes also used competencies to assess employees and managers against a set of pre determined criteria. Employees were currently assessed at six (interim) and 12 (full review) month periods.

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The draft Policy had been produced to include comments and suggestions following consultation with senior managers as well as informal consultation with representatives from the trade unions.

A Unison representative requested that the Policy be reviewed in 12 months.

Moved by Councillor E. Watts, seconded by K. Shillitto

RECOMMENDED that subject to the Policy being reviewed in 12 months, Council approve the adoption of the single Policy for Appraisal.

(Assistant Director Human Resources/Governance Manager)

0431. DRAFT JOINT DRIVING AT WORK POLICY

Committee's consideration was sought on the refreshed Joint Driving at Work Policy and recommendation to Council for approval.

The Joint Driving at Work Policy set out the standards which both BDC and NEDDC Councils expected its employee's and/or agency/contractor drivers to meet and also the framework in which it operated its fleet transport arrangements.

The Joint Driving at Work Policy refreshed both Councils current policy position taking into consideration statutory and regulatory changes which also aimed to establish one standard position across the two Councils to reflect the joint management position of the fleet transport service.

The Policy had been updated to reflect legislative changes of a wider transport and fleet management remit than previously; it now included **all** persons who undertook driving on Council business, such as grey fleet car users, contractors and sub-contractors.

The Policy outlined specific policy statements in order to ensure the Council could demonstrate it had taken reasonable care in its approach to the management of its fleet and persons driving whilst undertaking its business.

Unison representatives raised concern that there could be implications on staff with health issues who were taking medication(s) and also staff with disabilities, and that there was a requirement for an equality impact assessment to be carried out. Further, not all staff affected would want to talk to their manager if they had, for example, mental health issues, plus there were also issues with stigma, for example, someone's gender angle. The Assistant Director - Streetscene confirmed that an equality impact assessment could be carried out and that a member of staff could be referred to an occupational health advisor with any concerns they may have and with a view to changing their duties if necessary.

A Unison representative further raised concern in relation to grey fleet drivers (employees using their own vehicles for work purposes) and the requirement to submit documents as listed in the draft Policy and that Unison had still not had sight of a properly set out rationale for asking for this evidence. Unison felt that staff were

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being held to a higher standard than Members. By signing a monthly expenses claim form, staff confirmed that they held a driving licence etc. The Assistant Director - Streetscene replied that a valid driving licence was an absolute and the rest were checks and measures to ensure that the Council's duty of care to its employees was in place whilst employees were driving their own car on Council business. The Assistant Director – Streetscene made reference to Zurich's guidance on managing grey fleet risks.

Unison representatives noted the requirement in the Policy for a valid MOT certificate and current tax disc and that DVLA changes regarding tax discs would take effect from 1st November 2014 where it would no longer be a requirement to display tax discs on vehicles.

A lengthy discussion took place.

It was agreed that the Assistant Director – Streetscene would provide a copy of the Zurich document in relation to guidance on managing grey fleet risks to Unison representatives and HR Managers.

It was also agreed that further discussions should be held between the Unions and the Assistant Director – Streetscene regarding the Policy in relation to the points raised.

With regard to use of mobile phones in the Policy and that employees should not even use 'handsfree' whilst driving, Unison representatives and Councillors felt that it was an unreasonable requirement for grey fleet drivers.

The Assistant Director – Streetscene drew the meetings attention to a change in wording in the following paragraph, that 'will be' had been changed to 'may be':-

Drivers who must declare to their line manager if they were suffering from any medical condition, or were taking any medication which might adversely affect their ability to drive safely, (e.g. epilepsy, diabetes, visual impairment or other relevant medical condition). In such instances referral to the Council's Occupational Health, advisor **may be** required.

Moved by K. Shillitto, seconded by Councillor E. Watts

RECOMMENDED that subject to the Assistant Director – Streetscene providing a copy of the Zurich document in relation to guidance on managing grey fleet risks to Unison representatives and HR Managers, and further review of the requirement in relation to the use of 'handsfree' with mobile phones for grey fleet drivers, Council approve the Joint Driving at Work Policy.

(Senior HR Advisor/Governance Manager)

The meeting concluded at 1235 hours

Bolsover District Council

Union Employee Consultation Committee

12th March 2015

Equality Monitoring Report July to September 2014 and October to December 2014.

Report of the Assistant Director of Human Resources

This report is public

Purpose of the Report

- To provide the Committee with equality data in relation to its recruitment practices for the periods of July to September and October to December 2014.

1 Report Details

- 1.1.1 To submit for Members attention monitoring data on the Council's performance on equalities issues in relation to its recruitment and selection practices. This report does not cover corporate policy/service delivery monitoring.
- 1.1.2 Ordinarily the Committee receives information and data every quarter across both its workforce and recruitment and selection practices. Although on this occasion due to ongoing resourcing issues the usual comprehensive information for the last 2 quarters has been limited to the recruitment and selection area. However on reviewing the previous information submitted to past Committees there is a concern that by analysing information covering such short periods of time, where there is very limited change, any specific trend may get missed. It is considered that if this information was scrutinised annually for instance, it would provide far more meaningful data and enable Committee members to identify trends or issues more easily.

Information and Analysis
Recruitment/Selection 1st July to 30th September, 2014

Permanent Employees

For the period 1st July to 30th September, 2014 there were 18 vacancies advertised, 44 applications received, 34 candidates shortlisted and 20 successful candidates. Out of the vacancies advertised there were no applications received for five of the positions and on two occasions there were more than one successful applicant appointed to the posts. For the period 1st July to 30th September, 2013 there were 22 vacancies advertised, 97 applications received, 44 candidates shortlisted and 20 successful candidates.

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	68.18%	31.82%	6.82%	25%	34.09%	22.73%	18.18%
	44	0	30	14	3	11	15	10	8
2013	98.96%	1.04%	64.94%	35.06%	6.18%	17.52%	42.26%	23.71%	16.51%
	96	1	63	34	6	17	41	23	16

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	86.37%	1.04%	0%	0%	11.36%
	38	1	0	0	5
2013	92.78%	1.04%	0%	0%	6.18%
	89	0	0	0	8

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	45.45%	0%	0%	0%	0%	0%	0%	54.55%
	20	0	0	0	0	0	0	24
2013	48.45%	0%	0%	0%	0%	0%	0%	51.55%
	48	0	0	0	0	0	0	49

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	67.65%	32.35%	0%	20.59%	41.18%	23.54%	14.70%
	34	0	23	11	0	7	14	8	5
2013	97.73%	2.27%	61.36%	38.64%	11.36%	18.18%	50%	15.90%	15.92%
	43	1	27	17	5	8	22	7	7

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	73.53%	2.94%	0%	0%	23.53%
	25	0	0	0	8
2013	40.90%	0%	0%	0%	59.10%
	41	0	0	0	3

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	55.88%	0%	0%	0%	0%	0%	0%	44.12%
	19	0	0	0	0	0	0	15
2013	93.18%	0%	9%	0%	0%	0%	0%	6.82%
	25	0	0	0	0	0	0	19

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	50%	50%	0%	20%	50%	25%	5%
	20	0	10	10	0	4	10	5	1
2013	95%	5%	70%	30%	10%	30%	45%	20%	5%
	19	1	13	7	2	6	9	4	1

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	85%	0%	0%	0%	15%
	17	0	0	0	3
2013	90%	0%	0%	0%	10%
	19				1

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	60%	0%	0%	0%	0%	0%	0%	40%
	12	0	0	0	0	0	0	8
2013	30%	0%	0%	0%	0%	0%	0%	70%
	7							14

Information and Analysis

Recruitment/Selection 1st October to 31st December, 2014

Permanent Employees

For the period 1st October to 31st December, 2014 there were 23 vacancies advertised (5 of which were unfilled), 96 applications received, 70 shortlisted and 18 successful candidates. On one occasion there was more than one successful candidate per vacancy.

For the period 1st October to 31st December, 2013 there were 9 vacancies, 118 applicants, 67 shortlisted and 18 successful applicants on one occasion there was more than one successful applicant for the vacancy (i.e. **11 appointed Casual Leisure Attendant posts for the one vacancy advertised**).

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	97.92%	2.08%	55.21%	44.79%	4.16%	10.42%	35.42%	28.12%	26.04%
	94	2	53	43	4	10	34	27	25
2013	94.92%	5.08%	77.96	22.04%	2.54	25.42%	24.57%	29.67%	20.34%
	112	6	92	26	3	30	29	35	24

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	78.13%	1.04%	0%	0%	20.83%
	75	1	0	0	20
2013	66.10%	0%	0%	0.85%	33.05%
	78			1	39

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	47.92%	1.04%	0%	0%	0%	0%	3.12%	47.92%
	46	1	0	0	0	0	3	46
2013	80.50%	0%	0%	0%	0%	0%	0.85%	18.65%
	95						1	22

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	97.94%	2.86%	57.14%	42.86%	5.71%	7.14%	35.72%	30.00%	27.14%
	68	2	40	30	4	5	25	21	19
2013	92.54%	7.46%	65.67%	34.33%	1.49%	22.39%	31.34%	23.88%	22.39%
	95	5	44	23	1	15	21	16	15

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	82.86% 58	1.43% 1	0% 0	0% 0	0% 0
2013	65.67% 44	0%	0%	0%	34.33% 23

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	54.29% 38	1.43% 1	0% 0	0% 0	0% 0	0% 0	5.71% 4	38.57% 27
2013	61.19% 41	0%	0%	0%	0%	0%	2.99% 2	35.82% 24

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	44.45%	55.55%	5.55%	11.11%	50%	11.11%	27.78%
	18	0	8	10	1	2	9	2	5
2013	88.89%	11.11%	88.88%	11.11%	0%	44.44%	38.89%	16.67%	0%
	16	2	16	2		8	7	3	

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	94.45%	0%	0%	0%	5.55%
	17	0	0	0	1
2013	94.45%	0%	0%	0%	5.55%
	17				1

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	61.11%	0%	0%	0%	0%	0%	0%	38.89%
	11	0	0	0	0	0	0	7
2013	94.45%	0%	0%	0%	0%	0%	0%	5.55%
	17							1

ISSUES FOR CONSIDERATION

Analysis of the statistics/information presented/possible changes to policy to improve performance.

IMPLICATIONS

Financial - None

Legal - None

Environmental - None

Human Resources - None

RECOMMENDED that (1) recommendations be received as to improvements to current equality practices,

(2) That for the future an annual report is produced for the Committee commencing with a full equality breakdown for 2014/15 of its workforce and employment practices including its recruitment and selection processes as well the Council's performance against agreed performance indicators at its next Committee.

Bolsover District Council**Union/Employee Consultation Committee**12th March 2015**Sickness Absence/Occupational Health Statistics, October to December 2014****Report of the Assistant Director Human Resources**

This report is public.

Purpose of the Report

To provide Sickness Absence/Occupational Health Statistics for October to December 2014 for information and consideration.

1 Report Details**1. Sickness Absence/Occupational Health Referral Statistics - October to December 2014**

- 1.1 The sickness absence outturn for the second quarter of 2014 (October to December) is shown below, with comparisons for the same period during 2013:-

October to December 2013	October to December 2014
2.21 days per FTE	2.75 days per FTE

The target for October to December 2014 was 2.12 days per FTE. A breakdown of these figures by Department, and by long term/short term sickness absence, is attached for information.

The overall sickness figure for the quarter is higher than the same quarter of last year. See appendices 1 and 2 for further detail.

- 1.2 The outcome of occupational health referrals for the second quarter of 2014, with comparisons for 2013 shown below:

Status	October to December 2013	October to December 2014
Rehabilitated	5	2
Continuing	5	5
Ill Health	0	0
TOTAL	10	5

- 1.3 The top three causes of sickness absence for October to December 2014 and for the same period last year are as follows:

October to December 2013		October to December 2014	
Cause	Days Lost	Cause	Days Lost
Musc/Skeletal	202.5	Musc/Skeletal	267
Stress	142.5	Stress	235
Infection	139	Urinary/Gynlgcl	108
TOTAL	484	TOTAL	610

- 1.4 A breakdown of the reasons for all long term sickness absence is as follows:

Reasons for Long Term Sickness Absence October to December 2014		
Reason for Absence	No. of Employees Citing this Reason October to December 2013	No. of Employees Citing this Reason October to December 2014
Chest Infection	0	1
Back/Neck	3	0
Muscular/Skeletal	3	1
Stress/Depression	2	3

Urinary/Gynaecological	0	2
Neurological	0	2
Ear/Nose/Mouth	1	1
TOTAL	9	10

1.5 There have been 3 employees who have attended routine health surveillance appointments held during October to December 2014. When appointments take place they cover topics such as:

- Hand Arm Vibration,
- Blood Tests and
- Hepatitis B Immunisation to 'at risk' groups.
- Suitability for Recruitment

There have been 3 employees undergoing counselling during this period.

ISSUES FOR CONSIDERATION

The report is for monitoring purposes only and there are no specific issues for consideration.

2 Conclusions and Reasons for Recommendation

N/A

3 Consultation and Equality Impact

3.1 Sickness absence data is considered at the UECC and quarterly performance review meetings.

4 Alternative Options and Reasons for Rejection

N/A

5 Implications

N/A

5.1 Finance and Risk Implications

N/A

5.2 Legal Implications including Data Protection

N/A

5.3 **Human Resources Implications**

Contained in the report

6 **Recommendations**

6.1 For the Committee to note the report.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 **Document Information**

Appendix No	Title
N/A	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Peter Wilmot	2565

Report Reference –

Bolsover District Council

Union/Employee Consultation Committee

12th March 2015

Draft Policy on Social Networking

Report of the Assistant Director Human Resources and Payroll

This report is public

Purpose of the Report

- To ask UECC to consider the attached draft Policy on Social Networking with a view to recommending its adoption at BDC by Council.

1 Report Details

- 1.1 Case Law is developing on inappropriate use of social media, and increasingly employers are being advised to develop a policy in this connection.
- 1.2 Whilst the Council accepts that employees are entitled to a private life, it must ensure that confidentiality, the rights of others, and the reputation of the organisation are protected at all times.
- 1.3 The Policy is attached at Appendix 1. It sits alongside existing policies, and aims to minimise any risk that employees may put themselves in unintentionally by posting inappropriate comments on social networking sites that relate to work and/or work colleagues.
- 1.4 Since its introduction in early 2012, there have been only two minor related disciplinary cases at NEDDC.

2 Conclusions and Reasons for Recommendation

- 2.1 As attempts are underway to harmonise policies across the two Councils, the attached draft is the policy currently in place at NEDDC.

3 Consultation and Equality Impact

- 3.1 The document was been circulated to Trade Union representatives from BDC for comment prior to submission to UECC for consideration.

4 Alternative Options and Reasons for Rejection

4.1 None

5 Implications

5.1 Finance and Risk Implications

None

5.2 Legal Implications including Data Protection

None arising from this report.

5.3 Human Resources Implications

None arising from this report.

6 Recommendations

6.1 That UECC agree to recommend the attached Policy on Social Networking to Council, with a view to its adoption by BDC.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
1	Policy on Social Networking
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

Report Author	Contact Number
Tania Morrell	01246 217006

Report Reference –

Policy on Social Networking

Scope

This Policy applies to all employees of the Council, including those on temporary, fixed term and casual contracts, as well as agency workers working at the Council.

The Policy covers all forms of social media and social networking sites* which include (but are not limited to):

- Facebook, Myspace, Bebo, Friendster, Twitter, Linkedin or other similar sites
- Blogs and discussion forums
- YouTube or other podcast or video clip sites

* NB access to the site Linkedin is permitted

General

There should be NO personal use of social networking media on Council Equipment as access is only granted if there is a legitimate business case (the only exception to this rule is with the site Linkedin).

Please note that if you are required to access such sites for business purposes you could contact the Communications and Marketing Service, who will consider the request in conjunction with ICT and HR.

The purpose of this policy is to outline the responsibilities to the Council of employees using social networking websites.

POLICY

The Council respects an employee's right to a private life. However, the Council must also ensure that confidentiality and its reputation are protected. In so doing, it also seeks to protect employees from inadvertently posting comments which may lead them into difficulties.

The following guidelines should be followed at all times when using social networking sites, whether outside of the workplace or on Council premises outside of work time:

- Employees should consider not identifying themselves as working for the Council on their personal account to avoid misinterpretation or misunderstanding
- Employees should ensure that they do not conduct themselves in a way that might cause embarrassment or bring the Council into disrepute
- Employees should not post disparaging or offensive remarks connected with their employment.
- Employees must not disclose personal, sensitive or confidential information relating to the District Council, its partners, employees, elected members or service users
- Employees should not upload any photographs video clips, or logos which relate to the District Council unless appropriate authority has been granted
- Employees should take care not to allow their interaction on these websites to damage working relationships between employees, partners, elected members and / or service users of the Council

Contravention of this Policy could result in a disciplinary investigation.

Security and Identity Theft

Employees should be aware that social networking websites are a public forum and should not assume that their entries on such sites will remain private. Employees should never send abusive or defamatory messages.

Employees must also be security conscious and are advised to take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information which can form the basis of security questions and passwords. In addition, employees should:

- Ensure that no information is made available that could provide a person with unauthorised access to the Council and / or any confidential information
- Refrain from recording any confidential information about the Council on any social networking website

Recruitment

At no stage during the recruitment process will HR or line managers conduct searches on prospective employees on social networking websites. This is in line with the Council's Equalities Policy.

Legal Position

- An employee who makes a defamatory statement that is published on the internet may be legally liable for any damage to the reputation of the individual concerned. The Council could be vicariously liable for the acts of its employees in the course of their employment, even if performed without consent or approval. The Council / an associated organisation can sue if a defamatory statement is made in connection with its business or trading reputation
- Throughout the recruitment process, all job applicants are protected from discrimination because of various protected characteristics. As social networking websites display personal details such as age, religion and beliefs, and sexual orientation, managers should not use these websites to look for background information about job applicants
- If an employee is subjected to harassment because of protected characteristics (with the exceptions of marriage and civil partnership, and pregnancy and maternity), he or she may have grounds to bring a complaint to an employment tribunal under the relevant anti-discrimination legislation. Harassment can take place in online environments such as social networking websites. Employers can be liable for anything done by an employee in the course of his/her employment whether or not it was done with the employer's knowledge or approval.
- Under common law, there is an implied duty of trust and confidence between an employer and an employee. Employees who have access to confidential information should be aware that even inadvertent disclosure could result in disciplinary action.

Bolsover District Council

Union/Employee Consultation Committee

12th March 2015

Review of Disciplinary Policy

Report of the Assistant Director (Human Resources and Payroll)

This report is public

Purpose of the Report

- To ask UECC to consider the attached draft disciplinary policy and to recommend this for approval by Council

1 Report Details

- 1.1 A variety of documents exist currently at Bolsover District Council which cover the disciplinary process. In an attempt to bring the policy issues together into one document, the draft attached at Appendix 1 has been produced.
- 1.2 Several of the existing documents cover advice and guidance and the relevant content from these form part of a separate procedural document for managers.
- 1.3 Owing to a reluctance by the Trade Union side to move forward with approval of the Policy without first having sight of the management guidelines, these were circulated in December 2014 and are attached at Appendix 2 for information. However, it should be noted that these are guidelines to assist managers in implementing the policy only, and as such do not form part of the policy. Therefore they will not be part of the document submitted to Council for approval.

2 Conclusions and Reasons for Recommendation

- 2.1 The purpose of the report is to ask UECC to consider the new draft Disciplinary Policy and seek agreement that the Policy should be recommended to Council for adoption.

3 Consultation and Equality Impact

- 3.1 Discussions on the draft policy have already taken place with senior managers and with trade union representatives.

- 3.2 The management guidelines were circulated to Trade Unions in December. As these do not form part of the Policy itself, it is hoped that the Policy can now be moved forward for adoption by the Council.

4 Alternative Options and Reasons for Rejection

- 4.1 None arising directly from this report

5 Implications

5.1 Finance and Risk Implications

None arising directly from this report.

5.2 Legal Implications including Data Protection

Full account has been taken of relevant legislation and case law, as well as the ACAS Code of Practice on Discipline.

5.3 Human Resources Implications

This Policy was originally drafted for consideration by both Bolsover District Council and North East Derbyshire District Council for application to employees at both locations in order to facilitate consistency of approach by joint senior managers. It was approved at NEDDC in October 2014, and once approval has been granted at BDC, joint training will be provided to assist with the implementation of the policy.

6 Recommendations

- 6.1 That UECC consider the draft Disciplinary Policy attached at Appendix 1 and recommend this to Council for approval.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
1	Draft Disciplinary Policy
2	Management Guidelines
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	01246 217006

DISCIPLINARY POLICY

This Disciplinary Policy sets the expected standards of conduct and performance at work, and the procedure helps to ensure that the standards are adhered to and also provide a fair and consistent method of dealing with alleged failures to observe them.

This policy and the disciplinary rules which accompany it apply to all the Council's employees except the following:

Those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

NB (1) The Chief Executive, Executive Directors and Assistant Directors as mentioned throughout this Policy document are all joint posts, but for drafting purposes the word 'Joint' has been omitted from the titles.

NB (2) No disciplinary action will be taken against a recognised Shop Steward, trade union representative or Branch Executive Officer until the circumstances of the case have been discussed with the Regional Organiser of the union concerned.

1. INTRODUCTION

The philosophy of the Authority is to invest in its employees a high degree of trust. Any employee who betrays that trust should expect to be dealt with firmly but fairly. However, the disciplinary procedures should not be viewed primarily as a means of imposing sanctions. It should be borne in mind that the prime aim of the disciplinary process is to improve conduct and/or performance where it has been established that the required standards are not being met. It will, however, be the responsibility of Directors, Assistant Directors and Service Managers to make full use of measures available after having fully considered each case on its individual merits and having consulted with the Assistant Director - Human Resources and Payroll on cases of serious or gross misconduct.

2. RIGHT TO BE ACCOMPANIED

2.1 The employee should be offered the facility of being accompanied at every stage of the disciplinary process, including the investigatory interview, but this is not always possible at the point of suspension. NB the chosen companion will usually be a Trade Union representative or colleague and cannot be any person who is in any way involved in the investigation. Consideration will be given to a request for alternative representation in some circumstances.

2.2 During the formal disciplinary process, the chosen companion cannot answer questions on the employee's behalf but will be allowed to participate as fully as possible in the hearing. In particular the companion has a right to address the hearing and will be permitted to ask questions. The companion should also be permitted reasonable time to confer privately with the employee.

2.3 Where a chosen companion is not available on the date proposed for the hearing, the parties can agree an alternative time and date so long as it is

reasonable and ideally falls within ten working days of the original proposed hearing.

3. OUTSIDE OF THE FORMAL DISCIPLINARY PROCEDURE

- 3.1 Where an employee is not working to the required standard, the reason should be identified by the Manager/Supervisor and an assessment made of how the situation can be improved.
- 3.2 Timely and positive discussion with an employee to highlight problems and encourage/help the employee to improve might be appropriate in certain circumstances and could avoid formal disciplinary action at a later stage. This could include offering informal advice or coaching, or arranging counselling. Managers/Supervisors may, from time to time, take informal action in order to advise an employee of matters of concern.
- 3.3 The employee should be told of the level of improvement required, the time-scale over which such an improvement is required, and how progress will be monitored. This should be noted and confirmed in writing.
- 3.4 NB: It is important that all parties involved understand that such action is being taken outside of the formal disciplinary procedure, but that disciplinary action may follow if the required improvement is not made.

4. SUSPENSION

- 4.1 In certain circumstances, for example in cases involving gross misconduct where relationships have broken down, or where it is considered there are risks to the Council's property or risks or responsibilities to other parties, consideration needs to be given to a brief period of suspension with pay whilst an unhindered investigation is conducted. Such a suspension should only be imposed after careful consideration and in consultation with the Assistant Director - Human Resources and Payroll, and it should be made clear that the suspension is not considered as disciplinary action.
- 4.2 To ensure that the suspension is not unnecessarily protracted, a regular review should take place by the Assistant Director – Human Resources. It is understood that this can be a stressful period for the employee, and that the uncertainty surrounding an open-ended suspension can potentially exacerbate the position. For this reason the suspended employee should be contacted at appropriate intervals as part of the review process.
- 4.3 The Employer (see list of delegations at Appendix 2) has the authority to suspend an employee where this is considered appropriate. At this stage it may only be possible to give a brief outline of allegations made, pending investigation, and the employee will be given the opportunity to make initial

comments. Because of the circumstances giving rise to suspension, the meeting is likely to be called at short notice and there may not always be time to arrange for representation. It should be noted, however, that as suspension is a neutral act to facilitate the disciplinary process there is no automatic right in law to representation.

Suspension should be for as short a time as possible, and should not normally take place before the employee has had an opportunity to explain matters (see above).

However, in exceptional circumstances, if the employee is not available to attend a brief suspension meeting, it may be appropriate to notify them of the suspension in writing. They should be given the same brief outline of the allegations as they would have received at a meeting, and they should be invited to submit an initial response or comments.

- 4.4 In all cases of suspension the employee will continue to receive full pay (NB see 4.5 below).
- 4.5 If an employee falls sick during suspension then they will transfer to the sickness payment scheme whilst they are submitting fit notes. However the conditions of the suspension will still apply, and the suspension will resume if this is considered appropriate when the employee is declared well again.
- 4.6 Access to the workplace will not be allowed during suspension without the prior approval of the Employer (see list of delegations at Appendix 2). If the employee or their representative wishes to contact other employees or gain access to documents for the purpose of preparing the employee's case, provision may be made for this by the Investigating Officer on request.

5. APPOINTMENT OF INVESTIGATING OFFICER

- 5.1 Usually the investigating officer will be the employee's manager (in accordance with the list at Appendix 2 of managers who are suitably trained and delegated to take disciplinary action). However in some circumstances, eg the nature of the offence, it may be appropriate to appoint an investigating officer from another service. This decision will be made in consultation with the Assistant Director – Human Resources and Payroll.

6. INVESTIGATION

- 6.1 Where an employee is alleged to have committed an act of misconduct, the nominated Investigating Officer will carry out an investigation. This should happen promptly before recollections fade, and may include the employee being asked to attend an investigatory interview as well as obtaining statements from available witnesses. If the employee is invited to attend an investigatory interview, the Investigating Officer will explain the reasons for the interview.

- 6.2 The employee has a right to refuse to attend the investigatory interview but in such cases management will decide on whether to call a disciplinary hearing on the information available, without any input from the employee.
- 6.3 It should be made clear that this is not a formal disciplinary hearing but a preliminary investigation as part of a neutral process to establish the facts surrounding an act of suspected or alleged misconduct, and to decide whether or not there is a case to answer.
- 6.4 In certain circumstances it may be felt necessary for a representative from HR (and/or legal if appropriate) to be present at that interview.
- 6.5 The employee should be offered the facility of being accompanied by a Trade Union or other representative/colleague. However, as the investigatory interview is designed to ascertain whether or not there is a case to answer and to allow the employee to provide an explanation of the circumstances, the role of the companion at this stage will be in an advisory and supportive capacity only.
- 6.6 Management side will be making written notes of the investigatory interview to facilitate the process, and the employee's side is free to do the same. However the notes are not formal and will not normally be shared with the employee's side except to the extent that they will form part of a statement of case / witness statement as appropriate, and they will be destroyed as soon as that statement of case / witness statement has been produced. Where it is subsequently found that there is no disciplinary case to answer, any written records of the investigation will also be destroyed.
- 6.7 Where financial irregularities are involved, Internal Audit will be notified immediately.
- 6.8 As a result of the investigation, the Investigating Officer should make a recommendation on the following options:
- no further action
 - arrange informal coaching
 - arrange counselling
 - issue a management recommendation
 - arrange for the matter to be dealt with under the capability procedure
 - arrange for the matter to be dealt with under the disciplinary procedure
 - a combination of the above
- 6.9 It should be noted that investigations undertaken as part of this Disciplinary Policy fall outside the scope of the Regulation of Investigatory Powers Act 2000. On occasion lawful business monitoring may be required, but in such circumstances RIPA standards will be adhered to.

7. WHISTLEBLOWING POLICY

The Council has a separate Whistleblowing Policy and employees are asked to refer to this in appropriate circumstances. However, a summary of relevant provisions is given below:

- 7.1 This Council is committed to the highest standards of openness, probity and accountability. In line with that commitment employees who have serious concerns about the conduct of another employee are encouraged to come forward and voice those concerns as a witness. It is important that they should be able to do so without fear of victimisation, subsequent discrimination or disadvantage.
- 7.2 Under the terms of the Whistleblowing Policy, in certain circumstances a witness may be given the right to remain anonymous throughout the disciplinary process.
- 7.3 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the Council's Disciplinary Procedure.

8 FORMAL DISCIPLINARY ACTION

- 8.1 If on the completion of the investigation, the Investigating Officer conducting it considers that, on the balance of probabilities, there is a case to answer, the Investigating Officer will make a recommendation to the Assistant Director - Human Resources and Payroll and to the initiating officer that a disciplinary hearing should be held (see 6.8 above).
- 8.2 There may follow a short time delay whilst the Investigating Officer conducts a more detailed investigation in order to put together the Statement of Case.
- 8.3 It is the employee's responsibility to notify the Council of their chosen representative if they require copies of correspondence to be sent to them.
- 8.4 During the course of the investigation, additional matters may come to light which may not have been amongst the initial allegations but which nonetheless have to be dealt with. Therefore it should be noted that the allegations which form the basis of the hearing may differ to varying degrees from those listed in the initial correspondence, dependent upon evidence uncovered during the investigation process. However if a completely new issue arises, whilst the issues will be dealt with as part of the same disciplinary process, the employee will be notified of the new allegation and an investigation will be carried out on this also.

9 THE HEARING

- 9.1 The disciplinary case will normally be heard by an Executive Director, an Assistant Director or relevant Service Manager, or their nominated representative (see table of delegations at Appendix 2). The Hearing Officer will be supported by a representative from Human Resources and a legal adviser may also be present. The hearing will normally be recorded to ensure that an accurate record is available. (If the recording equipment is not available then detailed notes will be taken). The notes will be circulated to the employee's side for signature.
- 9.2 The hearing will take place as soon as is practicable after the preparation of the necessary paperwork. Every attempt will be made to ensure that the hearing is scheduled no later than 15 working days after the conclusion of the investigation in order to minimise stress to the employee, although this may not always prove possible, for example in cases of annual leave or sickness. At all stages of the disciplinary process, the terms of the Single Equality Act will be adhered to. Wherever possible, the employer's side will attempt to agree a mutually convenient date within the stated timescale in order to avoid any delay.
- 9.3 The employee will be given at least five working days advance written notice of the hearing, told the purpose of it, with the statement of case, and invited to attend together with their Trade Union or other representative.
- 9.4 If, for good cause, the employee or their representative is unable to attend the hearing, it will be adjourned to a date which the employee and their representative (if any) will be informed of without delay. If the employee is unable to attend the rearranged hearing, it will normally proceed in their absence, but with their representative being provided with an opportunity to present the employee's case on their behalf. Any submission by the employee in writing, or by their representative, will be considered.
- 9.5 The Hearing Officer will use the opportunity of the Disciplinary Hearing to establish facts and to consider the response put by the employee. The main points of the investigation should be examined and a decision made as follows:
- Allegations have not been proved, therefore the case is dismissed; OR
 - Case proved on the balance of probabilities.
- 9.6 If the latter decision is made, the Hearing Officer would consider mitigation and decide upon a penalty as follows:

9.6.1 No sanction

It might be that, having considered all of the evidence and mitigation, the hearing officer considers it appropriate that no sanction be applied at this time.

9.6.2 First warning

One of the following:

Oral For a minor infringement, an employee will be given a formal oral warning. This may include advice as to future conduct. The employee should be advised in writing of the reason for the warning, that it constitutes the first step of the disciplinary procedure, and of their right of appeal. A note of the oral warning will be kept for six months from the date of the letter confirming/giving the warning, and then expunged from the employee's personal file. **OR**

Written If the infringement is regarded as more serious an employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the time-scale allowed for this and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employees personal file.

9.6.3 Final Written Warning

Where there is a failure to improve or change behaviour whilst a prior warning is still current, or where the infringement is sufficiently serious, the employee will normally be given a final written warning. This will give details of the complaint(s), warn the employee that failure to improve or modify behaviour will lead to further action under this procedure and could result in dismissal, and refer to the right of appeal. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employee's personal file.

9.6.4 Action short of Dismissal

If the employee has received a final written warning, further misconduct or unsatisfactory performance may warrant dismissal. However, in some circumstances it might be that, having considered all of the evidence and mitigation, the hearing officer considers that dismissal would be too severe a penalty. In such cases, consideration might be given to action short of dismissal, for example demotion or disciplinary transfer (ie transfer to a different position within the Council). In such circumstances there would be no salary protection or, in the case of a change of base, no excess travel allowances. Such action would only be taken following consultation with the Assistant Director – Human Resources to ensure consistency of approach.

9.6.5 Dismissal

If the employee's conduct or performance still fails to improve, the employee will normally be liable to dismissal. The decision to dismiss will only be taken by one of the Officers with delegated authority to do so (see Appendix 2) and the employee should be informed as soon as reasonably practicable of the reasons for dismissal, the date on which the contract will terminate, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal including how to make the appeal and to whom. The decision to dismiss will be confirmed in writing. Employees will be given written reasons for dismissal.

9.6.6 Gross Misconduct

In cases where gross misconduct is alleged and is established on the balance of probabilities, the employee will be liable to summary dismissal unless mitigating circumstances render a lesser penalty appropriate.

- 9.7 NB When deciding whether a disciplinary penalty is appropriate and what form it should take, it is important to bear in mind the need to act reasonably in all the circumstances. Factors which might be relevant include the extent to which standards have been breached, precedent, the employee's general record, position, length of service and special circumstances which might make it appropriate to adjust the severity of the penalty. Where two or more employees are involved, the penalty for each must be considered separately.
- 9.8 NB In normal circumstances, recordings, notes of disciplinary meetings and warnings will be expunged from the employee's personal file after a set period, as outlined above. However there may be occasions when it would be appropriate to extend this period, for example if there has been a significant period of absence.

10 APPEALS

- 10.1 The opportunity to appeal against a disciplinary decision is essential to natural justice. Employees may choose to raise appeals on a number of grounds, which could include the perceived unfairness of the judgement, the severity of the penalty, new evidence coming to light or procedural irregularities. These grounds need to be considered when deciding the extent of any new investigation or re-hearing in order to remedy previous defects in the disciplinary process.
- 10.2 In all cases of formal disciplinary action an employee has a right of appeal.
- 10.3 Employees wishing to exercise the right of appeal must do so in writing to the Hearing Officer, with a copy to the Assistant Director – HR and Payroll, either individually or through their Trade Union within 10 working days of the date of the written notification, giving full details of the grounds of the appeal.

- 10.4 Appeals will be heard in accordance with the principles contained within the Council's Appeals Procedure. Wherever possible, the Appeal will be heard by individuals who have not been involved in the case previously.
- 10.5 Appellants will have the right to be accompanied by an appropriate Trade Union representative or other representative of their choice.

11 RECORDS

- 11.1 Written records will be kept securely by HR and Payroll, detailing the breach of the disciplinary rules, the employee's defence or mitigation, the action taken and the reasons, the date the action was taken and details of whether an appeal was lodged and its outcome and any subsequent developments. These records will be kept confidential and retained in accordance with the disciplinary policy and the Data Protection Act 1998 which requires the release of certain data to individuals on their request. Copies of any formal meeting records will be available to the employee in accordance with the Data Protection Act 1998 although in certain circumstances some information may be withheld, for example to protect a witness.
- 11.2 Records of disciplinary decisions will be kept on file but will be expunged from the employee's personal file where required by this policy.
- 11.3 In order to monitor the corporate situation with regard to disciplinary matters, and to give advice as necessary, departments are required to inform the Assistant Director - Human Resources and Payroll in writing whenever formal disciplinary action is taken.

12 GRIEVANCES

- 12.1 In the course of a disciplinary case an employee might sometimes raise a related grievance.
- 12.2 Unless the grievance throws doubt on whether or not that process can be conducted fairly, the substance of the grievance will be discussed in the context of the disciplinary hearing.
- 12.3 However if there are any grievance issues outstanding after the disciplinary hearing, these will be dealt with under the Council's Grievance Procedure.
- 12.4 If the grievance is about the behaviour of the Investigating Officer handling the case, depending on the circumstances it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be considered. The Council may also consider, if appropriate, bringing in another Investigating Officer to deal with the disciplinary case.

13 CRIMINAL CHARGES OR CONVICTIONS

- 13.1 These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. In all cases a decision will need to be made as to whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. For instance, an employee should not be dismissed solely because a charge against them is pending or because they are absent as a result of being remanded in custody.
- 13.2 Disciplinary procedures will not necessarily be postponed because other proceedings are contemplated or pending. The supervisor or manager will investigate the facts, as far as possible, and take action appropriate to the findings.

13 INVOLVEMENT OF POLICE

- 13.1 Where there is a reasonable belief that a criminal offence may be involved,, it may be appropriate to include the police in the investigation. In these circumstances the Chief Executive will need to consult with the Assistant Director – HR and Payroll and the Monitoring Officer.
- 13.2 In accordance with financial regulations where theft, fraud and/or corruption are considered likely to have happened or be occurring the police may be involved following consultation with the Executive Director (Operations) and the Assistant Director – HR and Payroll, who will make the decision following discussions with the Monitoring Officer.

14 DISCIPLINARY RULES

- 14.1 This list of disciplinary rules informs employees of the general standard of conduct expected from them. Conduct which undermines the satisfactory working of the establishment and is not in accordance with these principles will give rise to disciplinary action. The disciplinary procedure which accompanies this list of rules provides a fair method of dealing with alleged failures to meet them.
- 14.2 These rules apply to all the Council's employees.
- 14.3 The public is entitled to demand of a local government employee conduct of the highest standard, and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.
- 14.4 **All** employees of the Council are expected to meet this requirement. It is expected that every employee should:-

- Be honest and beyond the reach of suspicion of dishonesty; and
- Maintain at all times a high standard of integrity, conduct and professionalism; and
- Not put their private interests* or those of relatives or friends before their duty to the Council; and
- Not use their position to further private interests* or those of relatives and friends; and
- Perform faithfully the duties specified in their contract of employment;
- Treat others with respect and courtesy.

* NB 'Private Interests' includes any interests or activities that are not directly related to an employee's contracted position. Please note this can include work connected with trade union duties or activities.

Appendix 1

The basis upon which the Council operates is one of trust, high expectations and responsibility. Emphasis is placed upon positive outcomes and achievements.

Gross misconduct is misconduct of so serious a nature that an employer is justified in no longer tolerating the continued presence at the workplace of the employee who committed the offence. Dismissal can either be with notice or without notice (summary dismissal) and gross misconduct may also warrant dismissal for a first offence. The lists below show examples of the types of offences which constitute misconduct and gross misconduct. It should be noted that some offences appear in both lists, and this is because the seriousness of the breach might be minor or significant. The lists are **not** exhaustive and there may be other offences which result in disciplinary action being taken. Every offence will be carefully considered, and disciplinary action taken in accordance with the disciplinary procedure, depending on the seriousness of the case and in the light of all the circumstances.

EXAMPLES OF GROSS MISCONDUCT

Employees should be aware of the type of conduct, often referred to as gross misconduct, which may warrant summary dismissal (ie dismissal without notice). Summary is not synonymous with instant and incidents of gross misconduct will still need to be investigated as part of the formal procedure. Acts which constitute gross misconduct include those resulting in a serious breach of contractual terms. Examples of acts which this Council considers to constitute gross misconduct are as follows:

- Theft, fraud or deliberate falsification of records
- Physical violence
- Deliberate damage to property
- Fraudulent misuse of Council's name or property
- Serious incapability brought on by alcohol or drug abuse
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious acts of insubordination
- Serious infringement or health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Unfair discrimination against an employee or member of the public on the grounds of colour, disability, sex, age, ethnic origin, religion, marital status, sexual orientation or political beliefs.
- Unfair discrimination against an employee undertaking/participating in Trade Union activities.
- Harassment
- Inappropriate use of ICT equipment and systems.

- Inappropriate use of work time
- Serious breach of one or more of the Council's Policies*
- Conflict of Interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Abuse of Position: All employees have a position of trust and responsibility in respect of the effective and efficient operation of the organisation. No person may use an official position for a private advantage for themselves or another, and such activity may be regarded as gross misconduct.
- Failure to disclose personal circumstances that may affect employment with the Council

EXAMPLES OF MISCONDUCT

(This list is not intended to be exhaustive but gives examples of the type of conduct which is considered to constitute misconduct. It should be noted that accumulation may result in dismissal).

- Unauthorised absence from duty
- Insubordination or failure to obey a reasonable instruction
- Disregard of safety practices, procedures and rules
- Misuse or unauthorised use of Council property or equipment, including private use of Council mobile telephones
- Being an accessory to a disciplinary offence by another employee
- Undertaking activities detrimental to recovery whilst on sick leave
- Failure to follow Council procedures
- Harassment
- Inappropriate use of ICT equipment and systems
- Smoking on Council property
- Inappropriate use of work time
- Breach of one or more of the Council's policies*
- Conflict of interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Failure to disclose secondary employment
- Failure to disclose personal circumstances that may affect employment with the Council

*** All employees will observe the provisions of the Council's Standing Orders, Financial Regulations, Employee Code of Conduct, ICT Information Security Policy and other policies / rules applicable to employees. Copies of all these documents are available on the intranet or from Human Resources. A serious breach of these rules is likely to result in a breakdown in trust and confidence and will be treated as gross misconduct.**

Officers delegated to take Disciplinary Action or Suspend from Duty

Investigation & Suspension	Warnings and Dismissals
<p>Chief Executive Chief Executive Officer Assistant Director Economic Growth Assistant Director Planning & Environmental Health Assistant Director – Governance and Monitoring Senior Principal Solicitor (BDC) Chief Executive's and Partnership Manager (BDC) Economic Development and Investment Manager (BDC) Development Control Manager (BDC) Planning Policy Manager (BDC) Heritage Conservation Manager (BDC) Principal Solicitor (NE) Planning Services Manager (NE) Estates & Valuation Manager (NE) Partnership Co-ordinator (NE) Housing Strategy Manager (BDC and NE)</p>	<p>Chief Executive Officer Assistant Director Economic Growth Assistant Director Planning & Environmental Health Assistant Director - Governance</p>
<p>Transformation Executive Director Transformation Assistant Director Customer Service and Improvement Assistant Director Human Resources and Payroll Assistant Director Leisure Customer Services Operational Manager (NEDDC) Customer Contact Manager (BDC) Senior Duty Officers (Leisure) ICT Manager</p>	<p>Executive Director Transformation Assistant Director Customer Service and Improvement Assistant Director Human Resources and Payroll Assistant Director Leisure</p>

Investigation & Suspension	Warnings and Dismissals
<p>Operations</p> <p>Executive Director Operations</p> <p>Assistant Director Finance, Revenues & Benefits</p> <p>Assistant Director Streetscene</p> <p>Billing & Recovery Manager (BDC)</p> <p>Benefits Manager (BDC)</p> <p>Head of Housing (BDC)</p> <p>Housing Needs Manager (BDC)</p> <p>Housing Enforcement Manager (BDC)</p> <p>Operational Repairs Manager (BDC)</p> <p>Strategic Repairs Manager (BDC)</p> <p>Waste & Recycling Manager</p> <p>Grounds Maintenance and Cleansing Manager</p> <p>Chief Accountant</p> <p>Revenues & Benefits Manager</p> <p>Fleet Transport Manager</p>	<p>Executive Director Operations</p> <p>Assistant Director Finance and Revenues & Benefits</p> <p>Assistant Director Streetscene</p>

DISCIPLINARY – GUIDANCE NOTES FOR MANAGERS

1. Introduction

Where it has been established that the required standards are not being met by an employee, consideration will need to be given to whether this is a *capability* issue or a *conduct* issue. This Policy deals primarily with conduct.

Each case should be considered on its individual merits, and to ensure consistency of approach the Assistant Director (Human Resources and Payroll) should be consulted on all cases of serious or gross misconduct, ie any misconduct which is likely to result in a sanction greater than a first level warning.

In case of uncertainty about whether the misconduct is likely to be considered as serious, managers should err on the side of caution and speak with their HR link officer or other senior HR representative in the first instance.

2. Right to be Accompanied

There is a statutory right for an employee to be accompanied to any meeting which may result in a sanction being imposed. This means that the statutory entitlement does not extend to the investigatory interview (which is a fact finding exercise and does not involve a sanction), or the point of suspension (which is a neutral act). However, this Council has made the decision that wherever possible the employee should be offered the opportunity to bring a companion at every stage of the process. See the appropriate section for further information.

3. Outside of the Formal Disciplinary Procedure

If there is early indication, or even suspicion, that an employee's conduct is not as could reasonably be expected, then it may be appropriate for the manager to raise this privately with the employee in an attempt to identify any underlying cause and possible solution. It should be made clear that the meeting does not form part of the formal disciplinary process.

However, dependent upon the perceived seriousness of the allegation, it will not always be appropriate to deal with the matter informally and it may be necessary to arrange for a disciplinary investigation without delay.

4. Suspension

It should be noted that, dependent upon the circumstances, it is not always possible to offer the facility to be accompanied at the point of suspension. This is because when a decision is made that suspension is an appropriate way forward, the move will need to be made without delay, and whilst every attempt should be made to secure the services of a trade union representative, failure to do so should not delay the suspension.

Because it is not always possible to arrange for the attendance of a Trade Union representative at the point of suspension, no detailed enquiry will take place at this stage, although the employee should be notified of the allegations, and should be offered the opportunity to make an initial response.

If an allegation of gross misconduct results in a decision to suspend an employee who is absent, then it may be necessary to send a letter by recorded delivery notifying them of the suspension and the reason(s) for it, and inviting initial comments.

Whilst suspension is a neutral act and not a disciplinary sanction, this can nonetheless be a stressful period for an employee. It is necessary, therefore, to ensure that regular reviews of the position should take place, and the employee should be contacted at appropriate intervals. However, no time periods have been included within the policy as the individual circumstances of each case will differ greatly, and in some circumstances an employee may be contacted fortnightly, for example to update the employee where the investigation is detailed and the compilation of the data takes longer than originally anticipated; whereas in others contact may be monthly - for example where both parties are aware of a potential time delay, eg annual leave of a key witness, or a timed appointment or report.

5. Appointment of Investigating Officer

Normally the Investigating Officer will be the employee's manager. This is because it is often the case that the alleged transgression relates in some way to the employee's job, and the manager is best placed to understand the context of the issue. At the investigation stage, prior involvement with a situation is not considered to be a barrier, and can sometimes aid the process. However, the Investigating Officer will need to ensure that there is no conflict of interests in conducting the investigation. dependent upon the nature of the offence, it may be more appropriate to appoint an investigating officer from outside the service. This decision should be made in consultation with the Assistant Director – HR and Payroll.

6. Investigation

- i. The first interview will normally be with the employee against whom the allegation has been made, (although where appropriate it may be necessary to have an initial meeting with the complainant, if there is one, or witnesses if appropriate).
- ii. The Council does offer the employee the facility to be accompanied to the interview by a trade union or other representative, or colleague. This should not be a member of the employee's family, or someone who is involved in the allegation of misconduct.
- iii. The chosen companion may attend the investigatory interview, but as the purpose is to gain information about the employee's own perception of the case, the companion will be present in an advisory and supportive capacity only, and will not be permitted to respond on the employee's behalf. The representative

may in certain circumstances ask questions or make a statement for clarification purposes.

- iv. The investigating officer should plan ahead the areas they intend to cover during the interview, and it is recommended that they create some form of list as an aid to ensure nothing is missed.
- v. Dependent upon the complexity of the case, it may be necessary to interview witnesses. It may be clear at the outset who the additional witnesses should be, although during the initial investigatory interview other names may emerge.
- vi. The investigatory interviews are not normally recorded. However the management side will be taking detailed notes, and these will form the basis of the statement of case if the matter proceeds to a disciplinary hearing. The witness responses will be summarised into witness statements, which the witnesses will be invited to check and sign for accuracy. Once these statements have been signed, the handwritten notes should be destroyed.
- vii. Where it is subsequently found that there is no case to answer, all written records of the investigation will be destroyed.
- viii. The investigating officer will need to make a recommendation based on their findings as to whether or not the case should be dealt with under the disciplinary procedure. In some circumstances, for example awaiting a witness's return from annual leave, the investigating officer may recommend that disciplinary action is appropriate based on findings to date, and conclude the final elements of the investigation while the hearing is being arranged.

7. Whistleblowing Policy

When it has been agreed under this policy that a material witness may remain anonymous throughout the disciplinary process, an unsigned statement will be provided with the statement of case. In the interests of natural justice, to enable cross examination to take place, a telephone link will be set up for the hearing using a neutral go-between to relay questions and answers.

The Whistleblowing Policy protects those employees who make an allegation in good faith, but if the allegation is subsequently found to be frivolous, malicious or for personal gain, action may be taken against the whistleblower under this disciplinary policy.

8. Formal Disciplinary Action

It is inevitable that an investigation will uncover details that were not available when the initial allegation was made, and therefore the description of the alleged misconduct may differ at the hearing stage to that given at the time of the initial investigatory interview. For example, an investigation into an allegation of racial abuse may result in a hearing to consider harassment – or vice versa.

However, in the event that a completely different allegation emerges as a result of the investigation, then the employee will be informed of this and a separate investigatory interview will be held to establish the circumstances of the new allegation. For example,

an investigation into an alleged improper use of IT and/or inappropriate use of work time may lead to an additional investigation into falsification of timesheets.

9. The Hearing - Sanctions

9.6.4 'Action short of dismissal' – It should be borne in mind that each case will be different, and a hearing officer might feel that dismissal would be too harsh a sanction based on all of the circumstances and mitigation. This might be the case, for example, where an employee received a final warning on a previous occasion and their subsequent conduct would normally take them on to the dismissal stage of the procedure. Consideration should therefore be given to whether an alternative sanction might be more appropriate in the circumstances, for example demotion or disciplinary transfer. In all cases where the hearing officer is considering action short of dismissal, there should be consultation with the Assistant Director – HR and Payroll to ensure consistency of approach.

It should be noted that as action under this section of the Disciplinary Policy would represent an alternative to dismissal, no protection would be available in respect of salary or excess travel allowances.

9.6.5 'Gross Misconduct' – The ACAS guide states 'Gross misconduct is generally seen as misconduct serious enough to overturn the contract between the employer and the employee thus justifying summary dismissal.' Therefore, the outcome will normally be dismissal and it is important that the employee understands this. However, a fair process should always be carried out, and any mitigating factors should be considered carefully before taking the decision to dismiss.

10 Appeals

These will be carried out in accordance with the Council's Appeals Procedure.

11 Records

Managers should notify HR and Payroll of any disciplinary decisions so that the corporate situation can be monitored.

12 Grievances

If the employee raises a related grievance, it will not be necessary to halt the disciplinary process unless the grievance throws doubt on whether or not that process can be conducted fairly. The grievance issue will form part of the hearing and, if appropriate, may be considered as part of the mitigation. Any grievance issue outstanding at the end of the process will be considered under the Grievance Procedure.

13 Criminal Charges or Convictions

Criminal charges or convictions may not always impact upon employment, and an awareness of a criminal charge or conviction outside of the workplace will not

automatically result in disciplinary action being taken. Primarily consideration will need to be given to the extent to which the charge or conviction makes the employee unsuitable for their type of work.

In circumstances where an individual's conduct is subject to a disciplinary investigation as well as a police investigation, it does not necessarily follow that a charge by the police will result in a disciplinary sanction. It should also be noted that a decision to drop charges by the police will not necessarily mean that there will be no disciplinary sanction as the two processes operate differently and consider different issues. However, if the Police have concluded their investigation, the Investigating Officer is entitled to use any information gleaned.

The Assistant Director – HR and Payroll should always be consulted in cases where there may be criminal charges or convictions pending.

NB please note that any references to the involvement of the Assistant Director – HR and Payroll should be read as 'the Assistant Director – HR and Payroll or a nominated representative'

APPENDICES

A number of template letters are included as appendices to this Guidance document. Please note that whilst these are offered as a basis for correspondence, it is acknowledged that each case will be different and the wording may need to be amended to a greater or lesser extent. The symbol # appears throughout to indicate a requirement to delete, or insert appropriate, wording.

Appendix 1	Notice of Suspension
Appendix 2	Suspension covering letter for absent employee
Appendix 3	Invitation to Investigatory Interview
Appendix 4	Invitation to Investigatory Interview (Whistleblowing Policy)
Appendix 5	Invitation to Investigatory Interview (Harrassment Policy)
Appendix 6	No action following Investigation
Appendix 7	Notice of Disciplinary Hearing
Appendix 8	Witness invitation to Disciplinary Hearing
Appendix 9	Confirmation of Formal Oral Warning
Appendix 10	Confirmation of First Level Written Warning
Appendix 11	Confirmation of Final Written Warning
Appendix 12	Confirmation of Dismissal with Notice
Appendix 13	Confirmation of Dismissal without Notice
Appendix 14	Appeals Form for use with Appendices 9, 10, 11, 12 and 13

Private and Confidential

Your Ref:

Our Ref:

Contact:

Tel:

Fax:

E-mail:

Date:

Dear #

NOTICE OF SUSPENSION

Following a report about ###, it is necessary to suspend you from work to enable a full investigation into the allegation, under the Council's Disciplinary Policy.

With effect from #date# you will be suspended from your post as ### within the ### Team.

While suspended you will continue to receive full pay, including any bonus pay, shift pay and contractual overtime which may be appropriate, subject to you being available to attend any investigatory and disciplinary interviews.

If you should fall ill during the period of suspension, then you will transfer to the sickness payment scheme whilst you are submitting sick notes. However, the conditions of the suspension will still apply and the suspension will resume if this is considered appropriate once you are declared fit to return to work.

Access to the workplace will not be allowed during your suspension without prior approval from me. If you or your representative wish to contact other employees or gain access to documents for the purpose of preparing your case, please contact me or your line manager.

You will be invited to attend a #disciplinary and/or a/n #(further)# investigatory interview# as soon as possible. A letter asking you to attend such an interview will be sent to you at least five days prior to the date of the interview.

I must emphasise that suspension is not a penalty, nor is it a form of disciplinary action. If it is found there is no case to answer, then no action will be taken.

May I take this opportunity to thank you for your co-operation.

Yours sincerely,

Investigating Officer

Private and Confidential

Your Ref:

Our Ref:

Contact:

Tel:

E-mail:

Date:

Dear

NOTICE OF SUSPENSION

Under the Council's Disciplinary Policy, I attended your workplace this morning with a representative from Human Resources #and a Trade Union representative#, with a view to speaking with you about allegations that have been made against you. Unfortunately you were not at work, and therefore I attach the letter of suspension and would ask that you do not return to your workplace without obtaining either my permission, or that of the Assistant Director (Human Resources), to do so. Under the Council's Policy, the suspension meeting allows you an opportunity to offer an initial response, and as this has not been possible, I would invite you to submit any representations to me in writing.

#Also enclosed is an invitation to an initial investigatory interview.#

Yours sincerely,

Investigating Officer

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

INVESTIGATORY INTERVIEW

It is with regret that I write to inform you that following the recent incident on # 200#, there has been an allegation of #gross# misconduct made against you. As a result you are invited to attend an investigatory interview, under the Council's Disciplinary Policy.

The investigatory interview is scheduled for # 20## at #.

As Investigating Officer, I shall be conducting the interview. You are entitled, if you wish, to be accompanied by a Trade Union or other representative.

I confirm the allegations made against you are as follows:

#

The interview will form part of a detailed investigation to enable me, as Investigating Officer, to recommend whether or not there is a disciplinary case to answer. If there is no case to answer, then no further action will be taken.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered.

You may refuse to attend the interview. However, if you decide not to attend, I will consider the information already available, in order to make my recommendation.

Your full co-operation throughout these proceedings would be greatly appreciated.

Yours sincerely,

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

INVESTIGATORY INTERVIEW

With reference to the recent allegations regarding # made under the Council's Whistleblowing Policy, I would be grateful if you could attend an investigatory interview, under the Council's Disciplinary Policy.

The investigatory interview is scheduled for # 20## at #.

As Investigating Officer, I shall be conducting the interview. You are entitled, if you wish, to be accompanied by a Trade Union or other representative. A representative from Human Resources will be present.

(# Please note the interview will be treated in confidence and every effort will be made not to reveal your identity if you so wish.)

The interview will form part of a detailed investigation to enable me, as Investigating Officer, to recommend whether or not there is a disciplinary case to answer. If there is no case to answer, then no further action will be taken and records will be destroyed.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered.

Your full co-operation throughout these proceedings would be greatly appreciated and if you have any questions, please do not hesitate to contact me.

Yours sincerely,

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

INVESTIGATORY INTERVIEW

With reference to the recent allegations regarding # made under the Council's Harassment at Work Policy, I would be grateful if you could attend an investigatory interview, under the Council's Disciplinary Policy.

The investigatory interview is scheduled for # 20## at #.

As Investigating Officer, I shall be conducting the interview. You are entitled, if you wish, to be accompanied by a Trade Union or other representative. A representative from Human Resources will be present.

(# Please note the interview will be treated in confidence and every effort will be made not to reveal your identity if you so wish.)

The interview will form part of a detailed investigation to enable me, as Investigating Officer, to recommend whether or not there is a disciplinary case to answer. If there is no case to answer, then no further action will be taken and records will be destroyed.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered.

Your full co-operation throughout these proceedings would be greatly appreciated and if you have any questions, please do not hesitate to contact me.

Yours sincerely,

Private and Confidential

Your Ref:

Our Ref:

Contact:

Tel: 01246

Fax:

E-mail:

Date:

Dear #

INVESTIGATORY INTERVIEW

Further to the recent investigatory interview held on # 20##, under the Council's Disciplinary Policy, I am writing to inform you that I have recommended that no disciplinary action should be taken against you in relation to the allegation of #.

#With effect from # 20##, your suspension from your post as # within # will end and you are required to return to work on # 20##.

May I take this opportunity to thank you for your co-operation during these proceedings.

Yours sincerely,

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

NOTICE OF DISCIPLINARY HEARING

Following the recent investigation into the allegations of gross misconduct made against you in your post as # within #, it has been decided that it is necessary to arrange a disciplinary hearing, under the Council's Disciplinary Policy.

The hearing is scheduled for # 20## at #. I shall be hearing the case, which will be presented by #(investigating officer). You are entitled, if you wish, to be accompanied by a Trade Union or other representative.

The purpose of the hearing is to decide what, if any disciplinary action needs to be taken. *Please note that one of the possible outcomes of the hearing may be dismissal.*

I confirm the allegations made against you are as follows:

#

For your information, I enclose a copy of the Council's Statement of Case. You should read this document carefully and prepare your case accordingly. In addition, I enclose a copy of the disciplinary policy.

You are entitled to make a statement at the Hearing, either orally or in writing and you may call witnesses and use documents relevant to your case.

Reasonable access will be granted to any relevant documentation that you or you representative feel is necessary to support your case. Once you have prepared your statement of case, please send a copy to myself, no later than five working days before the date of the hearing.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered. If you fail to attend without good cause, this will be considered an offence which will be subject to further disciplinary action.

Your full co-operation throughout these proceedings would be greatly appreciated.

Yours sincerely,

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

DISCIPLINARY HEARING

I write to inform you that following a recent investigation into an allegation of gross misconduct made against #, it has been decided that it is necessary to arrange a disciplinary hearing, under the Council's Disciplinary Policy. As part of the investigation, you provided a witness statement and as a result you are required to attend the hearing as a witness.

The hearing is scheduled for # date# at #am in # at #. I shall be hearing the case with support from # from Human Resources. The case will be presented by # (Investigating Officer).

The purpose of the hearing is to decide what, if any disciplinary action needs to be taken.

I confirm the allegations made against # are as follows:

#

Witnesses will attend the hearing solely to make their statement and to answer questions. They will then withdraw from the hearing.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Your full co-operation throughout these proceedings would be greatly appreciated.

Yours sincerely,

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

DISCIPLINARY ACTION – FIRST LEVEL FORMAL ORAL WARNING

Following the recent disciplinary hearing held on # 20##, into the allegations of misconduct made against you in your post as # within #, it has been decided that a first level formal oral warning should be issued, under the Council's Disciplinary Policy. This is the first level of disciplinary action and provided that no further misconduct occurs, no further action will be taken against you.

To prevent such circumstances arising again, I am taking this opportunity to state in writing the reasons for the warning and the conduct expected from you in the future.

#

In addition, I would like to outline the measures that will be taken to assist you in maintaining the standards required within the workplace.

#

Details of this first level formal oral warning will be kept on your personal file for six months from the date of this letter. After, this period the details will normally be permanently removed from your file.

If during these six months you are found guilty of further misconduct, your first level formal oral warning will be taken into account when deciding the next level of disciplinary action to be taken.

You have the right to appeal against this decision. If you wish to appeal you should complete the enclosed Appeal Form and send it to myself, within ten working days of the date of this letter. You should include full details of the grounds of your appeal.

You are required to sign and return the attached copy of this letter within three working days. You should indicate whether you wish me to forward a copy of the letter to your representative.

Thank you for your co-operation.

Yours sincerely,

DISCIPLINARY ACTION – FIRST LEVEL ORAL WARNING

Acknowledgement

I acknowledge receipt of a first level formal oral warning. I understand the standards required of me whilst at work and the implications if I am involved in further misconduct.

I do / do not* require a copy of this letter for my representative.

I acknowledge receipt of an Appeal Form / I have not received an Appeal Form*

Signed:

Print Name:

Date:

*Delete as appropriate

Private and Confidential

Your
Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

DISCIPLINARY ACTION – FIRST LEVEL FORMAL WRITTEN WARNING

Following the recent disciplinary hearing held on # 20##, into the allegations of misconduct made against you in your post as # within #, it has been decided that a first level formal written warning should be issued, under the Council's Disciplinary Policy. This is the first level of disciplinary action and provided that no further misconduct occurs, no further action will be taken against you.

To prevent such circumstances arising again, I am taking this opportunity to state in writing the reasons for the warning and the conduct expected from you in the future.

#

#

In addition, I would like to outline the measures that will be taken to assist you in maintaining the standards required within the workplace.

#

#

Details of this first level formal written warning will be kept on your personal file for twelve months from the date of this letter. After, this period the details will normally be permanently removed from your file.

If during these twelve months you are found guilty of further misconduct, your first level formal written warning will be taken into account when deciding the next level of disciplinary action to be taken.

You have the right to appeal against this decision. If you wish to appeal you should complete the enclosed Appeal Form and send it to myself, within ten working days of the date of this letter. You should include full details of the grounds of your appeal.

You are required to sign and return the attached copy of this letter within three working days. You should indicate whether you wish me to forward a copy of the letter to your representative.

Thank you for your co-operation.

Yours sincerely,

DISCIPLINARY ACTION – FIRST LEVEL FORMAL WRITTEN WARNING

Acknowledgement

I acknowledge receipt of a first level formal written warning. I understand the standards required of me whilst at work and the implications if I am involved in further misconduct.

I do / do not* require a copy of this letter for my representative.

I acknowledge receipt of an Appeal Form / I have not received an Appeal Form*

Signed:

Print Name:

Date:

*Delete as appropriate

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

DISCIPLINARY ACTION – FINAL WRITTEN WARNING

Following the recent disciplinary hearing held on # 200#, into the allegations of misconduct made against you in your post as # within #, it has been decided that a final written warning should be issued, under the Council's Disciplinary Policy. This is the second level of disciplinary action and provided that no further misconduct occurs, no further action will be taken against you.

To prevent such circumstances arising again, I am taking this opportunity to state in writing the reasons for the warning and the conduct expected from you in the future.

#

In addition, I would like to outline the measures that will be taken to assist you in maintaining the standards required within the workplace.

#

Details of this final written warning will be kept on your personal file for twelve months from the date of this letter. After, this period the details will normally be permanently removed from your file.

If during these twelve months you are found guilty of further misconduct, your final written warning will be taken into account when deciding the next level of disciplinary action to be taken, such as dismissal.

You have the right to appeal against this decision. If you wish to appeal you should complete the enclosed Appeal Form and send it to myself, within ten working days of the date of this letter. You should include full details of the grounds of your appeal.

You are required to sign and return the attached copy of this letter within three working days. You should indicate whether you wish me to forward a copy of the letter to your representative.

Thank you for your co-operation.

Yours sincerely,

DISCIPLINARY ACTION – FINAL WRITTEN WARNING

Acknowledgement

I acknowledge receipt of a final written warning. I understand the standards required of me whilst at work and the implications if I am involved in further misconduct.

I do / do not* require a copy of this letter for my representative.

I acknowledge receipt of an Appeal Form / I have not received an Appeal Form*

Signed:

Print Name:

Date:

*Delete as appropriate

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

DISCIPLINARY ACTION – DISMISSAL WITH NOTICE

Following the recent disciplinary hearing held on # 200#, under the Council's Disciplinary Policy, into the allegations of misconduct made against you in your post as # within #, it has been decided that you be dismissed from your post as # within # Service, at # District Council.

Under your contract of employment you are entitled to # weeks notice / # payment in lieu of notice. Your contract of employment will end on # 20##.

The written reasons for your dismissal with notice are shown in the statement below:

#

You have the right to appeal against this decision. If you wish to appeal you should complete the enclosed Appeal Form and send it to myself, within ten working days of the date of this letter. You should include full details of the grounds of your appeal.

You are required to sign and return the attached copy of this letter within three working days. You should indicate whether you wish me to forward a copy of the letter to your representative.

Thank you for your co-operation.

Yours sincerely,

DISCIPLINARY ACTION – DISMISSAL WITH NOTICE

Acknowledgement

I acknowledge receipt of the confirmation of Dismissal with notice.

I do / do not* require a copy of this letter for my representative.

I acknowledge receipt of an Appeal Form / I have not received an Appeal Form*

Signed:

Print Name:

Date:

*Delete as appropriate

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

DISCIPLINARY ACTION – DISMISSAL WITHOUT NOTICE

Following the recent disciplinary hearing held, on # 200#, under the Council's Disciplinary Procedure, into the allegations of misconduct made against you in your post as # within #, I confirm that it was decided that you be dismissed from your post as # within # Service, at # District Council.

Due to the severity of the misconduct, which constitutes gross misconduct under the Council's Disciplinary Procedure, you were summarily dismissed without notice.

Your employment was terminated from # 20##.

The written reasons for your dismissal without notice are shown in the statement below:

#

You have the right to appeal against this decision. If you wish to appeal you should complete the enclosed Appeal Form and send it to myself, within ten working days of the date of this letter. You should include full details of the grounds of your appeal.

You are required to sign and return the attached copy of this letter within three working days. You should indicate whether you wish me to forward a copy of the letter to your representative.

Thank you for your co-operation.

Yours sincerely,

DISCIPLINARY ACTION – DISMISSAL WITHOUT NOTICE

Acknowledgement

I acknowledge receipt of the confirmation of Dismissal without notice.

I do / do not* require a copy of this letter for my representative.

I acknowledge receipt of an Appeal Form / I have not received an Appeal Form*

Signed:

Print Name:

Date:

*Delete as appropriate

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

APPEALS PROCEDURE (Prescribed Form)

SECTION 1 (to be completed by employee, please complete all applicable sections)

SURNAME: FORENAME(S)

JOB TITLE: DEPARTMENT:

I wish to exercise my right of appeal against.....
given on.....
by

Do you wish to be represented at this appeal? YES/NO (delete as appropriate)

Signature of Employee:

Date:

- Note: (i) You should retain a copy of this form, and
(ii) Send a copy of this form to the Governance Manager

SECTION 2 (to be completed by employee)

In summary, please state full details of the grounds of Appeal, i.e. please set out in your own words the reason (s) why you believe the decision was not fair (attach further sheets if required).

Date received by Department.....in time / out of time*
(*delete as appropriate)

Bolsover District Council

Union/Employee Consultation Committee

12th March 2015

Review of Sickness Absence Management Policy

Report of the Assistant Director (Human Resources and Payroll)

This report is public

Purpose of the Report

- To ask UECC to consider the attached draft Sickness Absence Management Policy and to recommend this for approval by Council.

1 Report Details

- 1.1 Bolsover District Council and North East Derbyshire District each have their own Sickness Absence Management Policies and Procedures. These policies have been reviewed and brought together into one document, to assist managers to effectively manage sickness absence and to facilitate consistency of approach. The draft policy is attached at Appendix One.
- 1.2 Several of the existing documents cover advice and guidance at both Councils and it is proposed to combine these into a separate procedural document for managers which will not form part of the Council Policy.

2 Conclusions and Reasons for Recommendation

- 2.1 The purpose of the report is to ask UECC to consider the new draft Sickness Absence Management Policy and seek agreement that the Policy should be recommended to Council for adoption.
- 2.2 With the formation of the Strategic Alliance, Bolsover District Council and North East Derbyshire District Council are working closer together. The formation of joint services working on behalf of both Councils means that several managers currently have to apply a different sickness absence management policy at each respective Council.
- 2.3 The adoption of a policy that is applicable at both Bolsover District Council and North East Derbyshire District Council would provide an overall framework for managing sickness absence and facilitate consistency and understanding of the processes being followed by both employees and managers. HR will continue to support and advise with all aspects of the process.

3 Consultation and Equality Impact

- 3.1 Discussions on the draft policy have already taken place with senior managers and with trade union representatives.

4 Alternative Options and Reasons for Rejection

- 4.1 None arising directly from this report

5 Implications

5.1 Finance and Risk Implications

None arising directly from this report.

5.2 Legal Implications including Data Protection

Full account has been taken of relevant legislation and case law.

5.3 Human Resources Implications

This Policy is being considered by both Bolsover District Council and North East Derbyshire District Council for application to employees at both locations. This will facilitate consistency of approach by joint senior managers.

6 Recommendations

- 6.1 That UECC consider the draft Sickness Policy attached at Appendix One and recommend this to Council for approval.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	.

8 Document Information

Appendix No	Title
1	Draft Sickness Absence Management Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Sara Gordon	01246 217677

SICKNESS ABSENCE MANAGEMENT POLICY

INTRODUCTION

This policy outlines the steps to be followed if an employee is absent due to ill-health.

All employees feel the impact of ill health and sickness absence. It can significantly affect how teams and services perform. This in turn affects the level and quality of service provided to our customers.

The Council is concerned for the safety and welfare of its employees and seeks to ensure that absence is handled in a fair and positive way. The Council's policy is designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health difficulties by providing advice and support whenever necessary.

In return the Council expects its employees to respond in the following ways:

- a) To care for their health and to seek medical help whenever appropriate
- b) To attend for work whenever they are able to do so
- c) Not to be involved in activities whilst on sick leave which may inhibit recovery and return to work
- d) Co-operate fully with the application of this policy
- e) When absent, advise their Line Manager/Supervisor in accordance with this policy
- f) To use their own time (i.e. annual leave, flexi leave, TOIL etc) for elective surgery (i.e. surgery that is not considered to be medically necessary such as cosmetic surgery) except in cases where this is linked to a serious medical condition.

Throughout the formal stages of the policy, employees have the right to be accompanied by their Trade Union representative, colleague or friend. Throughout the informal stages (e.g. return to work meeting, Occupational Health referral etc) whilst there is no entitlement in law, sympathetic consideration will be given to requests to be accompanied, and each case will be considered on its merits.

Employees should note in the event of unreasonable failure to co-operate with the terms of this policy including attending occupational health appointments and sickness capability meetings, sick pay may be withheld in respect of the period of the employee has failed to co-operate with the Council's policy.

PART ONE – SICKNESS ABSENCE REPORTING

This is the process to be followed if an employee is unable to attend work due to ill health. It applies to all employees of the Council, including those on temporary contracts and casual workers.

1 Employee Notification Policy

1.1 First day of absence

When an employee is unable to attend work the employee (or, in the case of severe incapacity, the person acting on their behalf) must notify their immediate **Line Manager/Supervisor/ or nominated officer before 9.00 am on the first day of absence**. This notification must be via a telephone call.

Street Scene employees, should notify their **Supervisor or nominated officer** as soon as possible but no later than the start of their shift to enable alternative arrangements to be made.

Those employees who work fixed patterns or shifts should normally report to the **nominated officer** at least 30 minutes before the commencement of their shift – or in the case of early morning shifts as soon as possible and in any event no later than 15 minutes after the commencement of the shift.

It is important that contact is made with the employee's Line Manager/ Supervisor in the first instance. If the Line Manager/Supervisor is not available contact should be with another nominated officer.

Services should make employees aware of individual reporting lines.

1.2 The Line Manager/Supervisor/nominated officer should obtain the following information:

- a) Employee's name
- b) Section in which employee works
- c) Reason for absence.
(This should be the general nature of any illness, the first day of sickness and whether the absence is work related or due an industrial injury at work, or whether the absence is disability related).
- d) Expected date and time of return to work if known
- e) If any assistance or advice is required by the employee
- f) Any outstanding work commitments
- g) Who reported the absence
- h) Whether or not the GP has been contacted

In addition, the employee should be advised that a further call is necessary on the fourth calendar day.

1.3 Upon initial notification of absence the Line Manager/Supervisor or person receiving the call must complete a Sickness Absence Form SF1. (BDC ONLY, also complete the weekly absence return and ensure TMS is updated accordingly).

1.4 **Fourth day of absence (calendar days)**

If the absence continues after three calendar days and the employee has not provided further notification, then on the **fourth day (if part-time the fourth calendar day)** the employee, (or, in the case of severe incapacity, the person acting on their behalf), must telephone the **Line Manager/Supervisor** and give details of the general nature of illness and the expected date of return. The times by which notification must be made are as listed in 1.1 above.

1.5 **Eighth day of absence (calendar days) and ongoing**

If the absence continues beyond seven calendar days a Doctor's Statement of Fitness for Work (see Section 2) must be provided to the Council **by not later than the eighth calendar day, or posted before the eighth calendar day**. Employees are advised to make early contact with their Doctor if they have reason to believe their absence may go on for longer than seven calendar days to avoid problems booking appointments.

1.6 On receipt of the Statement of Fitness for Work note, if the Doctor has indicated that the employee may be fit for work subject to certain conditions, the Line Manager/Supervisor will arrange to see the employee at the earliest opportunity to discuss a way forward. Advice should be sought from the HR & Payroll Service where appropriate.

1.7 One of the most important aspects of managing sickness absence is to maintain communication with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

1.8 Subsequent Doctor's Statements must be submitted to cover absence if it extends beyond the period covered by the initial Statement. These should be provided to the Council by no later than the day after the expiry of the previous Statement and should be sent direct to the HR and Payroll Service, who will in turn notify line managers.

1.9 Employees should note that in the event of late notification of sickness, late submission of fit notes or failure to co-operate with the terms of the policy, sick pay may be withheld. Doctors' notes will be not accepted retrospectively where these are more than five working days overdue. Backdated statements will not be accepted, except in exceptional circumstances and with the authorisation of the relevant Assistant Director or Director in consultation with HR & Payroll.

Where an employee fails to follow the notification/certification requirements, sick pay may be deducted in respect of days where notification is late, or where Doctors' Statements of Fitness have not been received. In such circumstances, the Line Manager/Supervisor will have the discretion to reinstate sick pay for the day(s) in question only where there are exceptional reasons for doing so, in consultation with advice from the HR and Payroll Service.

- 1.10 An employee must return to work as soon as they are fit to do so, in particular if they consider themselves fit to do so before the expiry of their current Fitness for Work note. Arrangements should be agreed between the employee and their Line Manager/Supervisor, and may involve the Occupational Health Service and advice from the HR and Payroll Service as appropriate.

Return to Work

- 1.11 As soon as possible on the return to work the employee must complete a Self-Certification Form/Return to Work (SF2) in the presence of their Line Manager/Supervisor, who will conduct a Return to Work meeting at this point (see Section 3).

This information is to be kept confidential by management and HR and Payroll. A copy of a Self-Certification Form/Return to Work Form SF2 will be given to the employee at the time of completion if they wish. The completed SF2 Form must be returned to HR & Payroll.

Line Managers/Supervisors/nominated officers must send an email to the Payroll inbox to notify the date of the employee's return to work immediately upon their return. Managers are requested to send a copy of this email to the employee unless it is not possible to do so, eg because the employee does not have an email account

- 1.12 If an employee knowingly submits false information in relation to their incapacity it will be treated in accordance with the Council's Disciplinary Procedure.
- 1.13 If an employee returns from certificated absence for less than seven working days then this will normally be treated as a continuation of the previous absence and a Doctor's Statement will be required to cover the absence.

2 Statement of Fitness for Work

- 2.1 A Statement of Fitness for Work, or Fit note, will indicate whether the employee is unfit for work, or whether they may be fit subject to certain conditions.
- 2.2 The information on the form is advice for the employee and is not binding on the employer. There is no longer a requirement to obtain a fit to return to work note once the current Statement expires, or if the Line Manager/Supervisor and employee, with or without the involvement of Occupational Health, agree that the employee can return sooner than the expiry of the Statement.
- 2.3 The Line Manager/Supervisor and employee must keep in regular contact throughout any period of sickness absence, (See 1.7). The employee must inform their Line Manager/Supervisor immediately if they are issued with a Statement of Fitness for Work or Fit Note.
- 2.4 If the Statement indicates that the employee is fit for work subject to certain conditions, then a meeting will be arranged between the Line Manager/Supervisor and the employee to discuss the position with a view to the employee returning to work as soon as possible. In cases where the Council cannot reasonably offer the required adjustments the Statement will be treated as though the employee was declared 'not fit for work'.

3 Return to Work

- 3.1 The line manager must conduct a return to work meeting with the employee following EVERY absence.
- 3.2 During the meeting, the employee and line manager will complete a Self-Certification Form/Return to Work Form SF2 together. Both will sign the form and one copy will be retained by the employee if they wish. The other will be placed on the employees personal file.
- 3.3 The purpose of the meeting is:
 - (i) to identify any emerging problems that the employee may be experiencing
 - (ii) to identify any support or assistance that the Council may be able to offer as an employer to facilitate attendance at work in the future.
 - (iii) to discuss the employee's absence and to consider it in the context of other absence and an update/briefing on the service.

4 Management Recording

- 4.1 Management is responsible for ensuring:
 - (i) that all employees are aware of the absence notification procedures.
 - (ii) all appropriate information and documentation is accurately completed and sent to the HR and Payroll Service in a timely manner.
- 4.2 Copies of all the documentation, including any Doctor's Statements/Fit Notes, will be retained on the employee's medical/personal file. This information is treated in the strictest confidence and retained in line with legislation.
- 4.3 Employees will have access to their own absence/medical records on written request, allowing three working days notice.

5 Sickness absence and annual leave

- 5.1 To obtain reinstatement of Annual Leave due to ill-health a Statement of Fitness for Work will be required and reinstatement will be given based on the dates in the Doctor's Statement.
- 5.2 In the event that an employee is prevented from taking their annual leave owing to long term sickness and does not return to work before the end of their annual leave year, they may be entitled to carry forward some annual leave entitlement to the following year. The entitlement will be based on 20 days (including bank holidays) for the year, and any annual leave/bank holidays already taken will be deducted. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.
- 5.3 If the employee does not return to work, the entitlement as calculated under the terms of 5.2 above will be paid and based on the 20 days (including bank holidays) for the year. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

- 5.4 Where it is felt an employee is using their annual leave to mask an underlying medical condition and this is preventing the Council from providing advice and support to facilitate attendance at work the Line Manager/Supervisor will discuss this with the employee.

6 Management Monitoring

- 6.1 Senior and Services Managers are responsible for managing and monitoring employees' absence in accordance with this policy. HR & Payroll will provide advice and support to managers.

SICKNESS ABSENCE MANAGEMENT POLICY

PART TWO - SICKNESS CAPABILITY

INTRODUCTION

This section of the policy details the Council's expectations of both managers and employees in the management of sickness absence. Its aim is to provide a framework within which managers can balance the needs of individual employees with the need to provide services.

The policy sets out how sickness levels of employees will be monitored by their managers and how medical advice should be sought where issues continue to occur. The measures contained in this policy are not intended to prohibit sickness absence or to punish staff who have time off sick. They are designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health issues by providing advice and support whenever necessary.

Wherever possible the objective will be to assist employees to return to normal attendance at work. However it is acknowledged that this will not be possible in all cases. Therefore, this capability policy sets out the processes whereby sickness issues are addressed.

Managers should always offer support, but employees must be aware that extended or recurrent short-term absence cannot be absorbed by the service and may result in dismissal on ill-health or attendance grounds.

The issue is the level of absence experienced and not whether it is genuine.

COUNCIL SICKNESS TRIGGERS

The sickness triggers implemented by the Council to identify individual levels of sickness absence and to notify managers when further action may be beneficial, are as follows:

- a) Where there is any pattern of regular short term absence; or
- b) Four or more separate periods of absence in any rolling 12 month period; or
- c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- d) Any ongoing absence which has lasted, or can be expected to last for four weeks or more or for any recurrent periods (which could be less than 4 weeks) associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).

This is the process to be followed if an employee is absent due to ill-health. It applies to all employees with the sole exception of employees undergoing a probationary period.

(For probationary employees please refer to the Probationary Procedure)

Line Managers/Supervisors are responsible for managing and monitoring employees' absence in accordance with this policy. Advice should be sought from the HR & Payroll Service where appropriate.

1 REPORTING INSTRUCTIONS AND RETURN TO WORK MEETINGS

- 1.1 See Part One of the Sickness Absence Management Policy.

2 FREQUENT SHORT-TERM ABSENCES

- 2.1 Sickness absence will normally be addressed through Part One of the Council's Sickness Absence Management Policy, for example, monitoring sickness absence and carrying out return to work meetings.
- 2.2 However, a meeting will be arranged with the employee (see Section 3) by their line manager where there is concern about an employee's level of repeated short term absences or an unacceptable level of sickness absence is identified as outlined in the sickness triggers, below:
- a) Where there is any pattern of regular short term absence; or
 - b) Four or more separate periods of absence in any rolling 12 month period; or
 - c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- 2.3 It should be noted that an employee's absence record will be monitored to enable managers both to identify emerging difficulties (for example where an employee has had consistent full attendance and then begins to have regular or significant absence); and to identify a fair overview of the employee's attendance and any annual patterns of absence.
- 2.4 A meeting may also take place at the line manager's discretion in other circumstances where there are reasonable grounds for review. Line Manager/Supervisors must seek guidance from HR & Payroll on cases where the above applies.
- 2.5 Where a meeting is called to discuss the outcome of a referral to the Council's Occupational Health Service, this may take place as part of, or in addition to, the meetings detailed in the following sections, dependent upon the circumstances.

3 First Meeting

- 3.1 The purpose of the meeting is to encourage an open discussion between the manager and employee to facilitate attendance at work. This is in addition to any Return to Work meetings.
- 3.2 The employee will be given five working days notice of the meeting by the line manager or it can take place earlier by mutual agreement.
- 3.3 The meeting will focus on the employee's health and welfare to help facilitate attendance at work. It will identify the reasons for absence and whether or not the absences relate to a disability or any other underlying cause. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 3.4 It is also possible that absences relating to disability may reach the stage where it is considered that the service can no longer sustain those absences. Such a situation will also be dealt with in line with this Policy, but it will be necessary to consider carefully issues about how the individual's job is done, and whether or not reasonable adjustments would assist with attendance issues.

- 3.5 Employees should be advised that continuing absences may necessitate formal action which could include termination of employment.
- 3.6 An attendance target, based on the corporate sickness trigger levels as stated in this policy, should be set with a date for a review meeting after three months (see Section 4).
- 3.7 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.
- 3.8 Advice should be sought from the HR and Payroll Service if necessary.

4 First Review Meeting

- 4.1 The first review meeting (see Section 3.6 above) can be brought forward at the manager's discretion. This would generally be where sickness absence had continued or other relevant changes had occurred. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 4.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 4.3 If the employee has attended an Occupational Health appointment, a meeting will take place with the employee, normally within ten working days of receipt of the report (see Section 6).
- 4.4 If the level of sickness absence has reduced, this should be positively acknowledged. It may be considered necessary to arrange a further review meeting (see Section 5) after a further three month period or sooner at the manager's discretion. This should be confirmed in writing normally within five working days.
- 4.5 If the level of sickness absence has not improved, the employee should be made aware of the effect on the service and on other colleagues of their continued high level of sickness absence. If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome (see Section 7). A date should be set for a second review meeting after three months or sooner at the manager's discretion.
- 4.6 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

5 Second Review Meeting

- 5.1 The second review meeting (see Section 4.5 above) can be brought forward at the manager's discretion from the original date proposed for the meeting. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 5.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set at the first review and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.

- 5.3 If the level of sickness absence has reduced, this should be positively acknowledged and confirmed in writing normally within five working days.
- 5.4 If the level of sickness absence has not improved, as much information as is available about the employee's attendance record and other relevant factors should be obtained. The employee should then be referred to the Council's Occupational Health Service (see Section 6), unless they have already attended such an appointment.
- 5.5 If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome such as the issuing of a first level warning, (see Section 7).
- 5.6 Further review meetings will take place where necessary to facilitate attendance at work.

6 REFERRAL TO COUNCIL'S OCCUPATIONAL HEALTH SERVICE

- 6.1 Dependent upon the circumstances of each individual case, the Council will have the facility to refer the employee to the Occupational Health Service for assessment. Examples of referral circumstances could be, for example:
- a) When there are concerns about the health and safety of the individual or others
 - b) When trigger points are reached
 - c) If it is felt that early referral would benefit the employee and the organisation, e.g. in stress cases where it has been proven statistically that early referral facilitates a speedier return to work
 - d) If information is required about the likely length of absence
 - e) After an absence of four weeks, (unless the prognosis is clear e.g. broken leg etc)
 - f) Where there is no medical evidence to support frequent self certificated absences
- 6.2 The employee has a duty to undertake appointments with the Occupational Health Service, and to give immediate notice if he/she is unable to attend. Failure to do so would normally lead to withdrawal of pay under the Sickness Payments Scheme.
- 6.3 In certain circumstances, one of the options that will be considered during the Occupational Health assessment, in consultation with the employee, may be a referral under the Leisure GP Referral Scheme. The initial consultation may take place in work time, but the employee would need to pursue any subsequent programme in their own time.
- 6.4 Following receipt of the Occupational Health report, a meeting will take place with the employee, normally within ten working days of receipt of the report. This may be part of the scheduled meetings or an additional meeting, dependent upon the circumstances and timing.
- 6.5 The report will form the basis of discussion at the meeting. One of the following options should be agreed according to the circumstances which have been identified:
- a) Accept the position and keep it under review.
 - b) A return to work on a phased basis from a specified date.(See Section 9 below)

- c) Consider introducing modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in due course. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
- d) Arrange alternative employment, using the Council's Redeployment Procedure, where such suitable alternative employment can be identified.

If an employee should fall under the provisions of the Equality Act 2010 in terms of disability, then the employee may be entitled to reasonable adjustments to enable them to return to, or remain at work.

- e) If termination of employment is being considered, a further meeting should be arranged with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond. (See Section 7.5)

The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

7 MEETING OUTCOMES

Withdrawing Overtime

- 7.1 In the case of an employee normally required to undertake additional hours or non-contractual overtime, it may be appropriate to indicate that, as the commitment to additional hours may be affecting the employee's health, consideration will be given to withdrawing such overtime until the employee's attendance record indicates that the impact of ill health has been reduced or eliminated.

Formal Sickness Capability Warnings

7.2 First Level Sickness Capability Warning

A First Level Sickness Capability Warning will normally be issued where the employee has not achieved the target set at the first review meeting (See Section 4). The warning will be confirmed in writing, and it will be made clear that failure to improve attendance may lead to termination of employment. Once an employee has been placed on a warning, meetings will take place on a regular basis to set targets for, and review, attendance. Where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live'. Line Managers/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

7.3 Final Sickness Capability Warning

Where there is continued failure to improve attendance and achieve targets, the employee will normally be issued a Final Sickness Capability Warning. It should be made clear that the service can no longer tolerate the high level of sickness absence and that any further failure to achieve targets will lead to termination of employment. This warning will be confirmed in writing and placed on the employee's personal file. Meetings will continue to take place on a regular basis to set targets for, and review, attendance. Line Managers/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

- 7.4 These warnings will remain on the individual's file to enable an overview of the employee's attendance. However, where it is considered that a reasonable period of full attendance has elapsed since the Final Sickness Capability Warning was issued, or there are significant mitigating circumstances to a recent period of absence, there will be the facility to reaffirm the Final Sickness Capability Warning as an alternative to termination of employment. In any event, where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live', and the warning will be expunged.

7.5 **Termination of Employment**

If the employee's attendance still fails to reach the required targets, or if the outcome of discussions concerning Occupational Health Service reports results in termination of employment being one of the relevant options, then a meeting will be arranged as outlined below.

- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond. The employee will be made aware that a potential outcome of the meeting may be that the only course of action available is termination of employment on the grounds of sickness capability (as all other options have been considered.)
- The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting.
- The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
- The employee's Line Manager/Service Manager or Supervisor will be present.
- A Senior Officer from the HR and Payroll Service should always be present.
- A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
- 2 Written notice of the reasons for their dismissal within five working days.

- 7.6 **Appeals** - The employee will have a right of appeal to the Council's Appeals Panel against a decision to dismiss. Please refer to the Council's Appeals Procedure.

8 **LONG-TERM ABSENCE**

- 8.1 Any ongoing absence which has lasted, or can be expected to last, for four weeks or more can generally be regarded as "long-term" or any recurrent periods (which could be less than 4 weeks) that are associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).
- 8.2 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.

8.3 Where an employee returns to work for less than seven calendar days and then goes off sick again, the period of absence will normally be considered to be continuous for absence management purposes.

8.4 One of the most important aspects of managing sickness absence is to maintain communication with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

8.5 At the latest, after four weeks' absence the manager will invite the employee to attend a meeting to discuss progress. At the employee's request, this meeting might take place at their home or another agreed location. Five working days notice should be given of the visit or it can take place earlier by mutual agreement. A meeting may not be necessary if, for example, a return date is already in prospect.

8.6 The purpose of the visit is to review the employee's health and prospects for a return to work. If there is no date for a return to work, then the employee should be advised that it may be necessary to arrange a medical referral to the Council's Occupational Health Service, (see Section 6 above).

8.7 The outcome of the discussion should be confirmed in writing within five days of the meeting by the manager.

8.8 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.

8.9 If the employee continues to remain absent due to sickness and/or within ten working days of the receipt of the Occupational Health report, the manager should arrange a meeting with the employee (or home visit at the employee's request) to advise him/her of the content of the report, if applicable.

8.10 At the meeting the following options should be explored according to the circumstances which have been identified:

- a) A return to work on a specified date.
- b) A return to work on a phased basis from a specified date.(see section 9 below)
- c) A return to work at a later unspecified date following convalescence.
- d) A return to work on modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of

duties/hours in a given period. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.

- e) The possibility of a return to work to suitable alternative employment on a permanent basis (where such suitable alternative employment can be identified). Please refer to the Authority's Redeployment Procedure.
- f) The possibility of ill-health retirement in accordance with the Local Government Pension Scheme. This option will only apply where the independent Medical Practitioner issues a Certificate of Permanent Incapacity and the employment is terminated on the grounds of permanent ill-health. (See below for policy to be followed for termination of employment on grounds of ill-health.)

8.11 In the event of the Occupational Health requesting the opportunity to review the employee's health after, for example, a meeting/ home visit should be arranged by the manager prior to elapse of the period to acquire up to date information for a second referral to Occupational Health. Within ten working days of receipt of the report, the manager should meet with the employee again to discuss its contents and consider the options (8.10 a-f).

8.12 If none of the above options available in 8.9 and 8.10 are viable, please see Section 10.

9. Phased Return to Work

9.1 In order to facilitate a return to work following long-term sickness absence, or in certain cases dependent on the nature of the illness, e.g. stress related absence, to facilitate an early return to work before the absence becomes long-term, the Occupational Health Adviser may recommend some form of phased return to full duties and responsibilities. This could involve a return to work on modified duties, on reduced hours, on a temporary basis or working from home, or such other reasonable measure which would reduce the need for a longer period of absence, as appropriate.

9.2 A meeting should take place with the employee, their line manager and a representative from the HR and Payroll Service at which agreement should be reached on the terms of a Return to Work Plan.

9.3 The Return to Work Plan will be produced by the line manager, and will outline the terms of the phased return. It is anticipated the employee will gradually build up to a return to full duties and responsibilities, and this should be for the shortest time possible and be achieved within a four week period. Depending upon the circumstances this may be extended for a further 2 weeks maximum.

9.4 For this limited phased return, the employee will need to supply a 'fit to return to work' note from their GP agreeing to the terms of the phased return. This period will therefore be classed as being at work for pay purposes and the employee will be paid their normal rate of pay.

9.5 If the employee has difficulty in increasing their hours/attendance/workload and it becomes unlikely that a full return will be possible as planned, then the employee will need to obtain a Statement of Fitness for Work from their GP and the phased return should be terminated as soon as practicable. In addition, a referral should be made to the Occupational Health Adviser for additional advice.

10. Termination of Employment

- 10.1 After considering all the options identified in 8.10 a) – f), it may be that the only course of action available is to consider the termination of employment on the grounds of sickness capability. This course of action may be considered where the Occupational Health Adviser is unable to certify the ill-health/incapacity as permanent and therefore ill-health retirement is inappropriate but also where the prognosis is difficult to determine. In reaching a decision on this course of action, the medical opinion given by the Occupational Health Adviser will be taken into account. However, managers must be aware that this is only one element and that there may be other relevant factors which should be taken into account in coming to a decision.
- 10.2 If termination of employment is being considered, a meeting will be held with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond.
- 10.3 The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting. The employee should be made aware that a potential outcome of the meeting may be that the only course of action available is termination of their employment on the grounds of sickness capability.
- 10.4 The following process should always be followed:
- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond. The employee will be made aware that a potential outcome of the meeting may be that the only course of action available is termination of employment on the grounds of sickness capability (as all other options have been considered.)
 - The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
 - The employee's Line Manager/Service Manager or Supervisor will be present.
 - A Senior Officer from the HR and Payroll Service should always be present.
 - A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
- 2 Written notice of the reasons for their dismissal within five working days.

- 11 **Appeals** - The employee will have a right of appeal against this decision under the Council's Appeals Procedure.
12. This policy applies to all the Council's employees except the following: those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

Sickness Absence Management

Managers Guidance

Introduction

The Council's Sickness Absence Management Policy provides a framework for managers to manage an employee's sickness absence. The Manager's Guidance is a tool that provides practical help and support for line managers when managing absence.

This Manager's Guidance document does not form part of the Council's Sickness Absence Management Policy.

Managers must seek advice from their HR link officer throughout the process of managing employee sickness absence to ensure a fair and consistent approach is followed across the Council.

1. Key Points for Managers to Consider when Managing Sickness Absence

- It is essential you follow the Council's Sickness Absence Management Policy
- Early intervention is proven to be the most effective way of managing sickness absence
- Aim to reach a position where an employee is able to return to work on their full duties and hours.
- Return to work interviews must be carried out after every absence
- Where there is long term absence or frequent short term absence, advice from the employee's Doctor and/or Occupational Health should be sought.
- Where there is a prolonged history of sickness absence, a current Occupational Health report or medical report should be sought to ensure decisions are based on up to date information
- Keep in regular contact with an employee who is absent due to sickness
- Schedule sickness review meetings in a timely manner to discuss progress and prospects for a return to work.

2. Communication with the Employee

It is important managers remain in contact with an employee when they are absent due to sickness. The employee is made aware support is available from the employer, it prevents the employee feeling isolated, undervalued or abandoned and it enables the manager to take positive steps to facilitate a return to work.

Some managers may feel uncomfortable about contacting an employee who is absent in case the contact may be perceived as intrusive and placing unfair pressure on the employee to come back to work before they are ready.

The manager should inform the employee that maintaining contact is essential to ensuring a successful return to work because without that contact the return is made more difficult. The manager should agree with the employee what form this communication will take e.g. telephone contact, visits at home, email, letter or a combination of these. Normally, first contact will be by phone as part of the normal sickness notification process.

It is important to make clear the reasons for this contact which are as follows:

- The Council is concerned for the employee's health and welfare
- To keep up to date on the employee's progress and the likelihood of a return to work
- To offer any support or advice that is reasonable and practicable
- To keep the employee up to date with developments in the workplace
- The manager does not wish to put pressure on the employee
- Regular contact will allow the manager to organise and maintain interim cover more effectively to meet service delivery needs.
- Ask the employee how they wish to handle the subject of their absence with colleagues.

Key points in relation to communication:

- Determine frequency/timing of contact and who is making contact
- Be flexible, treat each case individually, but on a fair and consistent basis
- Keep a note of contacts made
- Ensure confidentiality is maintained
- Ensure the conversation is focused on the employee's well being, their return to work and any assistance/support they may need.

Managers are encouraged to contact their HR link officer for advice if they need support in determining the right approach to communicating with the employee.

In some instances, it could be that the HR link officer or a more senior manager will play a role in maintaining ongoing contact with the employee.

What if the employee refuses to maintain contact?

If an employee refuses to maintain contact they will be reminded that in accordance with the policy they have a responsibility to keep managers informed of the reasons why they are absent and how long the absence is likely to last.

There could be underlying reasons for this refusal such as embarrassment or difficult working relationships. If this is the case, please discuss this with your HR link officer who will make sure the employee knows who they can talk to other than their manager, such as HR, Occupational Health or via their Trade Union or other representative. However, wherever possible the Council will work to ensure communication between the employer and their manager is maintained.

3. Return to Work Interviews

Irrespective of the length of the absence, on the day the employee returns to work (or as near as reasonably practicable), the manager should hold a return to work interview with the employee and complete an SF2 form. The fact that such a meeting is carried out will help deter casual absences, because employees will know that monitoring of sickness absences is taken seriously and they will have to account to their manager for each absence.

The interview is informal and so the right to be accompanied will not apply. Managers must make it clear to the employee that the purpose of this type of discussion is to monitor absences, it is more than just a casual chat and is to be taken seriously.

Managers will welcome the employee back and:

- Ask the employee to confirm the reason for absence
- Ask whether the employee has visited their Doctor
- Ask the employee how they are feeling now
- Ask if there is anything that the manager can do to support the employee
- Update on any developments in the workplace while they were absent

Please note this interview is separate to a Sickness Review Meeting.

If it is clear a review meeting in accordance with the Sickness Absence Management Policy is required due to the circumstances of the case, this should be arranged and the employee has the right to be accompanied at the meeting.

4. Sickness Review Meetings

When should a Sickness Review Meeting be Held?

Please refer to the Sickness Absence Management Policy and attached flowcharts which detail the step by step process that should be followed.

Who should be present at a Sickness Review Meeting?

- Line Manager or their representative
- Employee
- Employee Representative (if they wish to be accompanied)
- HR Adviser (optional depending on circumstances)

What to cover in Sickness Review Meetings?

- State purpose of meeting
 - To manage an employee's sickness absence and to identify reasons for absence and underlying concerns to enable the Council to support the employee and facilitate attendance at work
- Remind employee they are welcome to be accompanied at the meeting
- Confirm to the employee what stage of the Sickness Absence Management Policy they have reached and check the employee has a copy of the Policy
- Confirm the employee's sickness absence history
 - what trigger points have been reached
 - State if there is any overall pattern
- Review current situation
 - Ask employee reason for absence in a supportive and sensitive way but ensuring you ascertain underlying cause of absence
 - Ask employee if they have consulted their Doctor/Hospital
 - If there is any discrepancy between the information provided by the employee and that provided originally or by their Doctor or Occupational Health, ask the employee to explain this
- Explore options to facilitate attendance or a return to work in accordance with stage reached in the Sickness Absence Management Policy. You should consider all options and you may have to consider the duties under the Equality Act 2010, (see Reasonable adjustments section below)

Possible options if appropriate include the following examples:

- Set or reaffirm sickness triggers
 - Referral to Occupational Health
 - Reasonable adjustments
 - Phased return to work
 - Amended duties etc
 - Redeployment
 - Training
 - Steps employee can take to care for their own health and welfare
- Remind the employee that continuing absences due to sickness may lead to issuing of a formal warning and ultimately could result in termination of employment.
- OR
- It could be the employee has already reached the stage where a warning should be issued or the only alternative is to proceed to a meeting to consider

termination of employment. Please ensure you seek advice from your HR link officer prior to the meeting where these options are being considered.

- Ask the employee how they wish to handle the subject of their absence with colleagues.
- Confirm to the employee the outcome of the meeting and the next steps to be put in place
- A letter should be sent by the manager following the meeting to confirm the discussion that took place and the outcome. See attached suggested letter templates.

Please note this list is not exhaustive and not all the points stated necessarily have to be covered.

Each sickness case should be treated on its merits and managers are advised to seek advice from their HR link officer throughout the process.

5. Reasonable Adjustments/Equality Act 2010

Employers have a duty to make reasonable adjustments to support an employee who has a disability under the Equality Act 2010. This does not mean that the employer must agree to everything the employee wants, the Council only has to do what is reasonable. But it does involve seriously considering any suggestions from the employee and investigating options to reduce or remove the effects of their disability within the workplace.

Various factors influence whether a particular adjustment is considered reasonable. The test of what is reasonable is ultimately an objective test and not simply a matter of what you may personally think is reasonable, the considerations required are shown below:

- How effective the change will be in avoiding the disadvantage the employee would otherwise experience.
- It's practicality
- The cost
- Your organisation's resources and size
- The availability of financial support

What is reasonable in one situation may be different from what is reasonable in another situation. It may take several different adjustments to deal with that disadvantage but each change must contribute towards this. The overall aim should be, as far as possible, to remove or reduce any disadvantage faced by a disabled employee.

Adjustments may be agreed on a temporary or a permanent basis.

Where the employer fails in a duty of reasonable adjustment that arises in relation to a disabled person, this may constitute discrimination against that person.

Managers must seek advice from their HR link officer if reasonable adjustments feature in the management of an employees' sickness absence.

6. Phased Returns to Work

Key points in relation to phased returns to work:

- Consider whether or not a phased return to work is suitable.
- It should be for the shortest time possible up to a maximum of 6 weeks
- Seek full information from medical advisers on what the employee's medical condition is and how they think any phased return to work should be implemented.
- Set up a meeting with the employee to discuss any phased return arrangements
- Consider the employee's suggestions
- Make reasonable adjustments where these are appropriate
- Send a letter to the employee confirming the phased return to work arrangements
- Hold regularly reviews during the phased return
- Where the phased return is unsuccessful, you will need to hold a review meeting with the employee to determine the next steps and seek further advice from your HR link officer if appropriate.

Managers must seek advice from their HR link officer if a phased return to work features in the management of an employees' sickness absence.

7. Frequently Asked Questions

What is a Fit Note?

Doctors issue fit notes as evidence of the advice given about the individual's fitness for work. The fit note allows doctors to advise that individuals "may be fit for work" taking into account the doctor's advice, or that they are "not fit for work. Doctors use fit notes to record details their patient's condition so that employees and employers can consider ways to help the individual return to work.

Key points about Fit Notes:

- Fit notes should be issued by hospital doctors or by GPs.
- Doctors cannot issue fit notes during the first seven calendar days of sickness absence. Employees can self-certify for this time.
- A Return to Work Plan can be used in place of a fit note, if an employee is likely or expected to experience long term absence. This plan can be shared with the Council subject to the employee's consent.
- Fit notes can be hand-written or computer-generated and printed out.
- Employees can return to work before they are 100% fit. If the employee is assessed as may be fit for work, their fit note will help you discuss what these changes might be.

- The Fit Note will not tell you what changes to make, but will provide advice about how your employee's health affects what they can do at work.
- If the Council cannot make any changes to take account of the advice in the fit note, the Council does not have to. The assessment about whether your employee is not fit for work or may be fit for work (and any other advice in the fit note) is classed as advice, and it is for the Council to determine whether or not to accept it.
- If the employee's doctor thinks they are fit for work, they will not be issued with a fit note.
- Employee's can come back to work at any time, even if this is before their fit note expires and/or their Doctor has indicated they need to assess them again. They do not need to go back to their doctor first. However, a suitable risk assessment should have taken place if required and the Council can request the employee be assessed by their Doctor to ensure as an employer we are fulfilling our duty of care.

What is the role of Occupational Health?

Occupational Health provide independent, impartial advice to employers and employees on the effects of work on health and health on work. They undertake the following activities:

- Advise on fitness for work
- Improve attendance and performance by assisting in the management of sickness absence
- Recommend appropriate adjustments in the workplace to help employees stay in work
- Give advice on alternative suitable work for people with health problems
- Help prevent work-related ill health for example by advising on workplace safety
- Assist with compliance with health and safety regulations including minimising and eliminating workplace hazards
- Advise on medical health and ill-health retirement

To make a referral, you will need to complete an Occupational Health referral form which is available on the intranet and send this to HR & Payroll. Please ensure you have discussed the contents of the referral with the employee.

The employee will receive notification of their appointment and HR & Payroll will notify the manager. Following, the appointment the Occupational Health report will be sent to you by HR & Payroll.

If you have any further questions regarding Occupational Health, please contact your HR link officer.

What if the absence is Maternity related?

The employee has the same rights to paid sick leave as any other employee (apart from the last four weeks of pregnancy) and the employee should follow the normal sickness reporting procedure. The manager should follow the Sickness Absence Management Policy, taking into account the absence is maternity related. It is essential managers have completed a health and safety risk assessment for the pregnant employee.

However, if the employee is absent due to sickness with a pregnancy related sickness absence illness in the last four weeks of your pregnancy, this will trigger commencement of the employees maternity leave.

Any pregnancy related sickness absence is recorded separately from other sick leave within HR & Payroll.

What about Annual Leave and sickness absence?

If an employee experiences ill health while on annual leave, their annual leave will be reinstated if a Doctor's fit note is produced by the employee for the period. The employee should notify their manager as soon as practicable if this is the case.

If an employee is prevented from taking their annual leave owing to long term sickness and they do not return to work before the end of their annual leave year, they may be entitled to carry forward some annual leave to the following year. The entitlement is based on 20 days (including bank holidays) for the year, and any annual leave/bank holidays already taken will be deducted. If the employee does not return to work, the entitlement calculated as above will be paid and is based on the 20 days (including bank holidays) for the year.

Managers must contact their HR link officer for advice prior to discussing this with the employee and/or their representative.

Sickness Absence Management - Managers Guidance

Appendix One - Letter Templates

1. Invite to Sickness Meeting
2. Outcome of First Sickness Meeting
3. Outcome of First Review Sickness Meeting
4. Outcome of Second Review Sickness Meeting (no warning)
5. Outcome of Second Review Sickness Meeting (first level warning)
6. Outcome of Second Review Sickness Meeting (final warning)
7. Outcome of Second Review/Review Sickness Meeting (further action – meeting under 7.5 of the Council's Policy)
8. Outcome of first Long Term Sickness Absence Meeting (8.4)
9. Outcome of second or further Long Term Sickness Absence Meeting (8.10)

Letter One - Invite to Sickness Meeting

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

SICKNESS CAPABILITY FIRST MEETING/ FIRST REVIEW MEETING / SECOND REVIEW MEETING / LONG TERM ABSENCE MEETING

I write to invite you to attend a **first meeting / first review meeting / second review meeting / long term absence meeting**, under # (state appropriate paragraph from policy) of the Council's Sickness Absence Management Policy due to concerns about your sickness absence.

The meeting is scheduled for **# 201#** at **#**.

As your line manager, I shall be conducting the meeting. You are entitled, if you wish to be accompanied by a Trade Union or other representative. **A representative from HR may be present in an advisory capacity.**

In accordance with the Council's Sickness Absence Management Policy, the purpose of the meeting is to discuss your health and welfare with a view to offering support and improving attendance **and / or facilitating a return to work**
and / or
to review your attendance record against the target previously set
and / or
to discuss the outcome and options following your Occupational Health appointment on # 201#.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Yours sincerely,

Letter Two – Outcome of First Sickness Meeting

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

SICKNESS CAPABILITY OUTCOME OF FIRST MEETING

I write to confirm the content and outcome of the first sickness capability meeting held on # 201#, under the Council's Sickness Absence Management Policy, to discuss concerns about your absence due to sickness with you # and your representative.

As discussed at the meeting, the concerns relating to your sickness absence are as follows:

#

The following attendance target and support plan have been set:

#

With effect from the date of the first meeting a # three month monitoring has been set to enable progress to be assessed against the above target and plan. A first review meeting has been scheduled for # 201#, to review the situation. You are entitled, if you wish to be accompanied by a Trade Union or other representative at this meeting.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter or about the agreed target and plans, please do not hesitate to contact me.

Yours sincerely,

Letter Three - Outcome of First Review Sickness Meeting

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

SICKNESS CAPABILITY OUTCOME OF FIRST REVIEW INTERVIEW

I write to confirm the outcome of the first review meeting held on # 201#, under the Council's Sickness Absence Management Policy, to discuss concerns about your sickness absence with you # and your representative.

As detailed in the letter dated # 201#, the concerns relating to your sickness absence are as follows:

#

The following attendance target and support plan were set:

#

The purpose of the first review interview was to assess your progress over the last # three month period and # discuss the outcome and options following your Occupational Health appointment on # 201#.

I am pleased to confirm your sickness absence has reduced in line with the targets set. Ongoing support will continue to be provided.

If however, your sickness absence levels increase in the future, this may necessitate action, in accordance with the Council's Sickness Absence Management Policy.

Unfortunately, your sickness absence has not improved and the agreed targets and plans set have not been achieved. This is having a detrimental effect on service delivery and colleagues. The following targets and action plan were set in the meeting:

#

With effect from the date of the first review meeting a # three month monitoring period has been set to enable progress to be assessed against the above targets and plan. A second review meeting has been scheduled for # 201#, to review the situation. You are

entitled, if you wish to be accompanied by a Trade Union or other representative at this interview.

If you or your representative are unable to attend on this date, please contact me as soon as possible, so an alternative date can be offered.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Yours sincerely,

Letter Four - Outcome of Second Review Sickness Meeting

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

SICKNESS CAPABILITY OUTCOME OF SECOND REVIEW MEETING

I write to confirm the outcome of the second review meeting held on # 201#, under the Council's Sickness Absence Management Policy, to discuss concerns about your absence due to sickness with you # and your representative.

As detailed in the letter dated # 201#, the concerns relating to your sickness absence are as follows:

#

The following attendance target and support plan were set:

#

The purpose of the second review meeting was to assess your progress over the last # three month period and # discuss the outcome and options following your Occupational Health appointment on # 201#.

I am pleased to confirm your sickness absence has reduced in line with the targets set. Ongoing support will continue to be provided.

If however, your sickness absence levels increase in the future, this may necessitate action, in accordance with the Council's Sickness Absence Management Policy.

Unfortunately, your sickness absence has not improved and the agreed targets and plans set have not been achieved. This is having a detrimental effect on service delivery and colleagues. Therefore, the following targets and action plan were set in the meeting:

Following your Occupational Health appointment, a meeting will be arranged within 10 working days of receipt of the report to discuss the outcome and options available.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Thank you for your co-operation.

Yours sincerely,

Letter Five - Outcome of Second/Review Sickness Meeting (First Level Warning)

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

SICKNESS CAPABILITY OUTCOME OF SECOND# / REVIEW MEETING - FIRST LEVEL SICKNESS CAPABILITY WARNING

I write to confirm the outcome of the second review meeting held on # 201#, under the Sickness Absence Management Policy, to discuss concerns about your sickness absence with you # and your representative.

As detailed in the letter dated # 201#, the concerns relating to your sickness absence are as follows:

#

The following attendance target and support plan were set:

#

The purpose of the second review interview was to assess your progress over the last # three month period and # discuss the outcome and options following your Occupational Health appointment on # 201#.

Unfortunately, your sickness absence has not improved and the agreed targets and plans set have not been achieved. This is having a detrimental effect on service delivery and other colleagues. It has been decided that a first level sickness capability warning be issued in accordance with 7.2 of the Council's Sickness Absence Management Policy. Failure to improve attendance may lead to further action being taken. Meetings will continue to take place on a regular basis to set targets for and review attendance.

The warning will remain on file to enable an overview of your attendance. Where there has been full attendance over a period of twelve months since the warning was issued, the warning will no longer be considered as "live".

In addition, I am referring you to the Council's Occupational Health Service for assessment. Following your Occupational Health appointment a meeting will be arranged within 10 working days of receipt of the report to discuss the outcome and options available.

As stated in the letter dated #, I reminded you that employees are required to co-operate fully with the Council's Sickness Absence Management Policy. This includes maintaining regular contact with your manager and attending meetings arranged in line with the Council's policy.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Thank you for your co-operation.

Yours sincerely

Letter Six- Outcome of Second/Review Sickness Meeting (Final Warning)

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

SICKNESS CAPABILITY OUTCOME OF # SECOND / REVIEW#S MEETING - FINAL WARNING

I write to confirm the outcome of the # second / review#s interview held on # 201#, under the Council's Sickness Absence Management Policy, to discuss concerns about your sickness absence with you # and your representative.

As detailed in the letter dated # 201#, the specific concerns relating to your sickness absence are as follows:

#

The following attendance target and support plan were set:

#

The purpose of the # second / review#s interview was to assess your progress over the last # three month period and # discuss the outcome and options following your Occupational Health appointment on # 201#.

Unfortunately, your sickness absence has not improved and the agreed targets and plans set have not been achieved. The service can no longer tolerate the high level of sickness absence. It has been decided that a final sickness capability warning be issued in accordance with 7.3 of the Council's Sickness Absence Management Policy. Further failure to improve attendance may lead to dismissal. Meetings will continue to take place on a regular basis to set targets for and review attendance.

The warning will remain on file to enable an overview of your attendance. Where there has been full attendance over a period of twelve months since the warning was issued, the warning will no longer be considered as "live".

In addition, I am referring you to the Council's Occupational Health Service for assessment. Following your Occupational Health appointment a meeting will be arranged within 10 working days of receipt of the report to discuss the outcome and options available.

As stated in the letter dated #, I reminded you that employees are required to co-operate fully with the Council's Sickness Absence Management Policy. This includes maintaining regular contact with your manager and attending meetings arranged in line with the Council's policy.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Thank you for your co-operation.

Yours sincerely

**Letter Seven - Outcome of
Second/Review
Sickness Meeting (Further Action
Meeting under 7.5 of Council's Policy)**

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

**SICKNESS CAPABILITY OUTCOME OF # SECOND / REVIEW INTERVIEW#S
(FURTHER ACTION - MEETING UNDER 7.5 OF THE COUNCIL'S POLICY)**

I write to confirm the content and outcome of the # second / review#s interview held on # 200#, under the Council's Sickness Absence Management Policy, to discuss concerns about your sickness absence with you # and your representative.

As detailed in the letter dated # 201#, the specific concerns relating to your sickness absence are as follows:

#

The following attendance target and support plan were set:

#

The purpose of the # second / review#s interview was to assess your progress over the last # three month period and # discuss the outcome and options following your Occupational Health appointment on # 201#.

Unfortunately, your sickness absence has not improved and you have continuously failed to achieve the agreed targets and plans set. The service can no longer tolerate the high level of sickness absence.

It has been decided that a meeting be arranged under 7.5 of the Councils Sickness Absence Management Policy. *Please note a possible outcome from this meeting could be termination of your employment.*

As stated in the letter dated #, I reminded you that employees are required to co-operate fully with the Council's Sickness Absence Management Policy. This includes maintaining regular contact with your manager and attending meetings arranged in line with the Council's policy.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Thank you for your co-operation.

Yours sincerely,

Letter Seven - Outcome of First Long Term Sickness Absence Meeting (8.4)

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

OUTCOME OF SICKNESS CAPABILITY MEETING – LONG TERM ABSENCE

I write to confirm the outcome of the long term absence sickness capability meeting held on # in accordance with 8.4 of the Council's Sickness Absence Management Policy.

Your sickness absence record is ####

Outline process completed so far ... (dates of meetings, outcome of those meetings)

As the table above demonstrates you have exceeded the Council's sickness trigger of #

It was agreed.....

#Unfortunately, your sickness absence has not improved. Therefore, I am referring you to the Council's Occupational Health Service for assessment. The appointment is scheduled for # at Council House, Saltergate.

#Following your Occupational Health appointment, I am inviting you to attend a sickness capability meeting on # to discuss the Occupational Health Report and options available. A representative from Human Resources may be present at the meeting.

I must emphasise this meeting is not a form of disciplinary action. However, continuing absences due to sickness may necessitate action which could include termination of employment.

As stated in the letter dated #, I reminded you that employees are required to co-operate fully with the Council's Sickness Absence Management Policy. This includes maintaining regular contact with your manager and attending meetings arranged in line with the Council's policy.

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Yours sincerely,

Letter Seven - Outcome of Second / Further Long Term Sickness Absence Meeting (8.10)

Private and Confidential

Your Ref:
Our Ref:
Contact:
Tel: 01246
Fax:
E-mail:
Date:

Dear #

OUTCOME OF SICKNESS CAPABILITY MEETING – LONG TERM ABSENCE

I write to confirm the outcome of the long term absence sickness absence meeting held on # 201# under 8.10 of the Council's Sickness Absence Management Policy.

Present at the meeting were #.

Your sickness absence record is ####

Outline process completed so far ... (dates of meetings, outcome of those meetings)

At the meeting the following options were explored in line with 8.10 of the Council's Sickness Capability Procedure according to the circumstances which have been identified:

- a) A return to work on a specified date.
- b) A return to work on a phased basis from a specified date.(see section 9 below)
- c) A return to work at a later unspecified date following convalescence.
- d) A return to work on modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in a given period. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
- e) The possibility of a return to work to suitable alternative employment on a permanent basis (where such suitable alternative employment can be identified). Please refer to the Authority's Redeployment Procedure.
- f) The possibility of ill-health retirement in accordance with the Local Government Pension Scheme. This option will only apply where the independent Medical Practitioner issues a Certificate of Permanent Incapacity and the employment is terminated on the grounds of permanent ill-health. (See below for policy to be followed for termination of employment on grounds of ill-health.)

It was agreed.....

#Unfortunately, your sickness absence has not improved. Therefore, I am referring you to the Council's Occupational Health Service for an appointment.

#Following your Occupational Health appointment, I am inviting you to attend a sickness absence meeting on # in my office to discuss the Occupational Health Report and options available. A representative from Human Resources may be present at the meeting.

Please note continuing absences due to sickness may necessitate action which could include termination of employment.

As stated in the letter dated #, I reminded you that employees are required to co-operate fully with the Council's Sickness Absence Management Policy. This includes maintaining regular contact with your manager and attending meetings arranged in line with the Council's policy.

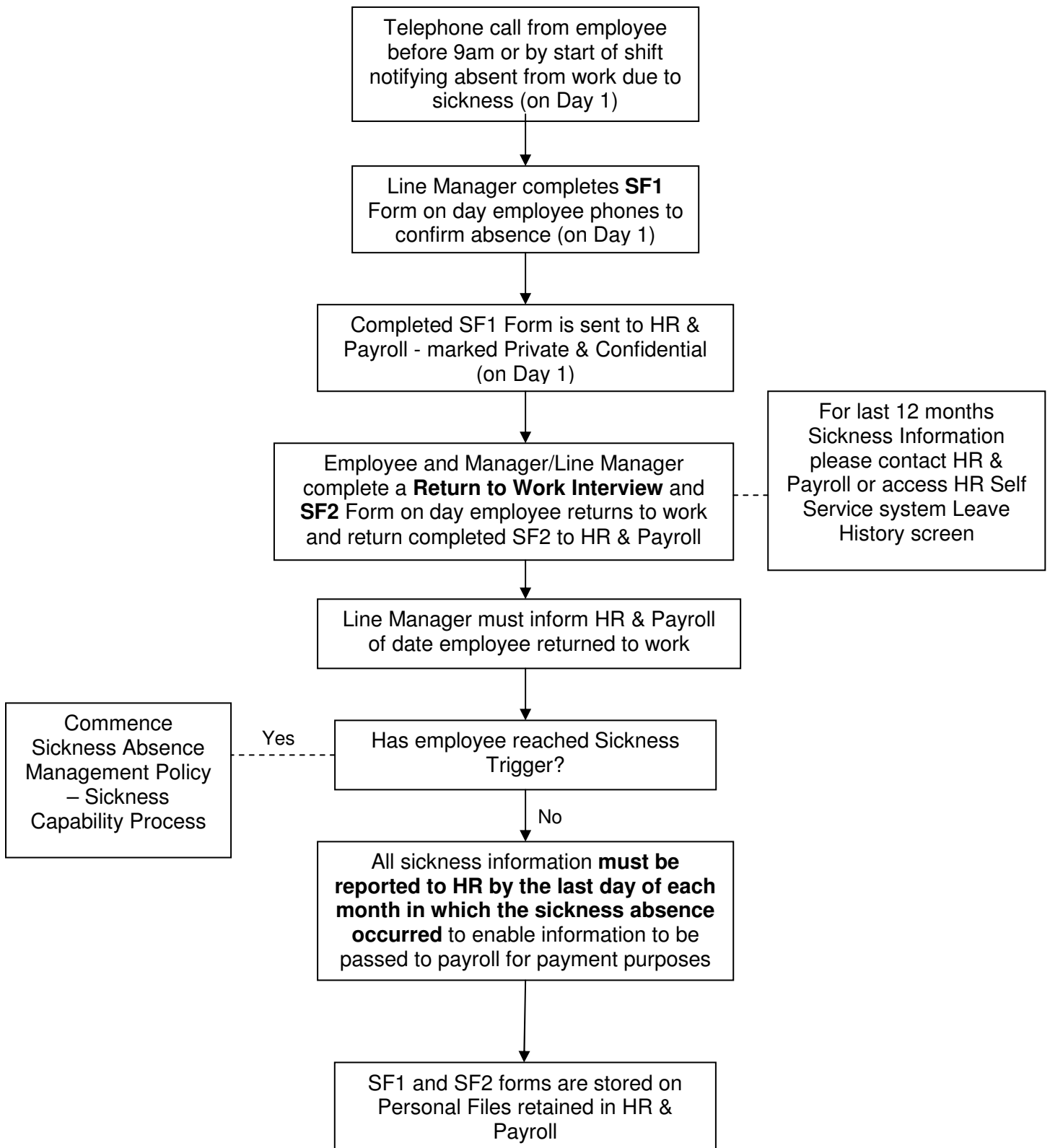
#It has been decided that a meeting be arranged under 10 of the Council's Sickness Absence Management Policy. *Please note a possible outcome from this meeting could be termination of your employment.*

I enclose a copy of the Council's Sickness Absence Management Policy for your information.

If you have any further questions regarding this letter, please do not hesitate to contact me.

Yours sincerely,

Appendix Two - Sickness Absence Reporting – Managers Flowchart



Key

SF1 = Sickness Form 1
SF2 = Sickness Form 2

Appendix Three - Sickness Absence Management Capability Flowchart Additional Notes

Meetings

1. A meeting can be brought forward at any stage of the process at the discretion of the manager. This would generally be where sickness absence has continued or relevant changes have occurred. If so, the employee should be given five working days notice of the interview.
2. Continued absences may necessitate formal action.

Occupational Health

3. The employee has a duty to attend Occupational Health appointments. Failure to do so, would normally lead to withdrawal of pay under Sickness Payments Scheme.
4. Exceptionally and dependent on circumstances, an employee may be referred direct to Occupational Health on the first day of absence. For example, in stress cases where immediate referral would be beneficial.

Formal Warnings

5. Where a manager has reason to believe, an employee has unreasonably or negligently failed to follow the sickness absence management policy, in providing timely notification or certification of absence, they may formally warn the employee in writing that future breaches will lead to loss of Sick Pay for the future absences not reported in strict accordance with the procedure.
6. Where there has been full attendance over a period of twelve months since the warning was issued, the warning will no longer be considered "live".

Termination / Ill-Health

7. Ill-health retirement only occurs when a Specialist Occupational Health Adviser issues a Certificate of Permanent Incapacity or where prognosis is difficult to determine.
8. If termination or ill-health retirement is considered a formal meeting is held, convened by the Executive Director or Assistant Director and a representative from HR. A representative from Legal maybe present. The employee is given five working days written notice, clearly stating the reasons for the meeting. If a dismissal is issued, written reasons for dismissal must be given together with the date the contract will terminate and appropriate period of notice or pay in lieu of notice, within five working days.

At any stage of the process, managers can contact Human Resources and Occupational Health for advice.

Sickness Absence Management – Managers Guidance

Trigger Points

Short Term Absences

- Any pattern or regular intermittent absence.
- Four or more spells of absence in any 12 month rolling period.
- Six days absence (pro-rata) in any 12 month rolling period.

Long Term Absence

- Lasted or is expected to last for four weeks or more.
- Applies to all employees regardless of hours / days worked.

Manager has concerns about an **employee's absence levels** and / or **ill health**.

Manager **assesses** issues and arranges meeting with employee, giving five working days written notice, (see note 1).

If absence relates to disability, consider whether **reasonable adjustments** can help improve attendance.

First Meeting - Short Term (3.1) Long Term Meeting (8.4)

Manager meets with employee to discuss issues and offer practical advice.
Appropriate action is taken to improve the situation.
Set attendance target, review after three months (short term).
Content and outcome of meeting confirmed in writing within five working days, (see notes 1 & 2).

Employee can **be accompanied** throughout formal process by a representative. This excludes Return to Work interviews and Occupational Health appointments etc.

Occupational Health Referral made:

- When concerns about Health and Safety are identified.
- When trigger points are reached.
- When early referral would be beneficial.
- If information is required about likely length of absence.
- After an absence of four weeks, (unless prognosis is clear).
- Where there is no medical evidence to support frequent self-certified absences, (see notes 3 & 4).

First Review Meeting - Short term (4.1)

Manager meets employee to review attendance against target set.
If sickness level has reduced, acknowledge positively.
Arrange further review after three months, if necessary.
If sickness level has not improved consider options, with review after three months.
Content and outcome of meeting confirmed in writing within five working days, (see note 1).

Meeting following receipt of Occupational Health Report

Held within ten working days. It can form part of, or be in addition to any sickness absence interviews.

Following should be covered according to circumstances:

- A return to work on a specified date.
- A return to work on a phased basis.
- A return on modified duties / reduced hours.
- Redeployment
- Ill health retirement, (see note 7).

Second Review Meeting - Short term (5.1) OR Long term Meeting (8.10)

Manager meets employee to review attendance /progress against target set/agreed outcomes from last meeting.
If sickness level has reduced, acknowledge positively.
Arrange further review after three months, if necessary.
If sickness level has not improved consider options.
Content and outcome of meeting confirmed in writing within five working days, (see note 1).

Outcomes / Options available with advice from OH & HR

- Refer to Occupational Health.
- Accept the position and keep it under review.
- Consider modified duties or reduced hours (this may result in adjusted pay).
- Phased return to work on normal rate of pay.
- Withdrawal of overtime.
- Redeployment.
- First Level Sickness Capability Warning, (see notes 5 & 6).
- Final Sickness Capability Warning, (see notes 5&6).
- Termination (7.5 or 10.1), (see notes 7&8).

Has a satisfactory outcome been achieved?

No

Yes

If problem, re-enter the Policy at appropriate stage.

Continue to Monitor.

End

Appeal

- Employee is offered **right to appeal** against a **dismissal**
- Employee has right to be accompanied at Appeal Hearing.

Bolsover District Council

Union Employee Consultation Committee

12th March 2015

Annual Leavers Breakdown Report for 2013/14

Report of the Assistant Director of Human Resources

This report is public

Purpose of the Report

- Exit information and a summary of primary reasons for permanent employees leaving the Authority for periods 1st April 2013 to 31st March 2014, with comparisons with 1st April 2012 to 31st March 2013, is provided below.

1 st April 2012 to 31 st March 2013	1 st April 2013 to 31 st March 2014
12	30

- A breakdown by department is provided below for both years.

Department	1 st April 2012 to 31 st March 2013	1 st April 2013 to 31 st March 2014
Community & Street Services	1	3
CSPD	0	0
Democratic Services	1	2
Development	0	1
Finance	0	0
HR and Payroll	1	0
Housing	1	5
Legal	0	1
Leisure	3	4
Neighbourhoods	0	1
Procurement	0	2
Planning & Env. Health	0	2
Regeneration	1	2
Resources (Customer Services)	2	2
Revenues	1	5
Strategy & Performance	1	0
TOTAL	12	30

- As can be seen from the above statistics there has been an increase in employee turnover over the last 12 months.
- A copy of the standard exit questionnaire is attached for information at page*:-
- From 1st April 2012 to 31st March 2013 eight employees returned their completed Exit Questionnaires. However from 1st April, 2013 to 31st March, 2014 six employees returned their Exit Questionnaires and the following reasons were given:-

Department	1 st April 2012 to 31 st March 2013 - Reason Given	1 st April, 2013 to 31 st March, 2014
Community & Street Services	Age Retirement	Retirement
Democratic Services	Alternative Employment	Promotion/higher Paid Job
Housing		Age Retirement = 1 Retirement = 2
HR & Payroll	Not returning from maternity leave	
Leisure	1 x Resigned, lack of job security 1 x Promotion/higher paid job	
Regeneration		
Resources (Customer Services)	1 x Not returning after career break 1 x Age Retirement (65 yrs)	
Revenues	No problems, home relocation, other personal reasons	Promotion/higher paid job

Report Reference –